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SEPTEMBER 8, 1974

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

Late Saturday, I signed into law S. 821, the Juvenile Justice and Delinquency Prevention Act of 1974.

This is the first piece of legislation to reach my desk for action in the field of prevention and reduction of crime among our youth. Its passage by very strong majorities in both bodies of the Congress represents a continuation of our national commitment to reduce juvenile delinquency in the United States, to keep juveniles from entering the treadmill of the criminal process and to guarantee procedural and Constitutional protection to juveniles under Federal jurisdiction.

This national commitment is one of partnership with State and local governments through which, together, we spend over \$10 billion per year for criminal justice programs.

During the course of this bill's passage through the Congress, the executive branch voiced serious reservations with regard to several of its provisions for organizational change and fund authorizations. I continue to be concerned about these provisions -- especially the threat they carry with regard to increased Federal spending at a time when the economic situation demands across-the-board restraint, especially in the Federal budget.

Therefore, I do not intend to seek appropriations for the new programs authorized in the bill in excess of amounts included in the 1975 budget until the general need for restricting Federal spending has abated. In the interim, the estimated \$155 million in spending already provided under current programs will provide a continuation of strong Federal support.

This bill represents a constructive effort to consolidate policy direction and coordination of all Federal programs to assist States and localities in dealing with the problems of juvenile delinquency. The direction of our Federal programs has been fragmented for too long. This restructuring of present operation and authority will better assist State and local governments to carry out the responsibilities in this field, which should remain with them. Hopefully, the result will be greater security for all citizens and more purpose, sense, and happiness in the lives of young Americans.

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JUVENILE DELINQUENCY PREVENTION ACT OF 1974

JUNE 21, 1974.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAWKINS, from the Committee on Education and Labor,
submitted the following

REPORT

together with

SUPPLEMENTAL AND MINORITY VIEWS

[To accompany H.R. 15276]

The Committee on Education and Labor, to whom was referred the bill (H.R. 15276) to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment strikes out all after the enacting clause and inserts a substitute text which appears in italic type in the reported bill.

INTRODUCTION

PURPOSE

H.R. 15276 aims to provide strong Federal leadership in making more adequate resources available to States, localities, public and private agencies and organizations and alternative youth service systems for the prevention and treatment of juvenile delinquency.

Almost one-half of all serious crimes committed in this nation are committed by juveniles. Yet only about 15% of the resources of the Law Enforcement Assistance Administration and \$10 million of the Department of HEW's Office of Human Development's resources are allocated for the prevention and treatment of youth crime. Further, these relatively meager Federal efforts are fragmented and poorly coordinated. As a consequence, efforts by States and localities to address this important problem reflect the tentative, ill-defined approach of the Federal government.

This bill incorporates six basic elements which the Committee feels are essential to meaningful Federal involvement in the prevention and treatment of juvenile delinquency: (1) the establishment of a new national program to coordinate and to provide Federal leadership in overall juvenile delinquency efforts; (2) the provision of adequate funding for the treatment and particularly the preventive aspects of juvenile delinquency; (3) the creation of an Institute to provide independent program evaluation and dissemination of information; (4) the encouragement of reform of national standards for juvenile justice; (5) the significant participation of voluntary, non-profit agencies in these efforts and (6) the encouragement of States, localities and the private sector in the development of diversionary programs and community-based alternatives to the traditional forms of institutionalization of youth.

SUMMARY OF THE MAJOR PROVISIONS OF THE BILL

The Juvenile Delinquency Prevention Act of 1974, succeeds the Juvenile Delinquency Prevention Act (Public Law 92-381) which was amended and extended through June 30, 1974. Broadly stated, H.R. 15276 focuses upon the need for coordination of juvenile delinquency efforts on the Federal, State and local levels and seeks to involve the nonprofit sector in these efforts. Federal assistance is provided through block grants, according to a formula, and a discretionary grant program which would be administered by the Secretary. The need for adequate training, evaluation, research, demonstration and technical assistance is stressed as well as services and programs to assist runaway youth and their parents.

Specifically, the bill provides for:

Establishing a Juvenile Delinquency Prevention Administration within the Department of Health, Education, and Welfare through which the bill would be administered.

Requires the Secretary of Health, Education, and Welfare to submit to the Congress an annual evaluatory report and recommendations for improving the effectiveness of all Federal juvenile delinquency programs.

Requires that each Federal agency conducting a juvenile delinquency program report to the Secretary on the extent to which its respective programs conform to Federal juvenile delinquency goals and policies.

Allocates funds to States and territories, on the basis of relative population under the age of 18 years, with a minimum allocation of \$150,000 per State.

Requires that, in order for States to receive funds, they must submit a State plan which provides for the development of advanced techniques in the treatment and prevention of juvenile delinquency under the supervision of a State Supervisory Board.

Establishes a discretionary fund for the Secretary which would be utilized for the award of special emphasis prevention and treatment grants.

Establishes an Institute for the Continuing Studies of the Prevention of Juvenile Delinquency which would provide independent research, evaluation, training, technical assistance and informational services.

Establishes a Federal assistance program to deal with the problems of runaway youth and their families.

Creates an independent Coordinating Council on Juvenile Delinquency Prevention, with public membership, which would advise the Secretary with respect to the coordination of all Federal juvenile delinquency programs.

Authorizes an annual appropriation of \$75,000,000 for each of fiscal years 1975 and 1976; \$125,000,000 for fiscal year 1977, and \$175,000,000 for fiscal year 1978. In addition, \$10,000,000 is authorized for the grant program of the Runaway Youth Act during each of the fiscal years 1975, 1976 and 1977 and \$500,000 for the statistical survey of that Act during fiscal year 1975. Such sums as may be necessary are authorized for the Coordinating Council on Juvenile Delinquency Prevention.

LEGISLATIVE BACKGROUND

Federal involvement in the field of juvenile delinquency prior to the late 1940's was minimal. It was not until the late 1940's that its involvement extended beyond the Children's Bureau which was established in 1912. In response to the rapid post-war growth of juvenile crime, the Interdepartmental Committee on Children and Youth was established in 1948. Its purpose was to develop closer relationships among Federal agencies concerned with children and youth. No legislation to aid the States in combating juvenile delinquency was enacted however, despite Presidential requests in 1955, 1956 and 1957.

Later, in May 1961, as an outgrowth of the White House Conference on Children and Youth, the President's Commission on Juvenile Delinquency and Youth Crime was established. The Commission's first major undertaking was recommending and securing the enactment of the Juvenile Delinquency and Youth Offenses Control Act of 1961 and the amendments of 1964 and 1965.

The Juvenile Delinquency and Youth Offenses Control Act of 1961 authorized the Secretary of HEW to make grants to State, local and private agencies to establish pilot projects demonstrating improved methods for the prevention and control of juvenile delinquency; training, technical assistance and informational services were also provided for in this Act. Appropriations authorizations were \$10 million for each of fiscal years 1962, 1963 and 1964.

The 1964 extension of the Juvenile Delinquency and Youth Offenses Control Act of 1961 authorized the Secretary of HEW to carry out a special demonstration project in Washington, D.C. for which \$5 million was authorized. The Act was extended through June 1967 with authorization levels of \$6.5 million for FY 1966 and \$10 million for 1967 with the stated Congressional intention of conducting hearings the following year to review the progress being made by comprehensive and special demonstration projects of the program.

When the Juvenile Delinquency and Youth Offenses Control Act of 1961 expired in June 1967, it was replaced by the Juvenile Delinquency Prevention and Control Act of 1968. Much broader in scope than its predecessor, this Act was designed to provide Federal funds to States and localities in improving their services dealing with problems of delinquency. It authorized appropriations of \$25 million for FY 1969, \$50 million for FY 1970 and \$75 million for FY 1971. Its major controversy was block grants, upon approval of a State plan, versus direct grants to the States whether or not a State plan was approved. In the end, block grants were approved for preventive and rehabilitative services. Direct Federal grants were approved for planning, training and research programs.

Meanwhile, as an outgrowth of the President's Commission on Law Enforcement and The Administration of Justice, the Omnibus Crime Control and Safe Streets Act of 1968 was passed, providing block grants to States for the prevention and control of delinquency.

Duplication in Federal juvenile delinquency efforts was not intended but nevertheless created by the enactment of this legislation; especially after the 1971 Amendment to this Act included community-based juvenile delinquency prevention programming as an action grant area.

The Juvenile Delinquency Prevention Act was extended for only one year, through June 1972, increasing the Federal share of projects to 75%, allowing for the funding of non-profit agencies and establishing an Interdepartmental Council to coordinate Federal Juvenile Delinquency Programs. For fiscal year 1972, \$75 million was authorized.

When the Juvenile Delinquency Prevention Act was amended and extended through fiscal year 1974, an attempt was made to more clearly delineate the respective roles of LEAA and HEW. LEAA was to assist agencies within the juvenile justice system and HEW was to assist programs outside of the juvenile justice system. Each State was to develop a single comprehensive criminal justice plan which would comply with the requirements of the Omnibus Crime Control and Safe Streets Act of 1968, LEAA and the Juvenile Delinquency Prevention Act.

The 1972 legislation authorized direct grants to the States and localities. Its purpose was to support community-based preventive services, training and technical assistance. Funded agencies were to ensure that services were readily accessible to youth. It authorized appropriations for \$25 million for fiscal year 1969, \$50 million for fiscal year 1970 and \$75 million each for the fiscal years 1971 through 1974.

The Juvenile Delinquency Prevention Act (P.L. 92-381) will expire on June 30, 1974. Several bills were proposed which would extend or replace it. H.R. 13737 would have amended existing legislation to provide assistance to agencies within the juvenile justice system, provide for a program of research and development in the field of youth development and place an emphasis upon the problems of runaway youth, H.R. 6265 was more far-reaching in scope than either existing law or H.R. 13737. It provided for categorical and block grants to States and localities, required submission of a State plan, mandated that 75% of the State funds be passed on to localities and established special offices to coordinate juvenile delinquency efforts.

COMMITTEE ACTION

The Subcommittee on Equal Opportunities gave extensive consideration to H.R. 6265, the Juvenile Justice and Delinquency Prevention Act, H.R. 13737, which would have amended and extended existing legislation, and H.R. 9298, the Runaway Youth Act. Hearings were conducted in Los Angeles, on March 29, 1974 and in Washington, D.C. on April 24, May 1, 2, 8 and 21, 1974. In addition, on March 30, 1974, the Subcommittee visited two community-based facilities for the prevention and treatment of juvenile delinquency in Los Angeles.

Support of this legislation was wide ranging from both the public and private sector. The National Council on Crime and Delinquency, the Interagency Collaboration on Juvenile Justice, representing seven major national youth servicing organizations, Senator Birch Bayh, Congressmen Tom Railsback and Claude Pepper, Alternative Youth Service Systems, the National Association of Social Workers, the National Council of Jewish Women, Travelers' Aid Society of Chicago, and the Wiltwyck School for Boys are but a few of the individuals and organizations who supported this legislation.

Congressman Claude Pepper summed up the predominant theme of the testimony and the concern of the Committee when he described existing Federal efforts in the area of juvenile delinquency as a "national disgrace and dilemma."

On June 6, 1974, the Subcommittee on Equal Opportunities favorably reported a clean bill, H.R. 15276, the Juvenile Delinquency Prevention Act of 1974. On June 12, 1974, the Committee on Education and Labor ordered H.R. 15276 reported to the House, as amended, by a vote of 28 to 1.

COST ESTIMATE

Program	Fiscal years—			
	1975	1976	1977	1978
I. Administration.....	\$3,750,000	\$3,750,000	\$6,250,000	\$8,750,000
II. Federal assistance:				
State and local program grants.....	47,812,500	47,812,500	79,687,500	111,562,500
Special emphasis programs.....	15,937,500	15,937,500	26,562,500	37,187,500
III. Institute.....	7,500,000	7,500,000	12,500,000	17,500,000
IV. Runaway youth:				
Grant program.....	10,000,000	10,000,000	10,000,000	
Statistical survey.....	500,000			
V. Coordinating Council on Juvenile Delinquency Prevention.....	550,000	550,000	650,000	650,000
Total.....	86,050,000	85,550,000	135,650,000	175,650,000

ADMINISTRATION

The bill provides for this legislation to be administered through a newly-created Juvenile Delinquency Administration within the Department of Health, Education, and Welfare. The Administration would be headed by a Director appointed by the Secretary.

It was the judgment of the Committee, supported by each of its witnesses with the exception of the Law Enforcement Assistance Administration, that the Department of Health, Education and Welfare

was the logical location for the administration of this Act. HEW had, already within its structure, the range of human resources with which any juvenile delinquency program must interact. HEW had, in the past year, demonstrated its commitment to a strengthened Federal juvenile delinquency effort by significantly increasing its budgetary requests. HEW, through its recent administrative reorganization, had developed the administrative machinery to meet the responsibilities mandated by this bill.

The Committee also believes that the law enforcement emphasis of the Justice Department is too limited and narrow. Simply put, LEAA's approach has been to see the juvenile offender in terms of crime and punishment. They have given little attention to the preventive aspects or to the human values of troubled youth. H.R. 15276, focuses upon prevention and the diversion of youngsters from the juvenile justice system, where LEAA focuses its efforts. LEAA's local planning agencies do not have contact with the service providers who work with nondelinquent youngsters. Witnesses described their difficulty in securing funds from LEAA. LEAA has not succeeded in bringing about effective coordination of Federal juvenile delinquency programs, despite its responsibility for the Interdepartmental Committee for the Coordination of all Federal Juvenile Delinquency Programs.

There was a minority point of view that fully supported the bill, but differed over which agency was best suited to administer it. In urging the administration of this Act through LEAA, a minority view within the Committee argued this point on the basis of the large amounts of funds already available to LEAA, its existing coordinative network, its relatively favorable relationship with the Congress and its support by the National Governors' Conference and the Senate Committee on the Judiciary.

REPORT REQUIREMENTS

A serious concern of the Committee has been the absence of consistent program definition in Federal juvenile delinquency programs and the need for an improved reporting system to the Congress. The bill requires the Secretary to report annually to the President and the Congress on the effectiveness of Federal juvenile delinquency programs. In addition to the reports providing an evaluation analysis and a comprehensive plan for Federal juvenile delinquency prevention programs, the first evaluation report to be submitted to the Congress by the Secretary, must establish criteria to define juvenile delinquency programs; the second report must identify all Federal programs related to juvenile delinquency. The third planning report prepared by the Secretary for the Congress shall in part, establish the form and procedures for use by an agency to submit a juvenile delinquency development statement.

The bill further requires that the President, within 90 days after receiving each annual report from the Secretary, shall forward to the Congress a detailed statement of action taken or to be taken in respect to the report.

In the judgment of the Committee, supported by discussions with the Subcommittee by representatives of the General Accounting Office,

that these reporting procedures are more specific than required by previous legislation, will substantially improve the adequacy of reports to be received by the Congress, and assist the Congress in assuming its oversight responsibilities.

JUVENILE DELINQUENCY DEVELOPMENT STATEMENT

In the judgement of the Committee and supported by the view of the General Accounting Office, the Juvenile Delinquency Development Statements required by this Act, constitute an important tool to improve the coordination of Federal juvenile delinquency prevention programs. Federal agencies administering juvenile delinquency programs, as defined by the Secretary, are required to submit to the Secretary annually for his review and comment, a Juvenile Delinquency Prevention statement indicating the extent to which the respective agencies' programs conform to Federal juvenile delinquency goals and policies.

The statement, the evaluation comments, and the recommendations of the Secretary shall be forwarded by the agency with its budgetary requests to the appropriate Congressional committees. The intent of this Committee is that said committee will review and consider the documents as an integral part of the legislative budgetary process.

ALLOCATION BY FORMULA

The bill provides for allocation of monies to States on the basis of relative population of persons under the age of 18 years. There is a minimum allocation of \$150,000 per State and \$50,000 for each territory. The Committee is of the opinion that States and localities hold the key to the implementation of coordinated innovative programs. Accordingly, this provision provides the most equitable distribution of funds.

The formula approach recognizes that the prevention of crime and delinquency are local problems and that the focal point of these efforts must be at that level. It is, of course, the responsibility of the Federal government to encourage leadership, provide the necessary leadership and assistance in these efforts.

The Act provides that no more than 15% of State monies may be utilized for planning and evaluation purposes and limits Federal assistance, under this provision, to 90% of approved program costs.

STATE PLAN AND SUPERVISION

The bill provides that in order to qualify for Federal funds, each State must designate or establish a single State agency which is responsible for a plan and administration. In recognition of the varying abilities of States to implement these plans and the existence of local planning agencies, the Committee is of the opinion that the respective chief executives should have maximum latitude in the designation of the planning and administering bodies. For example, an existing agency such as the State Planning Agencies which were created under the Omnibus Crime Control and Safe Streets Act, providing that they are broadly representative of health, educational, welfare, labor and others

with training and experience in the prevention and treatment of juvenile delinquency, could be designated to fulfill this responsibility. A new body might also be created. Provision is also made in the bill for localities in turn, to be responsible for designating a local planning body and to provide for its supervision in a manner which is consistent with the overall State plan.

The planning body shall be closely supervised by a State Supervisory Board whose membership shall be broadly representative of government, law enforcement, health, welfare, educational, labor and other groups with interest and experience in the prevention of juvenile delinquency. The Board shall be responsible for prior approval and modification of State plans prior to submission to the Secretary. This supervisory responsibility provides citizens control, professional input, balanced political and economic power, continuous monitoring and evaluation and the coordination of resources. The Committee believes that these features are essential for the success of this Act.

Of the State monies, 75% must be made available to localities; thereby insuring local initiatives. At least 75% shall be utilized for advanced techniques in the development of preventive, community-based treatment and diversionary programs, the encouragement of programs to retain youth in schools and for ensuring that youthful offenders are treated in accordance with modern concepts.

The Committee recognizes that there are some situations in which regional or sub-State planning councils would be advantageous. Accordingly the Committee urges that State planning bodies consider the establishment of such regional planning bodies whenever and wherever possible. Such regional bodies would encourage local input and coordination. In accordance with the Committee's discussions with representatives of the General Accounting Office, their establishment need not create a new level of bureaucracy.

The Committee is concerned that monies made available to States and localities should be utilized in the development of advanced techniques which would address such program areas as those described below. The Committee's intention was that such programs would receive priority in the awarding of grants and contracts by the States, localities and the Secretary, through utilization of his discretionary funds for special emphasis prevention and treatment programs:

(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, half-way houses, homemaker and home health services 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 so that the juvenile may be retained in his home;

(C) *youth service bureaus* and other community-based programs (which utilize youth, volunteers, and paraprofessionals) 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;

(D) *comprehensive programs of drug abuse education and prevention*, and programs for the treatment and rehabilitation of drug addicted youth, and drug dependent youth;

(E) *educational programs or supportive services* designed to keep youth in elementary and secondary schools through the reduction of suspensions and expulsions;

(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) *statewide programs*, through the use of probation subsidies, other subsidies, other financial incentives or disincentives to units of local government, or other effective means, which shall (1) reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the State juvenile population; (2) increase the use of nonsecure community-based facilities as a percentage of total commitments to juvenile facilities; (3) discourage the use of secure incarceration and detention;

(H) *youth-initiated programs*, outreach programs which seek to provide information, knowledge, skills, and counseling to youths who otherwise would not be reached by assistance programs, youth rights and responsibilities programs, and advocacy programs.

The Committee would also encourage the funding of community groups and other private non-profit organizations for the design and implementation of programs to keep students in elementary and secondary schools, and to prevent unwarranted and arbitrary suspensions and expulsions and school "push-outs."

The "push-out" is the student who through discriminatory treatment and arbitrary actions of school authorities is excluded from school, or else is so alienated by the hostility of his or her school environment, that he or she leaves school. A solution to the problem of the student "push-out" is central to the effort to reduce juvenile delinquency from north to south in this country for it is clear that the discriminatory and arbitrary application of school discipline especially in the form of suspensions and expulsions is a significant precursor of youth offenses.

Several witnesses before the Subcommittee offered strong testimony documenting the relationship between school suspensions or pushouts and juvenile delinquency including the following:

A District Supervisor for the Florida Division of Family Services said "School difficulties are the forerunners of social failure . . . There is a strong correlation between those students who are suspended, and those young people who appear in juvenile court . . . I am in favor of a reduction in the number of suspensions . . . We create delinquent children."

A Birmingham Juvenile Court Judge put it this way: "I would guess that 50 percent of those who appear in juvenile court have at one time been suspended from school . . . A lot of juvenile delinquency preventive work could be done in the schools."

And the director of a county juvenile center in Georgia pointed out that: "School suspension problems lead to delinquent problems." She

also reported that "70 percent of those juveniles found delinquent in Juvenile Court last year had had either prior suspensions or expulsion from school. 8 percent more had dropped out when their cases came up."

Data collected by the Office of Civil Rights, H.E.W., shows that not only are there a seriously inappropriate number of suspensions and expulsions in some school districts, but that in almost all the larger cities surveyed, in the North as well as the South, the proportion of minority students who are pushed-out is much greater than it is for white students.

SPECIAL EMPHASIS, PREVENTION AND TREATMENT PROGRAM

The bill establishes a discretionary fund to be administered by the Secretary, which would provide Federal leadership by providing direct grants to States, localities, and non-profit public and private agencies, to stimulate the development of new approaches in the (1) prevention and treatment of juvenile delinquency; (2) community-based alternatives to traditional forms of institutionalization; (3) keeping students in school; (4) diverting juveniles from the juvenile justice and court system and (5) facilitating the recommendation of the Institute for the Continuing Studies of the Prevention of Juvenile Delinquency. At least 25% of all Federal assistance monies must be utilized for this purpose.

Work with youths is a total community effort. It requires national, State and local assistance and cooperation. The Committee is concerned that public and private non-profit agencies have not been involved, to the extent of their capability, in these national efforts. Voluntary national youth servicing organizations and alternative youth systems represent a valuable and necessary resource.

Accordingly, the Committee has provided that at least 20% of the monies from the Secretary's special emphasis prevention and treatment programs, must be directed toward private non-profit agencies and organizations. In practice, we would hope that this relatively modest amount would be significantly increased and thus provide priority to this group.

INSTITUTE FOR CONTINUING STUDIES OF THE PREVENTION OF JUVENILE DELINQUENCY

Legislation which aims to reform the juvenile justice system can reach its fullest effectiveness by providing for independent evaluation, training, research and technical assistance. Accordingly, the bill establishes an Institute for the Continuing Studies of the Prevention of Juvenile Delinquency.

The primary functions of the Institute are (1) to provide short term training programs for personnel involved in the prevention, treatment and control of juvenile delinquency, (2) to provide a coordinating center for the collection and dissemination of data in this area, (3) to prepare studies of juvenile justice systems and (4) to promote the effectiveness and efficiency of the juvenile justice system. The Institute would be administered by the Secretary of HEW through the Administration. A subcommittee of the Coordinating Council on Juvenile

Delinquency Prevention would review the administration and activities of the Institute and make appropriate recommendations.

The Institute was included in the bill at the suggestion of Congressman Tom Railsback whose H.R. 45, Institute for the Continuing Studies of Juvenile Justice, sought to achieve the above-stated goal. H.R. 45 was passed by the House during the 92nd Congress, after being introduced by over 100 members. It was re-introduced during the current session and referred to the Committee on the Judiciary where other pressing matters prevented its consideration. Mr. Railsback urged the Subcommittee on Equal Opportunities to consider incorporating the Institute in legislation, which the Subcommittee was considering, for the prevention and treatment of juvenile delinquency. In the words of Mr. Railsback, " * * * The issue cannot be reduced to which Committee studies the proposal. Instead it must be how we can work together to solve our juvenile delinquency and crime problem."

Support for the establishment of the Institute was broad and far ranging—law enforcement agencies, parent organization, educational, health and welfare organizations. The training of professional and non-professional personnel in health, welfare, educational, law enforcement and the juvenile justice systems were seen as high priorities.

It is the intent of the Committee, in recommending the enactment of this legislation, that the facilities and resources of the Institute be made available to wide, divergent groups, youth and the disadvantaged be adequately involved in the administration of the program and the Institute vigorously pursue its recommendations for improvements in the field of juvenile delinquency. The Committee hopes that the Institute will attend to assisting States and localities in the areas of coordinated research, communication, planning and evaluation as a means of effectively contributing to alleviate the existing fragmentation in dealing with problems of juvenile delinquency.

RUNAWAY YOUTH ACT

Title IV of the bill is an outgrowth of the expressed concern of numerous Members of Congress. It provides for the establishment of a Federal assistance program to deal with the problems of runaway youth and their families. It authorizes the Secretary of Health, Education, and Welfare to make grants to localities and non-profit agencies for the development of facilities to serve runaway youth and their families outside of the law enforcement and juvenile justice system. It assigns priorities to relatively small grants of less than \$75,000. It also directs the Secretary of HEW to conduct a comprehensive statistical survey on the characteristics of runaway youth and their relationship to anti-social behavior, requiring that he report his findings to the Congress by no later than June 30, 1975.

Testimony before the Subcommittee on Equal Opportunities revealed that, contrary to the overly romanticized and popular view, children run away from home because of problems in relation to their families. It is an expression of a search for a constructive resolution to these difficulties.

Indications are that, far from becoming the perpetrators of criminal acts, the youth are more often the victims of crime. Little is known of

their characteristics. There are few resources available for runaway youth and some programs which have existed, with marginal financial support, have been forced to close their doors due to limited financial resources.

It is the intent of the Committee that funds should be made available to small runaway programs, particularly those which are operated by alternative youth services systems, as well as the more traditional agencies and organizations. The Committee would also hope that youth, who are serviced under the provisions of this bill, are not mislabelled as delinquent or pre-delinquent youth merely by virtue of the means they may choose to deal with their problems.

COORDINATING COUNCIL ON JUVENILE DELINQUENCY PREVENTION

One of the weaknesses in Federal efforts in the prevention of juvenile delinquency has been, the absence of an effective, coordinated inter-agency approach and the lack of program coordination within Federal departments and agencies. The Interdepartmental Committee for Coordination of All Federal Juvenile Delinquency Programs has not accomplished its stated goals. Public advisory committees have not been effective in influencing the necessary coordination of programs.

The Committee attributes the ineffectiveness of these bodies to their lack of clearcut definition of function and responsibility; the infrequent number of meetings of the bodies and the absence of a full-time staff responsible to the bodies. The creation of an independent Coordinating Council on Juvenile Delinquency Prevention was designed to fill these gaps.

It was the judgment of the Subcommittee on Equal Opportunities, supported by representatives of the General Accounting Office, that a council with legislated responsibilities; with a membership composition of public members and Cabinet-level and other high level government officials, would be an effective instrument to assist in bringing about better coordination and more effective programs in the Federal effort to prevent juvenile delinquency. The inclusion of public members to the Council was recognition by the Committee of the value, resources and contribution that non Federal Government entities have made in the past and can make toward the prevention of juvenile delinquency. It was also an expression of Committee intent that the Administration fully utilize such resources at all levels in Federal efforts to prevent juvenile delinquency.

The Coordinating Council on Juvenile Delinquency Prevention was expressly created as an independent organization in the Executive Branch of Federal Government, with an Executive Secretary and staff, responsible for the day to day administration and work of the Council.

It is the intent of the Committee that the Council be fully operational and have major responsibility in reviewing the administration of all Federal juvenile delinquency prevention programs, the reports prepared by the Secretary for submission to the President and the Congress; other reports prepared by the Secretary for the Committee; to review the activities and administration of the Institute; and to make annual recommendations to the Secretary with respect to all aspects of Federal juvenile delinquency prevention programs.

AUTHORIZATION OF APPROPRIATION

The Committee is of the opinion that it is essential for the Congress to maintain vigilant oversight over the implementation of this Act and all other Federal juvenile delinquency treatment and prevention efforts. The Committee is in agreement with the National Council on Crime and Delinquency which stated, in criticizing existing Federal juvenile delinquency efforts, "once the Act was passed, the attention of Congress and the Administration turned elsewhere leaving the job half done and permitting poor performance."

It was the intent of the Committee in authorizing a relatively modest level of appropriations for the first two years of this bill to provide an opportunity to review its implementation. The Committee intends to carefully review the development statements, in which agencies will describe the extent to which their respective programs adhere to Federal juvenile delinquency goals and policies, the annual evaluatory report and recommendations of the Secretary, the effectiveness of the Coordinating Council and the reports of the President to the Congress on the extent to which he has implemented the recommendations of the Secretary. It is the expectation of the Committee that, when the Department has demonstrated its ability to utilize the funds available through this Act with maximum effectiveness and in a manner which is consistent with the legislative intent, the Appropriations Committee would view forthcoming requests for increasing funding levels with favor.

SECTION-BY-SECTION SUMMARY

Following is a summary of the provisions of H.R. 15276, as reported by the Subcommittee on Equal Opportunities on June 6, 1974.

Section 1. *Short title.*—This section provides that this legislation may be cited as the "Juvenile Delinquency Prevention Act of 1974".

Sec. 2. *Findings.*—This section finds that the inadequacy and fragmentation of existing Federal, State and local juvenile delinquency prevention and treatment programs constitute a growing threat to the national welfare.

Sec. 3. *Purpose.*—This section states that the purpose of this Act is to provide the resources and coordination for effective methods in the prevention and treatment of juvenile delinquency; to encourage the development of services to divert juveniles from the traditional juvenile justice systems; to provide alternatives to institutionalization; to establish a Juvenile Delinquency Prevention Administration (hereinafter in this summary referred to as the "Administration") in the Department of Health, Education, and Welfare; to establish an Institute for Continuing Studies of the Prevention of Juvenile Delinquency (hereinafter in this summary referred to as the "Institute"), and to establish a Federal assistance program for runaway youth and their families.

Sec. 4. *Definitions.*—This section defines the terms used in this Act. The term "community-based" is defined to mean a small home or other suitable place near a juvenile's home, and programs of community supervision and service which maintain community participation.

The term "construction" is defined to mean acquisition, expansion, or other work with respect to existing buildings, and the initial equipment of such buildings (including architects' fees but not the cost of land for buildings).

The term "equipment" is defined to include machinery, utilities, and built-in equipment and enclosures to house such machinery, utilities, and equipment.

The term "juvenile delinquency program" is defined to mean any program related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug abuse programs, programs to improve the juvenile justice system, and other similar programs.

The term "local government" is defined to mean any city, county, township, or other general purpose political subdivision of a State, including an Indian tribe.

The term "public agency" is defined to mean any State, unit of local government, combinations of States or units of local governments, or any instrumentality of any State or unit of local government.

The term "Secretary" is defined to mean the Secretary of Health, Education, and Welfare.

The term "State" is defined to mean each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

The term "Federal agency" is defined to mean any agency in the executive branch of the Federal Government.

The term "drug dependent" is defined as having the meaning given it by section 2(g) of the Public Health Service Act (42 U.S.C. 201(g)).

The term "Administration" is defined to mean the Juvenile Delinquency Prevention Administration.

The term "Director" is defined to mean the Director of the Administration.

The term "State agency" is defined to mean an agency designated under section 214(a)(1).

The term "State Supervisory Board" is defined to mean the board provided for under section 214(a)(3).

The term "local agency" is defined to mean any local agency assigned responsibility under section 214(a)(6).

The term "Institute" is defined to mean the Institute for Continuing Studies of the Prevention of Juvenile Delinquency.

The term "Administrator" is defined to mean the Administrator of the Institute.

The term "Council" is defined to mean the Coordinating Council on Juvenile Delinquency Prevention.

TITLE I—JUVENILE DELINQUENCY PREVENTION ADMINISTRATION

Sec. 101. *Establishment of Administration.*—This section establishes a Juvenile Delinquency Prevention Administration within the Department of Health, Education, and Welfare with the Director to be appointed by the Secretary of Health, Education, and Welfare (hereinafter in this summary referred to as the "Secretary").

Sec. 102. *Officers and employees.*—This section authorizes the Secretary to appoint and fix the salary of the staff of the Administration.

Sec. 103. *Voluntary services.*—This section authorizes the Secretary to utilize voluntary services in meeting the provisions of this Act.

Sec. 104. *Concentration of Federal efforts.*—This section directs the Secretary to establish overall policies and objectives for Federal juvenile delinquency programs under the provisions of this Act, in consultation with the Coordinating Council on Juvenile Delinquency Prevention and that he annually report to the President and the Congress an analysis and evaluation of the effectiveness of all Federal juvenile delinquency programs and recommendations for increasing their effectiveness, particularly in the areas of prevention and diversion. The President is required to report annually to the Congress, in a detailed statement, action which has been taken or is contemplated to implement the recommendations of the Secretary.

Sec. 105. *Juvenile delinquency development statements.*—This section requires that each Federal agency conducting a Federal juvenile delinquency program submit to the Secretary a statement analyzing the extent to which its programs conform to and further Federal juvenile delinquency prevention and treatment goals and policies. This statement, with the comments of the Secretary, shall be included in each budgetary request by the agency concerned which significantly affects juvenile delinquency prevention and treatment.

Sec. 106. *Joint funding.*—This section provides for the joint funding of Federal juvenile delinquency programs which involve more than one Federal agency and eliminates technical inconsistencies in grant requirements.

TITLE II—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—GRANT PROGRAMS

Sec. 211. *Authorization.*—This section authorizes the Secretary to make grants to States and localities for the planning, coordination and operation of diversionary, preventive, and treatment and evaluation programs in the area of juvenile delinquency and to improve the juvenile justice system.

Sec. 212. *Allocation.*—This section directs the allocation of funds among the States on the basis of relative population under the age of 18 years. There is a minimum allotment of \$150,000 to each State and \$50,000 to each territory. A 90 percent cash Federal matching requirement is established for these funds.

Sec. 213. *Special emphasis prevention and treatment programs; authorization.*—This section establishes a discretionary fund of the Secretary through which grants may be made to public and private agencies for advanced techniques in the development of community-based alternatives to institutionalization, retention of students in elementary and secondary schools, diversion, and to facilitate the recommendations of the Institute. At least 25 percent of the funds for this title shall be available for this section. At least 20 percent of the monies of this section shall be available for public and private nonprofit organizations and institutions.

Sec. 214. *State plans.*—This section sets forth the requirement for State plans including designation of a single State agency for the coordination and planning of State juvenile delinquency programs under the ongoing supervision of a State Supervisory Board; requires the active involvement of local governments in planning; requires that 75 percent of State funds be available to localities; and requires that 75 percent of all monies to localities and States be utilized for the development of advanced techniques in prevention, diversion, and alternatives to institutionalization.

Sec. 215. *Applications.*—This section establishes the application procedure and guidelines for funding of programs and activities.

PART B—GENERAL PROVISIONS

Sec. 221. *Withholding.*—This section establishes procedures for the withholding of funds from applicants.

Sec. 222. *Use of funds.*—This section outlines the use of funds under this Part and limits financial assistance to a maximum of 50 percent of construction costs.

Sec. 223. *Payments.*—This section provides for the long term funding of programs assisted under the provisions of this Act; authorizes the use of 25 percent of the funds available to the State under this Act to meet the non-Federal matching share for any other Federal juvenile delinquency program.

TITLE III—INSTITUTE FOR THE CONTINUING STUDIES OF THE PREVENTION OF JUVENILE DELINQUENCY

Sec. 301. *Establishment and purpose.*—This section establishes the Institute for the Continuing Studies of the Prevention of Juvenile Delinquency as a part of the Administration for purposes of providing coordination in the dissemination of data in the field of delinquency prevention and treatment and training for personnel connected with the treatment and control of juvenile delinquency.

Sec. 302. *Functions.*—This section provides for the functions of the Institute to be research, evaluation, demonstration, informational services, training and technical assistance.

Sec. 303. *Powers.*—This section provides for the authority of the Institute not being transferred elsewhere without the specific consent of the Congress. This section also provides for interagency cooperation and collaboration, contractual and grant authority, and compensation of consultants.

Sec. 304. *Administrator and staff.*—This section provides for the appointment of the Administrator of the Institute by the Secretary, his responsibilities and authorities, and the delegation of his assigned responsibilities.

Sec. 305. *Establishment of training program.*—This section provides for the establishment of a training program in the Institute in the methods and techniques for the prevention and treatment of juvenile delinquency.

Sec. 306. *Curriculum for training program.*—This section directs the Secretary to design and supervise an interdisciplinary training pro-

gram in the prevention, treatment, and diversion programs in juvenile delinquency.

Sec. 307. *Enrollment for training program.*—This section authorizes the Administrator to establish application procedures, selection process, and living expenses for enrollees in the training program of the Institute.

Sec. 308. *Annual report.*—This section requires an annual report by the Institute on its activities and results, an assessment of their application to new juvenile delinquency programs, and recommendations for future research, demonstration, training and evaluation programs.

Sec. 309. *Development of standards for juvenile justice.*—This section requires that the Institute shall conduct a study on the evaluation of Federal juvenile delinquency programs and make recommendations to the President and the Congress within one year from the effective date of this Act.

Sec. 310. *Information from Federal agencies.*—This section requires that Federal agencies provide the Secretary with such information as he deems necessary to perform the functions described in this title.

Sec. 311. *Records.*—This section provides for the confidentiality of records.

TITLE IV—RUNAWAY YOUTH ACT

Sec. 401. *Short title.*—This section provides that this title may be cited as the "Runaway Youth Act".

Sec. 402. *Findings.*—This section finds that the increasing runaway problem has reached alarming proportions, burdens local agencies and endangers young persons running away without resources; that there is a need for information on runaway problems, an urgent need for temporary shelters and counseling for runaways; that locating, detaining and returning runaways should not be police and juvenile justice responsibility; and that because of interstate nature of problem, it is Federal Government's responsibility to develop accurate reporting and system of temporary care.

PART A—GRANT PROGRAM

Sec. 411. *Purposes of grant program.*—This section authorizes the Secretary to make grants and provide technical assistance to localities and nonprofit private organizations to develop facilities for runaways outside of the law enforcement and juvenile justice system with priority to organizations with past experience.

Sec. 412. *Eligibility.*—This section states that eligible applicants for temporary shelter and counseling services to runaways shall be located in areas frequented by runaways; serve a maximum of 20 runaways; develop plans to involve parents to work cooperatively with law enforcement and juvenile justice authorities and to return runaways from correctional institutions; develop plans for aftercare counseling; keep adequate records assuring confidentiality of runaway's identities; and submit annual reports to the Secretary and operate under required accounting procedures.

Sec. 413. *Approval by Secretary.*—This section states that priority be given to grants under \$75,000.

Sec. 414. *Grants to private agencies; staffing.*—This section states that private nonprofit agencies which are fully privately controlled are eligible if they meet other requirements, and prohibits Federal control over staffing and personnel decisions.

Sec. 415. *Reports.*—This section requires an annual report to Congress by the Secretary with respect to funded programs' effectiveness in alleviating problems of runaways; ability to reunite runaways and their families and resolution of family problems; and effectiveness in strengthening family relationships.

Sec. 416. *Federal share.*—This section provides for Federal share of 90 percent for acquisition, renovating and operating costs. Non-Federal share may be in cash, services or kind.

PART B—STATISTICAL SURVEY

Sec. 421. *Survey; report.*—This section directs the Secretary to conduct a comprehensive statistical survey on characteristics of runaways and their relationship to antisocial behavior and to report to Congress by June 30, 1975.

Sec. 422. *Records.*—This section provides that the identity of a runaway shall not be disclosed or transferred to another agency.

TITLE V—COORDINATING COUNCIL ON JUVENILE DELINQUENCY PREVENTION

Sec. 501. *Establishment.*—This section establishes as an independent organization in the executive branch of the Federal Government the Coordinating Council on Juvenile Delinquency Prevention (hereinafter in this summary referred to as the "Council").

Sec. 502. *Membership.*—This section provides for membership on the Council to include six public members to be appointed by the President and seven ex officio members to include Cabinet-level ex officio members. Ex officio members may appoint as designees only officers who exercise significant decision-making authority in their agency. The Secretary is designated as Chairman of the Council and the Director of the Administration as Vice Chairman. This section provides that the Council shall meet at least six times per year.

Sec. 503. *Functions.*—This section requires the Council to make annual recommendations to the Secretary with respect to coordination of the planning, policy, priorities, operations, and management of Federal juvenile delinquency programs, and provides for the appointment of a subcommittee to review the activities and administration of the Institute.

Sec. 504. *Executive secretary; staff.*—This section requires the Secretary, with approval of the Council, to appoint an Executive Secretary responsible for the administration of the Council; the Executive Secretary is authorized, with Council approval, to appoint staff and fix salary.

Sec. 505. *Compensation and expenses.*—This section establishes compensation and reimbursement of expenses for the public members of the Council.

TITLE VI—GENERAL PROVISIONS

Sec. 601. *Authorization of appropriations.*—This section authorizes annual appropriations of \$75 million for fiscal years 1975 and 1976; \$125 million for fiscal year 1977 and \$175 million for fiscal year 1978. Of these amounts, not more than 5 percent may be appropriated for the Administration and not more than 10 percent may be appropriated for the Institute.

In addition, \$10 million is authorized for the grant program and \$500,000 is authorized for the survey and reporting requirement of the Runaway Youth Act for each of the fiscal years 1975, 1976 and 1977. Such sums as may be necessary are authorized for the purposes of the Council.

Sec. 602. *Nondiscrimination provisions.*—This section prohibits assistance under the provisions of this Act to any program which discriminates on the race, color, creed, national origin, sex, political affiliation or beliefs, and provides for enforcement under the provisions of section 603 of the Civil Rights Act of 1964.

Sec. 603. *Effective dates.*—This section provides that the effective date of this Act shall be its date of enactment; that the reporting requirements contained in section 104 (b) shall be effective at the close of December 31, 1974; and that section 105 shall be effective at the close of August 31, 1977.

SUPPLEMENTAL VIEWS BY ALBERT H. QUIE

The bill reported by the Subcommittee goes a long way toward addressing the monumental problems of juvenile delinquency throughout the country and I fully support it with one exception. The Committee bill calls for HEW to administer the program and I strongly believe that LEAA is the best agency to do the job.

Any objective review and comparison of the two agencies and their records in the area of juvenile delinquency will conclusively show that HEW is simply not capable of carrying out the mandate of the Committee bill. Since 1961 when HEW was first given responsibility in the area of juvenile delinquency it has done it in a very ineffective and a halfhearted manner. In fact, only in recent months since there has been a move to place the program under LEAA has HEW begun to show any interest at all in this program.

So that Members may better understand why I feel that LEAA is the superior agency to fight the total juvenile delinquency problem, I offer the following facts:

1. In 1968 the Congress assigned HEW responsibility for national leadership in developing new approaches to solving the problems of delinquency and authorized a funding level of \$75 million per year. HEW asked for and spent only \$10 million per year. LEAA, without HEW's strong Congressional mandate, has spent over \$300 million for juvenile delinquency programs in its first five years, with \$34 million funded for LEAA programs in fiscal year 1973 alone for juvenile delinquency prevention programs.

2. The extent to which the two agencies reach people is reflected in their own statistics. HEW claims to have funded during this fiscal year 68 projects under the juvenile delinquency program. According to HEW these projects reach less than 200,000 juveniles. On the other hand, LEAA has 40,000 to 50,000 total projects of which approximately 2,000 are active juvenile delinquency projects. The number of juveniles affected by the LEAA programs, although there is no official count available, could be several million.

3. In 1971 through HEW's legislation the Congress created an interdepartmental council to coordinate all federal juvenile delinquency programs. HEW would not or could not supply the leadership or the money necessary to staff the council. In spite of the fact that the council was established as a result of HEW's legislation, LEAA now chairs and provides the staff for it.

4. In 1971 the Congress passed a one year extension of the HEW legislation. The Education and Labor Committee noted in its report that a 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 problems of juvenile delinquency. In 1972 the Congress extended the legislation again but only after a commitment was given by HEW to the Committee to remove the ineffective head of the HEW program. LEAA, on the other hand, has had no such problems in implementing its program nor dealing with the Congress.

5. At a time when the Congress is recognizing the tremendous problems facing this nation in the area of juvenile delinquency and

attempting to do something about them, HEW in seeking a renewal of their juvenile delinquency legislation not only didn't want the responsibility the Congress previously gave it, they attempted to narrow the scope of its activities. On the other hand, LEAA which originally had only a limited role in juvenile delinquency prevention and control has, without much pressure from the Congress initiated and expanded its own programs to include projects outside of the juvenile justice system. Through a "seed money approach" they have attempted to involve all states in innovative programs. This legislation could give them the firm mandate to do the complete job.

6. Probably the most telling argument as to who has the capability, capacity and desire to do the job can be found when you look at the area of coordination. The Committee bill seeks to bring about a more coordinated effort in the area of juvenile delinquency and prevention and yet HEW's present juvenile delinquency program under YDDPA has no requirements for coordination or integration with other HEW efforts. HEW cannot even coordinate programs under its own jurisdiction throughout the Department. How can you expect them to coordinate the juvenile delinquency activities throughout the whole of governments? LEAA, on the other hand, requires that each state have a comprehensive coordinated program to improve juvenile justice systems. This legislation could expand their efforts to give them a specific mandate to cover prevention also.

7. All of us recognize that the problems of delinquency as well as the solution to combat them can best be identified and carried out at the state and local level. HEW's present juvenile delinquency programs rarely include a coordinated state effort, whereas LEAA is mandated to do so. LEAA presently has a network of 50 state planning agencies. Through the state planning systems money is delivered where it is needed. HEW, on the other hand, has no such network. HEW presently gives money at random without attempting to impact on an entire state's juvenile delinquency problems. If the bill goes to HEW, a new administrative mechanism in each state would be established that would duplicate existing LEAA state boards and create an unnecessary expense for the taxpayers. LEAA has a system presently in place and it makes good sense to me to use that system.

Juvenile justice and delinquency prevention are not separate entities and should not be treated separately. They are part of the same problem. Federal efforts should not and must not be divided. This bill is designed to bring about coordination of all federal efforts, therefore, it would be unwise to fragment and duplicate them. In my judgment the agency best able and equipped to address the total juvenile delinquency problem across the board is LEAA. I am not alone in this feeling. Three weeks ago the Senate Judiciary Full Committee considered a bill (similar to the one that passed by the Education and Labor Committee) and changed the administration of the program from HEW to LEAA. On June 5, 1974, the National Governors Conference passed a resolution urging the Congress to amend legislation to support state juvenile delinquency prevention efforts and stated a preference for putting the program under LEAA.

ALBERT H. QUIE.

MINORITY VIEWS ON H.R. 15276

I question the constitutionality and wisdom of any Federal involvement in juvenile delinquency.

Nevertheless, to the extent that the Federal government is involved, its role should be strictly limited to research and development, data collection and dissemination, and coordination of activities. Authority for such efforts already exists and is being implemented in both the Law Enforcement Assistance Administration (LEAA) and the Youth Development and Delinquency Prevention Administration (YDDPA) in the Department of Health, Education and Welfare (HEW).

There is no need for this duplication of effort and there is certainly no need for the further duplication and major expansion of the role of the Federal government by the creation of a new Juvenile Delinquency Prevention Administration in HEW.

A clue to how major a role the Committee has in mind for the Federal government is provided by the funding levels authorized by H.R. 15276. Keeping firmly in mind that the appropriations for YDDPA have been \$10 million per year for the last three years, note that H.R. 15276 authorizes \$75 million in Fiscal 1975, \$75 million in 1976, \$125 million in 1977, and \$175 million in 1978 for juvenile delinquency. Title IV, the Runaway Youth Act, adds another \$10 million per year.

Aside from the gross irresponsibility of authorizing such vast increases in Federal spending at a time when deficit Federal spending has created an unprecedented inflation that has our economy on the brink of collapse, there is simply no justification for a major expansion of the Federal government's role in regard to juvenile delinquency. Instead of expansion, the separate authority of HEW and LEAA should be consolidated, strictly limited to coordination of activities of state and local agencies, and administered by the appropriate Federal agency—the LEAA.

EARL F. LANDGREBE.

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JUVENILE JUSTICE AND DELINQUENCY
PREVENTION ACT OF 1974

REPORT

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

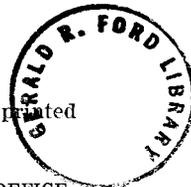
(Together With Additional Views)

ON

S. 821



JULY 16, 1974.—Ordered to be printed



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1974

COMMITTEE ON THE JUDICIARY

(93d Cong.)

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Chief Counsel and Staff Director

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY IN THE UNITED STATES

(93d Cong.)

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*JOHN V. TUNNEY, California	CHARLES McC. MATHIAS, Jr., Maryland

JOHN M. RECTOR, *Staff Director and Chief Counsel*

*Senator Tunney was assigned to the subcommittee on March 25, 1974.

(II)

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(III)

JUVENILE JUSTICE AND DELINQUENCY PREVENTION
ACT OF 1974

JULY 16, 1974.—Ordered to be printed

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

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 821]

The Committee on the Judiciary, to which was referred the bill (S. 821) to improve the quality of juvenile justice and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, 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.

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 and Delinquency Prevention Act of 1974."

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

SEC. 101. The Congress hereby finds—

- (1) that juveniles account for almost half the arrests for serious crimes in the United States today;
- (2) that understaffed, overcrowded juvenile courts, probation services, and correctional facilities are not able to provide individualized justice or effective help;
- (3) that present juvenile courts, foster and protective care programs and shelter facilities are inadequate to meet the needs of the countless neglected,

abandoned, and dependent children, who, because of this failure to provide effective services, may become delinquents;

(4) that 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 non-opiate and polydrug abusers;

(5) that States and local communities, which experience 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;

(6) that the adverse impact of juvenile delinquency results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources;

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

(8) that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate, comprehensive, and effective action by the Federal Government.

PURPOSE

Sec. 102. It is the purpose of this Act—

(1) to provide the necessary resources, leadership, and coordination to improve the quality of juvenile justice in the United States and to develop and implement effective prevention and treatment programs and services for delinquent youth and for potentially delinquent youth, including those who are dependent, abandoned, or neglected;

(2) to increase the capacity of State and local governments, and public and private agencies, institutions, and organizations to conduct innovative, effective juvenile justice and delinquency prevention and treatment programs and to provide useful research, evaluation, and training services in the area of juvenile delinquency;

(3) to develop and implement effective programs and services to divert juveniles from the traditional juvenile justice system and to increase the capacity of State and local governments to provide critically needed alternatives to institutionalization;

(4) 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 these standards;

(5) to guarantee certain basic rights to juveniles who come within Federal jurisdiction;

(6) 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;

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

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

(9) 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.

DEFINITIONS

Sec. 103. Section 601 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 further amended by adding the following new subsections:

“(p) the term ‘community-based’ facility, program, or service, as used in part F, means a small, open group or home or other suitable place located near the adult offender’s or 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, drug treatment, and other rehabilitative services;

“(q) 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;

“(r) 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 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.”

TITLE II—AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

DEFINITIONS

§53. 201. Section 5031 of title 18, United States Code, is amended to read as follows:

“SEC. 5031. DEFINITIONS.

“For the purposes of this chapter, a ‘juvenile’ is a person who has not attained his eighteenth birthday, or who has not attained his twenty-first birthday and is alleged to have committed an act of juvenile delinquency prior to his eighteenth birthday, and ‘juvenile delinquency’ is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult.”

DELINQUENCY PROCEEDINGS IN DISTRICT COURTS

Sec. 202. Section 5032 of title 18, United States Code, is amended to read as follows:

“SEC. 5032. DELINQUENCY PROCEEDINGS IN DISTRICT COURTS; TRANSFER FOR CRIMINAL PROSECUTION.

“A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the rehabilitation of juveniles.

“If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

“If an alleged delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

“A juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this Chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult except that with respect to a juvenile sixteen years and older alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States if such court finds, after hearing, that there are no reasonable prospects for rehabilitating such juvenile before his twenty-first birthday.

“Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing the prospects for rehabilitation: the age and social background of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile’s prior delinquency record; the juvenile’s present intellectual development and psychological maturity; the na-

ture of past treatment efforts and the juvenile's response to such efforts; the availability of programs designed to treat the juvenile's behavioral problems.

"Reasonable notice of the transfer hearings shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

"Once a juvenile has entered a plea with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

"Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions."

CUSTODY

SEC. 203. Section 5033 of title 18 U.S.C. is amended to read as follows:

"SEC. 5033. CUSTODY PRIOR TO APPEARANCE BEFORE MAGISTRATE.

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensible to a juvenile, and shall immediately notify the Attorney General and the juvenile's parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.

"The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for more than twenty-four hours before being brought before a magistrate."

DUTIES OF MAGISTRATE

SEC. 204. Section 5034 of title 18 U.S.C. is amended to read as follows:

"SEC. 5034. DUTIES OF MAGISTRATE.

"If counsel is not retained for the juvenile, or it does not appear that counsel will be retained, the magistrate shall appoint counsel for the juvenile. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian, or custodian, are financially unable to obtain adequate representation. In cases where the juvenile and his parents, guardian, or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian, or custodian to retain private counsel within a specified period of time.

"The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

"If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents, guardian, custodian, or other responsible party (including, but not limited to the director of a shelter-care facility) upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines after hearing, at which the juvenile is represented by counsel, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others."

DETENTION

SEC. 205. Section 5035 of this title is amended to read as follows:

"SEC. 5035. DETENTION PRIOR TO DISPOSITION.

"A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which adult persons convicted of a crime or awaiting trial on criminal charges are confined. Alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care including necessary psychiatric, psychological, or other treatment."

SPEEDY TRIAL

SEC. 206. Section 5036 of this title is amended to read as follows:

"SEC. 5036. SPEEDY TRIAL.

"If an alleged delinquent who has been detained pending trial is not brought to trial within thirty days from the date when such juvenile was arrested, the information shall be dismissed with prejudice, on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay is unavoidable, caused by the juvenile or his counsel, or consented to by the juvenile and his counsel. Unavoidable delay may not include delays attributable solely to court calendar congestion."

RIGHTS

SEC. 207. Section 5037 of this title is amended to read as follows:

"SEC. 5037. RIGHTS IN GENERAL.

"A juvenile charged with an act of juvenile delinquency shall be accorded the constitutional rights guaranteed an adult in a criminal prosecution, with the exception of indictment by grand jury. Public trial shall be limited to members of the press, who may attend only on condition that they not disclose information that could reasonably be expected to reveal the identity of the alleged delinquent. Any violation of that condition may be punished as a contempt of court."

DISPOSITION

SEC. 208. A new section 5038 is added, to read as follows:

"SEC. 5038. DISPOSITIONAL HEARING.

"(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than twenty court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the Government at least three court days in advance of the hearing.

"(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment, or commitment in accordance with subsection (c) shall not extend beyond the juvenile's twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner.

"(c) If the court desires more detailed information concerning an alleged delinquent, it may commit him after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are essential. No alleged delinquent may be committed to the custody of the Attorney General for study and observation without the consent of his attorney and his parent, custodian or guardian. Unless the juvenile upon advice of counsel consents, no judge who has read or heard social data regarding an alleged delinquent as a result of such study, or in the course of a transfer hearing, shall preside over the hearing to adjudicate the delinquency of the juvenile. In the case of an adjudicated delinquent, such study shall not be conducted on an inpatient basis without prior notice and hearing. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time."

JUVENILE RECORDS

SEC. 209. A new section 5039 is added, to read as follows:

"SEC. 5039. Use of juvenile records.

"(a) Upon the completion of any formal juvenile delinquency proceeding, the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except under the following circumstances:

- "(1) inquiries received from another court of law ;
 "(2) inquiries from an agency preparing a presentence report for another court ;
 "(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency ;
 "(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court ; and
 "(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

Information about the sealed report may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) The entire file and record of juvenile proceedings where an adjudication of delinquency was not entered shall be destroyed and obliterated by order of the court.

"(c) District courts exercising jurisdiction over any juvenile shall inform the juvenile and his parent or guardian, in writing, of rights relating to the sealing of his juvenile record. The information in these communications shall be stated in clear and nontechnical language.

"(d) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of official duty by an employee of the court or an employee of any other government agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.

"(e) Unless a child who is taken into custody is prosecuted as an adult—

"(1) neither the fingerprints nor a photograph shall be taken, without the written consent of the judge ; and

"(2) neither the name nor picture of any child shall be made public by any medium of public information in connection with a juvenile delinquency proceeding."

COMMITMENT

SEC. 210. A new section 5040 is added, to read as follows :

"SEC. 5040. Commitment.

"A juvenile who has been committed to the Attorney General has a right to treatment and is entitled to custody, care, and discipline as nearly as possible equivalent to that which should have been provided for him by his parents. No juvenile may be placed or retained in an adult jail or correctional institution.

"Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care.

"Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community."

SUPPORT

SEC. 211. A new section 5041 is added, to read as follows :

"SEC. 5041. SUPPORT.

"The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes, for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for 'support of United States prisoners' or such other appropriations as he may designate."

PAROLE

SEC. 212. A new section 5042 is added, to read as follows :

"SEC. 5042. PAROLE.

"The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law."

REVOCAATION

SEC. 213. A new section is added to read as follows :

"SEC. 5043. REVOCATION OF PAROLE OR PROBATION.

"Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked."

SEC. 214. The table of sections of chapter 403 of this title is amended to read as follows :

"Sec.

"5031. Definitions.

"5032. Delinquency proceedings in district courts ; transfer for criminal prosecution.

"5033. Custody prior to appearance before magistrate.

"5034. Duties of magistrate.

"5035. Detention prior to disposition.

"5036. Speedy trial.

"5037. Rights in general.

"5038. Dispositional hearing.

"5039. Use of juvenile records.

"5040. Commitment.

"5041. Support.

"5042. Parole.

"5043. Revocation of parole or probation."

TITLE III—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

SEC. 301. 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 further amended by adding after part E a new part F to read as follows :

"PART F—JUVENILE DELINQUENCY PREVENTION AND CONTROL

"ESTABLISHMENT OF OFFICE

"SEC. 471. (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').

"(b) There shall be at the head of the Office a Director (referred to in this Act as the 'Director') who shall be appointed by the Administrator of the Law Enforcement Assistance Administration.

"(c) The Director shall exercise all necessary powers, subject to the direction of the Administrator of the Law Enforcement Assistance Administration.

"(d) There shall be in the Office a Deputy Director who shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The Deputy Director shall perform such functions as the Director from time to time assigns or delegates, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

"(e) There shall be established in the National Institute of Law Enforcement and Criminal Justice an Assistant Director, who shall be appointed by the Administrator, whose function shall be to supervise and direct the National Institute for Juvenile Justice established under section 501 of this Act.

"PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

"SEC. 472. (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 Director 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 5 of the United States Code.

"VOLUNTARY SERVICE

"SEC. 473. 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 (41 U.S.C 665(b)).

"CONCENTRATION OF FEDERAL EFFORTS

"SEC. 474. (a) The Administrator shall establish 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 Interdepartmental Council and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

"(b) In carrying out the purposes of this Act, the Administrator is authorized and directed to—

"(1) advise the President 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) coordinate 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. This 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

"(7) provide technical assistance to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs.

"(c) The Administrator may request 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 Act.

"(d) The Administrator may delegate any of his functions under this title, except the making of regulations, to any officer or employee of the Administration.

"(e) 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.

"(f) The Administrator is authorized to transfer funds appropriated under this Act 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 Director finds to be exceptionally effective or for which he finds there exists exceptional need.

"(g) The Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, institution, or individual to carry out the purposes of this Act.

"(h) All functions of the Administrator under this Act 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.).

"JOINT FUNDING

"SEC. 475. 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. 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.

"INTERDEPARTMENTAL COUNCIL

"SEC. 476. (a) There is hereby established an Interdepartmental Council on Juvenile Delinquency (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 Secretary of Housing and Urban Development, or their respective designees, and representatives of such other agencies as the President shall designate.

"(b) The Attorney General or his designee shall serve as Chairman of the Council.

"(c) The function of the Council shall be to coordinate all Federal juvenile delinquency programs.

"(d) The Council shall meet a minimum of six times per year and the activities of the Council shall be included in the annual report required by section 474(b)(5) of this title.

"(e) The Chairman shall appoint an Executive Secretary of the Council and such personnel as are necessary to carry out the functions of the Council.

"ADVISORY COMMITTEE

"SEC. 477. (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 Interdepartmental 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. 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.

"(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. 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.

"DUTIES OF THE ADVISORY COMMITTEE

"SEC. 478. (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 recommendations to the Administrator at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

"(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.

"(d) The Chairman shall designate a subcommittee of five members of the Committee to serve as members of an Advisory Committee for the National Institute for Juvenile Justice to perform the functions set forth in section 407 of this title.

"(e) The Chairman shall designate a subcommittee of 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 409 of this title.

"COMPENSATION AND EXPENSES

"SEC. 479. (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."

SEC. 302. Parts F, G, H, and I 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], are redesignated Parts G, H, I, and J respectively.

TITLE IV—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

SEC. 401. 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 further amended by adding the following sections to new part F thereof:

"FORMULA GRANTS

"SEC. 480. 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 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. 481. (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, except that for the Virgin Islands, Guam, and American Samoa, no allotment shall be less than \$50,000.

"(b) Except for funds appropriated for fiscal year 1974, 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 purposes of this part. Funds appropriated for fiscal year 1974 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, and Guam 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 governments within the State on an equitable basis.

"STATE PLANS

"SEC. 482. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes. 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 this title 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 (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 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; 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;

"(4) provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;

"(5) provide that at least 50 per centum of the funds received by the State under section 481 shall be expended through programs 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;

"(6) provide that the chief executive officer of the 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 (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 481 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. This plan shall include itemized estimated costs for the development and implementation of such programs;

"(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 481, 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, to establish programs as set forth in section 482(11), and to provide community-based alternatives to juvenile detention and correctional facilities. That 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 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;

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

"(E) educational programs or supportive services designed to keep delinquents or youth in danger of becoming delinquent 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;

"(11) 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:

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

"(B) increase the use of non-secure community-based facilities as a percentage of total commitments to juvenile facilities; and

"(C) discourage the use of secure incarceration and detention.

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

"(13) 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;

"(14) 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;

"(15) provide for an adequate system of monitoring jails, detention facilities, and correctional facilities to insure that the requirements of section 482(13) and (14) are met, and for annual reporting of the results of such monitoring to the Administrator;

"(16) provide assurances 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 or emotionally handicapped youth;

"(17) 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;

"(18) provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this part;

"(19) 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;

"(20) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of 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 supplant such State, local, and other non-Federal funds;

"(21) provide that the State planning agency will from time to time, but not less often than annually, review its plan and submit to the 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

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

"(b) The Board appointed pursuant to Sec. 482(a) (3) 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.

"(d) In the event that any State 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, determines does not meet the requirements of this section, the Administrator shall make that State's allotment under the provisions of 481(a) available to public and private agencies for Special Emphasis Prevention and Treatment Programs as defined in section 483.

"SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

"Sec. 483. (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;

"(4) improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent; and

"(5) facilitate the adoption of the recommendations of the Advisory Committee on Standards for Juvenile Justice as set forth pursuant to section 409.

"(b) Not less than 25 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) Among applicants for grants under this part, priority shall be given to private organizations or institutions who have had experience in dealing with youth.

"CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

"Sec. 484. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under section 483, 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 482;

"(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 482, 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; and

"(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.

"(c) In determining whether or not to approve applications for grants under section 483, 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 482(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;

"(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency; and

"(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 409.

"GENERAL PROVISIONS

"Withholding

"Sec. 485. 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 under sections 509, 510, and 511 of this title.

"USE OF FUNDS

"Sec. 486. Funds paid to any State public or private agency, institution, or individual (whether directly or through a State or local agency) may be used for:

"(1) securing, developing, or operating the program designed to carry out the purposes of this part;

"(2) not more than 50 per centum of the cost of the construction of innovative community-based facilities for less than twenty persons (as defined in sections 601(f) and 601(p) of this title) which, in the judgment of the Administrator, are necessary for carrying out the purposes of this part.

"PAYMENTS

"Sec. 487. (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, 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.

"(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."

TITLE V—ESTABLISHING INSTITUTE WITHIN THE NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

NATIONAL INSTITUTE FOR JUVENILE JUSTICE

SEC. 501. 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 further amended by adding the following after section 402:

"SEC. 403. (a) There is hereby established within the National Institute of Law Enforcement and Criminal Justice a National Institute for Juvenile Justice.

"(b) The National Institute for Juvenile Justice shall be under the supervision and direction of the Administrator, and shall be headed by an Assistant Director of the National Institute of Law Enforcement and Criminal Justice appointed under section 471(e).

"INFORMATION FUNCTION

"SEC. 404. The National Institute for Juvenile Justice 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. 405. The National Institute for Juvenile Justice 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 Administrator; and

"(5) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency.

"TRAINING FUNCTIONS

"SEC. 406. The National Institute for Juvenile Justice 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, workshops, 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.

"INSTITUTE ADVISORY COMMITTEE

"Sec. 407. The Advisory Committee for the National Institute for Juvenile Justice established in section 478(d) shall advise, consult with, and make recommendations to the Assistant Director for the National Institute for Juvenile Justice concerning the overall policy and operations of the Institute.

"ANNUAL REPORT

"Sec. 408. The Assistant Director for the National Institute for Juvenile Justice shall develop annually and submit to the 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 Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 474(b) (5).

"DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

"Sec. 409. (a) The National Institute for Juvenile Justice, under the supervision of the Advisory Committee on Standards for Juvenile Justice established in section 478(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.

"Sec. 410. 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."

Sec. 502. Sections 403, 404, 405, 406 and 407 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), are redesignated sections 411, 412, 413, 414 and 415 respectively.

TITLE VI—AUTHORIZATION OF APPROPRIATION

Sec. 601. To carry out the purposes of this Act there are hereby authorized to be appropriated \$100,000,000 for the fiscal year ending June 30, 1974; \$200,000,000 for the fiscal year ending June 30, 1975; and \$300,000,000 for the fiscal year ending June 30, 1976.

Sec. 602. Not more than 15 per centum of the funds appropriated annually for the purposes of this Act shall be used for purposes authorized under title V.

TITLE VII—NATIONAL INSTITUTE OF CORRECTIONS

Sec. 701. 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 fifteen members. The following five 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, the Chairman of the United States Parole Board or his designee, the Director of the Federal Judicial Center 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 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 travel time, 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 Board 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 agen-

cies, educational institutions, organizations, and individuals to carry out the purposes of this section and section 411;

"(2) to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on 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 para-professional 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 title 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."

PURPOSE

The Committee bill, as amended, provides for Federal leadership and coordination of the resources necessary to develop and implement at the State and local community level effective programs for the prevention and treatment of juvenile delinquency. Towards this end, it establishes a new Juvenile Justice and Delinquency Prevention program within the Department of Justice, Law Enforcement Assistance Administration, to provide comprehensive national leadership for attacking the problems of juvenile delinquency and to insure coordination of all delinquency activities of the Federal government.

The bill also authorizes substantial grants to States, local governments, and public and private agencies through existing mechanisms of the Law Enforcement Assistance Administration to encourage the development of comprehensive programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to traditional detention and correctional facilities used for the confinement of juveniles.

The bill creates a National Institute for Juvenile Justice within the LEAA's National Institute of Law Enforcement and Criminal Justice to serve as a center for national efforts in juvenile delinquency evaluation, data collection and dissemination, research and training. The Institute through an Advisory Committee on Standards for Juvenile Justice, will be charged with developing recommendations on Federal action to facilitate adoption of standards for the administration of juvenile justice.

The bill also amends the Federal Juvenile Delinquency Act, virtually unchanged for the past thirty-five years, to provide basic procedural rights for juveniles who come under Federal jurisdiction and to bring Federal procedures up to the standards set by various model acts, many state codes and court decisions.

The bill also creates a National Institute of Corrections to serve as a center of correctional knowledge for federal, state and local correctional agencies and programs to develop national policies, educational and training programs and provide research, evaluation and technical assistance.

LEGISLATIVE HISTORY

92d Congress

On February 8, 1972, Senator Birch Bayh introduced S. 3148, entitled the "Juvenile Justice and Delinquency Prevention Act of 1972." The bill 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 co-

sponsors of this legislation include Senators Humphrey, Hart, Kennedy, Moss, Bible, Ribicoff, Montoya, McGovern, Eagleton, Inouye, Muskie, Williams, Pastore, McGee, Mondale and Cranston.

93d Congress

On February 8, 1973, Senator Birch Bayh and Senator Marlow W. Cook reintroduced S. 3148, with modifications, as S. 821. S. 821 was referred to the Committee after which it was referred to the Subcommittee to Investigate Juvenile Delinquency. Hearings were conducted on February 22, March 26, 27, and June 26, 27, 1973, in Washington, D.C. A total of 36 witnesses presented testimony on S. 821 and the related issues of the adequacy of the response of the Federal Government in the prevention and control of juvenile delinquency. The co-sponsors of this legislation in addition to Senator Cook include Senators Abourezk, Bible, Brock, Burdick, Case, Church, Cranston, Domenici, Fong, Gravel, Hart, Humphrey, Inouye, Kennedy, Mathias, McGee, McGovern, Mondale, Montoya, Moss, Pastore, Randolph, Ribicoff, Tunney and Williams.

Subcommittee action

After the conclusion of these hearings, the Subcommittee to Investigate Juvenile Delinquency met in executive session on March 5, 1974, to consider the bill. Members of the Subcommittee present were: Senators Bayh, Burdick, Hart, Kennedy and Mathias. The Subcommittee unanimously reported to the Committee S. 821, as amended, by Senator Birch Bayh.

Committee action

The Committee met on May 8, 1974, to consider S. 821. Senator Hruska offered an amendment in the nature of a substitute, incorporating an amendment of Senator Burdick which was accepted by an 8-5 vote. Members voting in favor of the amendment were: Senators McClellan, Burdick, Hruska, Fong, Scott, Thurmond, Gurney and Eastland. Members voting against the amendment were: Senators Bayh, Hart, Kennedy, Tunney and Mathias. The Committee, on a motion by Senator Bayh, favorably reported S. 821, as amended.

STATEMENT OF THE PROBLEM

The problem of juvenile delinquency must be dealt with in an effective and meaningful manner if we are to reduce the ever increasing levels of crime and improve the quality of life in America.

The National Advisory Commission on Criminal Justice Standards and Goals after an exhaustive study of the problem of crime in America and of the solutions to the crime problem found that the first priority in reducing crime should be given to preventing juvenile delinquency. In its report, "A National Strategy to Reduce Crime," the Commission said:

* * * * *

The highest attention must be given to preventing juvenile delinquency, to minimizing the involvement of young offenders in the juvenile and criminal justice system and to re-

integrating delinquents and young offenders into the community.¹

* * * * *

The Commission's position was taken because juvenile delinquency continues to present a most difficult challenge to the nation. Juveniles under 18 are responsible for 51 percent of the total arrests for property crimes, 23 percent for violent crimes, and 45 percent for all serious crime. From 1960 to the present, arrests of juveniles under 18 for violent crimes, such as murder, rape, and robbery, increased 216 percent. During the same period, arrests of juveniles for property crimes, such as burglary and auto theft, increased 91 percent. Between 1960 and 1970, total juvenile arrests (under 18) increased almost seven times faster than total adult arrests, and juvenile arrests for violent crimes increased almost three times faster than adult arrests. Recidivism rates for juvenile offenders are estimated to range from 60 to 75 percent and higher. For example, the FBI found that 74 percent of the offenders under 20 released in 1965 were rearrested by the end of 1968.

These data indicate three major aspects of juvenile delinquency which merit special attention: (1) the juvenile contribution to the total crime problem, (2) the rate of increase of juvenile crimes, and (3) the high rate of recidivism among juvenile offenders.

With regard to the increasing rate of juvenile crime, recent crime data indicate that serious juvenile crime is increasing at a lower rate; however, the problem remains largely intractable.

While it is essentially a State and local problem which must be dealt with by the State and local governments, Federal assistance is very necessary to provide needed financial assistance and resources.

Congress over the years has attempted to provide those resources, but the work of the Senate Judiciary Committee Subcommittee to Investigate Juvenile Delinquency in the United States found in three years of investigation that greater Federal efforts and coordination were necessary.

The testimony of both the governmental and non-governmental witnesses disclosed that various Federal delinquency programs were spread among numbers of different agencies with frequently overlapping and duplicative functions. The report on the hearings concluded that there was no central responsibility within the Federal government for juvenile delinquency programs. The report found that there was no centralized leadership, no accepted national priorities, and no bureaucratic accountability for juvenile delinquency programs at the Federal level.²

A major roadblock to developing effective juvenile delinquency programs has been the lack of definition of objectives for dealing with juvenile delinquency and the need to identify a focus for Federal assistance efforts.

¹ National Advisory Commission on Criminal Justice Standards and Goals, "A National Strategy to Reduce Crime," p. 23 (1973).

² See hearings before the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, "The Role of the Federal Government in the Area of Juvenile Delinquency" (92d Congress, 1st Session, March 31 and April 1, 1972) and Staff Report of the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate "Legislative Oversight Hearings on Federal Juvenile Delinquency Programs March 31 and April 1, 1972." (92d Congress, 1st Session, December 1971).

There is no one entity or problem described by the term juvenile delinquency which can be addressed in a singular manner. The magnitude and complexity of the problem requires that a balanced multifaceted problem solving approach be taken. As Richard W. Velde, the Associate Administrator of LEAA, observed in testifying before this committee, "[j]uvenile delinquency efforts of necessity involve law enforcement, education, recreation, employment, health services, the courts and corrections and require cooperation from all agencies furnishing these services."³

Mr. Velde's statement calls to our attention the need to view the juvenile justice system as an entity which offers a wide range of approaches and alternatives for coping with the juvenile crime problem. The juvenile justice system must be viewed as a continuum of responses (including the utilization of resources outside the formal system of police, courts, and corrections) which are made to juvenile crime in an attempt to prevent and reduce its occurrence, the larger aim of which is to assist youth in becoming productive members of our society.

It is necessary, therefore, to provide a comprehensive and coordinated focus to the issues surrounding juvenile delinquency prevention, control, and offender rehabilitation with a balance reflected by:

Assistance to those agencies and professions charged with the responsibility for developing the positive potential of young people, thereby reducing the likelihood of youthful criminal justice system involvement;

Assistance in the development of State and local mechanisms designed to channel juveniles, for whom the criminal justice system is inappropriate, away from and out of the system into human problem-solving agencies and professions;

Assistance to police, courts, and correctional agencies, together with community resources, in their efforts to control and reduce crimes committed by juveniles, to improve the quality of justice for juveniles, and to deal effectively and humanely with offenders.

This approach is dictated by two related sets of factors. The first set focuses on the needs and problems of juvenile offenders and youth in general. The second set focuses on major problems surrounding juvenile justice systems which render them less effective in responding to the juvenile delinquency problem.

With regard to the needs and problems of juvenile offenders and youth in general, several factors must be considered. First, most children and youth mature and develop into positive and productive members of society. However, those children and youth who have had no contact with the criminal justice system are still of concern both as this country's greatest resource and as the pool of people out of which the next group of juveniles who commit criminal acts will emerge.

Systems must be designed and developed to help all children and youth achieve their positive potential and to prevent or reduce the likelihood of their involvement in the criminal justice system.

Thus, the National Advisory Commission on Criminal Justice Standards and Goals in its report "A National Strategy to Reduce

³ 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 Congress, 2d Session and 93d Congress, 1st Session, May 15, 16 and June 27, 28, 1972; February 22, March 26, 27 and June 26, 27, 1973), p. 668. [Hereinafter cited as Hearings.]

Crime" after listing the prevention and control of juvenile delinquency as a first priority called next for a high national priority to be placed on improving the Delivery of Social Services and observed that:

* * * * *

There is abundant evidence that crime occurs with greater frequency where there are poverty, illiteracy, and unemployment, and where medical, recreational, and mental health resources are inadequate. When unemployment rates among youths in poverty areas of central cities are almost 40 percent and crime is prevalent, it is impossible not to draw conclusions about the relationship between jobs and crime. The Commission believes that effective and responsive delivery of public services that promote individual and economic well-being will contribute to a reduction in crime.⁴

* * * * *

Second, it is well documented that youths whose behavior is non-criminal—although certainly problematic and troublesome—have inordinately preoccupied the attention and resources of the juvenile justice system. Nearly 40 percent (one-half million per year) of the children brought to the attention of the juvenile justice system have committed no criminal act, in adult terms, and are involved simply because they are juveniles.⁵ These juveniles status offenders generally are inappropriate clients for the formal police courts and corrections process of the juvenile justice system. These children and youth should be channeled to those agencies and professions which are mandated an *in fact* purport to deal with the substantive human and social issues involved in these areas.

Recent priorities have focused on developing and providing viable diversion mechanisms for dealing with these youths outside of the formal police, courts and corrections process. Youth Service Bureaus, as initially advocated by the 1967 Crime Commission,⁶ are widely used to provide community referral services. The essential problem is one of delivering needed services or attention in such a way and at a time that may be crucial in preventing the development of a criminal career. The incidence of juvenile status offenses is so high as to warrant major innovations in coping with this pre-delinquent or potentially delinquent behavior.

In testimony before the Subcommittee the President of the National Association of State Juvenile Delinquency Program Administrators on February 22, 1973, said in part:

* * * * *

The structural and procedural system has two built-in patterns that tend to be self-defeating. First, the youth in need of trouble is identified and labeled. As he is labeled, certain sanctions are imposed and certain critical stances assumed. The sanctions and the stance tend to convince the individual that he is deviant, that he is different, and to confirm any

⁴ "A National Strategy to Reduce Crime," supra note 1, at 25.

⁵ *Id.*

⁶ President's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a Free Society" (1967).

doubts he may have had about his capacity to function in the manner of the majority.

Second, as the label is more securely affixed, society's agencies (police, schools, etc.), lower their level of tolerance of any further deviance: the curfew violator who is an identified parolee or probationer may go into detention; the non-labeled offender will frequently go home; and the misbehaving probationer will be remanded to the vice-principal's office faster than his non-probation fellow. As these discriminations are made, the youth is further convinced of the difference and of society's discrimination.

If the unacceptable behavior continues and the youngster penetrates further into the justice and correctional apparatus, he is subjected to an increasing degree of segregation from others of his kind—from special schools to detention to state correctional school—each step invites a greater identification with the subculture of the delinquent, and so, again, his anti-adult-antisocial-peer-oriented values are reinforced and confirmed, and the socializing conformity-producing influence of the majority society are removed further from him.

Thus, as the state's "treatment" is intensified, so too is the rejection, both covert, and overt, and as we try harder to socialize the deviant, we remove him further from the normal socializing processes.

Our objective must be, therefore, to minimize the youngster's penetration into all negative labeling, institutional processes. To this end, we must exploit all of the available alternatives at each decision point, i.e., suspension, expulsion, arrest, detention, court wardship, commitments, parole revocation. At each critical step, we should exhaust the less rejecting, the less stigmatizing recourses before taking the next expulsive step.⁷

Third, if the status offender were diverted into the social service delivery network, the remaining juveniles would be those who have committed acts which, under any circumstances, would be considered criminal. It is essential that greater attention be given to serious youth crime, which has increased significantly in recent years. These children and youth are appropriate clients for the formal process of the juvenile justice system. A mugging victim does not care about the age of his or her assailant. The victim believes that it should not have happened and that something must be done. Juveniles constitute nearly half of the people arrested for the serious crime in this country, and the rate of increase outstrips that of adult arrests. The cost to the community is high in many ways. The amounts of money, time, life, property, resources, plus the emotional costs of fear, anger, confusion, and alienation are compelling reasons for the control of crimes committed by juveniles being a priority.

With regard to major problems surrounding juvenile justice system operations, the following factors must be considered. First, juvenile justice systems tend to be fragmented, bifurcated, and localized in their institutional responses to delinquency. Many witnesses before the Committee testified that often the choice for decision-makers is only one of

⁷ Hearings, supra note 3, at 420.

incarceration versus release. Often, the special needs and problems of youthful offenders can only be met by agencies who do not have jurisdiction over the youth. Often, the juvenile justice processing agencies are not tied in to the larger social service and human resources networks of the State. The hearings on S. 821 make clear the need to assess the needs and problems of delinquent and non-delinquent youths with respect to the broader capabilities of the social service and human resources agencies of the State.

Second, the need is present to comprehensively assess the effectiveness of traditional institutional procedures for dealing with certain juvenile offenders. There is evidence that traditional procedures (e.g., probation, adjudication) work effectively when applied to certain offenders, yet our body of knowledge in this area lacks precision. Systematic knowledge must be developed regarding where and how the traditional system effectively works to prevent, reduce, and control juvenile crime. Such knowledge will lead to revision and improvement of the system in areas where it is workable as well as development of alternative mechanisms for meeting the needs of youths in areas where the system is ineffective.

Third, the search for alternatives to institutionalization of juvenile offenders must be continued. Juvenile justice officials are increasingly recognizing the need for alternative forms of treatment for serious youthful offenders which are community-based. Custodial incarceration in large statewide institutions has proven to be ineffective as a treatment method; however, evaluation of community-based alternatives has indicated some initial successes but as yet has not been conclusive.

Fourth, in large measure, the agencies and institutions of the juvenile justice system have not been held accountable, and have not been well monitored. The accountability issue occurs on three levels: (a) Accountability to the victim: all procedures to deal with the juvenile offender should in some way satisfy the grievance of the victim. (b) Accountability to the offender: incarceration of youthful offenders has sometimes been physically and mentally injurious to the offender, and there often has been little recourse available for rectifying these abuses. (c) Accountability to the community: the public is entitled to an accounting of the services that are being provided by the criminal justice system for the cost that is levied. The criminal justice system, as with other social service networks, should accept its obligations to hold itself accountable in these three areas.

An unknown number of children and youth present a threat to the community and need the type of social control afforded by the formal procedures of the juvenile justice system, and numerous witnesses before the Subcommittee testified that the current capabilities to both control crime committed by juveniles and to deal effectively with offenders are inadequate and need support.

The problem was clearly stated by the National Advisory Commission on Criminal Justice Standards and Goals in its "Report on Corrections:"

* * * * *

The United States has a long tradition of dealing differently with juveniles than with adults who are in difficulty

with the law, in the hope that juveniles can be rechannelled into becoming law abiding citizens. However, many of the methods of dealing with juveniles in this country have come to be viewed either as counterproductive or as violations of the rights of children. Thus there is a pressing need for national standards to improve the quality of juvenile contacts with the justice system.⁸

* * * * *

Assistance must be given to police, courts, and correctional agencies, together with community resources, in their efforts to control and reduce crimes committed by juveniles, to improve the quality of justice for juveniles, and to deal effectively with offenders.

Need for Federal coordination

In 1971 the Committee began its review of Federal juvenile delinquency programs and found that there was duplication and a lack of coordinated direction in the Federal efforts to prevent and control juvenile delinquency. The Committee in reporting a bill to amend the Juvenile Delinquency Prevention and Control Act of 1968 cited the 1971 annual report of the Youth Development and Delinquency Prevention Administration which concluded that there was:

Little coherent national planning or established priority structure among the major programs dealing with the problems of youth development and delinquency prevention . . . The present array of programs demonstrates the lack of priorities, emphasis and direction in the Federal Government's efforts to combat delinquency.⁹

The significance of this statement and the need for a fully coordinated Federal effort is clear when one considers that the Bureau of Census reported in April 1974 that there were 116 separate Federal programs in the juvenile delinquency and related youth development area.¹⁰ By way of illustration the following are examples of programs identified by the Census Bureau and the Departments together with the agencies administering the program:

- The Department of Agriculture:
 - Youth Conservation Corps
 - Special Interest Groups—4-H Youth Development Programs
- The Department of Health, Education and Welfare:
 - School Dropout Prevention Program
 - Drug Abuse Prevention Education Program
 - Youth Development and Delinquency Prevention Program
- The Department of the Interior:
 - Bureau of Indian Affairs—Program for Detention Facilities—Institutions Operated for Delinquents
 - Youth Conservation Corps
- The Department of Justice:
 - Law Enforcement Assistance Administration—Program for crime and delinquency prevention and reduction

⁸ National Advisory Commission on Criminal Justice Standards and Goals, Corrections, at 247 (1973).

⁹ S. Rept. No. 92-220, 92d Congress, 1st Session, June 17, 1971. To accompany S. 1732, the "Juvenile Delinquency Prevention and Control Act Amendments of 1971."

¹⁰ The Report of the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs, Fiscal Year 1973, at A-2.

Bureau of Prisons—Operation of juvenile and youth institutions and related programs

The Department of Labor: Manpower Revenue Sharing—Comprehensive Employment Training Act—Special Emphasis Programs for Youth and Youthful Offenders

The Department of Transportation: National Highway Traffic Safety Administration—Youth Organizations United Toward Highway Safety Program

The Civil Service Commission: Federal Employment for Disadvantaged Youth Program

Under these and similar programs the Census Bureau estimated that the Federal Government made approximately 120,000 different grants in fiscal year 1972 and the sheer size of the Federal effort alone makes clear the need for a coordinated approach to the problems of juvenile delinquency.

In testifying before the Juvenile Delinquency Subcommittee during oversight hearings in 1971 and hearings on S. 821 in 1972 and 1973 many witnesses also testified as to the lack of coordination of Federal juvenile delinquency programs. Mr. Milton Rector, President of the National Council on Crime and Delinquency observed in 1971, for example, that:

* * * * *

In fact a major weakness [in Federal efforts] is the lack of a structure at present where Federal juvenile and criminal justice planning can be coordinated with other human resources agencies. Such a structural linkage is recommended as essential if the Federal Government is to help prevent as well as to help control crime and delinquency.¹¹

* * * * *

Legislative initiatives

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 three year, ten million dollar per annum grant program to demonstrate new methods of delinquency prevention and control. (Of this \$30 million authorization it is interesting to note that only \$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 three 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.

¹¹ Hearings, supra note 2, at 196.

In enacting the Juvenile Delinquency Prevention and Control Act of 1968, Congress assigned to HEW responsibility for national leadership in developing new approaches to the problems of juvenile delinquency. As the report accompanying the act clearly sets forth, Congress intended that the programs administered under this act served to coordinate 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 pre-delinquent youth. The Act also provided for the training of personnel, employed or about to 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 this Act, the States were required to submit a satisfactory plan for 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 delinquency.

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.

The first three 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 a year and a half 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.¹² 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, of the amounts authorized by Congress for 1968 to 1971, only \$49.2 million was requested 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 amount appropriated, only half was actually expended. This limited view of the role of HEW in developing a program commensurate with the delinquency program made fulfillment of the original purposes of the 1968 Act difficult.

¹² Youth Development and Delinquency Prevention Administration, "Report for Fiscal Year 1969" at 9.

In 1971, Congress passed a one year extension of the Juvenile Delinquency Prevention and Control Act of 1968.¹³ 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 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, only \$10 million for that fiscal year was requested. 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 representative 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.

In 1972, the Juvenile Delinquency Prevention and Control Act was extended for two years under the name "Juvenile Delinquency Prevention Act."¹⁴ This Act at the request of HEW clearly limited the scope of the activities to be undertaken by HEW in the delinquency field. The Committee made clear in its report¹⁵ that HEW in its administration of this Act was to fund preventive programs which are outside the traditional juvenile justice system (which encompasses the police, the courts, correctional institutions, detention homes, and probation and parole authorities). In defining the Department's role in preventing juvenile delinquency more clearly, HEW has specifically concentrated its work on the development of systems which provide coordinated youth services as well as funds for initiation of needed services which are otherwise not available. The Committee report recognized that 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 Act for two years, a majority of the Committee made clear that the extension was no substitute for vigorous national leadership, coordinating authority and the substantial resources necessary to find an effective answer to the delinquency problem.¹⁶

Over the years since 1968, LEAA with its larger resources has funded millions of dollars in programs in delinquency prevention and juvenile justice. The Committee has noted in earlier reports that LEAA viewed its role in juvenile delinquency prevention and control as a very limited one.

This was because of the limited role given by the Congress to LEAA in the juvenile delinquency area [juvenile delinquency was never mentioned in the Omnibus Crime Control and Safe Streets Act of 1968] and because of the role of HEW under the Juvenile Delinquency Pre-

¹³ Public Law 92-31; 85 Stat. 84.

¹⁴ Public Law No. 92-381, 86 Stat. 532.

¹⁵ S. Rept. No. 92-1003, 92d Cong., 2d Sess. To accompany H.R. 15635 (1972).

¹⁶ Id.

vention and Control Act of 1968. However, LEAA was interested in dealing with delinquency and by the end of 1970, for example, over 40 of the LEAA State planning agencies created under the Safe Streets Act to administer the LEAA program in the State were also administering the Juvenile Delinquency and Control Act Program, although since 1972 state planning agencies have not administered any programs under this Act. The impetus for this came in part from a joint letter issued by the Attorney General and the Secretary of Health, Education and Welfare [Appendix A].

In 1971 amendment to the Omnibus Crime Control and Safe Streets Act¹⁷ were enacted into law which expressed congressional intent that the LEAA should focus greater attention on the juvenile delinquency program. Specifically, a new definition of law enforcement was added to the Safe Streets Act to mention juvenile delinquency and provide in pertinent part as follows:

* * * * *

"Law enforcement" means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal laws, including but not limited to . . . programs relating to the prevention, control, or reduction of juvenile delinquency¹⁸

* * * * *

The Congress also amended the Safe Streets Act to authorize grants to States for:

* * * * *

The development and operation of community-based delinquent prevention and correctional programs, emphasizing halfway houses and other community-based rehabilitation centers for initial preconviction or post-conviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders.¹⁹

* * * * *

Furthermore, Congress added a new Part E corrections program to the Safe Streets Act and required as a condition of receipt of funds an application which:

* * * * *

provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;²⁰

* * * * *

¹⁷ Public Law No. 91-644, 84 Stat. 1880.

¹⁸ Id. § 9.

¹⁹ Id. § 4(2).

²⁰ Id. § 6.

Senator Bayh in commenting on these amendments in 1971 during the Juvenile Delinquency Subcommittee hearings noted that:

* * * * *

. . . [O]ne of the reasons that certain language was used in the 1970 amendments to the Omnibus Crime Control and Safe Streets Act was that Congress was concerned that adequate emphasis was not being placed in certain areas. So, we wrote into the act the provision for the prevention and control of juvenile delinquency.²¹

* * * * *

This, together with the failure of HEW to fully implement the Juvenile Delinquency Prevention and Control Act Program, led to an increased emphasis on juvenile delinquency under the LEAA program. LEAA has estimated that almost \$140 million dollars in its fiscal year 1972 funds had been allocated for juvenile delinquency programs [see Appendices C and D].

Finally, Congress in the Crime Control Act of 1973 required LEAA to place an ever greater emphasis on juvenile delinquency. The act made a number of changes in the Omnibus Crime Control and Safe Streets Act relative to juvenile delinquency. In the Declaration and Purpose section of the Safe Streets Act made the following statement for the first time:

* * * * *

To 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.²²

The Crime Control Act of 1973 also required for the first time that each State specifically deal with juvenile delinquency in the comprehensive State plans which must be submitted by the States as a condition for receiving LEAA funds. The Act now requires that:

No State plan shall be approved as comprehensive, unless it includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice.²³

As a result of the 1973 amendments a number of new initiatives have been undertaken by LEAA. These have included the establishment of juvenile justice divisions in its Office of National Priority Programs and National Institute of Law Enforcement and Criminal Justice and most significantly the establishment of a juvenile delinquency initiative as one of the major new thrusts of LEAA in fiscal years 1974, 1975, and 1976.²⁴

LEAA: The appropriate mechanism

The Committee's amendment in the nature of a substitute places the major responsibilities for coordinating, directing, and funding the Federal juvenile delinquency effort in the Law Enforcement Assist-

²¹ Hearings supra note 2 at 20.

²² Public Law No. 93-83, 87 Stat. 197, § 2 (1973).

²³ Id., § 303(a).

²⁴ See statement of Richard W. Velde, hearings, supra note 3, at 635-700.

ance Administration, and there are compelling reasons for this position.

In recent years LEAA has emerged as the lead agency in Federal juvenile delinquency prevention and control efforts. It already has—as shown above—a substantial legislative mandate to deal with this problem, and it has the program elements necessary for implementing S. 821.

In the juvenile delinquency prevention and control area LEAA presently has a network of 50 State planning agencies that are undertaking crime and delinquency-oriented analyses necessary to develop a truly comprehensive approach to preventing and reducing crime and delinquency. These analyses were mandated by the Crime Control Act of 1973. Under LEAA guidelines every State by 1976 will have been expected to complete a detailed analysis of the problems of crime and delinquency within its State to establish detailed goals, standards, and priorities for reducing crime and delinquency within that State. These same States for the past five years have planned, developed, and funded a significant number of juvenile delinquency programs; and given the high incidence of reported juvenile crime in America it is apparent that these States will be concentrating more and more funding efforts in juvenile delinquency.

If the program is created in another agency, it could seriously hamper the efforts of LEAA and its State planning agencies to develop truly comprehensive plans for dealing with law enforcement within the States.

Stephen T. Porter, Executive Director of the Louisville and Jefferson County Crime Commission, in testifying on S. 821 in support of this position called on Congress to place the juvenile delinquency program in LEAA and to enact a new part F to the Omnibus Crime Control and Safe Streets Act in order to:

. . . [a] void duplication of effort, not only at the federal level but at the state level as well. Many states have developed very sophisticated criminal justice planning capabilities. New funds should not be brought into those states in such a manner that might allow duplication and conflict at the state level.²⁵

It should be understood that this legislation does not merely call for the creation of a new program. It could cast aside five years of experience by LEAA in establishing meaningful juvenile justice programs by creating a new agency in HEW to compete with the LEAA program.

HEW in recent years has not been involved in juvenile justice programs, and they will have to go through the learning process that LEAA went through in its first five years of operation before they can develop an effective program for dealing with juvenile justice.

This was emphasized during the hearings on S. 821 when a witness from the Department of Health, Education, and Welfare, in testifying on their juvenile delinquency programs, noted that the Law Enforcement Assistance Administration is the lead Federal agency in juvenile justice and corrections. The witness stated that major support is available from LEAA on juvenile delinquency treatment programs on a

²⁵ Hearings, supra note 3, at 301.

continuing basis and that HEW's juvenile delinquency programs are merely demonstration-types with planned phase-out of individual programs.²⁶

It is the Committee's view that the creation of the program in HEW would only further fragment and divide the Federal juvenile delinquency effort and delay the development of needed programs. What is needed now is more coordination and less confusion.

LEAA through its programs is the only agency able to provide the leadership and funding for the continuum of responses which must be made to deal with juvenile crime. Efforts must be made to prevent juveniles from committing crime; the non-serious 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.

LEAA is actively pursuing these goals. It has already funded many programs in delinquency prevention, diversion, and control. Stanley Thomas, Acting Assistant Secretary for Health, Education, and Welfare, testifying before the Juvenile Delinquency Subcommittee in 1973 observed, for example, that LEAA's legislative authority in delinquency prevention was "generally equivalent to HEW's" and that "LEAA grants in juvenile delinquency prevention are also grants at a high funding level."

The Youth Service Bureaus are an excellent example of LEAA's work in prevention and diversion [See Appendix B]. Earlier in this report, it was noted that Youth Service Bureaus were an extremely important part of the strategy for preventing juvenile delinquency and for diverting out of the formal juvenile justice process those juveniles for whom formal processing was inappropriate. The National Advisory Commission on Criminal Justice Standards and Goals described the role of Youth Service Bureaus as follows:

Youth Service Bureaus should be established to focus on the special problems of youth in the community. The goals may include diversion of juveniles from the justice system; provision of a wide range of services to youth through advocacy and brokerage, offering crisis intervention as needed; modification of the system through program coordination and advocacy; and youth development.²⁷

The California Department of Youth Authority's 1971-72 national survey of youth service bureaus identified approximately 170 youth service bureaus then in operation and found that over 85 percent of those studied were supported at least in part by Law Enforcement Assistance Administration funds.²⁸

In understanding why the Committee placed the juvenile delinquency program in LEAA, it is useful to see how LEAA expends its funds on juvenile delinquency prevention and control. LEAA's alloca-

²⁶ Statement of Stanley B. Thomas, Acting Assistant Secretary for Human Development, Department of Health, Education, and Welfare, hearings, supra note 3 at 740.

²⁷ National Advisory Commission on Criminal Justice Standards and Goals, Community Crime Prevention at 70 (1973).

²⁸ Department of California Youth Authority, National Study of Youth Services Bureaus, U.S. Department of Health, Education, and Welfare, at 34, 67 (1972).

tions for juvenile delinquency in fiscal year 1972 are illustrative of the attention given by LEAA to juvenile delinquency and to prevention and diversion activities.

On June 27, 1973, LEAA Associate Administrator, Richard W. Velde, reported to the Senate Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency that:

During fiscal 1972, LEAA awarded nearly \$140 million on a wide-ranging juvenile delinquency program. More than \$21 million, or 15 percent, was for prevention; nearly \$16 million, or 12 percent, was for diversion; almost \$41 million or 30 percent went for rehabilitation; \$33 million, or 24 percent, was spent to upgrade resources; \$17 million, or 13 percent, went for drug abuse programs; and \$8 million, or 6 percent, financed the comprehensive juvenile delinquency component of the High Impact Anti-Crime Program.²⁹

The dollar amount was determined from a thorough review of all the individual State plans, approved by LEAA, for that year, plus discretionary grants representing additional awards to States from LEAA, including "the High Impact Anti-Crime Program." It is important to understand that this amount had not as yet been sub-granted by the States to respective units of government for implementation. These funds represented, in the main, block grant awards to States based on State plans containing juvenile delinquency components. They also represent what the States felt, at that time, were programs and fund allocations in the best interest of the community.

Appendix C includes a series of tables that show the actual breakdown of the "nearly 140 million" figure which in reality was actually \$136,213,334. A breakdown is also included to show how much was expended for services and how much was expended for "hardware" or equipment and the figures show that only 7 percent of the juvenile delinquency funds went for hardware. A further breakdown is included in Appendix D which sets forth a brief description of each and every LEAA program included in the approximately \$21 million in prevention and approximately \$16 million in diversion program areas.

An examination of the programs in Appendix D shows that LEAA has funded a sweeping range of juvenile delinquency prevention and diversion programs. Prevention efforts have included alternate educational programs at the secondary school level, parental training programs for parents of delinquent or potentially delinquent children, work study and summer employment programs for juveniles, drug education in primary and secondary schools, police/juvenile relations units, and police/juvenile recreation programs.

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

The need for placing the program in LEAA is even clearer when the focus is placed on the serious offender. The social control of the juvenile and criminal justice system must be applied in dealing with this

²⁹ Hearings, *supra* note 3, at 636, 663.

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.

Dr. Jerome Miller, Commissioner of Youth Services for Massachusetts, emphasized this point in testifying before the Juvenile Delinquency Subcommittee in 1972:

I am of the opinion that the primary and most crucial need, if we are to deal effectively with serious delinquency in contemporary American society, is to reform and restructure, at most basic levels, the juvenile correctional system. Although there can be little question that ultimately, delinquency prevention and diversion programs will be the backbone of a reconstituted juvenile justice system, such programs will not be effective until such time as we have provided alternatives for those youngsters who are most deeply involved in the juvenile justice system . . .³⁰

Dr. Miller in following the goals set forth in his statement urged the closing of major juvenile institutions in Massachusetts. This action was ultimately approved by the Governor and a series of community-based homes were opened throughout Massachusetts for juveniles who were previously incarcerated in State institutions. This action was accomplished through the use of over \$3.5 million in LEAA funds and would not have been possible without the LEAA funds. LEAA has also committed over \$500,000 to evaluate the effectiveness of the program and the initial findings indicate that it has been successful in reducing recidivism by serious offenders.

Since 1971 when Congress enacted the new Part E corrections program for LEAA and gave LEAA specific authorization to fund community-based corrections programs for juveniles, LEAA has funded an impressive array of innovative community-based rehabilitation programs for juveniles. Over \$40 million was allocated in fiscal year 1972 for juvenile corrections programs and over \$30 million of this money as seen in Appendix C, Table II went for community-based programs.

It is extremely important to phase this Juvenile Delinquency effort into an ongoing program. From a practical standpoint, at least three years would pass before any results could be expected from this legislation if it were not placed within LEAA.

The point at which funds are obligated for actual input on the problems which this legislation attempts to address is tied to a number of activities which must occur as a pre-condition to the actual expenditure of funds.

For example, Federal Guidelines and regulations must be developed. This can take place only after the Federal organization is in place. State and local planning and administrative organizations must likewise be established. Local plans and State plans must be developed. State and local budget processes must be involved as well as local policy makers. Federal review of plans must be completed and the funding mechanism established. States must begin to approve State agency, private and local applications and this must be accomplished within an established grant system. The grant recipient must then begin the

³⁰ *Id.* at 61.

hiring process and implementation stages. Often, the stages which all require months to complete, add up to years before any implementation. Placement in the LEAA program system is not only philosophically right, it is the best possible way to minimize time lag and duplication.

In the LEAA system, annual matching block grants are made to each of the States for planning and implementing programs to improve law enforcement and criminal justice. The grants are called block grants because the grant funds are required by the Act to be allocated in lump sums among the States, on the basis of population, for distribution and expenditure by the State and cities according to criteria and priorities determined by the States and cities themselves.

Block planning grants are utilized by the States to establish and maintain State planning agencies. The State planning agency is created or designated by the Chief Executives of the States and are subject to their jurisdiction. Each State planning agency determines needs and priorities for the improvement of law enforcement throughout the entire State. The State planning agency then defines, develops and correlates programs to improve and strengthen law enforcement for its State and all the units of local government within the State. All of this material and information is incorporated into a comprehensive Statewide plan for the improvement of law enforcement and criminal justice throughout the State which is annually submitted to LEAA for review and approval.

When a State's plan has been reviewed and approved, the State is eligible to receive its allocated block action grant for the fiscal year. LEAA is required by statute to make block grants if the SPA has an approved comprehensive plan which conforms with the purposes and requirements of the Act and with rules, regulations, and procedures established by LEAA consistent with the Act. This system is currently in full operation in every jurisdiction.

In a programmatic sense, it is to be noted that this bill is most compatible with the broad system approach embodied in LEAA's legislation.

The purpose of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3701, et seq., as amended by the Crime Control Act of 1973, Pub. L. 93-83, 87 Stat. 197 (Aug. 6, 1973) (Act) was never simply to assist States and local governments to improve police activities. Inherent throughout the Act is the emphasis upon all aspects of criminal justice.

Section 601(a) states:

"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.

The statute also requires that the plan be comprehensive. In Section 601, comprehensive is defined as:

The term "comprehensive" means that the plan must be a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State; goals, priorities, and standards must be established in the plan and the plan must address methods, organization, and operation performance, physical and human resources necessary to accomplish crime prevention, identification detection, and apprehension of suspects; adjudication; custodial treatment of suspects and offenders, and institutional and non-institutional rehabilitative measures.

It is clear that to tab LEAA as a police oriented program is not consistent with either the LEAA legislation or its implementation.

There are numerous other reasons why the Committee felt that LEAA should be the focal point for the Federal juvenile delinquency efforts. The explanation of the Committee Amendment that follows sets these reasons out in detail.

EXPLANATION OF COMMITTEE AMENDMENT

The Committee approves the Juvenile Justice and Delinquency Prevention Act of 1974, S. 821, with an amendment in the nature of a substitute.

The major thrust of the Committee Amendment is to meet the need for strong accountable Federal leadership capable of coordinating and directing Federal delinquency programs. S. 821, as amended, creates a Juvenile Justice Delinquency Prevention Office within the Law Enforcement Assistance Administration of the Department of Justice. It will provide the long needed centralized Federal delinquency response and the much needed grant funding programs to States and public and private agencies.

The Committee Amendment recognizes that the Federal Government supplying coordination and national leadership by the strengthening of the existing Interdepartmental Council on Juvenile Delinquency, through the authorizing of staff for the Council, and by the creation of a National Advisory Committee for Juvenile Justice and Delinquency Prevention. The Committee feels that the need is not only for a strong Federal organizational commitment, but for the added impact which can come from a commitment of resources which is commensurate with the nature and extent of the problem.

S. 821, as amended, provides for \$600 million over three years so that extensive resources will be available in a coordinated fashion at the Federal, State, and local level for developing and implementing delinquency prevention, diversion, and treatment programs and providing for the necessary planning, research, training, and evaluation.

The Committee Amendment recognizes that the Federal Government needs to provide leadership and resources, but that the State government must be the focal point for juvenile justice planning and program implementation at the State and local level. For this reason, it was desirable to place this function in an existing agency which has the experience, the relevance, and the organizational structure at the State

and local level to take maximum advantage of the increased Federal commitment. LEAA has just such a structure.

LEAA legislation, compared in detail below to the Committee Amendment to S. 821, shows that the planning input and administrative process already exists from the local level to the State level and through to the Federal level. Moreover it is ideally suited to the supplemental effort in the juvenile delinquency area because, with little modification, the existing structure can go into action immediately. LEAA has a local planning structure. East State has a substantial State planning and administrative structure. All of these organizations are already doing work in the juvenile delinquency area. Coordination, which has been such an overused term, becomes automatic under the Committee Amendment. When the additional juvenile delinquency funds are appropriated they will find the Federal and State authority, the structure, the data, and the needs spelled out and ready for the action necessary to achieve our intended results. The recognized soundness of this approach is reflected in a resolution of the Governor's Conference where "expanded juvenile jurisdiction and funding by LEAA" was recommended. [See Appendix E.]

On February 13, 1969, the Attorney General and the Secretary of Health, Education, and Welfare recognized this fact in their joint letter to the Governors. They stated as follows:

In the interest of effective coordination, it is desirable to have a single State planning agency and policy board, which would submit a single comprehensive plan.

The addition of the Advisory Committee for Juvenile Justice and Delinquency Prevention and the strengthening of the Interdepartmental Council on Juvenile Delinquency will complete the mechanism at the Federal level. LEAA has been serving the needs of this Council and has recently added five professional staff members to begin a more intensive effort along with their newly begun juvenile justice priority programs.

The following charts show the ease and consistency with which this legislation can be integrated into LEAA:

Planning and Informational Input Process From State and Local Governments and Private Agencies

Current LEAA legislation

1. States have established State planning agencies (SPA's) to participate in grant programs § 302.

2. The State plan, to be comprehensive, must provide for adequate assistance to high crime areas, and must include comprehensive plans for improvement of juvenile justice § 303(a).

3. The State plans have provided for administration of grants by SPA's § 303(a)(1). Other requirements specified that the plan must adequately take into account the needs and requests of local governments § 303(a)(3); incorporate innovations and advanced techniques § 303(a)(5); provide for effective utilization of existing facilities § 303(a)(6); provide for nonsupplanting § 303(a)(11); provide eased administrative procedures to major local governments § 303(a)(14); provide for approval of applications within ninety days of submission § 303(a)(15).

4. Part E correctional system assurances and statutory areas of emphasis § 453 are built into the overall plan and subject to specific approval.

5. Substantial funds for local planning (40%) are required and currently support a large regional—local planning structure § 203(c).

6. Meetings are all public and records are open § 203(d).

7. The plan must be updated annually, § 303(a).

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1. State plan to be submitted to LEAA before State can receive formula funds § 482(a).

2. Advisory board shall approve the State plan and any modification of the state plan before submission to LEAA § 482(a)(3) and (b).

3. The State plan must set forth a detailed study of State needs for effective, comprehensive approach to juvenile delinquency prevention and improvement of juvenile justice system, including the costs § 482(a)(8).

Must provide for local government participation in the formulation of the State plan § 482(a)(4).

The mayor of each city shall designate the local government agency best qualified to carry out the city's role § 482(a)(6).

Must provide for the participation of private agencies in the development and execution of the State plan § 482(a)(9).

Must provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this Act. § 482(a)(18).

4. The LEAA Administrator shall approve State plans that meet statutory requirements § 482(c).

5. The SPA shall make an annual review of the State plan, evaluation of the effectiveness of programs, and modification, if any, of the plan, and send it to the Administrator § 482(a)(21).

The following summary depicts the provisions of the Council and Advisory Committee as they will affect the Federal level effort:

Interdepartmental Council

1. Attorney General serves as Chairman, § 476(b) and the Secretaries of HEW, Labor, HUD, Director SAODAP, and other agency representatives appointed by the President § 476(a) comprise the Council.

2. Chairman appoints one executive secretary and other necessary employees § 476(e) to serve as staff.

3. The Council coordinates all Federal juvenile delinquency programs § 476(c).

4. The Council meets a minimum of six times a year § 476(d).

National Advisory Committee for Juvenile Justice and Delinquency Prevention

1. Interdepartmental Committee members are ex officio members § 477(b) building in additional coordination.

2. There are 21 members with special knowledge in prevention and treatment of juvenile delinquency or administration of juvenile justice § 477(c) providing expertise from the field through annual recommendations to Administrator for planning, policy, priorities, operations, management of all Federal juvenile delinquency programs § 478(b).

3. For special problems, the Chairman may appoint a subcommittee to advise the Administrator on particular functions or aspects of LEAA work § 478(c).

4. Chairman designates a subcommittee to advise Administrator on standards for the administration of juvenile justice § 478(e).

5. Chairman designates a subcommittee as an Advisory Committee to the National Institute for Juvenile Justice § 478(d).

The most important and vital comparison of current LEAA authority and the new authority anticipated by the Committee Amendment to S. 821 relates to the expansion of LEAA authority to fund programmatic efforts in the juvenile delinquency area. LEAA's current Part C authority provides LEAA with a degree of funding authority in the juvenile delinquency area. In addition, treatment, recruitment, community-based facilities, and drug programs relating to coordination efforts have all been funded. This authority will remain intact and anticipated funding from Part C in the juvenile area will remain at the same or increased levels.

LEAA's Part E authority for funding in the correctional area was added in 1971 in recognition of the need for increased emphasis and Federal funding for correctional activities. While this authority does not go to juvenile delinquency prevention efforts, considerable funds have been awarded for community-based facilities, drug related programs, and diversion efforts. It is vital to understand that the new Part F authority greatly expands LEAA's ability to support pre-delinquent diversion efforts and all activities related to shelter, care, diagnostic treatment, and other programs related to youths who have not had contact with the criminal justice system. The need for the supplemental funds is great. The bill provides that Part F money may only be used for Part F purposes. To the extent Part F purposes overlap with Part E or Part C purposes, both sources of funds may be used to fund a single project. Indeed, the Part F funds may even be used to meet the Part C or Part E matching requirements. Impact on crime can certainly be expected from the greatly increased appropriations specified for exclusive use in the juvenile delinquency area.

While LEAA has gone a long way within the limits of its current authority, it is fully expected that this new Part F will fill the need which has concerned the Federal Agencies and the Congress for such a long time. A summary of current and proposed legislation as it relates to funding authority specific to the juvenile area follows:

*General Programmatic Areas of Funding Authority
(Not Including Research)*

Current LEAA legislation

1. Public protection including demonstration, evaluation, implementation, purchase of facilities, equipment, methods to improve law enforcement § 301(b)(1).

2. Recruiting and training of personnel in law enforcement (police, probation, corrections) § 301(b)(2) and § 453(8).

3. Public education re crime prevention including educational programs in schools § 301(b)(3). Construction of facilities including treatment centers § 301(b)(4) and § 453(1).

4. Recruiting, training, education, of community service officers to improve: police-community relations, community patrol activities,

encouragement of neighborhood participation in crime prevention § 301(b)(7).

5. Development and operation of community-based delinquency and correctional programs; expanded probationary programs, paraprofessional, volunteer participation; community service centers for potential repeat youthful offenders § 301(b)(9) and § 453(4).

6. Development and operation of narcotic and alcoholism treatment programs in correctional facilities and probation and other supervisory release programs § 453(9).

7. Accurate and complete monitoring of progress and improvement of correctional system § 453(11).

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1. Planning, establishing, operating, coordinating and evaluating projects for the development of more effective—

(1) education,

(2) training,

(3) research,

(4) prevention,

(5) diversion,

(6) treatment, and

(7) rehabilitation in areas of juvenile delinquency § 480.

2. Community-based programs and services (foster-care, shelter care, group, halfway houses, homemaker and home health services, or other diagnostic, treatment, or rehabilitative service) § 482(a)(10)(A).

3. Community-based programs to strengthen the family unit § 482(a)(10)(B).

4. Youth service bureaus to divert youth from juvenile court § 482(a)(10)(C).

5. Drug abuse education, prevention, treatment, and rehabilitation § 482(a)(10)(D).

6. Education programs to keep delinquents/pre-delinquents in school or alternative learning situations § 482(a)(10)(E).

7. Recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers § 482(a)(10)(F).

8. Monitoring jails, detention and correctional facilities § 483(a)(15).

9. Develop new approaches, techniques, methods § 483(a)(1).

The importance of the Federal administrative function is often understated in consideration of new legislation. We have heard time and time again, following the enactment of new legislation, that "the Agency is still new" or the "Agency is just getting started." Often for four or five years this excuse for inactivity is put forth and at times for good reason.

Creating, staffing, and mobilizing the resources available to a Federal Agency is a difficult task that requires great reservoirs of talent and expertise. Simple grants of administrative authority are buttressed by many other Federal statutes and regulations which affect the utilization of such authority. Placement of the new Part F, juvenile delinquency effort, in LEAA is expected to result in immediate action. A summary of current LEAA authorities and proposed authorities relating to administrative matters follows. These, of course, are supple-

mented by a Federal and State administrative structure with experience in implementation in the context of Federal statutes such as the National Environmental Policy Act, the Civil Rights Act, EEO regulations, and State and local statutes and regulations. As can be seen, many of the provisions are already in existence.

Federal Administrative Mechanism

Current LEAA legislation

1. The Administration is authorized to establish such rules, regulations and procedures as are necessary § 501.
2. The Administration may delegate to any officer or official of the Administration such functions as it deems appropriate. § 502.
3. The functions, powers and duties set out in the Crime Control Act shall not be transferred from the Administration without specific authorization from Congress § 503.
4. The Administration or any hearing officer so assigned shall have the power to hold hearings, issue subpoenas and take testimony § 504.
5. The Administration is authorized to hire the necessary employees and officers subject to civil service and classification laws § 507.
6. The Administration is authorized to use available services, equipment and personnel of other federal agencies (except the CIA) and of State and local government agencies § 508.
7. The Administration is authorized to conduct compliance hearings whenever it appears that a recipient has failed to comply with the Crime Control Act provisions or with any rules and regulations of the Administration, or whenever an applicant has been denied a grant §§ 509-511.
8. The Administration is authorized to request such data, statistics and program reports from other Federal agencies as are necessary to assure that Federal assistance to State and local governments under the Crime Control Act is carried out in a coordinated manner. § 513.
9. The Administration is authorized to reimburse other Federal departments for the performance of any of its functions under the Crime Control Act § 514.
10. Payments may be made in advance or by way of reimbursement as may be determined by the Administration. § 516.
11. The Administration may employ such experts and consultants as necessary and may appoint technical and other advisory committees as is necessary § 517.
12. All recipients of assistance shall keep such records as the Administration shall prescribe, and make them available to the Administration or the Comptroller General for the purposes of audit and examination § 521.
13. The security and privacy of criminal history information shall be adequately provided for by the Administration, and by recipients of assistance § 524.
14. No person shall be denied assistance because of race, color, national origin or sex § 518.

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1. The Administrator is authorized to select and employ such officers and employees as are necessary § 472(a).

2. The Administrator is authorized to select and employ a maximum of three officers at salary not to exceed that of GS-18 § 472(b).

3. All Federal agencies are authorized to detail personnel to LEAA to carry out purposes of the Act § 472(c).

4. The Administrator is authorized to procure services of experts and consultants as necessary § 472(d).

5. The Administrator is authorized to accept and employ voluntary services § 473.

6. The Administrator may request agencies and departments involved in Federal juvenile delinquency programs to provide him with such data, and conduct such studies and surveys as he may deem necessary § 474(c).

7. The Administrator may delegate any of his functions, except rule making to any employee of the Administration § 474(d).

8. The Administrator is authorized to utilize the services and facilities of other Federal agencies or any public agency and to pay for such services § 474(e).

9. The Administrator is authorized to transfer funds appropriated under this Act to any Federal agency to develop or demonstrate juvenile delinquency programs § 474(f).

10. The Administrator is authorized to make grants to or enter into contracts with any public or private agency, institution or individual § 474(g).

11. All functions of the Administrator shall be coordinated with the functions of HEW under the Juvenile Delinquency Prevention Act § 474(h).

12. Juvenile delinquency projects may be funded jointly by several federal agencies § 475.

13. The Administrator shall initiate a compliance hearing whenever he finds, that a funded project has been changed and no longer complies with the provisions of this title, or whenever he finds that in the operation of a funded program there is a failure to substantially comply with any such provision § 485.

14. Payments pursuant to a grant or contract may be made in advance or by way of reimbursement § 487(d).

15. Records containing the identity of any juvenile gathered for purposes pursuant to this title may not be disclosed or transferred to any individual or agency, public or private, under any circumstances § 415.

The formula or block grant program of LEAA is identical in operation to that set up by Part F. While the percentages for calculating the initial allocation of Part C, Part E and Part F money are different, once a block allocation has been calculated the application can all be incorporated and the LEAA award can be based on a single comprehensive Statewide plan. LEAA has successfully accomplished this beginning in 1971 with the merger of the new Part E into previous Part C comprehensive plan award. It is anticipated that Part F can be immediately implemented in concert with Part C and Part E. It is noteworthy that the current Part F reflects the strongest possible national concern with the juvenile delinquency effort. In 1971 the same concern was shown for the vastly underfunded and neglected State and local correctional systems. Both Parts E and F reflect this special concern and are thus singled out for additional, supplemental funding.

A vital provision of the Committee bill requires that 75 percent of funds available to the States as formula grants 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 establish probation subsidy programs, and to provide community-based alternatives to juvenile detention and correctional facilities. Numerous witnesses before the Subcommittee have strongly advocated treatment techniques such as foster care, shelter care, youth service bureaus and counseling and other services supportive of home, school, recreational and employment opportunities for youth which would fall under this provision. Studies of such programs show that they are at least as successful as traditional programs, usually more so and usually cost considerably less.

While the current Part E of LEAA's Act does not provide a fixed percentage for advanced practices and techniques, it requires adherence to the same kinds of improvement oriented statutory specifications. Such requirements are being built into each State's planning structure and plan and are a prerequisite to award of Part E funds. It is anticipated that Part F will be similarly handled.

Tie-In of Formula Grants

Current LEAA Legislation

1. Part C "block" allocations are apportioned among the States according to respective populations § 306(a)(1).
2. Part E correctional program allocations (50%) are available for grants to State planning agencies § 455(a)(1), and LEAA has awarded them according to a population formula.
3. Part B funds are allocated to States according to population after provision for a \$200,000 minimum § 205.

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Part F funds are allocated among the States on basis of relative population of people under age eighteen and no allotment to any State shall be less than \$200,000 § 481(a).

Another example of the ease and compatibility of integrating LEAA legislation with the Committee Amendment lies in the area of direct categorical program grants. Both Parts C and E have provision for such grants. Part F likewise has this provision. Its implementation can be readily merged into the operations of LEAA's National Priority Programs and Regional Operations.

Some differences of emphasis exist in the Parts C, E and F provisions. It is most important to work cooperatively with and provide direct funding for programs operated by private as well as public agencies in Part F. Many witnesses before the Subcommittee testified that private agencies are in the forefront in developing and maintaining innovative prevention, diversion and community-based alternatives to traditional programs of institutionalization. Representatives of private youth-serving agencies testified that they have resources, facilities, and volunteers ready to join in a national coordinated effort between the private sector and the government to prevent delinquency. To encourage private involvement the bill provides for direct special emphasis and treatment grants to both public and private agencies to

develop and implement new methods of delinquency prevention, treatment and rehabilitation.

TIE-IN OF CATEGORICAL GRANTS

Current LEAA legislation

1. 15 percent of Part C funds are allocated by the Administration to State, local or private agencies at the agency's discretion § 306(a)(2).

With special emphasis to programs in areas of high crime incidence and high law enforcement and criminal justice activity § 303(a).

Funding incentives to units of general local government that coordinate or combine law enforcement and criminal justice activities § 303(a)(14), as well as National Priority Programs.

2. 50 percent of Part E funds are allocated by the Administration at the agency's discretion § 455(a)(2).

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At least 25 percent of funds must be used for Special Emphasis Prevention and Treatment. The Administration is authorized to make grants and enter into contracts with public and private agencies, organizations, institutions with priority given to those agencies and institutions who have had experience dealing with youth § 483(b).

In recognition of the importance of a research, training, and evaluation component in any comprehensive program to combat juvenile delinquency, the Committee Amendment creates a National Institute for Juvenile Justice within LEAA. The Subcommittee has heard testimony on a similar, though more limited, concept in the Institute for Continuing Studies of Juvenile Justice, which has support from many of our colleagues in both the Senate and the House. The Committee finds it vitally important that an analysis of all federally assisted programs be conducted on a systematic and continuing basis. Thus, the Committee bill requires that the Institute, which would be a significant component of the current LEAA Institute, evaluate all programs funded under the Act. In concert with the States, who are required to include adequate evaluation in their plans, the Institute will help to insure that the successes and failures of others will be used to improve programs generally. Current LEAA Institute activities in the juvenile delinquency area will be given additional funding and additional emphasis of a separate organizational identity.

Clearinghouse, statistics, and data gathering activities, and ongoing research efforts will all merge smoothly into the new organization. Technical assistance and training activities which are already ongoing will provide the nucleus for expanded and focused juvenile delinquency efforts. It can readily be seen from the following charts that such activities are currently taking place and can smoothly be increased.

Tie-In Research, Information, Training and Data Activities

Current LEAA legislation

1. Block subgrants can be made for training projects § 301(b)(1).
2. The State plan must provide for research and development § 303(a)(7).

3. Institute purpose is to provide for and encourage training, research and development to improve law enforcement § 401.

4. The Institute has authorization to fund or conduct research § 402 (b) (1); to make studies, conduct research in approaches, techniques, systems equipment and devices § 402 (b) (2); conduct behavioral research § 402 (b) (3); grant research fellowships § 402 (b) (5); assist in local or regional training programs of State and local law enforcement personnel § 402 (b) (6).

5. The Institute can collect and disseminate information gathered from projects under this title § 402 (b) (7).

6. The Institute is a national and international clearinghouse of information with respect to improving law enforcement and criminal justice § 402 (c).

7. Part E State plan must include assurances that the State is conducting projects to improve training of corrections personnel § 453 (3).

8. The Administration may fund or provide technical assistance § 515 (c).

9. The Administration collects and disseminates statistical and other information § 515 (b).

* * * * *

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1. LEAA authorized to make formula grants to states for education, training and research programs § 480.

2. State plans must provide for adequate research, training and evaluation capacity § 482 (a) (12).

3. Special Emphasis Programs for development of new approaches, techniques and methods in juvenile delinquency programs § 483 (a) (1).

4. NIJJ is an information bank of research data § 409 (1).

5. NIJJ is a clearinghouse for publication and dissemination of all information regarding juvenile delinquency § 409 (2).

6. NIJJ authorized to: conduct, encourage, coordinate juvenile delinquency research § 410 (1); encourage development of demonstration projects § 410 (2); develop, conduct, provide training programs for personnel in juvenile delinquency § 411 (1); seminars, workshops and training programs in delinquency prevention and treatment § 411 (2).

2. The NILECJ evaluates programs carried out under this title, will survey before June 30, 1976 the personnel needs in law enforcement and criminal justice and the adequacy of Federal, State, and local programs to meet the needs; reports annually to the President, the Congress, SPA's and local governments on the research and development projects conducted by the Institute, grantees and contractors § 402 (c).

3. LEAA conducts evaluation studies of programs assisted under this title, and evaluates statistics and information relating to law enforcement § 515.

4. LEAA makes an annual report to the President and to the Congress on the activities pursuant to this title § 519.

5. LEAA makes an annual report by Attorney General to the President and to the Congress, a report of Federal law enforcement and criminal justice assistance activities, programs conducted, results, and problems discovered § 670.

6. Part E grant recipients monitor the progress and improvement of the correctional system § 453 (11); States and local governments submit such annual reports as LEAA shall require § 453 (12).

7. State plans provide for submission of such reports as NILECJ shall require to evaluate funded projects § 303 (a) (13).

8. LEAA has compiled with assistance from other Departments, the reports for the Interdepartmental Council to coordinate all Federal juvenile delinquency programs.

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1. LEAA establishes overall policy for all Federal juvenile delinquency programs relating to prevention, diversion, treatment and improvement of the juvenile justice system in the U.S. § 474 (a).

2. LEAA is to evaluate the performance and results of Federal juvenile delinquency programs, and the potential of alternative programs § 474 (b) (3).

3. LEAA will file an annual report to the President and the Congress evaluating Federal juvenile delinquency programs, and recommending modifications to increase their effectiveness § 474 (b) (5).

4. LEAA will provide the President and the Congress, a comprehensive plan for Federal juvenile delinquency programs § 474 (b) (6).

5. State formula grants can be used for evaluation projects § 480.

6. The State plan must: Include a detailed study of State needs for juvenile delinquency and juvenile justice programs § 482 (a) (8); provide for the development of evaluation capacity within the State § 482 (a) (12); provide for a system of monitoring jails and institutions, with an annual report for LEAA, to insure juveniles are not detained with adults and juveniles charged with crimes are not placed in detention facilities § 482 (a) (15); provide for annual report to LEAA and evaluation of the effectiveness of programs § 482 (a) (21).

7. Applications for special emphasis program grants shall: Provide for regular evaluation of the program § 484 (b) (4); contain SPA comments in review of the application § 484 (b) (5); provide that regular reports will be sent to both the SPA and LEAA § 484 (b) (6).

8. The NIJJ is authorized to: Conduct, encourage, coordinate evaluation of any aspect of juvenile delinquency especially new programs § 410 (1); provide for evaluation of all programs assisted under this title § 410 (3); provide for the evaluation of any other Federal, State, or local juvenile delinquency program upon the request of LEAA § 410 (4); disseminate the results of such evaluation § 410 (5).

9. The NIJJ shall submit an annual report on research, demonstration, training and evaluation programs funded under this title, including an evaluation of the programs and recommendations for future programs § 413.

10. The Advisory Committee on Standards for Juvenile Justice shall within one year of the passage of the Act submit a report to the President and the Congress which (1) recommends Federal action to aid in the adoption of recommended standards for the administration of juvenile justice; and (2) recommends State and local action to facilitate this adoption at the State and local level § 414 (b).

Finally, it is necessary to amend the Federal Juvenile Delinquency Act to guarantee certain basic procedural and constitutional protections to juveniles under Federal jurisdiction. The Committee believes that the Act should provide for the unique characteristics of a juvenile

proceeding and the constitutional safeguards fundamental to our system of justice. Six years after the Supreme Court in *In Re Gault*,³¹ decried the lack of certain due process protections in juvenile proceedings, the Federal Juvenile Delinquency Act has not been changed to reflect those due process rights. The Federal law also needs to be brought up-to-date to incorporate the rehabilitative concept of a juvenile proceeding as promulgated in model juvenile court acts.

Although less than 700 juveniles are annually processed through Federal court,³² the Federal Juvenile Delinquency Act assumes additional importance since the Federal code is often considered a model for state statutes. At a time when many states have already or are re-examining their own juvenile codes, it is essential that the Act be a model code for juveniles, combining the unique benefits of the juvenile system with virtually all the constitutional rights guaranteed an adult in a criminal prosecution. Perhaps the Federal Juvenile Delinquency Act can exercise an important influence on state and local progress towards a higher standard of juvenile justice.^{32a}

NATIONAL INSTITUTE OF CORRECTIONS

In Committee, Senator Burdick introduced an amendment for establishment of a National Institute of Corrections within the Bureau of Prisons.³³ This amendment was subsequently incorporated into the amendment in the nature of a substitute offered by Senator Hruska and adopted by the Committee.

The idea of a National Institute of Corrections has been discussed in correctional circles for many years, and bills to establish such an institute or academy have been introduced in the Congress in several previous sessions over the past twenty years. More recently a firm proposal for the establishment of an Institute was recommended by the National Conference on Corrections held at Williamsburg, Virginia, in December 1971, and attended by a cross-section of some 350 correctional practitioners and educators from all parts of the nation. The proposal was strongly endorsed by the National Advisory Commission on Criminal Justice Standards and Goals in its 1973 Corrections report.³⁴

The need for a National Institute of Corrections has become acute. The field of Corrections has traditionally lacked adequate budgetary support, and this neglect has resulted in many deficiencies and a general lack of effectiveness among the various components of Corrections. Most persons convicted of or arrested for criminal or delinquent acts have previously been clients of the Correctional system one or more times.

The National Institute of Corrections can result in a coordination of effort and direction. There are more than fifty prison systems in the

³¹ 387 U.S. 1 (1967).

³² Administrative Office of the United States Courts, *Federal Juvenile Offenders*, Washington, D.C.

^{32a} Senator McClellan, on behalf of himself and others, wishes to be on record to the effect that he has reached substantial agreement with the manager of S. 821 regarding certain amendments to title II which would have been added in Committee but for a procedural complication. Senator McClellan would call attention to the fact that Title II falls within the purview of the criminal codification effort currently underway by the Subcommittee on Criminal Laws and Procedures.

³³ This amendment paralleled S. 3948 introduced by Senator Hruska on Sept. 5, 1972 (see Congressional Record, Sept. 5, 1972 (daily edition) at p. S 14039) but placed the proposed Institute within the Executive Office of the President rather than the Bureau of Prisons.

³⁴ *Supra* note 8, at 603-4.

United States, and a comparable number of juvenile institutional systems. Within the individual jurisdictions the correctional systems lack unification or consistent philosophies and approaches in dealing with criminal and delinquent behavior among their clients. There are literally thousands of separate probation departments, and thousands of jails, all working in relative isolation. The recent proliferation of community-based corrections projects and the increasing participation of private agencies in corrections, as desirable as this trend has been, has added to the general picture of fragmentation and confusion of objectives and practice.

Personnel deficiencies in the field are deplorable. Correctional agencies are typically understaffed, and the personnel lacking in educational preparation and training. Salary levels in most correctional agencies are gravely unsatisfactory, and performance standards either absent or unable to be met.

There are wide variations in the use of correctional alternatives. Some jurisdictions rely heavily on prisons and jails, the most expensive and least effective component of corrections. In other jurisdictions, the trend toward the use of the community-based resources and programs proceeds uncertainly, often lacking adequate funding and public and official understanding.

Although the social sciences are producing a great bank of knowledge and insight concerning human behavior, the application of these findings to corrections has been painfully slow. Correctional agencies typically are equipped only to provide the barest of traditional services. Research efforts have been sporadic, uncoordinated and inadequately funded. The field has not even been able to develop common definitions and methods for recidivism studies; as a result, the effectiveness of individual correctional programs cannot be determined with accuracy, and comparisons in the relative effectiveness of various types of programs and techniques cannot be made. In this confusion, many correctional agencies have given up any attempt at measuring the results of their work in reducing crime and delinquency.

There is no commonly accepted national policy for corrections, and efforts to establish realistic goals and standards have only recently been initiated, with the work of the National Advisory Commission on handicapped by the general lack of coordination and communication in the Corrections field.

The Federal government since 1969 has been engaged in the national drive to reduce the incidence of crime and delinquency, which has reached a level which cannot be accepted or tolerated by a civilized society. Of all the components of the criminal justice system, Corrections is recognized as the weakest and has frequently been characterized as the "step-sister." Under the Omnibus Crime Control and Safe Streets Act of 1968 substantial funds have been made available for the improvement of Corrections, and the states and localities have been budgeting for Corrections about a third of the annual block grants appropriations.

The provision for a National Institute of Corrections in this bill is intended to establish a center in the nation to which the multitude of correctional agencies and programs of the states and localities can look for the many different kinds of assistance that they require. The

Institute would serve as a center of correctional knowledge. It would identify and study the many problems that beset the Correction field. With the advice and active participation of state and local correctional personnel it would develop national policies for the guidance and coordination of correctional agencies. It would evaluate correctional programs and practices. It would work with colleges, universities and correctional agencies to develop educational and training programs for correctional personnel. It would develop a research strategy through which bodies of knowledge in related fields can be applied to Corrections. It would provide highly qualified technical assistance which state and local agencies can draw upon as their needs dictate.

The National Institute of Corrections would fill a need which is now being only partially and inadequately met. It would be an instantly available and highly qualified resource for correctional agencies, which now must choose among a welter of "experts" and correctional literature with frequently conflicting points of view founded upon inadequate or totally absent study, research, and evaluation.

A beginning has already been made. Following the National Conference on Corrections in December 1971, the Department of Justice administratively initiated the development of a National Institute of Corrections. The Department convened a panel of state correctional administrators and other practitioners in the field in April 1972 to develop the general concept of a National Institute, and shortly thereafter a more permanent policymaking Advisory Panel of fourteen members was formed. The Panel was composed of Federal and state correctional practitioners, educators with a special interest in corrections, judges, and laymen. A small staff was contributed by the Bureau of Prisons, in which the Institute was housed, and the Law Enforcement Assistance Administration contributed funds for the support of pilot programs, \$1.7 million the first year and \$2.3 million the second year.

Under the auspices of the National Institute of Corrections a number of projects have already been undertaken:

Three criminal justice executive institutes—each involving 40 top-level administrators (state correctional directors, wardens, chief probation officers, parole board members, judges, and chiefs of police)—were held at the University of Chicago, California State University at Long Beach, and the University of Southern California. The thrust of the institutes was the development of management capabilities among these administrators to bring about improvements within their respective agencies.

Thirty-three middle management institutes each involving 40 associate wardens, institutional department heads, assistant chief probation officers, and line supervisors—were conducted by the Western Interstate Commission on Higher Education. The emphasis in these institutes was on the improvement of the management process in their agencies.

The Western Interstate Commission on Higher Education conducted on-site the implementation of organizational development concepts at the Arizona state department of corrections; the Boulder, Colorado, sheriff's office and jail; and the Utah state penitentiary. This effort involved the entire administrative staff of these agencies.

The University of Georgia trained 45 representatives of various state correctional institutions systems in techniques which would en-

able them to train their own personnel in counselling methods to assist offenders in solving their problems.

The California Youth Authority conducted 5 seminars, involving 125 classroom trainers and managerial trainers of state correctional systems, in training techniques designed to bring about desired change in their respective correctional agencies.

Incident to the training of 120 personnel, from line personnel to agency head, of the South Carolina Department of Corrections, in "management by objectives" techniques, the National Institute of Corrections conducted an evaluation of management performance of the Department before, during, and after the training program. A notable improvement in management performance was observed.

Six other projects involving new concepts in corrections have been developed and are scheduled for early funding. In addition, the National Institute has been providing technical assistance to state and local correctional agencies as an outgrowth of the projects that have been completed so far, although it has been unable to keep up with such requests due to limitations of staff and resources.

State and local correctional agencies have shown a high interest in the various seminars, institutes, and training programs conducted by the National Institute, and application to participate from these agencies have vastly exceeded available spaces. The National Institute has also conducted follow-up evaluation to determine whether or not participation in these programs has had the intended results, in terms of bringing about improvements in correctional agencies. The Institute found that the participants have carried through in accomplishing in their respective agencies the changes and improvements to which they had committed themselves during the course of their Institute training.

These pilot programs, although necessarily limited in objective, have given promise that a more intensified effort, involving greater numbers of state and local correctional personnel and a wider scope of National Institute activities, can achieve a significant transformation of the Corrections field in the United States. It is the intent of this bill therefore to provide for the National Institute a statutory base and structure, an expanded role, and a more permanent and prominent status, in keeping with its potential importance in helping the Corrections field to become a truly effective agent in the reduction of crime and delinquency.

Section 701 of the bill amends title 18 U.S.C. and would establish the National Institute of Corrections in the Bureau of Prisons. The committee is aware of traditional objections to the placement of an activity of this kind in a single operating correctional agency, particularly one heavily involved with institutions at a time when the majority of offenders are being placed on probation or in various types of community-based programs. The committee has also considered the pros and cons of placing in a Federal correctional agency an activity intended primarily to serve state and local agencies on a voluntary basis. However, these objections would appear to be overcome by other provisions of this bill as set forth below. Also, the Administration through policy and the Congress through heavily increased appropriations in recent years are engaged in developing the Federal correctional system into a model which the states might emulate. The placement of the National Institute in the Bureau of Prisons would

facilitate that effort, by bringing to the Bureau a wealth of fresh ideas in corrections and enabling it to serve as a laboratory in experimentation and demonstration programs from which the states and localities can be expected to receive great benefits.

Section 4351 (b) amending title 18 U.S.C. provides that the Institute would be under the general supervision and direction of a Board consisting of fifteen members: five Federal officials, five practitioners in corrections, and five individuals from the private sector who have demonstrated an active interest in the field. The five Federal members would be the Director of the Federal Bureau of Prisons or his designee, the Administrator of the Law Enforcement Assistance Administration or his designee, the Chairman of the United States Parole Board or his designee, the Director of the Federal Judicial Center or his designee, and the Assistant Secretary for Human Development of the department of Health, Education, and Welfare or his designee. The Board would elect its own Chairman and Vice Chairman and establish its governing rules of procedure.

Under section 4351 (h) amending title 18 U.S.C. the Institute would be under the supervision of a Director appointed by the Attorney General after consultation with the Board. It is expected that the Board would canvass the entire nation to identify among the various correctional agencies and educational institutions the best qualified candidates for presentation to the Attorney General. This process would be one factor in minimizing possible objections to the placement of the Institute in an operating Federal correctional agency.

Section 4351 (h) amending title 18 U.S.C. further provides that 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 civil service and classification laws, as are necessary to the functioning of the Institute. It is expected that the staff, faculty and other personnel of the Institute will be selected to represent as widely as possible a range of educational institutions and state and local correctional agencies, in order to avoid the development of an in-house Federal character to the Institute, which might handicap the credibility or acceptance of the Institute services to its state and local clientele. This principle would also apply to the authorization in this section for the Director to appoint such technical or other council's comprised of consultants to guide and advise the Institute.

Section 4351 (h) amending title 18 U.S.C., in addition, authorizes the Director to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. This provision will enable the Institute to benefit from the contributions of the many private foundations and private individuals who are interested in helping to support the objective correctional improvement.

Subsection (1) of section 4352 (a) amending title 18 U.S.C. would authorize the Institute to receive from or make grants to and enter into contracts with Federal, State and local departments and agencies, private organizations, and individuals to carry out the purposes of the Act. This would enable the Institute to benefit from the resources and expertise of such agencies as the Department of Health, Education, and Welfare, the Department of Labor, the Administrative Office

of the U.S. Courts, and others, as well as comparable state and local agencies and private organizations who have been active in supporting correctional reform efforts. It would also broaden the base of participation in Institute activities and further avoid any possible tendency toward parochialism.

Succeeding subsections would authorize the Institute to—

(1) serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on corrections, probation, and parole;

(2) assist and serve in a consulting capacity to Federal, State, and local courts, departments and agencies;

(3) encourage and assist Federal, State and local government and private agencies, institutions, and organizations in their efforts to develop and implement corrections, probation, and parole programs;

(4) devise and conduct in various geographical locations, seminars, workshops, and training programs for criminal justice personnel and other persons, including ex-offenders and paraprofessional personnel, connected with the treatment and reintegration of criminal and juvenile offenders;

(5) 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 departments and agencies which work with prisoners, probationers, parolees, and other offenders;

(6) conduct, encourage, and coordinate research;

(7) formulate and disseminate correctional policies, goals, and standards recommendations for Federal, State, and local departments and agencies, private organizations, and individuals; and

(8) conduct evaluation programs which study the effectiveness of new approaches, techniques, systems, and programs, employed to improve corrections, probation and parole.

The projected scope of activities, covering both adult and juvenile offenders and the full range of correctional problems, programs, and needs—with due emphasis on community corrections as opposed to institutional corrections—would establish the Institute as the focal point for a long-belated national drive to bring about vitally needed improvements and reform in corrections. At present such efforts are scattered, uncoordinated, and carried out in a largely piece-meal and token fashion. The Institute would help immeasurably in bringing organization, direction, and public and official recognition and support to such efforts. Its coordinating role would also assist in eliminating the duplication and waste of public and private funds that now often attends correctional reform, particularly in the area of research.

Further subsections would authorize the Institute to—

(1) 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;

(2) arrange with and reimburse the heads of Federal departments and agencies for the use of personnel, facilities or equipment of such departments and agencies;

(3) confer with and avail itself of the assistance, records, and facilities of State and local departments or agencies, private organizations, or individuals;

(4) enter into contracts with State and local departments and agencies, private organizations, or individuals for the performance of any of the duties of the Institute; and

(5) procure the services of experts and consultants.

These provisions will further augment the resources available to the National Institute and insure a broader base of participation by interested Federal agencies as well as State and local agencies.

Further sections provide for annual reports to the President and to the Congress, records to be kept by recipients of assistance under this bill, the auditing of grants by the Institute and the Comptroller General of the United States, and the appropriation of such sums as may be necessary to carry out the activities of the Institute.

The current state of relative ineffectiveness of the Corrections field, the lack of confidence in the field by the public and other criminal justice agencies, and the still-rising rate of crime and delinquency dictate the development of a nationally coordinated effort to transform Corrections into a system that is capable of performing the functions that it is supposed to. The National Institute of Corrections, as conceived in this bill, can provide the needed coordination, stimulus, and leadership. It can do this without contributing to the needless proliferation of "Institutes." A National Institute of Corrections fits within the sphere of Federal influence because of the total and complete recognition that the State of Correctional activities in the United States amounts to a national problem of such moment that only this course can yield the results which we hope to achieve.

CONCLUSION

The Committee believes that this nation has reached a turning point in the way we handle children in trouble. It is imperative that this nation devote its resources and talents to resolving the legal and social issues involved in the prevention and control of delinquency. We can continue upon the same paths, locking children up in institutions, often for acts which are not crimes, where the only "rehabilitation" is brutalization or, at best, alienation. Alternatively, we can seize upon a unique opportunity—the chance to develop new methods of redirecting behavior that endangers society, unhampered by the forms and restrictions of our traditional juvenile correctional system. Many states and localities have already embarked upon this new direction, but are finding that it requires new resources, resources that are unavailable at the state and local level.

The Committee is firmly convinced that the Federal government must supply the needed resources to combat delinquency. Yet the Committee has found that present Federal efforts are limited, and that lack of leadership and coordination further disperses the assistance available. The Committee believes that S. 821, as amended, can produce the desperately needed national leadership in the fight against delinquency. Passage of S. 821, as amended, will provide both the authority and resources that have so long been needed to make a concerted, effective national attack on the prevention and treatment of juvenile delinquency.

COST ESTIMATES PURSUANT TO SECTION 252(a) 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, titles I-V, is as follows:

For Fiscal Year 1974, \$100,000,000.

For Fiscal Year 1975, \$200,000,000.

For Fiscal Year 1976, \$300,000,000.

To carry out title VII, such sums as may be necessary.

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to Sections 133(b) and (d) of the Legislative Reorganization Act of 1946, as amended by Public Law 91-510, the following is a tabulation of votes in Committee:

1. Amendment offered by Senator Hruska to delete all references to HEW Administration and establish a new Part F in the LEAA legislation entitled, "Juvenile Delinquency Prevention and Control," and other changes, and modified by Senator Burdick's amendment which would establish a National Institute of Corrections in the Bureau of Prisons. Adopted: 8 yeas; 5 nays.¹

YEAS—8

McClellan	Scott
Burdick	Thurmond
Hruska	Gurney
Fong	Eastland

NAYS—5

Hart	Tunney
Kennedy	Mathias
Bayh	

2. Motion by Senator Bayh to order reported S. 821, as amended. Adopted: unanimously.

SECTION-BY-SECTION ANALYSIS OF S. 821

TITLE I

Title I states the findings and declaration of purpose of the legislation and defines certain terms.

Section 101 contains eight specific findings of the Congress regarding juvenile crime and delinquency, existing juvenile facilities, institutions and programs, and the need for action by the Federal Government.

Section 102 enumerates nine purposes of the act.

Section 103 amends Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by adding at the end of that section definitions of the terms "community-based" facility, program or

¹ Although he was absent on business from the May 8 Executive Session of the Committee, Senator Ervin has requested that he be associated with the views set forth herein indicating support for LEAA, as opposed to HEW, as the responsible agency under S. 821.

service, "Federal juvenile delinquency program," and "juvenile delinquency program."

TITLE II—AMENDMENTS TO THE FEDERAL JUVENILE
DELINQUENCY ACT

Section 201 amends 18 U.S.C. § 5031 to include within the definition of juveniles those persons over 18 years of age who are alleged to have committed an act of juvenile delinquency prior to their eighteenth birthdays, and to include capital crimes within the definition of "juvenile delinquency".

Section 202 amends 18 U.S.C. § 5032 in the following manner: A juvenile shall not be proceeded against in Federal court unless the State courts refuse jurisdiction, or do not have adequate services available. If a juvenile is proceeded against in Federal court, he or she shall be proceeded against as a juvenile unless he or she requests, with advice of counsel, to be treated as an adult, or unless he or she is over sixteen years old, is allegedly to have committed a felony, and after a hearing upon motion of the Attorney General at which the juvenile is accorded all due process rights, is found by the court to have no reasonable prospects for rehabilitation before his or her twenty-first birthday. Specific criteria are listed by which the court shall assess the prospects for rehabilitation, and findings are required with regard to each criterion. Subsequent proceedings on the basis of the alleged act are barred in any court after a plea has been entered in one court. Statements made prior to a transfer to criminal prosecution are made inadmissible for the purposes of any criminal prosecution. In present law, the choice of juvenile or adult trial is with the discretion of the Attorney General.

Section 203 amends 18 U.S.C. § 5033 to provide that a juvenile when taken into custody, must be advised of his or her rights, in a manner consonant with his or her age, and taken to a magistrate forthwith. Notice of the apprehension, nature of the alleged offense, and rights of the juvenile must also be given to parents, guardians and custodians.

Section 204 amends 18 U.S.C. § 5034 to provide that when a juvenile appears before the magistrate, he or she must be represented by counsel, at court expense if necessary. Following the appearance, the juvenile must be released to the custody of parents, guardian, custodian or other responsible adult, unless the court affirmatively finds, after a hearing, that detention is necessary to secure the juvenile's timely appearance before the court or to insure the safety of the juvenile or others. The new section establishes a presumption for release of the juvenile.

Section 205 amends 18 U.S.C. § 5035 to provide as follows: If the magistrate orders the juvenile detained, such detention must be in as non-restrictive an environment as possible. In no circumstances may a juvenile be detained in an institution in which adult persons convicted of, or alleged to have committed a crime, are detained. Alleged and adjudicated delinquents must be separated. In all forms of detention, a juvenile must be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological or other treatment.

Section 206 amends 18 U.S.C. § 5036 to provide that a delinquent must be brought to trial within 30 days of arrest. The remedy for a failure to comply is a dismissal of the information with prejudice. Exceptions are made for unavoidable or consensual delay, except that due to court calendar congestion.

Section 207 amends 18 U.S.C. § 5037 to provide that a juvenile is entitled to all rights that would be accorded an adult in a criminal prosecution, except the right to a grand jury indictment. The right to a public trial is limited by permitting access only by the press, and only under the condition that information that could identify the juvenile not be disclosed. Violation of the condition is made punishable as contempt of court.

Section 208 amends Title 18, U.S.C. by adding a new section 5038 to provide as follows: Following an adjudication of delinquency the court may order further study or hold a separate dispositional hearing. The dispositional hearing must be held within 20 days, and attorneys for both the juvenile and the government must receive copies of the presentence report at least three days prior to the hearing. At the hearing, the court may suspend the adjudication of delinquency with conditions as it deems proper; or it may place the juvenile on probation or commit the juvenile to the custody of the Attorney General for a period not to extend beyond the juvenile's twenty-first birthday, or the maximum term for which a sentence could have been imposed on an adult convicted of the same offense, whichever comes first. If the court orders further study, or desires such study prior to adjudication, it may commit the juvenile after notice and hearing. Such study must be conducted on an out-patient basis, unless the court determines that in-patient study is essential. Results of the study must be reported within thirty days, unless the court grants additional time.

Section 209 amends Title 18, U.S.C. by adding a new section 5039, subsection (a) of which would provide that the files and records of any delinquency proceeding are to be sealed after completion of the proceeding, and released only to courts of law, persons preparing reports for courts of law, law enforcement agencies investigating a crime or position within the agency, the director of a facility to which the juvenile is committed, or government personnel for national security reasons. When an inquiry is related to employment, license, bonding, or any civil right or privilege, the information may not be released, and the response may not differ from responses about persons not involved in delinquency proceedings.

Subsection 5039(b) would provide for the destruction of all records of proceedings in which an adjudication of delinquency was not entered.

Subsection 5039(c) would provide that District courts must inform the juvenile and his or her parents or guardian of rights regarding the confidentiality of records, in language comprehensible to those persons.

Subsection 5039(d) provides that records prepared by governmental employees in the course of juvenile proceedings are subject to the same disclosure restrictions as court records.

Subsection 5039(e) provides that a juvenile shall not be photographed or fingerprinted, except by court order, unless he or she is

transferred for criminal prosecution under § 5032, and that neither the name nor picture of the juvenile may be made public.

Section 210 amends Title 18 U.S.C. by adding a new section 5040 to provide that a juvenile committed to the Attorney General has a right to treatment, and that conditions of confinement must reflect as nearly as possible an adequate home environment, including but not limited to, adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education and medical care, including necessary psychiatric, psychological, or other care. Juveniles may not be confined in adult jails or correctional institutions. There is a presumption in favor of commitment to a nonrestrictive foster home or community-based facility wherever possible.

Section 211 amends Title 18 U.S.C. by adding a new section 5041 to authorize the Attorney General to contract with public and private entities for the provision of services for juveniles in his custody, and to promulgate such regulations and expend appropriations as are necessary for this purpose.

Section 212 amends Title 18 U.S.C. by adding a new section 5042 to provide for release of juveniles on conditions deemed necessary by the Board of Parole, as soon as the Board is satisfied that the juvenile is not likely to violate the law.

Section 213 amends Title 18 U.S.C. by adding a new section 5043 to provide for notice and hearing with counsel before a juvenile may have his probation or parole revoked.

Section 214 amends the table of sections of chapter 403 of Title 18 U.S.C. in accordance with the above amendments.

TITLE III

Title III further amends the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to add a new Part F dealing with juvenile delinquency prevention and control to Title I of that Act.

Section 301 is the operative provision of the Title. Nine new sections are included in the new Part F, as follows:

Section 471 creates within the Department of Justice, Law Enforcement Assistance Administration (LEAA) an Office of Juvenile Justice and Delinquency Prevention (Office), to be headed by a Director who is subject to the direction of the Administrator of LEAA. A Deputy Director is also provided for. An Assistant Director is to supervise and direct the National Institute for Juvenile Justice established under section 501 of the Act.

Section 472 authorizes the Administrator to select, employ and fix the compensation of officers and employees of the Office. Three officers may be appointed at a rate not above that prescribed for government grade GS-18. Provision is also made for use of experts and consultants and the detailing of employees from other Federal agencies.

Section 473 permits the acceptance of voluntary and uncompensated services, notwithstanding the provisions of 41 U.S.C. 665 (b).

Section 474 requires the Administrator to establish overall policy and develop objectives and priorities for all Federal juvenile delinquency, juvenile justice and related programs and activities. The Administrator shall consult in this effort with the Interdepartmental Council on Juvenile Delinquency and the National Advisory Commit-

tee for Juvenile Justice and Delinquency Prevention. To carry out the purposes of the Act, the Administrator is authorized and directed to undertake a number of responsibilities. These include advising the President, assisting other agencies when necessary, conducting and supporting evaluations and studies of juvenile delinquency programs and activities, coordinating programs and activities among Federal departments, developing analysis and evaluation of Federal functioning under the Act, developing a comprehensive plan for Federal juvenile delinquency programs, and providing technical assistance. The Administrator may utilize the services of other Federal agencies on a reimbursable basis, and may request information and reports from the agencies as necessary. Funds may be transferred to other Federal agencies for the development of new methods or supplement existing programs in the area of juvenile delinquency prevention and rehabilitation. The Administrator is further authorized to make grants and enter into contracts to carry out the purposes of the Act, and he may delegate any functions except that of making regulations. The Administrator must coordinate his activities as necessary with the Secretary of H.E.W. as regards the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.).

Section 475 provides for unified administration of juvenile delinquency programs funded by more than one Federal agency. The Administrator may request one agency to act for all. A single non-Federal share requirement may be established, and technical requirements may be waived where inconsistent.

Section 476 establishes an Interdepartmental Council on Juvenile Delinquency consisting of the heads of various Federal agencies whose programs have a direct bearing on the problems surrounding juvenile delinquency. The Attorney General is to serve as Chairman of the Council. The Council shall meet a minimum of six times per year and shall coordinate all Federal juvenile delinquency programs. An Executive Secretary and such personnel as necessary shall be appointed by the Chairman. Provision is made for the designees of the Council members to serve in their place.

Section 477 establishes a National Advisory Committee for Juvenile Justice and Delinquency Prevention consisting of 21 members. Interdepartmental Council members or their designees are to be ex officio members of the Committee. The regular members are to be appointed by the President and are to have special knowledge or experience concerning juvenile delinquency and juvenile justice. A majority of the members, including the Chairman designated by the President, are not to be full-time employees of Federal, State or local governments. At least seven of the members must be under the age of 26 at their appointment. The members will be appointed to a four-year term, on a staggered basis.

Section 478 specifies the duties of the Advisory Committee. The Committee must meet a minimum of four times a year and will make recommendations to the Administrator regarding planning, policy, priorities, operations and management of all Federal juvenile delinquency programs. Subcommittees may be designated for particular purposes. One five-member subcommittee shall serve as members of an Advisory Committee for the National Institute for Juvenile Justice.

Another five-member subcommittee shall serve as an Advisory Committee on Standards for Juvenile Justice.

Section 479 provides for the reimbursement of expenses of Advisory Committee members and for the compensation of members not employed by the Federal Government.

Section 302 of Title III redesignates Parts F, G, H, and I of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, as Parts G, H, I, and J, respectively.

TITLE IV

Title IV adds eight additional sections to the newly created Part F of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. These provisions establish a Federal assistance program for State and local government for juvenile justice, delinquency and related programs. Sections 480 through 482, create a formula grant program. Sections 483 and 484 provide for special emphasis prevention and treatment programs.

Section 401 is the operative provision of Title IV. The eight sections added to Part F are as follows:

Section 480 authorizes the Administrator to make grant to States and local government to assist them with programs and activities related to juvenile justice and juvenile delinquency.

Section 481 provides for allocations of funds under Part F among the States on the basis of population of people under age 18. No State is to get less than \$200,000, except for certain island territories. Funds unallocated at the end of any fiscal year are to be reallocated in an equitable manner. Any reallocated amounts are in addition to the amounts already available. Not more than 15 percent of a State's allotment may be used for developing a State plan and administering the program. Local governments are to share in this planning and administration money. Such allocations are subject to regulation.

Section 482 requires that each State have a plan for carrying out the purposes of the legislation in order to get formula grants. The requirements for the State plans are set forth in twenty-two enumerated paragraphs and are as follows:

The State planning agency already established to implement the Omnibus Crime Control and Safe Streets Act is to be solely responsible for planning and administration of the plan;

The State planning agency must be shown to have authority to implement the plan;

An advisory group shall be appointed by the chief executive of the State to advise the State planning agency and its supervisory board. The make-up of the advisory group, similar to that of the National Advisory Council for Juvenile Justice and Delinquency Prevention, is specified;

Local governments must be actively consulted and local needs taken into account;

50 percent of the funds received by a State are to be expended through local government programs, unless waived by the Administrator because juvenile services are organized primarily on a statewide basis;

The chief executive officer of the local government shall designate a local agency responsible for preparation, administration

and supervision of the local part of the State plan and local programs funded;

Funds received must be equitably distributed within a State;

A detailed study of State needs for an effective, comprehensive, coordinated approach to juvenile justice and delinquency prevention must be set forth. This study is to include an estimate cost for implementation;

Private agencies are to be consulted and participate in development and execution of the State plan. Existing programs are to be used where feasible;

75 percent of the funds available to a State are to be used for advanced techniques and programs for prevention of delinquency, diversion of juveniles from the juvenile justice system, use of probation subsidies, and provide community-based alternative to detention. Six examples of advanced techniques are specified;

A statewide program is to be provided for which is aimed at reducing commitments of juveniles to correctional facilities, increasing the use of community based facilities, and discouraging the use of secure detention and incarceration;

Within two years after submission of the plan, the State must assure that juveniles who have committed or been charged with offenses not criminal if committed by an adult, are placed in shelter facilities rather than correction or detention facilities.

Juveniles alleged or adjudicated to be delinquents are not to be detained or confined in any institution in which they have regular contact with alleged or adjudicated adult criminals;

The State must provide for monitoring of jails and detention and correctional facilities to assure that the requirements of the preceding two paragraphs are complied with. Findings are to be reported to the Administrator annually;

Assurance must be made that assistance will be equitably available to all youths, including those who may be handicapped or a member of a minority group;

Procedures are to be established for protecting the rights of recipients of services and assuring privacy of records regarding such services;

Arrangements are to be made to protect the interests of employees affected by assistance under the Act;

Fiscal control and fund accounting must be provided for;

Assurance must be made that Federal funds available will be used to supplement and increase, not supplant, other available State, local and non-Federal funds;

The State planning agency must review its plan at least annually and submit an analysis, evaluation and any necessary modifications to the Administrator;

The plan is to contain such other terms and conditions as the Administrator reasonably prescribes to assure program effectiveness.

The State advisory group is to approve the State plan and any modifications prior to its submission. The Administrator is to approve any plan which meets the requirements of the section. If a State does not submit a plan, or submits one which the Administrator finds, after

notice and hearings, does not meet the section's requirements, then the Administrator is to make the State's allotment otherwise available for special emphasis prevention and treatment programs, as defined in Section 483.

Section 483 authorizes the Administrator to make grants and enter into contracts for developing and implementing new approaches, techniques and methods for juvenile delinquency programs, for developing and maintaining community-based alternatives to incarceration, for developing and implementing new means of diversion, for improving the capability of public and private agencies to provide services to delinquents and those in danger of becoming delinquents, and for facilitating adoption of the recommendations of the Advisory Committee on Standards for Juvenile Justice. Priority for grants is to be given to private organizations or institutions who have had experience dealing with youth. No less than 25 percent of the funds appropriated each fiscal year pursuant to Part F are to be available only for special emphasis prevention and treatment programs.

Section 484 requires submission of an application for grants under Section 483 and sets forth the requirements for such application. The application must provide for supervision by the applicant, a program carrying out one of the purposes of Section 483, proper and efficient administration, regular evaluation, review by the State planning agency when appropriate, regular reports to the Administrator, and necessary fiscal control and fund accounting procedures. In determining whether or not to approve applications, the Administrator must take into account cost and effectiveness of proposed programs, the extent the program is new or innovative, the extent to which the program is consistent with the State's plan, the increase in capacity of the applicant to provide necessary services, the rates of youth unemployment, school dropout and delinquency in the community to be served, and the extent to which the program facilitates the implementation of the recommendations of the Advisory Committee on Standards for Juvenile Justice.

Section 485 provides for operation of the withholding provisions of the Act if the Administrator finds that a program or activity which was the subject of a grant has so changed that it no longer complies with the provisions of the title or operates without so complying. Such a finding will be made only after due notice and hearing.

Section 486 provides that funds paid may be used for securing, developing or operating programs carrying out the purposes of the part, or for up to 50 percent of the construction cost of innovative community-based facilities for less than 20 persons which the Administrator feels are necessary for carrying out the purposes of the part.

Section 487 sets forth the policy of Congress that programs should receive continued funding if evaluation is satisfactory. At the Administrator's discretion, a State may use 25 percent of the funds available to it under the part to meet the non-Federal matching share requirement for any other Federal juvenile delinquency grant. There must be no other way for a necessary project to be funded. Otherwise, the Administrator may require a grant recipient to contribute money, facilities, or services.

TITLE V

Title IV further amends the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to establish within the existing National Institute for Law Enforcement and Criminal Justice a National Institute of Juvenile Justice and a National Institute of Corrections. Section 501 adds eight new sections creating the National Institute of Juvenile Justice. Sections 502 and 503 establish the National Institute of Corrections.

Section 404 establishes a National Institute for Juvenile Justice within the National Institute of Law Enforcement and Criminal Justice. It is to be under the supervision and direction of the Administrator and headed by an Assistant Director of the National Institute of Law Enforcement and Criminal Justice.

Section 405 authorizes the National Institute for Juvenile Justice to serve as an information bank by collecting and synthesizing data concerning juvenile delinquency, and to serve as a clearinghouse and information center for the preparation, publication and dissemination of all information regarding juvenile delinquency.

Section 406 authorizes the National Institute for Juvenile Justice to conduct, encourage and coordinate research and evaluation into any aspect of juvenile delinquency, encourage development of demonstration projects using new and innovative techniques, evaluate assisted programs, and disseminate the results of evaluations, research, and demonstration projects.

Section 407 authorizes the National Institute for Juvenile Justice to develop, conduct, and provide for training programs, seminars, and workshops for personnel engaged in work or preparing to work in areas related to juvenile delinquency.

Section 408 provides that the Advisory Committee for the National Institute for Juvenile Justice (established in Section 478) shall advise, consult with, and make recommendations regarding the overall policy and operations of the Institute.

Section 409 provides that the Assistant Director is to report annually on the programs of the Institute to the Administrator. A summary of this report shall be included in the Administrator's annual report to the President and Congress, as required by Section 474.

Section 410 requires the National Institute for Juvenile Justice, under the supervision of the Advisory Committee on Standards for Juvenile Justice, to review existing reports and data and develop standards relating to juvenile justice. Within one year of passage of the section, a report is to be made to the President and Congress recommending Federal, State, and local action to facilitate adoption of the standards developed. The Advisory Committee can get information as needed from other Federal agencies.

Section 411 provides that records containing the identity of individual juveniles gathered for purposes of the title may not be disclosed or transferred to any individual or other public or private agency.

Section 502 of Title V redesignates Sections 403, 404, 405, 406 and 407 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, as Sections 411, 412, 413, 414 and 415, respectively.

TITLE VI

Section 601 authorizes the appropriation of \$100,000,000 for the fiscal year ending June 30, 1974, \$200,000,000 for the fiscal year ending June 30, 1975, and \$300,000,000 for the fiscal year ending June 30, 1976.

Section 602 specifies that no more than 15 percent of the funds appropriated annually for the purposes of the Act are to be used for Title V.

TITLE VII

Title VII creates a National Institute of Corrections within the Bureau of Prisons, by amending Title 18 U.S.C. by adding a new Chapter 319.

Section 701 is the operative provision of the Title. Three new sections are included in the new Chapter 319, as follows:

Section 4351 establishes a National Institute of Corrections within the U.S. Bureau of Prisons. A 15 member Advisory Board is to supervise the overall policy and operations of the National Institute of Corrections. Five Federal officials are designated as ex-officio members. Five members are to be qualified as a practitioner in the field of corrections, probation or parole, while five are to be from the private sector. Advisory Board members are to be appointed by the Attorney General for three-year, staggered terms. A chairman and vice-chairman are to be elected from among the Board's members. Provision is made for compensation and reimbursement for expenses.

The Advisory Board is authorized to appoint advisory and technical committees as necessary, without regard to the civil service laws, and may delegate its powers. A Director, appointed by the Attorney General after consultation with the Board, will have general supervisory powers over functioning of the Institute.

Section 4352 sets out certain powers of the National Institute of Corrections. Essentially these are as follows:

To receive or make grants and contracts with governmental and private agencies and individuals;

To serve as a clearinghouse and information center for information regarding corrections;

To assist Federal, State and local agencies in the development and maintenance of programs and facilities for offenders;

To encourage and assist improved corrections programs;

To conduct seminars, workshops and training sessions for personnel connected with the treatment and rehabilitation of offenders;

To develop technical training teams;

To conduct, encourage and coordinate research;

To formulate and disseminate correction policy, goals and standards recommendations;

To conduct evaluation programs;

To receive information and data from other Federal agencies;

To arrange reimbursement to other Federal agencies for the use of personnel, facilities and equipment;

To confer with and get assistance from governmental and private organizations and individuals;

To contract with public or private agencies, organizations or individuals for performance of Institute functions; and,
To procure services of experts and consultants.

The National Institute of Corrections must report annually to the President and Congress. Each recipient of assistance must keep complete records of his activities. Books and records pertinent to grants received shall be audited by the Institute and the Comptroller of the United States, or their authorized representatives. These provisions apply to all recipients of assistance, whether direct grantees or contractors, or subgrantees or subcontractors.

Section 4353 authorizes to be appropriated such funds as may be required to carry out the purposes of this chapter.

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 in which no change is proposed is shown in roman; new matter is shown in italic; existing law proposed to be omitted is enclosed in black brackets.³⁵

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968, AS AMENDED

TITLE I—LAW ENFORCEMENT ASSISTANCE

* * * * *

NATIONAL INSTITUTE FOR JUVENILE JUSTICE

SEC. 403. (a) There is hereby established within the National Institute of Law Enforcement and Criminal Justice a National Institute for Juvenile Justice.

(b) The National Institute for Juvenile Justice shall be under the supervision and direction of the Administrator, and shall be headed by an Assistant Director of the National Institute of Law Enforcement and Criminal Justice appointed under section 471(e).

INFORMATION FUNCTION

SEC. 404. The National Institute for Juvenile Justice 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.

³⁵ The format corresponds to current statutory sections and not to the sequence as found in the bill.

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 405. The National Institute for Juvenile Justice 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 Administrator; and

(5) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency.

TRAINING FUNCTIONS

SEC. 406. The National Institute for Juvenile Justice 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, workshops, 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

INSTITUTE ADVISORY COMMITTEE

SEC. 407. The Advisory Committee for the National Institute for Juvenile Justice established in section 478(d) shall advise, consult with, and make recommendations to the Assistant Director for the National Institute for Juvenile Justice concerning the overall policy and operations of the Institute.

ANNUAL REPORT

SEC. 408. The Assistant Director for the National Institute for Juvenile Justice shall develop annually and submit to the 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 Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 474(b)(5).

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

SEC. 409. (a) The National Institute for Juvenile Justice, under the supervision of the Advisory Committee on Standards for Juvenile Justice established in section 478(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.

SEC. 410. 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."

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[PART F—ADMINISTRATIVE PROVISIONS]

PART F—JUVENILE DELINQUENCY PREVENTION AND CONTROL
ESTABLISHMENT OF OFFICE

SEC. 471. (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")

(b) There shall be at the head of the Office a Director (referred to in this Act as the "Director") who shall be appointed by the Administrator of the Law Enforcement Assistance Administration.

(c) The Director shall exercise all necessary powers, subject to the direction of the Administrator of the Law Enforcement Assistance Administration.

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

(e) There shall be established in the National Institute of Law Enforcement and Criminal Justice an Assistant Director, who shall be appointed by the Administrator, whose function shall be to supervise and direct the National Institute for Juvenile Justice established under section 501 of this Act.

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

SEC. 472. (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 Director 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 5 of the United States Code.

VOLUNTARY SERVICE

SEC. 473. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services not withstanding the provisions of section 3679(b) of the Revised Statutes (41 U.S.C. 665(b)).

SEC. 474. (a) The Administrator shall establish 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 Interdepartmental Council and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

(b) In carrying out the purposes of this Act, the Administrator is authorized and directed to—

(1) advise the President 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 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) coordinate 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, and plans developed, and problems in the operations and coordination of such programs. This 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 from the traditional juvenile justice system; and

(7) provide technical assistance to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs.

(c) The Administrator may request 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 Act.

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

(e) 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.

(f) The Administrator is authorized to transfer funds appropriated under this Act 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 Director finds to be exceptionally effective or for which he finds there exists exceptional need.

(g) The Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, institution, or individual to carry out the purposes of this Act.

(h) All functions of the Administrator under this Act 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.).

JOINT FUNDING

SEC. 475. 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. 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.

INTERDEPARTMENTAL COUNCIL

SEC. 476. (a) There is hereby established an Interdepartmental Council on Juvenile Delinquency (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 Secretary of Housing and Urban Development, or their respective designees, and representatives of such other agencies as the President shall designate.

(b) The Attorney General or his designee shall serve as Chairman of the Council.

(c) The function of the Council shall be to coordinate all Federal juvenile delinquency programs.

(d) The Council shall meet a minimum of six times per year and the activities of the Council shall be included in the annual report required by section 474(b)(5) of this title.

(e) The Chairman shall appoint an Executive Secretary of the Council and such personnel as are necessary to carry out the functions of the Council.

ADVISORY COMMITTEE

SEC. 477. (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 Interdepartmental Council or their respective designee 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. 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.

(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. 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.

DUTIES OF THE ADVISORY COMMITTEE

SEC. 478. (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 recommendations to the Administrator at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(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.

(d) The Chairman shall designate a subcommittee of five members of the Committee to serve as members of an Advisory Committee for the National Institute for Juvenile Justice to perform the functions set forth in section 407 of this title.

(e) The Chairman shall designate a subcommittee of 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 409 of this title.

COMPENSATION AND EXPENSES

SEC. 479. (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.

FORMULA GRANTS

SEC. 480. 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 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. 481. (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, except that for the Virgin Islands, Guam, and American Samoa, no allotment shall be less than \$50,000.

(b) Except for funds appropriated for fiscal year 1974, 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 purposes of this part. Funds appropriated for fiscal year 1974 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, and Guam 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 governments within the State on an equitable basis.

STATE PLANS

SEC. 482. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes. 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 this title 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 planning agency and its supervisory board (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 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; and organizations which represent employees affected by this Act, (D) a majority of whose members (including the Chairman) shall not be fulltime 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;

(4) provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;

(5) provide that a least 50 per centum of the funds received by the State under section 481 shall be expended through programs 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;

(6) provide that the chief executive officer of the 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 (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 481 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. This plan shall include itemized estimated costs for the development and implementation of such programs;

(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 481, 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, to establish programs as set forth in section 482(11), and to provide community-based alternatives to juvenile detention and correctional facilities. That 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 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;

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

(E) educational programs or supportive services designed to keep delinquents or youth in danger of becoming delinquent 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;

(11) provides for a statewide program through the use of probation 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:

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

(B) increase the use of non-secure community-based facilities as a percentage of total commitments to juvenile facilities; and

(C) discourage the use of secure incarceration and detention.

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

(13) 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;

(14) 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;

(15) provide for an adequate system of monitoring jails, detention facilities, and correctional facilities to insure that the requirements of section 482(13) and (14) are met, and for annual reporting of the results of such monitoring to the Administrator;

(16) provide assurances 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 or emotionally handicapped youth;

(17) 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;

(18) provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this part;

(19) 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;

(20) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of 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 supplant such State, local, and other non-Federal funds;

(21) provide that the State planning agency will from time to time, but not less often than annually, review its plan and submit to the 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

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

(b) The Board appointed pursuant to Sec. 482(a)(3) 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.

(d) In the event that any State 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, determines does not meet the requirements of this section, the Administrator shall make that State's allotment under the provisions of 481(a) available to public and private agencies for Special Emphasis Prevention and Treatment Programs as defined in section 483.

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

SEC. 483. (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;

(4) improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent; and

(5) facilitate the adoption of the recommendations of the Advisory Committee on Standards for Juvenile Justice as set forth pursuant to section 409(b).

(b) Not less than 25 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) Among applicants for grants under this part, priority shall be given to private organizations or institutions who have had experience in dealing with youth.

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

SEC. 484. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under section 483, 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 482;

(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 482, 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; and

(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.

(c) In determining whether or not to approve applications for grants under section 483, 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 482(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;

(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency; and

(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 409.

GENERAL PROVISIONS WITHHOLDING

SEC. 485. 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 under sections 509, 510, and 511 of this title.

USE OF FUNDS

SEC. 486. Funds paid to any State public or private agency, institution, or individual (whether directly or through a State or local agency) may be used for:

(1) securing, developing, or operating the program designed to carry out the purposes of this part;

(2) not more than 50 per centum of the cost of the construction of innovative community-based facilities for less than twenty persons (as defined in sections 601(f) and 601(p) of this title) which, in the judgment of the Administrator, are necessary for carrying out the purposes of this part.

PAYMENTS

SEC. 487. (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, 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.

(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.

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[PART G—DEFINITIONS]

PART H—DEFINITIONS

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(p) the term "community-based" facility, program, or service, as used in part F, means a small, open group or home or other suitable place located near the adult offender's or 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, drug treatment, and other rehabilitative services;

(q) 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;

(r) 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 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."

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PART G—ADMINISTRATIVE PROVISIONS

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ZPART [—CRIMINAL PENALTIES]

PART I—CRIMINAL PENALTIES

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[PART I—ATTORNEY GENERAL'S BIENNIAL REPORT OF FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES]

PART J—ATTORNEY GENERAL'S BIENNIAL REPORT OF FEDERAL LAW ENFORCEMENT AND CRIMINAL JUSTICE ACTIVITIES

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TITLE 18—UNITED STATES CODE—CRIMES AND
CRIMINAL PROCEDURE

CHAPTER 403—JUVENILE DELINQUENCY

- Sec.
5031. Definitions.
5032. **[Proceeding against juvenile delinquent.]** *Delinquency proceedings in district courts; transfer for criminal prosecution.*
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§ 5031. Definitions.

For the purposes of this chapter a "juvenile" is a person who has not attained his eighteenth birthday, or who has not attained his twenty-first birthday and is alleged to have committed an act of juvenile delinquency prior to his eighteenth birthday, and "juvenile delinquency" is the violation of a law of the United States committed by a [juvenile and not punishable by death or life imprisonment.] person prior to his eighteenth birthday which would have been a crime if committed by an adult.

§ 5032. **[Proceeding against juvenile delinquent.]** *Delinquency proceedings in district courts; transfer for criminal prosecution.*

A juvenile alleged to have committed [one or more acts in violation of a law of the United States not punishable by death or life imprisonment, and not surrendered to the authorities of a state,] an act of juvenile delinquency shall not be proceeded against [as a juvenile delinquency if he consents to such procedure.] in any court of the United States unless the Attorney General, [in his discretion, has expressly directed otherwise.] after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the rehabilitation of juveniles.

If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

If an alleged delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by [In such event the juvenile shall be proceeded against by] information and no criminal prosecution shall be instituted for the alleged [violation.] act of juvenile delinquency except as provided below.

A juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this Chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult except that with respect to a juvenile sixteen years and older alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States if such court finds, after hearing, that there are no reasonable prospects for rehabilitating such juvenile before his twenty-first birthday.

Evidence of the following factors shall be considered, and findings with regards to each factor shall be made in the record, in assessing the prospects for rehabilitation: the age and social background of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; the availability of programs designed to treat the juvenile's behavioral problems.

Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

Once a juvenile has entered a plea with respect to a crime or an alleged act of juvenile delinquency a subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions.

§ 5033. **[Jurisdiction; written consent; jury trial precluded.]** *Custody prior to appearance before magistrate.*

[District Courts of the United States shall have jurisdiction of proceedings against juvenile delinquents. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The proceeding shall be without a jury. The consent required to be given by the juvenile shall be given by him in writing before a Judge of the District Court of the United States having cognizance of the alleged violation, who shall fully apprise the juvenile of his rights and of the consequences of such consent. Such consent shall be deemed a waiver of a trial by jury.]

Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensible to a juvenile, and shall immediately notify the Attorney General and the juvenile's parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.

The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for more than twenty-four hours before being brought before a magistrate.

§ 5034. [Probation; commitment to custody of Attorney General; support.] Duties of magistrate.

[If the court finds a juvenile to be a delinquent, it may place him on probation for a period not exceeding his minority, or commit him to the custody of the Attorney General for a like period.

[Such commitment shall not exceed the term which might have been imposed had he been tried and convicted of the alleged violation.

[The Attorney General may designate any public or private agency or foster home for the custody, care, subsistence, education, and training of the juvenile during the period for which he was committed.

[If the court desires more detailed information as a basis for determining whether to place any juvenile delinquent on probation or to commit him to the custody of the Attorney General under the first paragraph of this section, the court may commit such delinquent to the custody of the Attorney General for observation and study at an appropriate classification center or agency. The Director of the Bureau of Prisons, under such regulations as the Attorney General may prescribe, shall, after the delinquent has been so committed, cause a complete study to be made of the delinquent, including a mental and physical examination, to ascertain his personal traits, his capabilities, pertinent circumstances of his social background, any previous delinquency or criminal experience, any mental or physical defect or other factor contributing to his delinquency, and any other factors which the Director may consider pertinent. A full and complete report of the results of such study, together with any recommendations which the Director believes would be helpful to the court in making its determination, shall be furnished to the court by the Director within sixty days after the date such delinquent is ordered committed to the custody of the Attorney General under this paragraph unless the court grants additional time for further study. No delinquent shall be committed under this paragraph for a period exceeding his minority or the term which might have been imposed had he been tried and convicted of the alleged violation for which he was determined delinquent, whichever occurs first.

[The cost of such custody and care may be paid from the appropriation for "Support of United States prisoners" or such other appropriation as the Attorney General may designate.]

If counsel is not retained for the juvenile, or it does not appear that counsel will be retained, the magistrate shall appoint counsel for the juvenile. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian, or custodian are financially unable to obtain adequate representation. In cases where the juvenile and his parents, guardian, or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian, or custodian to retain private counsel within a specified period of time.

The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents,

guardian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility) upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing at which the juvenile is represented by counsel, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others.

§ 5032. [Arrest, detention and bail.] Detention prior to disposition.

[Whenever a juvenile is arrested for an alleged violation of any law of the United States, the arresting officer shall immediately notify the Attorney General.

[If the juvenile is not forthwith taken before a committing magistrate, he may be detained in such juvenile home or other suitable place of detention as the Attorney General may designate for such purposes, but shall not be detained in a jail or similar place of detention, unless, in the opinion of the arresting officer, such detention is necessary to secure the custody of the juvenile, or to insure his safety or that of others.

[In no case shall such detention be for a longer period than is necessary to produce the juvenile before a committing magistrate.

[The committing magistrate may release the juvenile on bail, upon his own recognizance or that of some responsible person, or in default of bail may commit him to the custody of the United States marshal, who shall lodge him in such juvenile home or other suitable place of detention as the Attorney General may designate for that purpose.

[The juvenile shall not be committed to a jail or other similar institution, unless in the opinion of the marshal it appears that such commitment is necessary to secure the custody of the juvenile or to insure his safety or that of others.

[A juvenile detained in a jail or similar institution shall be held in custody in a room or other place apart from adults if facilities for such segregation are available.]

A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which adult persons convicted of a crime or awaiting trial on criminal charges are confined. Alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other treatment.

§ 5036. [Contracts for support; payment.] Speedy trial.

[The Director of the Bureau of Prisons may contract with public or private agencies or foster homes for the custody, care, subsistence, education, and training of juvenile delinquents and may defray the cost of such custody, care, subsistence, education, and training from the appropriation for "Support of United States prisoners" or such other appropriation as the Attorney General may designate.]

If an alleged delinquent who has been detained pending trial is not brought to trial within thirty days from the date when such juvenile was

arrested, the information shall be dismissed with prejudice, on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay is unavoidable, caused by the juvenile or his counsel, or consented to by the juvenile and his counsel. Unavoidable delay may not include delays attributable solely to court calendar congestion.

§ 5037. [Parole.]¹ Rights in general.

[A juvenile delinquent who has been committed and who, by his conduct, has given sufficient evidence that he has reformed, may be released on parole at any time under such conditions and regulations as the Board of Parole deems proper if it shall appear to the satisfaction of such Board that there is reasonable probability that the juvenile will remain at liberty without violating the law.]

A juvenile charged with an act of juvenile delinquency shall be accorded the constitutional rights guaranteed an adult in a criminal prosecution, with the exception of indictment by grand jury. Public trial shall be limited to members of the press, who may attend only on condition that they not disclose information that could reasonably be expected to reveal the identity of the alleged delinquent. Any violation of that condition may be punished as a contempt of court.

§ 5038. Dispositional hearing.

(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than twenty court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the Government at least three court days in advance of the hearing.

(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment, or commitment in accordance with subsection (c), shall not extend beyond the juvenile's twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner.

(c) If the court desires more detailed information concerning an alleged delinquent, it may commit him after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are essential. No alleged delinquent may be committed to the custody of the Attorney General for study and observation without the consent of his attorney and his parent, custodian, or guardian. Unless the juvenile upon advice of counsel consents, no judge who has read or heard social data regarding an alleged delinquent as a result of such study, or in the course of a transfer hearing, shall preside over the hearing to adjudicate the delinquency of the juvenile. In the case of an adjudicated delinquent, such study shall not be conducted on an inpatient basis without prior notice and hearing. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other rele-

¹ See hereinafter § 5042. Parole.

vant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time.

§ 5039. Use of juvenile records.

(a) Upon the completion of any formal juvenile delinquency proceeding, the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except under the following circumstances:

- (1) inquiries received from another court of law;
- (2) inquiries from an agency preparing a presentence report for another court;
- (3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;
- (4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; and
- (5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

Information about the sealed record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

(b) The entire file and record of juvenile proceedings where an adjudication of delinquency was not entered shall be destroyed and obliterated by order of the court.

(c) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing, of rights relating to the sealing of his juvenile record. The information in these communications shall be stated in clear and nontechnical language.

(d) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.

- (e) Unless a child who is taken into custody is prosecuted as an adult—
- (1) neither the fingerprints nor a photograph shall be taken, without the written consent of the judge; and
 - (2) neither the name nor picture of any child shall be made public by any medium of public information in connection with a juvenile delinquency proceeding.

§ 5040. Commitment.

A juvenile who has been committed to the Attorney General has a right to treatment and is entitled to custody, care, and discipline as nearly as possible equivalent to that which should have been provided for him by his parents. No juvenile may be placed or retained in an adult jail or correctional institution.

Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education,

and medical care, including necessary psychiatric, psychological, or other care.

Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.

§ 5041. Support.

The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes, for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for "support of United States prisoners" or such other appropriations as he may designate.

§ 5042. Parole.

The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law.

§ 5043. Revocation of parole or probation.

Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked.

APPENDIX

(The following information is included as an appendix to the Committee's report on S. 821:)

APPENDIX A

JOINT LETTER FROM ATTORNEY GENERAL AND SECRETARY OF HEALTH, EDUCATION, AND WELFARE URGING ESTABLISHMENT OF SINGLE STATE PLANNING AGENCIES FOR THE LEAA PROGRAM AND THE HEW JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT PROGRAM (FEBRUARY 13, 1969)

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

DEAR GOVERNOR ———: Many States have indicated an interest in the fullest possible integration at the Federal, State and local levels of crime and juvenile delinquency programs being developed in response to the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Delinquency Prevention and Control Act of 1968. In fact, eighteen governors have designated a single state planning agency to coordinate programs under both Acts. The Department of Justice and the Department of Health, Education, and Welfare fully support the view that the coordination of these programs at all levels of government, both in planning and action efforts, is essential to quality results and best return for funds expended.

In the interest of effective coordination, it is desirable to have a single State planning agency and policy board, which would submit a single comprehensive plan. Admittedly, current Federal guidelines have not fully reflected this kind of unification. To state the Federal position more clearly with regard to requirements for State planning agencies, the two Departments have agreed to the guides listed below which supersede any conflicting requirements in existing directives of either Department.

1. The State planning agency must be in the executive branch and be empowered to conduct comprehensive planning functions and to receive and disburse funds.

2. The planning agency must have a policy making board which is responsible for reviewing, and maintaining general oversight for the State plan and its implementation.

3. The policy board must be broadly representative of police services, juvenile delinquency, the courts, corrections, general units of government, and citizen interests. It must approximate proportionate representation of local and State interests. Juvenile delinquency representation should include persons from both public and private agencies concerned with delinquency prevention and rehabilitation.

4. Membership of policy boards should be large enough to adequately reflect the foregoing representative elements and not too large to impede working efficiency.

5. The policy board should be supported by committees, task forces or panels of specialized persons as necessary to accomplish its mission and provide broader involvement of professionals and citizens. For example, there may be several of these groups for juvenile delinquency prevention and control each covering separate aspects of the program and providing a voice for all interests, including those of youth, concerned with problems of juvenile delinquency.

6. Qualifications of full-time professional staff of planners should show evidence of varied backgrounds with regard to substantive programs, planning, and managerial experience.

Our two Departments are exploring the possibility of integrating the requirements for State comprehensive plans, a single application, and joint funding. We also plan to actively explore opportunities for greater cooperation with other federal agencies and programs concerned with this area. We will be pleased to have suggestions from States on this matter.

Sincerely,

JOHN N. MITCHELL,
Attorney General.

Secretary, Department of Health, Education, and Welfare.

Youth Services Bureau

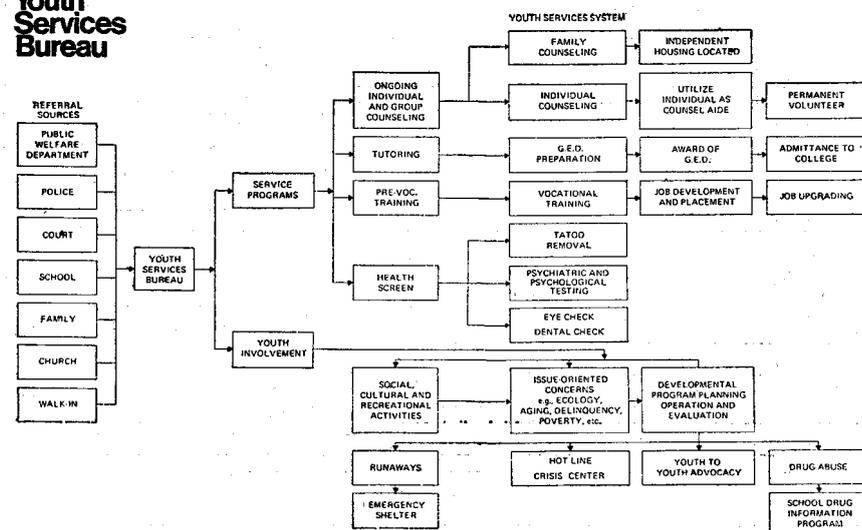


TABLE II—Continued

APPENDIX C

TABLE I.—BREAKDOWN OF FISCAL YEAR 1972 JUVENILE DELINQUENCY EXPENDITURES BY LEA

	Amount	Percent	Percent of \$136, 213, 334
Prevention:			
Block.....	\$19, 934, 592	94. 8	
Discretionary.....	1, 096, 442	5. 2	
Total.....	21, 031, 034		15. 4
Diversion:			
Block.....	14, 143, 396	89. 2	
Discretionary.....	1, 540, 096	10. 8	
Total.....	15, 683, 492		11. 5
Rehabilitation:			
Block.....	37, 779, 491	92. 0	
Discretionary.....	3, 013, 773	8. 0	
Total.....	40, 793, 264		29. 9
Upgrading resources:			
Block.....	30, 725, 095	93. 3	
Discretionary.....	2, 212, 286	6. 7	
Total.....	32, 937, 381		24. 2
Drugs:			
Block.....	14, 431, 179	77. 4	
Discretionary.....	3, 262, 002	22. 6	
Total.....	17, 693, 181		13. 0
High impact	8, 075, 000		6. 0
Total.....			100. 0
Block total.....	117, 013, 735		85. 4
Discretionary total.....	11, 124, 599		14. 6
High impact.....	8, 075, 000		
Total.....	136, 213, 334		

TABLE II

	Total amount	Hardware amount	Percent
Prevention:			
1. Information, education, public relations.....	\$1, 534, 153	\$100, 265	6. 53
2. Police/community/youth relations.....	4, 985, 479	500, 000	10. 02
3. School and community programs.....	9, 842, 309		0
4. Youth involvement.....	863, 750		0
5. Volunteers.....	269, 675		0
6. Special youth services.....	2, 772, 794	23, 400	. 843
7. Research and development.....	762, 874		0
Total.....	21, 031, 034	623, 665	2. 96
Diversion:			
1. Youth service bureaus 4,320,941.....			0
2. Advocacy programs 60,000.....			0
3. Diagnostic and treatment services 2,466,278.....			0
4. Pretrial diversion 909,184.....			0
5. Special youth services 7,877,089.....			0
6. Research 50,000.....			0
Total 15,683,492.....		0	0
Rehabilitation—Special treatment:			
1. Institutions.....	3, 104, 251	181, 790	5. 85
2. Community.....	4, 294, 672	100, 384	2. 33
3. Aftercare.....	590, 250	25, 000	4. 23
4. Education and training of offenders.....	558, 503	0	0
5. Diagnosis/screening.....	1, 492, 087	0	0

	Total amount	Hardware amount	Percent
REHABILITATION—COMMUNITY-BASED			
6. Probation/parole.....	\$10, 650, 566	0	0
7. Residential centers.....	16, 563, 295	0	0
8. Detention.....	1, 969, 839	\$1, 353, 839	68. 72
9. Research and development.....	1, 569, 801	395, 000	25. 16
Total.....	40, 793, 264	2, 056, 013	5. 04
Upgrading resources—Personnel:			
1. Training/education.....	5, 749, 027	0	0
2. Staffing.....	9, 691, 331	0	0
3. Upgrading systems, equipment, procedures, facilities.....	8, 956, 523	861, 544	9. 61
4. Construction.....	5, 636, 204	5, 636, 204	100
5. Research/evaluation/planning.....	2, 882, 181	0	0
6. Public relations and education in schools.....	102, 115	0	0
Total.....	32, 937, 381	6, 497, 748	19. 72
Drugs:			
1. Prevention/education.....	5, 432, 370	0	0
2. Treatment/rehabilitation.....	11, 780, 417	0	0
3. Research/development.....	420, 394	0	0
4. Personnel.....	60, 000	0	0
Total.....	17, 693, 181	0	0
Final totals:			
Prevention.....	21, 031, 034	623, 665	2. 96
Diversion.....	15, 683, 492	0	0
Rehabilitation.....	40, 793, 264	2, 056, 013	5. 04
Upgrading resources.....	32, 937, 381	6, 497, 748	19. 72
Drugs.....	17, 693, 181	0	0
Total.....	128, 138, 352	9, 177, 426	7. 16

APPENDIX D

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, JUVENILE DELINQUENCY PROJECT SUMMARIES FOR FISCAL YEAR 1972

Final totals LEAA fiscal year 1972 funding

Prevention.....	\$21,031,034
Diversion.....	15,683,492
Rehabilitation.....	40,793,264
Upgrading resources.....	32,937,381
Drugs.....	17,693,181
Juvenile delinquency total.....	128,138,352

In addition to the above monies, approximately 25 percent of action funds available for the High Impact Cities Program (\$32.3 million in fiscal year 1972) will be spent in the area of juvenile delinquency.

NOTE.—The following is an extract from the total report of Fiscal Year 1972 funds. It shows all the prevention and diversion programs. It does not include rehabilitation, upgraded resources and drugs because of the volume of material involved.

PREVENTION

Community involvement:	Amount
Information, education, public relations.....	\$1,534,153
Police/community/youth relations.....	4,985,479
School and community programs.....	9,842,309
Youth involvement.....	863,750
Volunteers.....	269,675
Special youth services.....	2,772,794
Subtotal.....	20,268,060
Research and development.....	762,874
Prevention total.....	21,031,034

(90)

PREVENTION: COMMUNITY INVOLVEMENT INFORMATION, EDUCATION, PUBLIC RELATIONS

State and title	I.D.	1972 funds	Summary
Alaska: Crime prevention equipment and education.		\$15,000	To reduce crime by increasing community participation in law enforcement activities. This will be accomplished by instituting joint programs involving police and the community in high-crime areas.
Community education program.....		C/B	
California: Develop and support community education in criminal justice system operations.		5,000	2 of the 4 projects in this program pertain to juveniles; the school law project which will assist in prevention areas as well as educate the youngsters in the organization of the criminal justice system, and the "cadet" project.
Connecticut: Public education, information and development of antirime programs.		609,050	Education dealing with the criminal justice system will be provided in 10 local school districts; 1 statewide project will be initiated; information projects will be initiated in 5 agencies; and a conference with the news media will be planned.
Florida: Community relations.....		C/B	To support the development of effective public education, information and crime prevention programs aimed at the entire community. Hiring of police cadets is a program possibility.
Kansas: Prevention of crime-law enforcement.		7,160	To support projects that will diminish hostility and mistrust, and foster understanding and respect of the criminal justice system. This should be accomplished through increased communications between the system and public with major emphasis toward the juvenile.
Improvement of community relations—law enforcement.		C/B	
Massachusetts: Correctional public information.		50,000	To provide public awareness of the extent of crime, and the respective responsibilities of citizens and law enforcement agencies. Target groups are all youth of student age, including civic organizations involving youth activities.
Michigan: Identification and prevention of potentially delinquent behavior—child management training for parents.		40,000	To create new or expand the 3 existing community relations programs in metropolitan areas such as police cadet programs and police junior aide programs.
Missouri: Prevention and control of riots and civil disorders by improving community relations and public education.		25,000	To increase public knowledge of, and to stimulate public support for new correctional policies and programs being instituted by the Departments of Correction and Youth Services, the Parole Board, and the Office of the Commissioner of Probation.
New Mexico: Promote the involvement of criminal justice system agency—emphasis on evaluation of program effectiveness and activities to improve communication and understanding with local poverty and minority group people.		133,333	To prevent the occurrence of delinquent behavior on the part of youth who have been identified as "in danger of becoming delinquent" by providing their parents with specialized training aimed at helping them guide and control the children.
North Carolina: Public education and information regarding the criminal justice system.		C/B	To prevent and control riots and civil disorders by improving community relations and public education; and to improve law enforcement response to civil disorders and the administration of justice under riot conditions.
North Dakota: Prevention of crime and public education.		26,849	To purchase films and splicer unit to be used by State police in an estimated 1,664 presentations annually statewide, to improve law enforcement—community relations with emphasis on minority youth.
Oklahoma: Educational program: The law and the criminal justice process.		1,750	
Pennsylvania: Educational programs designed to inform the public regarding crime and delinquency and to stimulate community action.		C/B	To provide general educational materials and programs about the functions of the criminal justice system, as well as its component parts, to youth.
		36,000	To develop innovative programs of alcoholism education or education programs for criminal justice personnel working with the alcohol abuser.
		10,000	To improve understanding on the part of youth of the criminal justice system and to improve rapport between youth and those involved in the criminal justice system.
		100,000	To increase public awareness of the nature and score of the crime problem and inform the public of measures which they may adopt to help prevent crime and delinquency.
		294,123	
		C/B	

PREVENTION: COMMUNITY INVOLVEMENT—Continued
INFORMATION, EDUCATION, PUBLIC RELATIONS—Continued

State and title	I.D.	1972 funds	Summary
Texas: Law reform		56,666 C/B	To offer financial assistance for development and implementation of public relations and information programs to inform the public, including adults and juveniles, of existing and proposed laws.
Virginia: Juvenile delinquency prevention programs—community/ corrections program		7,000 C/B	To permit groups of inmates from correctional institutions to make public appearances designed to assist in the prevention of juvenile delinquency.
Washington: Provide improved public education, information and understanding of crime, crime prevention, and the criminal justice system.		50,000 C/B	To provide public information designed to increase understanding of crime and delinquency, their prevention, and the operation of the criminal justice system.
West Virginia: Community crime prevention.		20,000 C/B	To inform the public on ways of preventing crime, delinquency and drug abuse through the dissemination of information by units of local government, fraternal, social, civic or professional organizations. It is expected that up to 50 percent of the State's 1,744,237 residents will be reached.
Garam: Law enforcement, public and community relations.		1,000 C/B	A police community relations seminar will be held and will include such participants as police, youth, religious representatives, social workers, teachers and others.
Puerto Rico: Public education on crime prevention.		12,750 C/B	To support a general public education project implemented by the Kiwanis which will include Operation Crime Stop and a drug prevention project by the "Agencia Experiencia".
Montana: Juvenile training program.	72-DF-08-0012	8,472 C/D	To educate 20 male juveniles of the Northern Cheyenne Tribe in youth problem areas emphasizing the law enforcement role in the over-all process.

POLICE/COMMUNITY/YOUTH RELATIONS

Alabama: Augmentation of Birmingham Police Department's Youth Aid Bureau (high crime area).		\$81,510 C/B	A group of men will be specially selected to work with juveniles. This will include seeking areas where youths congregate, establishing rapport with the young people, and assisting regular uniform officers in situations where juveniles are the offenders.
Alaska: Police—community program.		4,480 C/B	To continue to upgrade the police image in youth, ethnic, and minority groups within the State. To work with youth in their own environment and to inform the public of crime prevention methods.
California: Improve law enforcement capacity to prevent and control juvenile delinquency.		691,882 C/B	To reduce juvenile delinquency by preventing its occurrence through law enforcement activity in the community. One project will develop models of intensive short-term service programs at the point of police intake, another will establish specialized delinquency prevention units in several law enforcement agencies.
Colorado: Strengthening and improving community relations.		23,000 C/B	To implement a pilot police-youth center in a metropolitan core area.
Delaware: To upgrade the programs and resources of the Juvenile Justice system—special police-youth programs.		15,000 C/B	To develop programs within local police departments that will promote a fair, consistent and understanding approach in handling juvenile problems.
Georgia: Juvenile delinquency prevention.		14,583 C/B	To stimulate the interest of youth, to inform them of the duties and functions of law enforcement agencies and to teach by example the virtues of responsible citizenship with off-duty contact and interaction with police in a nonbelligerent setting.
Hawaii: Police community relations.		9,375 C/B	The primary objective of this program is to bring the police and the citizens of the community, including youth, together in a continuing relationship in order to reduce suspicion, misunderstanding and hostility, and to discover their mutuality of interest and responsibilities.
School relations officer.		30,000 C/B	The primary objective of this program is to foster an improved relationship between the schools and the police department by seeking new avenues of communications for mutual understanding of functions and roles.

Indiana: Community based prevention programs.		69,400 C/B	To establish programs to involve police and youth in group recreational and related activities in 10 cities.
Louisiana: Law enforcement—youth relationship development.		114,560 C/B	To encourage youth to become acquainted with law enforcement personnel on an informal basis, and to reduce the tension that often exists between the police and youth.
Massachusetts: My friend the policeman.		40,000 C/B	City of Boston. Program of training visits for minority groups or disadvantaged Boston school children to station houses, fire houses, harbor facilities, Police Laboratories and other police facilities. Approximately 200 children will participate.
Missouri: Law enforcement and community relations.		55,168 C/B	To upgrade public relations and communications between law enforcement agencies and the communities they serve. A police youth corps (involving approximately 200 youths, ages 12 to 18) will be established in St. Louis.
Nebraska: Police/youth relations programs.		39,000 C/B	To support recreational programs to help policemen understand and deal with juveniles at the point of confrontation and appreciate their needs.
Community relations projects.		19,000 C/B	To encourage and improve police-community relations with the general public (adults and students) through public contact with law enforcement officers in an unrestrictive atmosphere.
New Jersey: Improvement of police-juvenile relationships.		300,000 C/B	To develop and implement programs within police departments that will promote a fair, consistent and understanding approach in handling juvenile problems, and that may help to create a favorable police image among youngsters having contact with the law.
Community involvement in local juvenile delinquency prevention programs.		1,023,000 C/B	To establish delinquency prevention projects in the community that involve active participation by interested citizens able to offer guidance and assistance to youths who are either without the support of intact family units or are the victims of economic deprivation and social alienation.
New York: Improving police services to youth.		500,000 C/B	To expand and improve police services to youth, projects will include: equipping neighborhood based patrol units with specially trained youth officers; decentralizing some existing juvenile bureaus; recruiting and training para-professionals to assist juvenile officers, etc.
North Carolina: Multi-agency community programs to prevent and control civil disturbances.		50,000 Block	To prevent civil disorders through a variety of activities which promote dialogue and improve understanding among diverse community groups. Interaction with youth will be stressed.
Ohio: Comprehensive auto theft prevention program.		241,000 C/B	To reduce opportunities for auto theft by increased public education efforts and to involve youth themselves in prevention programs.
Police-community relations.		378,100 C/B	To improve understanding between police officers and the people they serve by providing new formats for interaction between police and the community. Involves such means as community relations units, seminars and workshops, demonstration projects, family crisis referral unit, neighborhood assistance officer, police-school reciprocal curriculum, development program, multimedia center, and neighborhood action coordinating committee.
Oregon: Primary prevention programs.		333,595 C/B	To conduct programs dealing with juvenile prevention, activities addressing the problem through school-associated programs and other community service agencies, such as—police-school liaison programs involving the assignment of police officers to work in the schools in a specific district; incorporation of instructional material and lesson plans on the criminal justice system as a portion of particular classes such as civics or social studies; early identification in the school of delinquency-prone youths and intervention through counseling and related measures. These programs will serve schools, totaling 85,000 students, and intervention through seminars, in each region; to expand the effectiveness of police who work with youth, and to expand youth's understanding of police operations.
Rhode Island: Expansion of police-juvenile seminars.		5,000 C/B	To enable police officers and the public, especially young people in low-income areas, to meet each other on a nonpolice basis.
Texas: Off-duty police in civic and recreation programs.		20,000 C/B	To establish a close liaison between police and school in approach to youth behavioral problems.
Utah: School resource officer and criminal justice system educational program.		52,326 C/B	Encourage closer understanding and mutual respect between youth and law enforcement officers and provide a program to involve policemen in recreational activities of disadvantaged youth.
Public safety athletic league.		6,000 C/B	To support existing community relations units, supplement previous units, etc. Projects such as youth corps aids are included.
Virginia: Strengthening and improving crime prevention—special projects.		16,666 C/B	

PREVENTION: COMMUNITY INVOLVEMENT—Continued
POLICE/COMMUNITY/YOUTH RELATIONS—Continued

State and title	I.D.	1972 funds	Summary
Wisconsin: Police-school liaison.....		60,000 C/B	To utilize police and school personnel in identifying and treating the potential delinquent and the causes of delinquency.
Police-youth interaction.....		70,000 C/B	To prevent juvenile delinquency, promote police-youth understanding and cooperation, and create interest among youth in police work as a career.
Polices-Juvenile bureaus.....		225,000 C/B	To establish youth aid divisions within local police agencies and to supplement the services of those divisions already in existence in an effort to prevent and control delinquency.
Police-social workers.....		75,000 C/B	To provide referral and counseling services to youths and parents who have manifested a need through police contacts.
California: Neighborhood police service center.....	72-DF-09-0017	50,000 C/D	To establish a neighborhood police service center in the Fresno model neighborhood area which will coordinate some existing programs and work toward preventing delinquency and crime.
Florida: Coral Gables youth dialogue and crime prevention project.....	72-DF-04-0039	50,732 C/D	To provide for a special unit within the police department specifically designed to prevent youth/community and youth/police conflicts at the junior high, high school, and college level.
Safe streets unit.....	72-DF-04-0048	66,442 C/D	To continue the operation of the safe streets unit which was established to work in the ghetto area and specialize in juvenile delinquency, community services and family crisis intervention.
Kentucky: Improvement of police/community cooperation and understanding.....	72-DF-04-0033	79,000 C/D	To enhance cooperation between the police and the community by focusing police efforts and resources on young people in the community. Various projects include: Teens on patrol and work study programs; neighborhood assistance community officer; work opportunities now program; community youth auxiliary; and training program for police personnel and youth participants.
Louisiana: Selective juvenile delinquency prevention program.....	72-DF-06-0009	50,000 C/D	This will utilize police personnel to work jointly with public and private agencies, as well as community groups, in a concerted effort to prevent delinquency in the city of Baton Rouge.
Michigan: Police-community relations unit on campus.....	72-DF-05-0036	25,000 C/D	To prevent campus disturbances through the maintenance of lines of communication between the campus community and the police. It will provide for 2 degree officers to act in a liaison capacity with the students.
New Jersey: Juvenile delinquency prevention.....	72-DF-02-0004	98,740 C/D	To fund a youth patrol project designed to improve police-community relations, strengthen the city's efforts to recruit and train qualified youths for police work, and reduce delinquency.

SCHOOL AND COMMUNITY PROGRAMS

Connecticut: Education programs to assist the troubled youth.....		\$89,500 C/B	To promote the development of alternative educational situations in large urban schools to meet the needs of different groups of students; to identify school procedures which contribute to delinquency in schools and to promote changes among them; and to assist schools to aid children at risk from becoming delinquent.
Statewide crisis intervention center for correctional agencies.....		72,500 E/B	To establish a centrally located statewide intervention center which will be available to any adult or juvenile probationer or District of Columbia. A proposal for the continuation of the revolving leader secondary school project.
Georgia: Community relations improvement—city of Brunswick.....		110,000 C/B	This program is designed to utilize detached workers to neutralize and control hostile and aggressive youths through the development of a constructive personal relationship between workers and youth. The major emphasis is on provision of constructive alternatives and choices through proper leadership for delinquents.
		21,990 C/B	To continue operation of its multiservice community center which operates a complainant referral service, a summer employment program, a youth theater group, a junior police league, and a micro-city governmental program to acquaint youth with the operation of local government.

Hawaii: Delinquency prevention through community involvement.....		30,000 C/B	The objectives are to approach delinquency prevention at the most basic level, that of the community, to develop a network of community youth service centers, to join together public and private resources and to develop centers to which youth increasingly gravitate because of meaningful relationships and services offered by concerned adults and peers.
A program to relate community support to the development of preventive programs in the schools.....		80,000 C/B	To encourage the statewide school system to define its responsibility for the prevention and treatment of delinquency, and the kind of services it needs from the community, to develop close working relationships between the schools and the communities, and to provide support to programs in the schools and in the communities.
Indiana: Public education.....		76,400 C/B	To provide training to 200 high school teachers in the legal process, so they impart to students a greater understanding of the legal process and the justice system.
School delinquency programs.....		392,500 C/B	To assign 8 new and continue 3 police-school liaison programs in large cities; to place social workers in large schools and to begin 9 parent-delinquent education projects instituted in a juvenile probation department.
Iowa: Special enforcement problems—youth enforcement.....		81,875 C/B	Support will be given for the initiation and/or expansion of police-school liaison programs at the municipal level. Officers will go from school to school to work in such areas as counseling on police matters, lectures, averting delinquency, etc.
Kansas: Prevention and control of juvenile delinquency—corrections.....		106,300 Block	To provide up to 4 projects in selected cities for court enforced programs designed to provide socially rewarding activities to potentially delinquent youth to achieve possible diversion from the juvenile justice system.
Kentucky: Development of community resources—school delinquency prevention demonstration.....		387,000 C/B	The objective is to involve Kentucky's educational system in delinquency prevention and the rehabilitation of juvenile offenders through three demonstration projects which will provide educational, vocational, and recreational activities for predelinquents, provide classroom help for delinquents in lieu of institutionalization and provide specialized educational settings for delinquents returning from institutions or long-term truantancies.
Louisiana: Identification and reduction of causes of crime.....		300,000 C/B	To promote drug education within the public school system; to adjust the public school system to deal more effectively with adjudicated delinquents; and to develop drug programs.
Massachusetts: Somerville community youth program.....		65,000 C/B	Using informal coffee houses in 4 target street corner gang locations as out-reach centers, the project staff develops contact and rapport with community youth and has initiated program planning based on the expressed interests and needs of the participants in each coffee house.
Massachusetts: Boston youth advocacy program.....		265,000 C/B	Program consists of 4 components addressing the problems of community, school, juvenile justice system, and coordination.
Michigan: Community relations—police school liaison units.....		125,714 C/B	This project will provide specially trained police units to work in schools with students to improve community relations, encourage cooperation, and inform them about the criminal justice system. Potentially 15,000 students will benefit from the program in 1972.
Identification and prevention of potentially delinquent behavior—neighborhood delinquency prevention organization.....		133,334 C/B	To reduce the number of incidents of juvenile offenses by organizing neighborhood adults in such ways as to decrease the opportunities for delinquent behavior.
Community alternatives to official court processing for apprehended youth—educational opportunities for behavior problem youth.....		233,334 C/B	To assist efforts on the part of selected school systems to provide educational opportunities to the behavior problem youth, under certain classifications and who have been expelled, excluded, suspended or have dropped out of the school system. This will directly effect about 300 youths in 1972.
Minnesota: Provision of direct services to youth and others prior to formal contact with the criminal justice system.....		320,000 C/B	To assist persons with problems that otherwise may have direct conflict with the law, by early identification of and appropriate community response to those problems.
New Hampshire: Specialized teacher training in identification of predelinquent behavior.....		5,000 C/B	To contribute to reducing juvenile delinquency by providing teachers with the training and skills necessary for the early identification of predelinquent behavior.
Multiservice centers for juveniles.....		74,000 C/B	To provide for young people a community-based program directed toward the prevention of delinquency and crime which will (1) accept young people with problems on their own terms, (2) act as court diversionary agencies, (3) have the mandate to help each young person solve individual problems, (4) coordinate all the agencies of the state and local community which provide services to young people, and (5) work with the adult population of community in their attempts to solve problems relating to the young of the community.

PREVENTION: COMMUNITY INVOLVEMENT—Continued
SCHOOL AND COMMUNITY PROGRAMS—Continued

State and title	I.D.	1972 fund	Summary
New York: Comprehensive crime prevention programs for high crime neighborhoods.	-----	2, 650, 000 C/B	Approximately 8 projects to organize residents especially youth, of high crime neighborhoods around issue of crime and delinquency in order to create a structure which enables the organized residents to define critical crime problems in the community and to influence decisively the planning, development and operation of program activities aimed at ameliorating these problems; to deliver range of needed services in areas of education, employment, youth recreation, basic social services, and youth advocacy, and case diversion from criminal justice agencies.
Single-purpose prevention services for residents of high crime neighborhoods.	-----	1, 325, 000 C/B	Projects funded will emphasize 1. of the following elements: Efforts to organize residents of high crime neighborhoods; efforts to restructure and/or supplement delivery of preventive services to residents; community resident involvement is expected.
North Carolina: Provide programs for identification and prevention of potentially delinquent behavior.	-----	425, 567 C/B	To establish programs that will provide for adult guidance, comprehensive evaluation and the improvement of services to pre-delinquent youth. In addition, research to devise a model for determining what children are apt to become delinquent will be carried out.
North Dakota: Prevention of crime and public education.	-----	40, 000 C/B	To allow communities to develop prevention programs dealing with the use of alcohol and/or the commission of criminal acts.
Oklahoma: School related programs.	-----	189, 500 C/B	To increase communication and coordination between school personnel and juvenile justice personnel; to identify and provide treatment for pre-delinquent and delinquent youth in school; and to prevent and treat delinquency by providing tutorial counseling services, high school programs leading to certified graduation, work study and other training for youths in need of such services.
Pennsylvania: Establishment of programs designed to prevent delinquency.	-----	1, 234, 313 C/B	To establish community-based delinquency prevention programs. Various school and community-based programs are envisioned.
Improvement of community relations through the establishment and/or expansion of criminal justice system—community relations programs.	-----	100, 000 C/B	Increased communication and interpersonal contact between the residents of the community and agents of the criminal justice system to reduce intergroup tension and the promotion of mutual understanding and support for common goals to public safety, and the protection of property.
South Dakota: Juvenile delinquency control programming.	-----	120, 000 C/B	To continue to develop and expand methods for the prevention and control of juvenile delinquency. Various prevention projects are planned.
Texas: Delinquency prevention—academic and social adjustment program.	-----	350, 000 C/B	Objective is early detection of potentially delinquent behavior and referral of the child and his family to appropriate resources for forestal delinquent behavior.
West Virginia: School social adjustment and guidance unit.	-----	50, 000 C/B	To (1) identify youth who exhibit behavioral and adjustment problems; (2) provide group and individual counseling experience designed to become children's learning and behavioral problems; and (3) train teachers and parents in modern methods of redirecting the misbehavior of young people. It is anticipated that this program will serve 600 students, 330 parents, and 24 teachers.
Wisconsin: Delinquency prevention and control in educational settings.	-----	150, 000 C/B	To provide alternatives to the currently over-taxed personnel and facilities of the traditional school system for providing educational and related services to problem youth.
American Samoa: Establishment of school safety patrol.	-----	5, 475 C/B	To improve the image of the police department in the public school system; and to provide a deterrent factor toward delinquency by channeling the energies of grade school students toward constructive activities.
Massachusetts: Boston high school crisis response programs.	72-DF-01-0017	64, 910 C/D	To provide funds to hire minority teaching interns; to aid newly formed advisory councils and to encourage cooperative efforts between the school and police departments in order to improve school disorder prevention capabilities.
Michigan: Rehabilitative day care and full care for juvenile and youth offenders.	72-ED-005	63, 000 E/D	To provide special education and counseling programs for youth whose disruptive and pre-delinquent behavior has necessitated their removal from the regular school classroom (will reach an estimated 216 suspendees).
New York: Disorder reduction through effective campus administration of justice.	72-DF-02-0011	64, 497 C/D	To reduce campus disorders through increasing communication, developing campus criminal justice models, preparing standards and training material for security and other personnel, and expanding a published monograph into a text.
North Carolina: Cherokee Boys Home training and enrichment program.	72-ED-04-0012	40, 000 E/D	To provide a home, vocational training, jobs, education, and recreation for approximately 100 Cherokee boys as a solution to many of the delinquency and pre-delinquency problems on the reservation.
YOUTH INVOLVEMENT			
Alaska: Community center assistance program.	-----	\$30, 000 C/B	To provide financial assistance to public or private agencies or organizations to establish delinquency prevention programs in centralized community youth center operations. From 100 to 200 young people (age range 12 to 18 yr) should be involved in approximately 2 or 3 cities.
Connecticut: Delinquency prevention—summer youth employment.	-----	100, 000 C/B	To provide support for summer youth employment in large city housing authorities, as a means of preventing delinquency and contributing to a reduction in youth crime and vandalism among youths 14 to 21 yr old. Approximately 200 to 300 youths will be involved.
Youth involvement.	-----	150, 000 C/B	To involve approximately 200 to 250 youths in projects aimed at involving youth in legal and judicial decisionmaking processes and services designed to affect youth; to increase exposure of youth at an early age to the workings of the criminal justice system and to initiate processes whereby youths and adults can work together on planning and implementing programs.
District of Columbia: A proposal to provide equipment for youth courtesy patrols.	-----	18, 750 C/B	The purpose is to reduce the likelihood of violent criminal acts perpetrated upon citizens in a particular neighborhood through the use of teenage youth acting as sentinels in places where women and young girls living in the community are most likely to be attacked. The youth courtesy patrol's main function would be to be on the alert for acts of violence and to report any such acts to the police as an aid to the victim.
Hawaii: Youth involvement.	-----	20, 000 C/B	The objectives include involvement of youth in the planning and implementation of programs addressed to juvenile delinquency and control, support of local initiatives addressed to youth involvement and integration in program planning and implementation, and the provision of technical assistance in assessing local needs and resources, development of models, provision of training and in implementation and testing.
Alaska: Community center assistance program.	-----	30, 000 C/B	To provide financial assistance to public or private agencies or organizations to establish delinquency prevention programs in centralized community youth center operations. From 100 to 200 young people (age range 12 to 18 yrs) should be involved in approximately 2 or 3 cities.
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Hawaii: Youth involvement.	-----	20, 000 C/B	The objectives include involvement of youth in the planning and implementation of programs addressed to juvenile delinquency and control, support of local initiatives addressed to youth involvement and integration in program planning and implementation, and the provision of technical assistance in assessing local needs and resources, development of models, provision of training and in implementation and testing.
Rhode Island: Educational, vocational recreational alternatives—youth centers.	-----	25, 000 C/B	To provide alternative activities to unlawful behavior, through encouraging youth planning and administration of projects.
Wisconsin: Prevention of delinquency in the community.	-----	520, 000 C/B	To focus on the target group of youth which has greatest likelihood of developing delinquent integrations, programs will attempt to involve youth in planning and carrying out programs.

PREVENTION: COMMUNITY INVOLVEMENT—Continued
VOLUNTEERS

State and title	I.D.	1972 fund	Summary
Alabama: Parole and probation office projects for the city of Birmingham.		\$5,800 C/B	To encourage local businessmen and civic leaders to become involved in the supervision of youthful offenders placed on parole and probation.
Kentucky: Development of community resources—community volunteers.		165,375 C/B	The objective is to prevent development of delinquent careers and reduce the rate of juvenile recidivism through one-to-one personal contact between interested adult volunteers and juveniles.
Nebraska: Volunteer programs.		71,500 C/B	To find troubled youth in the community either by seeking out the pre-delinquents and to match them up on a one-to-one basis with a volunteer in the community.
Volunteer programs State staff		27,000 Block	To expand the model project in order to enable every court to have volunteer court counseling services and to enable every county to have an organization which can provide a helping relationship between a troubled youth, a responsible adult and services for youth.

SPECIAL YOUTH SERVICES

Connecticut: Community-based youth service programs.		\$220,000 C/B	To promote development of new or experimental youth services or techniques of service delivery which have a capability to respond to the needs of the youth population as they define them; and to encourage development of alternatives to the criminal justice system.
Youth services bureau		95,000 C/B	To provide support for the coordination of both community services for juveniles and delinquency prevention programs. The focus of the bureau will be on utilizing available community resources to provide services to delinquent or troubled youth. Each bureau is expected to serve between 150 to 400 youths per year.
District of Columbia: A proposal for the implementation of project women		36,564	This program hopes to involve girls between the ages of 12 and 17 from disadvantaged environments in socially and educationally productive personal experiences to counteract conditions and/or attitudes that disposed them toward juvenile delinquency.
Hawaii: Counseling services for children affected by divorce or separation proceedings of their parents.		25,000 C/B	The objective of this program include the counseling of children who are exposed to the traumatic experiences of being a participant in their parents' divorce or separation proceedings; the demonstration of the necessity of counseling services for such children; and the demonstration that counseling services can aid in the prevention of juvenile delinquency by helping children to cope with such situations.
Indiana: Community-based prevention programs.		710,000 C/B	To continue support of 17 existing youth services bureaus and to start programs in 9 additional cities. These programs refer to the danger of becoming delinquent to appropriate treatment programs. Approximately 7,500 youths will be reached.
Iowa: Preventive counseling.		544,512 C/B	To aid in the prevention of adult and juvenile crimes as well as drug abuse through programs which recognize and check signs of potential deviant behavior. It will include youth centers, crisis intervention programs, juvenile employment programs and drug programs.
Michigan: Identification and prevention of initially delinquent behavior—services to neighborhood youth reference groups.		133,333 C/B	To prevent the occurrences of delinquent behavior within certain groups by providing specialized group work services aimed at increasing positive behavior.
New Mexico: Support of community-based youth involved in delinquency prevention programs.		125,055 C/B	To support the expansion or initiation of at least 4 community-based juvenile delinquency prevention and control programs with priority given to communities with high delinquency rates or potential and to programs with active youth involvement in their formulation and operation.
Social reorientation of public offenders.		7,500 Block	To deal with the treatment of youth problems involving the children of ex-offenders who have unique problems which when combined often cause these youth to be considered delinquent.
Ohio: Center for forensic psychiatry.		23,400 C/B	Among other things, center will consult with local agencies in provision of preventive treatment for juveniles and adult pre-delinquents.
Rhode Island: Group day care and multi-service centers.		50,000 C/B	To provide services to prevent youths "at risk" from entering the criminal justice system.
Vermont: Youth resource bureaus.		24,000 C/B	To establish centralized youth resource bureaus to stimulate detection and prevention of juvenile delinquency and to establish and coordinate community resources to aid youth who exhibit symptoms of delinquent behavior.

Virginia: Juvenile delinquency prevention programs—Youth services training section.		87,000 C/B	To continue support for the youth service training section and funding for an additional specialist. The functions of the section include identifying training needs, providing scholarship and tuition assistance, establishing special seminars, providing in-service training and centralization of training to assure coordination.
Juvenile delinquency prevention programs—Innovative prevention programs.		215,000 C/B	To institute certain innovative programs such as delinquency prevention boards, coordination of preventive units and special counseling.
Guam: Prevention and control of juvenile delinquency.		43,155 C/B	To establish youth centers which will provide alternatives to delinquent activities for youth. Big Brother programs will also be implemented. 1,130 youth will be affected by all of these programs.
Virgin Islands: Prevention and control of juvenile delinquency: Counseling and guidance.		22,600 C/B	To provide counseling and guidance services for school children of St. Thomas and St. Croix through the auspices of private community groups.
Alabama: Expanded juvenile delinquency program.	72-DF-04-0020	90,929	To combat juvenile delinquency through 4 projects; a prevention project; probation and parole services; a community service officer; and a youth auxiliary police program.
Montana: Group foster home.	72-ED-08-0001	9,000	To provide a group home for 8 to 10 teenagers who have been identified by social agencies, law enforcement, or the school system as potential dropouts or pre-delinquents.
New Hampshire: Crisis intervention center.	72-DF-01-0024	38,180	To establish a drop-in center through which the youth of Manchester will be afforded information, referral services, social, and recreational programs.
New Jersey: Comprehensive program for prevention of juvenile delinquency.	72-DF-02-0003	130,600	To develop a comprehensive youth service program designed to expand the recreational, educational, and training activities offered to youth and thereby prevent juvenile delinquency.
New Jersey: Juvenile delinquency prevention package.	72-DF-02-0002	96,445	To combine an educational center, social, and recreational activity and drug education for youths in the city of Hoboken.
Rhode Island: Special youth services.	72-DF-01-0025	45,521 C/D	To provide means and motivation for income and self-improvement of crime susceptible youth, compatible with continuing public school education where possible.

RESEARCH AND DEVELOPMENT

Maryland: Early identification and treatment of delinquent behavior.		\$55,000 C/B	The objective is to develop methods for identifying potential delinquents at early stages, and for bringing community service to bear.
Minnesota: School practices.		18,000 C/B	Studies on: (1) school practices and attitudes that foster failure and reject children; (2) attitude formation and change in children and youth (emphasis on attitudes toward criminal justice system); and (3) correlates of delinquency and how to reduce their effect.
New Hampshire: Delinquency prevention research.		10,000 C/B	To determine whether delinquency can be effectively reduced by providing drop-outs with alternative forms of education.
New York: Establishing and strengthening prevention and research and program assessment capability in high incidence/activity areas.		460,000 C/B	To create or improve prevention research and program assessment capability of major cities and counties.
North Dakota: Community programs for the prevention and control of juvenile delinquency.		30,000 C/B	To enable a State university to develop a research center to conduct relevant research on crime and delinquency.
Oklahoma: Community-based prevention programs.		133,900 C/B	To continue 3 and develop 2 additional demonstration projects focusing on minority problems, areas of rapid economic and population change or unusually high delinquency rates and urban-rural differences.
Rhode Island: The collection of baseline data on juvenile crime in Rhode Island.		3,000 C/B	To provide information for planning and program development in specific problem areas for which currently little or no data is collected.
Rhode Island: Early intervention, detection, and treatment research.		28,000 C/B	To develop valid and reliable diagnostic measures capable of identifying children "at risk" of developing serious behavior problems; to develop specialized intervention techniques for overcoming problems indicated in diagnostic assessments of young children.
Alabama: Phase III, planning grant.	72-NI-99-0034-G	24,974 D/NI	To initiate a planning effort for phase III of LEAA's overall criminal justice program effort; focus is on prevention of crime and criminality

	Amount
DIVERSION	
Youth service bureaus.....	\$4, 320, 941
Advocacy programs.....	60, 000
Diagnostic and treatment services.....	2, 466, 278
Pretrial diversion.....	909, 184
Special youth services.....	7, 877, 089
Research.....	50, 000
Diversion total.....	15, 683, 492

DIVERSION—YOUTH SERVICE BUREAUS

State and title	I.D.	1972 fund	Summary
Alabama: Community relations and youth development.....		\$21, 352	To establish youth services bureaus which will coordinate the fragmented work of existing youth-serving agencies, and which will provide job placement assistance, counseling services and recreational programs for youth.
Arkansas: Comprehensive community based juvenile program.....		225, 500	To establish youth service bureaus, which should possess the capability to coordinate the activities of the public agencies operating in the community, including the juvenile correction system, private voluntary organizations and social service agencies; also to study, analyze, and disseminate information and statistics on the needs and problems of youth; to plan, promote and encourage expansion of youth services and facilities in the community; and assist in the operation or development of community juvenile treatment facilities and programs. These projects will provide services to approximately 3,500 youths.
Colorado: Prevention, diversion and treatment for youth at the community level (youth service bureaus).....		100, 000	To provide for the formation of a noncoercive agency staffed to accept referrals from law enforcement agencies, courts, community agencies, parents, and youth themselves. 4 basic functions: (1) Diagnosis, immediate service, and referral; (2) resource identification and coordination; (3) resource development; and (4) youth advocate. To provide services for an estimated 10,000 youth.
Connecticut: Community multi-service center for juveniles (field service unit). District of Columbia: A proposal for the implementation of a pilot youth service center.....		70, 000	To provide support services for pre-delinquent and delinquent youths referred to the center by parents, police, school officials, Juvenile Court and other agencies.
Illinois: Continuing youth service bureaus.....		80, 705	The major objectives of this program is to provide the community with a place where youth who need assistance can be referred to the proper sources.
Iowa: Special enforcement problems—Youth enforcement.....		90, 000	To those YSB's having formed a close relationship with criminal justice agencies in the area and demonstrating impact upon the community.
Maine: Youth service bureau.....		300, 000	To provide for the expansion of the Youth Service Bureau concept. It is expected that drug abuse projects will be incorporated.
Maryland: Community-based delinquency prevention program.....		81, 875	Police-youth service bureaus will be initiated and expanded in the larger police departments throughout the State. Under this concept, a separate division is organized to deal specifically with juveniles.
Massachusetts: Youth resources bureau.....		65, 500	An area service bureau to help youth meet their needs. Services to include counseling, psychological help, social service and educational assistance.
Michigan: Community alternatives to official court processing for apprehended youth—Youth services and resources bureau.....		831, 000	To develop a State-wide system of community-based programs incorporating all the various services within the community that would reduce the number of juveniles referred to juvenile court by 10 percent. This program will establish and operate 10 to 20 youth service bureaus.
Minnesota: Youth service bureaus.....		262, 254	To provide a means for coordinating and providing services for delinquent youths in Brockton, Cambridge, New Bedford, Springfield, and Worcester. Each bureau has adopted an operating model suited to the particular needs and problems of the city in which it was located.
Mississippi: Community alternatives to official court processing for apprehended youth—Youth services and resources bureau.....		233, 333	To provide for the formation of a noncoercive agency staffed to accept referrals and to provide both referral and direct services aimed at diverting youth from the criminal justice system.
Nebraska: Youth service bureaus.....		62, 000	To establish referral alternatives for police, schools, parents and juvenile courts. To bridge the gap between available services, and youth in need of them. To establish new and expand old programs, and to modify established institutions, attitudes and practices which discriminate against troubled youths and thereby contribute directly or indirectly to their antisocial behavior.
Oklahoma: Community-based prevention programs.....		385, 000	To establish 3 youth service bureaus to direct youth from the courts, and to continue 5 youth service projects and develop 5-7 additional projects to provide services such as counseling, employment and recreation to approximately 200 youths per year per project. A total of 4,000 children should be served.
Pennsylvania: Establishment of youth service bureau.....		458, 309	To provide readily accessible centralized community services to youths who are in danger of becoming delinquent or who have been referred to police or Juvenile Courts but do not necessarily need official action by these agencies.

DIVERSION—YOUTH SERVICE BUREAUS—Continued

State and title	I.D.	1972 funds	Summary
Texas: Youth services bureaus (YSB).....		500,000 C/B	The primary thrust will be long-range coordination of youth resources to meet the needs of youths aged 10-25. Total community effort will be involved in this program aimed at detection and treatment of delinquency.
Virginia: Juvenile delinquency prevention programs—Youth services bureaus.....		75,000 C/B	Acting as a community service/counseling center these bureaus refer children who are in danger of becoming delinquent away from the juvenile court system and into appropriate community treatment programs.
Wisconsin: Diversion of juveniles from the court to community youth services programs.....		150,000 C/B	Jurisdictions characterized by high incidence of delinquency cases will be encouraged to set up community youth services programs whose main purpose will be to take referrals and provide service to juvenile cases that are not appropriate for trial court review.
Indiana: Juvenile delinquency prevention and control program/expanded youth service bureau.....	72-DF-05-0013	86,095 C/D	To expand the services of the South Bend Youth Services Bureau to juvenile delinquents and possible delinquents through 5 existing neighborhood centers.
Michigan: Youth service bureau.....	72-DF-05-0024	27,000 C/D	To provide a youth service bureau to handle referrals, counseling, psychiatric treatment; to carry an on-going active caseload of 50 per caseworker; and to provide in-service training to all para-professionals.
Ohio: Youth service bureau.....	72-DF-05-0043	216,018 C/D	To provide for 24 hr emergency counseling services for youth as well as acting as a liaison and advocate for youth with existing community resources to insure that youth receive necessary services.

DIVERSION—ADVOCACY PROGRAMS

Massachusetts: Boston youth advocacy.....		\$60,000 C/B	To divert youth from the juvenile justice system and help them gain access to community resources. Provides legal assistance and encourages use of informal dispositions.
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DIVERSION—DIAGNOSTIC AND TREATMENT SERVICES

Florida: Predelinquent identification and treatment.....		640,995 C/B	To provide services, directed at inner-city youths, that establish criteria and identification of delinquency proneness or pre-delinquency and subsequently to provide services that divert the identified pre-delinquent from the criminal justice system to prevent further potential delinquency.
Illinois: Evaluation and treatment center.....		75,000 E/B	Provides funding for continued development of a county juvenile evaluation and treatment center begun in 1971.
Louisiana: Expanded and improved diagnostic and treatment services.....		150,000 C/B	To assist local governments in developing diagnostic capabilities for children referred to the juvenile justice system prior to final disposition by the court.
Massachusetts: Intake committees.....		80,000 C/B	To reduce juveniles' involvement with the juvenile justice system by establishing a mechanism for examining and evaluating the circumstances of cases referred to the court.
New Jersey: Expand and improve the diagnostic services available to the juvenile court.....		250,000 C/B	To provide the Juvenile Court with a complete, detailed diagnostic report on juveniles who are placed in custody and on other juveniles charged with delinquency who evidence severe emotional disturbance.
New Jersey: Improvement of juvenile detention practices and programs.....		200,000 C/B	To assist counties in instituting programs that will promote the rehabilitation of juveniles placed in custody pending juvenile disposition; and to assist counties in planning and designing juvenile shelter where suitable facilities are lacking.
Ohio: Diagnostic services to delinquents and juvenile offenders.....		185,222 C/B	To develop and implement diagnostic treatment programs for juveniles at their earliest contact with the juvenile justice system to assure appropriate individual treatment and rehabilitation.
Washington: Establish and improve programs to divert juvenile offenders from institutions and traditional judicial processing.....		575,000 C/B	To prevent incarceration in juvenile correctional institutions of those youth who could be more appropriately served by community-based programs. This program will establish programs aimed at diverting youth from traditional juvenile justice processing.
		200,000 E/B	
Guam: Guidance and counseling, a joint project.....		10,000 C/B	To reduce the number of juvenile referrals to the courts and reduce juvenile delinquency and recidivism.
South Carolina: Diagnostic and consultative center.....	72-ED-004-0004	100,000 E/D	To expand the services of the Central State Diagnostic and Consultative Center to serve all local and county courts.

DIVERSION—PRE-TRIAL DIVERSION

Connecticut: Pretrial diversion of young adult offenders.....		115,000 C/B	To implement a program of supervision and service to young adult offenders immediately following arrest under the auspices of the Probation Department.
Florida: Pretrial intervention/alternatives to judicial disposition.....		221,184 C/B	Program aimed to cut off and first "offenders" will provide alternatives to formal judicial adjudication by generating information which will allow the court to make better informed evaluations for supervised release—recognize or personal bond. It will also offer manpower services to the accused such as assistance in gaining meaningful employment, referrals to existing rehabilitation agencies, etc.
Massachusetts: Adult diversion and probation.....		185,000 C/B	To increase the diversion of lesser, youthful and 1st-offenders in 3 major-city district courts through pre-trial counseling and placement in community manpower and service resources.
Minnesota: Alternatives to official court processing.....		263,000 C/B	To fund a number of projects designed specifically for juvenile post-arrest diversion.
New York: Pretrial release and early diversion program.....		125,000 C/B	Emphasis on pretrial release, diversionary programs which earn dismissal, and those programs which are an outgrowth of or relate to an early case assessment project.

DIVERSION—SPECIAL YOUTH SERVICES

California: Develop a program to attack causes of delinquency.....		3,332,156 C/B	11 crisis intervention projects will be established to provide short term assistance to 1,100 families or youths. 6 early identification projects to provide counseling and family education for 600 youths will be established.
Colorado: Prevention, diversion, and treatment for youth at the community level (alternative education system for behavior problem youth).....		25,000 C/B	To develop alternative educational systems for youth who are presently unsuccessful in the traditional school system and who can be classified as delinquent or in danger of becoming delinquent. It is estimated that 40 to 60 youths will be served.
Connecticut: Demonstration diversion of certain offenders from the criminal process.....		130,000 C/B	To make mental health services available to delinquent or pre-delinquent youth on a top priority basis. Project will develop an outreach model requiring workers to work directly with youth within their own subculture. Workers are expected to provide services for a minimum of 2,000 youths.
Delaware: Comprehensive localized juvenile delinquency prevention and diversion program.....		171,000 C/B	(1) To explore the cost and feasibility, as well as the efficacy in reducing recidivism, of diverting certain offenders out of the criminal process at the street level, and (2) to offer at the prosecutorial level rehabilitative alternatives to prosecution of minor and first offenses where the offender is young or shows other potential for rehabilitation.
District of Columbia: A proposal for the continuation of the joint agency truancy project.....		37,774 C/B	To monitor direct prevention and diversion resources through existing or modified local structures.
Hawaii: Pilot juvenile counseling program.....		28,500 C/B	The focus of this project is to document the extent of truancy in 3 junior high school areas; to provide specific services aimed at curtailing truancy and to provide these services in a multi-agency context.
Illinois: Grant-in-aid project.....		110,000 C/B	The primary objective of this program is to provide counseling and follow-up services to potential delinquents and delinquents brought to the attention of the police and the family court.
Minor in need of supervision projects.....		110,000 C/B	This program's objective is to prevent, control, and reduce juvenile delinquency by the establishment by June 30, 1974 of a program at the Crime Prevention Division of the Honolulu Police Department to counsel 1,200 juveniles annually. This phase (1972) includes continued counseling of 850 juveniles and the recruitment, training etc. of 8 to 10 new intern counselors as well as modification of design and operations.

State and title	I.D.	1972 fund	Summary
Michigan: Community alternatives to official court processing for apprehended youth, adjudication diversion.		233,333 C/B	To expand and specialize efforts to divert youth apprehended for juvenile offenses from the adjudication process through the provision of specialized services such as parent/youth training, shelter for runaways, counseling on school problems, work services and follow-up programs.
Minnesota: Alternatives to official court processing.		75,000 C/B	To coordinate operations of State and local agencies which provide needed community resources for the successful diversion of youth with local criminal justice agencies.
Nebraska: Mental health center outreach.		15,000 Block	A competent behavioral specialist will be hired and will work with up to 5 counties in aiding judges and probation officers in evaluation, disposition, investigation etc.
N.C.: Provide programs for community alternatives to official court processing for apprehended youth.		118,750 C/B	To involve community agencies and volunteers in rendering and coordinating rehabilitative services for youth prior to adjudication.
Ohio: Community-based juvenile delinquency prevention.		1,758,893 C/B	To divert juveniles from delinquency by providing programs of alternative activities, vocational counseling, and job development, educational and referral services. Opportunities should reach over 5,000 youth.
Oklahoma: Court probation and volunteer service coordination.		123,700 C/B	To coordinate and develop community services for youths, including volunteer programs, and to improve probation services for those placed on probation. The emphasis of the program is on diversion from the juvenile justice system. 700 juveniles will be affected.
Texas: Vocational education/training—potential delinquents, delinquents, and young adult offenders.		150,000 C/B	To provide assistance in establishing community-based programs that offer alternatives to institutionalization of potential delinquents, delinquents, and young adult offenders. Projects will encompass vocational training, job placement training, personal social adjustment, etc.
Wisconsin: Alternative to confinement and supervision by criminal justice agencies.		300,000 C/B	To develop community-based treatment programs which directly relate to the juvenile offense such as running away from home or chronic truancy.
District of Columbia: Project CROWN	72-DF-03-0013	90,000 C/D	To implement a program which demonstrates the use of a community center in prevention and control of juvenile and young adult crimes. The project will provide aid in readjustment to the community, acts as a deterrent to community crisis situations.
Idaho: Neighborhood probation center	72-ED-10-0002	115,084 E/D	A crisis intervention center involving all areas of a youngster's existence—family, school, employment, police, etc. Services available from noon to 10:00 p.m. and will provide group and individual therapy, tutoring, and volunteer services.
New York: Demonstration of intensive probation services for family court.	72-ED-02-0003	83,167 E/D	To determine whether intensive intake services can reduce court congestion and whether a structured environment in the community can serve as an effective substitute for commitment of juveniles to institutions.
Illinois: Family-centered services for troubled children in the community.	72-ED-02-0008	264,635 E/D	To divert children and families from the courts and to serve, at the intake level, as a resource for cases which have reached the courts. Emergency care includes a crisis pad, and temporary foster homes.
Tennessee: Problem juvenile counseling and rehabilitation center.	72-ED-04-0006	55,000 E/D	To provide local juvenile authorities with a workable alternative to the traditional juvenile corrections system and institutionalization, will reduce probation caseload by 200 cases each year.
Improvement of juvenile court dispositions. Special services for juveniles.	72-DF-04-0017	225,000 C/D	2 projects are included in this program: the "Metro Juvenile Court", and "Metro Richland Village." Jointly these projects will yield a program for the identification and rehabilitation of juvenile offenders.
Texas: Small group care homes for pre-delinquent adolescent girls.	72-ED-06-0003	173,550 E/D	To provide residential care for runaway and pre-delinquent girls in 4 group homes and 1 emergency home. Homes will serve 38 girls at any one time.
Washington: King County youthful offender program.	72-DF-10-0006	159,547 C/D	To provide counseling and referral services to youths arrested in King County, but not referred to the Juvenile Court, providing alternative recourse to law enforcement officers.

DIVERSION—RESEARCH

Minnesota: Youth service bureaus		50,000 C/B	Continued evaluation of the effectiveness of the youth service bureaus in reducing juvenile delinquency and the tendency of juveniles to become adult offenders.
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REHABILITATION

	Amount
Special treatment:	
Institutions	\$3,104,251
Community	4,294,672
Aftercare	590,250
Education and training of offenders	558,503
Diagnosis/screening	1,492,087
Subtotal	10,039,763
Community-based:	
Probation/parole	10,650,566
Residential centers	16,563,295
Detention	1,969,839
Subtotal	29,183,700
Research and development	1,569,801
Rehabilitation total	40,793,264

APPENDIX E

NATIONAL GOVERNORS' CONFERENCE RESOLUTION ON JUVENILE DELINQUENCY

In recognition of the key role which state governments play in the intergovernmental effort to prevent and control juvenile delinquency, the National Governors' Conference urges each State to act as the focal point for the coordination of planning and services of all state and federal agencies which contribute to the prevention, control and treatment of juvenile delinquency.

To achieve that objective, greater emphasis should be placed on coordination of effort between the numerous federal agencies with juvenile delinquency programs and between federal and state agencies.

Recognizing that juvenile delinquency is a problem broader than the criminal justice system, planning for programs should promote coordination and utilization of private and public, social and educational services to youth to the maximum extent feasible.

Further, recognizing that the key to a meaningful reduction in juvenile delinquency lies in its prevention, each State should emphasize and strengthen its commitment to basic prevention programs giving particular emphasis to home, school and community centered programs aimed at youth in danger of becoming delinquent.

The States have increasingly recognized the importance of preventive programs and made notable progress in implementing new programs and experimenting with new ways of preventing delinquency. What is lacking is a federal commitment to the prevention of juvenile delinquency. The National Governors' Conference, therefore, urges the Congress to adequately fund and amend legislation to support state juvenile delinquency prevention efforts. Such legislation should focus on the following objectives:

1. Encourage expanded juvenile jurisdiction and funding by LEAA and those programs at the State and local level, and improving coordination of federal programs affecting juveniles. Such coordination should provide a clear delineation of authority and responsibility between programs funded by the Law Enforcement Assistance Administration and those of the Department of Health, Education, and Welfare.

2. Broadening and planning structure and capabilities at the local and state levels.

3. Substantially increased funding for action and special impact by States and localities. A portion of the federal funds under the act should be available for the matching requirements of other federal funds, thus increasing the scope of the funding.

4. Providing an ongoing capability for legislative and staff monitoring and evaluation of all programs and activities funded under the act as a basis for developing hard data for making decisions on long range needs.

5. Utilization of the existing structure of the State Planning Agencies for law enforcement in the achievement of the above objectives.

ADDITIONAL VIEWS OF SENATOR BAYH

The Juvenile Justice and Delinquency Prevention Act of 1974 was designed to provide for the desperately needed Federal leadership and coordination of the resources necessary to develop and implement at the state and local community level effective programs for the prevention and treatment of juvenile delinquency. S. 821 is the product of a three-year bipartisan effort to improve the quality of juvenile justice in the United States and to provide a comprehensive expanded Federal approach to the problems of juvenile delinquency.

I was gratified when on March 5, 1974, the Senate Subcommittee to Investigate Juvenile Delinquency reported S. 821 unanimously to the full Judiciary, and when on May 8, 1974, the Judiciary Committee reported the bill as amended. The Committee's action means that the possibility of enacting a comprehensive forward-looking juvenile delinquency program is closer to realization. It was clearly recognized in the Judiciary Committee meeting that there was a need to develop comprehensive services to prevent delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to traditional juvenile correctional facilities.

I have mixed feelings that S. 821 as amended and reported by the full Judiciary Committee does not place the program in the Department of Health, Education and Welfare (HEW) as envisaged by my bill. S. 821 originally proposed the creation of an Office of Juvenile Justice and Delinquency Prevention in the Executive Office of the President. The Subcommittee was concerned about the establishment of a coordinating body in the White House at a time when the Subcommittee believes there is a serious need to strengthen existing departments of government. The bill, as reported from the Subcommittee created a Juvenile Justice and Delinquency Prevention Administration in HEW to provide leadership in preventing delinquency and "minimizing" contact with the juvenile justice system. This decision was made after careful consideration by the Senate Subcommittee to Investigate Juvenile Delinquency of the best placement of this program, including possibly placement in the Law Enforcement Assistance Administration (LEAA). S. 821 was amended in the Judiciary Committee to transfer the comprehensive juvenile delinquency effort to LEAA. Such a change requires consideration of the numerous administrative and institutional implications of this program which is supposed to provide a wide-range of services for delinquents and potential delinquents. It is important to consider the consequences of this decision to the youth of this country who may have to be identified in a law enforcement context in order to receive social services.

BACKGROUND

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 of the Department of Justice set up under the Omnibus Crime Control and Safe Streets Act of 1968.

Congress in passing the Juvenile Delinquency Prevention and Control Act of 1968 expected HEW to become the national leader in establishing innovative and effective efforts to find solutions to the problems of juvenile delinquency. HEW was assigned the responsibility for assisting states in developing comprehensive state juvenile justice plans because the Department had skills in dealing with the preventive and rehabilitative aspects of social services.

LEAA with vastly larger resources than HEW soon became dominant in the criminal justice planning field. LEAA defined its primary responsibility as adult crime control and the major focus of its state block grant programs and expenditures has accordingly been on the problems of the adult criminal population. 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.¹ While LEAA was not providing leadership in juvenile delinquency planning, few states looked to HEW for assistance in this field. The failure of the White House to request more than a small portion of the amounts authorized by Congress for each fiscal year resulted in pitifully small appropriations for the HEW delinquency effort.

In an exchange of letters on May 25, 1971² 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 narrow view of HEW's goals combined with its minimal level of funding raised questions about HEW's ability to provide national prevention leadership.

¹ See staff report of the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, "Legislative Oversight Hearings on Federal Juvenile Delinquency Programs, March 31 and April 1, 1972" (92d Congress, 1st Session, December 1971).

² Hearings before the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, "S. 1732, the Juvenile Delinquency Amendments of 1971," Exhibit Nos. 3 and 4, pp. 21-23 (92d Congress, 1st Session, May 26, 1971).

The Juvenile Delinquency Subcommittee recommended and Congress subsequently passed both a one-year extension³ of the 1968 Act in 1971 and a two-year extension of this legislation now entitled the Juvenile Delinquency Prevention Act in 1972.⁴ These extensions resulted in a limitation of the role of HEW in the delinquency field to preventive programs outside the juvenile justice field. Although the dimensions of the HEW program was a continuing concern to citizens and organizations and members of Congress interested in an effective Federal juvenile delinquency effort, in fiscal years 1972, 1973 and 1974, the White House has requested and HEW has received only \$10 million dollars in each of these years. Due 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 problem in this country. The administration of the Act has been submerged within HEW so an outsider cannot even find the location of HEW's delinquency prevention programs.

HEW has had long experience in developing social programs and human resource plans must be coordinated with juvenile justice planning if delinquency prevention is to become a reality in this country. Moreover, HEW operates programs in related areas, particularly in education and health, which must necessarily be part of a comprehensive effective Federal delinquency effort. HEW has broad contacts with private voluntary agencies and could be expected to work out a partnership between these organizations and government essential to the successful administration of S. 821. HEW has had considerable experience in its many different education and social programs working with youth and youth involvement which are vital to an effective approach to the delinquency problem and to the creation of a nucleus of alternative services for youth. For these reasons, the Subcommittee to Investigate Juvenile Delinquency recognized the potential leadership possibilities in HEW placing the administration of S. 821 in that department.

The decision to place the administration of S. 821 in LEAA must be viewed in the context of LEAA's role in the delinquency field since its creation in 1968. Over the years since 1968, LEAA with its vast resources and administrative staff, though dominant in the criminal justice field, has never asserted the leadership in the field of juvenile justice. LEAA has consistently viewed its role in juvenile delinquency prevention and control as a very limited one. Despite the fact that it is the primary Federal crime control agency and juveniles account for almost half of the serious crimes in the country, LEAA has 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 estimate, a possible 21 percent of its total appropriations went to juvenile delinquency.

³ See Senate Report No. 220, the "Juvenile Delinquency Prevention and Control Act Amendments of 1971" (92d Congress, 1st Session, June 17, 1971).

⁴ See Senate Report No. 1003, the "Juvenile Delinquency Prevention Act," (92d Congress, 2d Session, July 27, 1972).

In the past LEAA's main responsibility has been to improve and strengthen law enforcement and its concern in the delinquency field has been primarily with improvement of the functioning of the juvenile justice system. LEAA has primarily devoted its programs for adjudicated delinquents and has not tended to coordinate its efforts with public and private organizations outside the juvenile justice system. LEAA has had little experience with youth or private agencies concerned with youth who are vital to a successful delinquency prevention effort. It should be pointed out that there is some question of how much legislative authority LEAA has had in this area. As a result of the 1973 amendments to the Crime Control Act, LEAA has started to take initiatives in the field of delinquency prevention and treatment which suggest that LEAA could expand its role in the director of delinquency prevention including the vital involvement of public and private human service agencies.

LEAA will have to take leadership in the prevention and treatment of juvenile delinquency in order to administer S. 821, as amended. The theory of the Omnibus Crime Control and Safe Streets Act, which created LEAA, is that the vast bulk of funds should go to the states for law enforcement and criminal justice improvement and that the states decide how to use their funds. Under S. 821 which creates a new "Part F" to the Omnibus Crime Control and Safe Streets Act, LEAA will have to push forward with new national initiatives to help reduce involvement of children in the criminal justice system. LEAA will be expected to work with human service agencies at the national and the state level to coordinate their efforts to prevent juveniles from entering the juvenile justice system. In order to administer S. 821, LEAA will also have to develop its juvenile delinquency research and vastly improve its evaluation of Federal juvenile delinquency programs.

LEAA is of course experienced in administering block grant criminal justice plans combined with discretionary funds similar to aspects of S. 821's juvenile justice plans and direct special emphasis grants. Hopefully LEAA will use this expertise with a clear mandate to prevent delinquency, such as is contained in S. 821, to produce an effective delinquency prevention rehabilitation program in LEAA. If Congress mandates the role for LEAA, I will vigilantly review LEAA's activities to assure that the strong accountable Federal response to the delinquency crisis required by S. 821 is forthcoming.

NEED FOR THIS LEGISLATION

After three years of study, I know it is vitally important to pass S. 821 as soon as possible. Juvenile delinquency is not a priority concern of any department of the Federal Government and uncoordinated juvenile delinquency programs are scattered throughout the Departments of HEW, Justice, Labor and Housing and Urban Development, and other agencies.

Unfortunately efforts at the state and local level to combat delinquency are equally uncoordinated. Federal fragmentation has resulted in lack of coordination at the state and local level and many agencies and groups crucial to the fight on delinquency do not see themselves as any part of the solution to the delinquency problem. S. 821, with its emphasis on coordination at all levels of government, can provide the long-needed focus for this problem.

In closing, I want to sum up S. 821 in one word, "prevention." The need at the present time is to prevent children from coming under the juvenile justice system or being involved with the traditional juvenile correctional system. The juvenile justice system has proven itself incapable of turning young people away from lives of crime. The recidivism rate for persons under 20 is the highest of any age group, close to 75 percent within four years. Witnesses before the Subcommittee have repeatedly testified about the tragic failure of our juvenile justice and correctional system. Our overcrowded, understaffed juvenile courts, probation services, and training schools rarely have the time, energy, or resources to offer the individualized treatment which the juvenile justice system was designed to provide. Once a young person enters the juvenile justice system he will probably be picked up again for delinquent acts, and eventually he will graduate to a life of adult crime.

Witnesses before the Subcommittee have emphasized their frustration that in many communities there are few if any services for a youth until he becomes involved in the juvenile justice system. Equally frustrating for those involved in the juvenile justice system, is how few alternatives are available within the juvenile justice system. Frequently a juvenile judge only has the possibility of returning a juvenile to his home, putting the child on probation or in an institution. What is needed are programs in communities aimed at preventing children with a high probability of delinquent involvement from behavior leading into the juvenile justice process. At each step along the way that children seem headed for trouble, the community should be able to choose the least amount of intervention necessary to change the undesirable behavior. It is often vital that the youth be reached before becoming involved with the formal juvenile justice system. In the first instance, preventive services should be available for identifiable, highly vulnerable groups to reduce their expected or probable rate of delinquency. If children commit acts which result in juvenile court referral, then an attempt should be made to divert them from the juvenile court. When youth commit serious crimes and must clearly be subjected to the jurisdiction of the juvenile justice system, then the preferred disposition should be community-based treatment.

S. 821 is the long-needed comprehensive Federal program to provide meaningful alternatives for youth inside and outside the juvenile justice system. The development of these alternatives is vital to the well-being of our nation's youth.

BIRCH BAYH.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION
ACT OF 1974

AUGUST 16, 1974.—Ordered to be printed

Mr. BAYH, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 821]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 821) to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the bill, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Act of 1974".

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

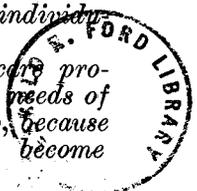
FINDINGS

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;

(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").

(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 who shall be nominated by the President by and with the advice and consent of the Senate.

(d) The Assistant Administrator shall exercise all necessary powers, subject to the direction of the Administrator of the Law Enforcement Assistance Administration.

(e) There shall be in the Office a Deputy Assistant Administrator who shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The Deputy Assistant Administrator shall perform such functions as the Assistant Administrator from time to

time assigns or delegates, and shall act as Assistant Administrator during the absence or disability of the Assistant Administrator in the event of a vacancy in the Office of the Assistant Administrator.

(f) There shall be established in the Office a Deputy Assistant 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 occurrence, is amended by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-five".

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 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 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, require-

ments, 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

(7) provide technical assistance to Federal, State, and local governments, courts, public and private agencies, institutions, 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) shall contain, in addition to the comprehensive plan required by subsection (b) (6), 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 ("V"). 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, 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, 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 rehabilitation programs which the Assistant Administrator finds to be

(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 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, institution, or individual to carry out the purposes of this part.

(k) All functions of the Administrator under this part 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.).

(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 ("V") 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 state-

ment 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 ("V"). 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. 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.

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Sec. 206. (a) (1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention (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 Secretary of Housing and Urban Development, or their respective designees, the Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Assistant 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 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 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.

(d) The Council shall meet a minimum of six 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 may, with the approval of the Council, appoint such personnel 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. 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.

(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 member 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.

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 recommendations to the Administrator at least annually with respect to planning, policy, pri-

orities, operations, and management of all Federal juvenile delinquency programs.

(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.

(d) The Chairman shall designate a subcommittee of 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 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.

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 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, 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.

(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 governments 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.

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), and (15) 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 (A) which shall consist of not less than twenty-one and not more than thirty-three persons who have training, experience, or a 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; 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;

(4) provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;

(5) provide that at least 66 $\frac{2}{3}$ per centum of the funds received by the State under section 222 shall be expended through programs 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;

(6) provide that the chief executive officer of the 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 (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. This plan shall include itemized estimated costs for the development and implementation of such programs;

(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—

(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,

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;

(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)));

(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 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—

(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;

(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;

(13) 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 to insure that the re-

quirements of section 223 (12) and (13) are met, and for annual reporting of the results of such monitoring to the 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 or 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 than annually, review its plan and submit to the 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 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 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.

(d) In the event that any State 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.

(e) In the event the plan does not meet the requirements of this section due to oversight or 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;

(4) improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent;

(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 model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions.

(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 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 223;

(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;

(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency; and

(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.

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) 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) 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, 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.

(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.

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 Assistant Administrator, and shall be headed by a Deputy Assistant 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) *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, connected with the treatment and control of juvenile offenders.*

(g) *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) *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 employment intermittently.*

(b) *Any Federal agency which receives a request from the Institute under subsection (g) (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 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;*

(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 instruc-*

tion 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) 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.

ANNUAL REPORT

SEC. 246. The Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the 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 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 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 informa-

tion as the Committee deems necessary to carry out its functions under this section.

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. (a) The 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 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) connected with the prevention and treatment of juvenile delinquency.

CURRICULUM FOR TRAINING PROGRAM

SEC. 250. The 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. (a) Any person seeking to enroll in the training program established under section 249 shall transmit an application to the Administrator, in such form and according to such procedures as the Administrator may prescribe.

(b) The Administrator shall make the final determination with respect to the admittance of any person to the training program. The 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

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.

(b) In addition of the funds appropriated under this section, the Administration shall maintain 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 assisted by the Law Enforcement Assistance Administration during fiscal year 1972.

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 program 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.

EFFECTIVE CLAUSE

SEC. 263. (a) Except as provided by subsection (b), the foregoing provision 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(1) shall become effective at the close of the thirty-first day of the eighth calendar month of 1976.

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 to localities and nonprofit private 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 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 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.

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 relations 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 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 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. In considering grant applications under this part, priority shall be given to any applicant whose program budget is smaller than \$100,000.

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

SURVEY; REPORT

SEC. 321. The Secretary shall gather information and carry 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.

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.

(b) To carry out the purposes of part B of this title there is authorized to be appropriated the sum of \$500,000.

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 the 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 Street 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" following: "and such sums as may be necessary for fiscal year 1975".

**TITLE V—MISCELLANEOUS AND CONFORMING
ADMENDMENTS**

**PARTS A—AMENDMENTS TO THE FEDERAL JUVENILE
DELINQUENCY ACT**

SEC. 501. Section 5031 of title 18, United States Code, is amended to read as follows:

"§ 5031. Definitions

"For the purposes of this chapter, a 'juvenile' is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delin-

quency, a person who has not attained his twenty-first birthday, and 'juvenile delinquency' is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult."

DELINQUENCY PROCEEDINGS IN DISTRICT COURTS

SEC. 502. Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution

"A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the needs of juveniles.

"If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

"If an alleged juvenile delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

"A juvenile who alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult, except that, with respect to a juvenile sixteen years and older alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, such transfer would be in the interest of justice.

"Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing whether a transfer would be in the interest of justice: the age and social background of the juvenile; the nature of alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; the availability of programs designed to treat the juvenile's behavioral problems.

"Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The

juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

"Once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

"Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions."

CUSTODY

SEC. 503. Section 5033 of title 18, United States Code is amended to read as follows:

"§ 5033. Custody prior to appearance before magistrate

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensive to a juvenile, and shall immediately notify the Attorney General and the juvenile's parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.

"The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for longer than a reasonable period of time before being brought before a magistrate."

DUTIES OF MAGISTRATE

SEC. 504. Section 5034 of title 18, United States Code, is amended to read as follows:

"§ 5034. Duties of magistrate

"The magistrate shall insure that the juvenile is represented by counsel before proceeding with critical stages of the proceedings. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian, or custodian are financially unable to obtain adequate representation. In cases where the juvenile and his parents, guardian, or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian, or custodian to retain private counsel within a specified period of time.

"The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

"If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents, guardian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, at which the juvenile is represented by counsel, that the detention

of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others."

DETENTION

SEC. 505. Section 5035 of this title is amended to read as follows:

"§ 5035. Detention prior to disposition

"A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment."

SPEEDY TRIAL

SEC. 506. Section 5036 of this title is amended to read as follows:

"§ 5036. Speedy trial

"If an alleged delinquent who is in detention pending trial is not brought to trial within thirty days from the date upon which such detention was begun, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay was caused by the juvenile or his counsel, or consented to by the juvenile and his counsel, or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice. Except in extraordinary circumstances, an information dismissed under this section may not be reinstated.

DISPOSITION

SEC. 507. Section 5037 is amended to read as follows:

"§ 5037. Dispositional hearing

"(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than twenty court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the Government a reasonable time in advance of the hearing.

"(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment, or commitment in accordance with subsection (c) shall not extend beyond the juvenile's twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner, unless the juvenile has attained his nineteenth birthday at the time of disposition, in

which case probation, commitment, or commitment in accordance with subsection (c) shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

“(c) If the court desires more detailed information concerning an alleged or adjudicated delinquent, it may commit him, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an out-patient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and his attorney. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time.”

JUVENILE RECORDS

SEC. 508. Section 5038 is added, to read as follows:

“§ 5038. Use of juvenile records

“(a) Throughout the juvenile delinquency proceeding the court shall safeguard the records from disclosure. Upon the completion of any juvenile delinquency proceeding whether or not there is an adjudication the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except to the extent necessary to meet the following circumstances:

“(1) inquiries received from another court of law;

“(2) inquiries from an agency preparing a presentence report for another court;

“(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

“(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; and

“(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

Unless otherwise authorized by this section, information about the sealed record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

“(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to the sealing of his juvenile record.

“(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.

“(d) Unless a juvenile who is taken into custody is prosecuted as an adult—

“(1) neither the fingerprints nor a photograph shall be taken without the written consent of the judge; and

“(2) neither the name nor picture of any juvenile shall be made public by any medium of public information in connection with a juvenile delinquency proceeding.”

COMMITMENT

SEC. 509. Section 5039 is added, to read as follows:

“§ 5039. Commitment

“No juvenile committed to the custody of the Attorney General may be placed or retained in an adult jail or correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

“Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

“Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.”

SUPPORT

SEC. 510. Section 5040 is added, to read as follows:

“§ 5040. Support

“The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for ‘support of United States prisoners’ or such other appropriations as he may designate.”

PAROLE

SEC. 511. Section 5041 is added to read as follows:

“§ 5041. Parole

“The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice.”

REVOCATION

SEC. 512. Section 5042 is added to read as follows:

“§ 5042. Revocation of parole or probation

“Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked.”

SEC. 513 The table of sections of chapter 403 of this title is amended to read as follows:

- “Sec.
 “5031. Definitions.
 “5032. Delinquency proceedings in district courts; transfer for criminal prosecution.
 “5033. Custody prior to appearance before magistrate.
 “5034. Duties of magistrate.
 “5035. Detention prior to disposition.
 “5036. Speedy trial.
 “5037. Dispositional hearing.
 “5038. Use of juvenile records.
 “5039. Commitment.
 “5040. Support.
 “5041. Parole.
 “5042. Revocation of parole or probation.”

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 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 ten remaining 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 travel-time, 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 on 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) 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."

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."

And the House agree to the same.

BIRCH BAYH,
 JAMES O. EASTLAND,
 JOHN L. MCCLELLAN,
 PHILIP A. HART,
 QUENTIN N. BURDICK,
 ROMAN HRUSKA,
 HUGH SCOTT,
 MARLOW W. COOK,
 CHARLES MCC. MATHIAS, JR.,
Managers on the Part of the Senate.
 CARL D. PERKINS,
 AUGUSTUS F. HAWKINS,
 SHIRLEY CHISHOLM,
 ALBERT H. QUIE,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 821) to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate bill amended Title I of the Omnibus Crime Control and Safe Streets Act as amended while the House amendment established an independent bill. The conference substitute is an independent Act. It is not part of the Omnibus Crime Control and Safe Streets Act. It changes such Act to bring it into conformity with the Juvenile Justice and Delinquency Prevention Act. These conforming amendments represent no substantive changes from the Senate bill.

The Senate bill provides for the creation of an Office of Juvenile Justice and Delinquency Prevention within the Department of Justice, Law Enforcement Assistance Administration, to be directed by an Assistant Administrator appointed by the President with the advice and consent of the Senate. The House amendment created a Juvenile Delinquency Prevention Administration with the Department of Health, Education, and Welfare, to be directed by a Director appointed by the Secretary. The conference substitute adopts the Senate provision.

The House amendment provided for a Federal assistance program for services to runaway youth and their families to be administered by the Department of Health, Education, and Welfare. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill amended the Federal Juvenile Delinquency Act which provides certain rights to juveniles within Federal jurisdictions. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill contained an amendment which permitted Federal surplus property to be contributed to States for use in their criminal justice programs. There was no comparable House provision. The conference substitute does not contain the Senate language. In deleting the Senate provision, it is noted that the House Committee on Government Operations is taking up a general revision of the subject of excess and surplus property disposition. It is hoped that the needs of Law Enforcement Agencies will receive due consideration for suitable priority and entitlement to eligibility. In the meantime, it is hoped that the General Services Administration will liberally construe the new regulations to best meet the needs of Law Enforcement Agencies.

The House amendment defined "construction" to exclude the erection of new structures. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment included alcohol abuse programs in the definition of "community based" programs. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment included alcohol abuse in the definition of "juvenile delinquency" programs. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill required that the Administrator coordinate all Federal juvenile delinquency programs and policies. The House amendment provided that the Secretary shall establish overall Federal juvenile delinquency policies and programs. The conference substitute adopts the Senate provision.

The Senate bill authorized the Assistant Administrator of LEAA to appoint three GS-18 officers on appointment and to obtain other GS-18 officers on detail from other Federal agencies. The House amendment authorized the Secretary to appoint such officers as he deemed necessary. The conference substitute adopts the Senate provision.

The Senate bill authorized the Administrator to "implement" Federal juvenile delinquency programs and policies. The House amendment authorized the Secretary to "coordinate" all Federal juvenile delinquency programs and activities. The conference substitute adopts the Senate provision.

The Senate bill required annual evaluation and analysis of all Federal juvenile delinquency programs one year after the enactment of this bill. The House amendment required that the first annual report be submitted by September 30th. The conference substitute adopts the Senate provision.

The House amendment provided that, upon receipt of each annual report, the President must report to the Congress on actions taken or anticipated with respect to the recommendations of the Secretary; that the first annual report identify the characteristics of Federal juvenile delinquency programs; the second report identify all Federal juvenile delinquency programs with budgetary information; and the third report detail the procedures to be followed by all Federal agencies in submitting juvenile delinquency development statements. There was no comparable Senate provision. The conference substitute adopts the House provision with reporting to be made through the Attorney General.

The Senate bill authorized the Administrator to "request" information from other Federal agencies. The House amendment authorized the Secretary to "require" information from other Federal agencies. The conference substitute authorizes the administrator to "require through appropriate authority" such information.

The Senate bill required the Administrator to coordinate all juvenile delinquency functions with the Department of Health, Education, and Welfare. There was no comparable House provision. The conference substitute adopts the Senate provision.

The House amendment required that each Federal agency conducting a juvenile delinquency program submit to the Secretary a development statement analyzing the extent to which the program conforms with and furthers Federal juvenile delinquency prevention

and treatment goals and policies. This statement, accompanied by the Secretary's response, shall accompany the legislative request of each Department. There was no comparable Senate provision. The conference substitute adopts the House provision with reporting to be made through the Attorney General.

The Senate bill authorized the Administrator to "request" that one Federal agency act for several in a joint funding situation. The House amendment authorized the Secretary to "designate" a Federal agency to act for several in a joint funding situation. The conference substitute adopts the Senate provision.

The Senate bill provided for the creation of an Interdepartmental Council on Juvenile Delinquency. There was no comparable House provision. The conference substitute does not contain the Senate language.

The Senate bill provided for the creation of a National Advisory Committee for Juvenile Justice and Delinquency Prevention. There was no comparable House provision. The conference substitute adopts the Senate provision.

The House amendment provided for a Coordinating Council on Delinquency Prevention which was independent, had a separate budget and public members. There was no comparable Senate provision. The conference substitute adopts the House provision with an amendment eliminating public members from the Council.

The Senate bill provided a minimum allocation of \$200,000 to each State. The House amendment provided a minimum allocation of \$150,000 to each State. The conference substitute adopts the Senate provision.

The House amendment included the Trust Territory of the Pacific Islands among the territories, for which a minimum allocation of \$50,000 shall be made available from formula grants. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment provided for a 10% matching share requirement in cash for State and local programs. There was no comparable Senate provision. The conference substitute adopts the House provision with an amendment that financial assistance shall provide a 10% matching requirement which may be in cash or in kind.

The Senate bill provided for a State advisory body to advise the State Planning Agency. The House amendment provided for a State Supervisory Board to monitor implementation of the State plan. The conference substitute adopts the Senate provision.

The House amendment required that at least two members of the State Supervisory Board have been in the juvenile justice system. There was no comparable Senate provision. The conference substitute does not contain the House language. In deleting this provision the conferees note that the appointment of such persons to the State advisory board is to be encouraged, by virtue of their invaluable and unique experiences which could broaden the perspective of State Planning Agencies.

The Senate bill provided that 50% of the funds to State and local governments be spent through local governments. The House amendment provided that 75% of the funds be spent through local govern-

ments. The conference substitute provides that 66 $\frac{2}{3}$ % of the funds to State and local governments be spent through local governments.

The House amendment required that the local chief executive provide for the supervision of local programs by designating a local supervisory board. The Senate bill required that the local chief executive must provide for the supervision of local programs. The conference substitute adopts the Senate provision.

The House amendment provided that applications for special emphasis grants and applications shall indicate the response of the State and local agency to the request for review and comment. There was no comparable Senate provision. The conference substitute adopts the House provision. The Conferees emphasize that the provision listed under *State Plans*, Section 223(a) (19) which provides that any funds available under that part will be used to supplement and increase (but not supplant) the level of state, local and other non-federal funds that would be used in the absence of federal funds shall apply not only to the State Plan provisions but for *all of the programs authorized under this Act*. The maintenance of effort requirements will cover all activities presently conducted by any public or private agency or organization which might receive funding under any of the programs authorized under this legislation.

The Senate bill defined advanced techniques in the treatment and prevention of Juvenile Delinquency. The House amendment contained similar, but more general definitions of advanced techniques. The conference substitute adopts the Senate provision.

The House amendment, in its definitions of advanced techniques, included the prevention of alcohol abuse and the retention of youth in elementary and secondary schools. There was no comparable Senate provision. The conference substitute contains the House provision.

The Senate bill "requires" that within two years of enactment, juvenile status offenders be placed in shelter facilities; that delinquents not be detained or incarcerated with adults; and that a monitoring system be developed to ensure compliance with these provisions. The House amendment "encourages" such activities. The conference substitute adopts the Senate provision.

The Senate bill "provides" for the development of State research capacity. The House amendment "encourages" the development of State research capacity. The conference substitute adopts the Senate provision.

The House amendment included the physically handicapped among groups to whom assistance should be made available on an equitable basis. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill provided for specific protection to be afforded employees affected by this Act. The House amendment provided for "fair and equitable treatment" to be afforded employees affected by this Act. The conference substitute adopts the Senate provision with an amendment deleting the phrase "as determined by the Secretary of Labor" and providing that arrangements for the protection of employees shall be to the maximum extent feasible. It is the intent of the conferees that the Administrator of LEAA consult with the Secretary of Labor, in order to utilize his expertise, before establishing guidelines for implementation of fair and equitable arrangements

to protect the interests of employees affected by assistance under this Act. It is the further intent of the conferees that problems concerning employee protection arrangements shall be resolved by the Administrator in consultation with the Secretary of Labor where necessary.

The Senate bill provided for the involvement and participation of private agencies and the maximum utilization and coordination of existing juvenile delinquency programs in the development of the State plan. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill required the reallocation of the State formula allotment to public and private agencies when a state plan is deliberately not prepared or modified. The funds reallocated will be utilized for special emphasis prevention and treatment programs within such State. The House bill contained a similar provision but makes no distinction regarding intentions. The conference substitute adopts the Senate provision.

The Senate bill provided that should no State plan be submitted due to neglect or oversight, the Administrator shall "endeavor" to make that State's allotment available to public and private agencies under the special emphasis program. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill prohibited the use of potentially dangerous behavior modification treatment modalities on non-adjudicated youth without parental consent. There was no comparable House provision. The conference substitute contains no provision for the Senate language.

The House amendment provided for programs to retain youth in elementary and secondary schools and to prevent alcohol abuse among its special emphasis programs and grants. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill provided a ceiling of 50% for assistance in Special Emphasis grants and programs. There was no comparable House provision. The conference substitute adopts the Senate provision.

The House amendment provided that priority for Special Emphasis grants and contracts be given to public and private nonprofits groups which have had experience in dealing with youth. There was no comparable Senate provision. The conference substitute does not contain the House language.

The Senate bill contains an application procedure for Special Emphasis grants related to the State Planning Agency. The House application for special emphasis grants and contracts was similar but did not specifically relate to the State Planning Agency. The conference substitute adopts the Senate provision.

The Senate bill provided that the purpose of the special emphasis program was to implement the recommendations of the Advisory Committee. The House amendment provided that the purpose of the special emphasis program is to implement the recommendations of the Institute. The conference substitute provides that the purpose of the special emphasis program is to implement the recommendations of the Advisory Committee and the Institute.

The House amendment limited the use of funds for construction purposes to 50% for community-based facilities. There was no com-

parable Senate provision. The conference substitute adopts the House provision.

The House amendment limited to 25% the amount that a recipient may be required to contribute to the total cost of services. There was no comparable Senate provision. The conference substitute does not contain the House provision.

The Senate bill authorized the Administrator to utilize up to 25% of the formula grant funds to meet the non-Federal matching requirement of other Federal juvenile delinquency programs. The House amendment provided up to 25% of all funds to be utilized for this purpose. The conference substitute adopts the Senate provision.

The Senate bill established a National Institute for Juvenile Justice. The House amendment established an Institute for the Continuing Studies of the Prevention of Juvenile Delinquency. The conference substitute combines both provisions and establishes a National Institute for Delinquency Prevention and Juvenile Justice.

The House amendment specified the purposes of the Institute. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment included among the functions of the Institute, the dissemination of data, the preparation of a study on delinquency prevention and the development of technical training teams. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill included seminars and workshops among the functions of the Institute. The House amendment included similar language among the functions of the Institute. The conference substitute adopts the Senate provision.

The Senate bill included training among the functions of the Institute. The House amendment included specific aspects of training among the functions of the Institute. The conference substitute adopts the House provision.

The House amendment provided that the functions, powers and duties of the Institute may not be transferred elsewhere without specific Congressional consent. There was no comparable Senate provision. The conference substitute does not contain the House language.

The House amendment provided for the specific powers of the Institute. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment provided for the specific powers and responsibilities of the Institute staff. The Senate bill contained similar but more general language. The conference substitute adopts the House provision.

The House amendment provided for the establishment of the training program, the curriculum of the training program, and the enrollment of participants in the training program of the Institute. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill provided that the annual report of the Institute shall be submitted to the Administrator who, in turn, shall include a summary of this report and recommendations in his report to the President and the Congress. The House amendment provided that the Institute shall submit an annual report to the President and to the Congress. The conference substitute adopts the Senate provision.

The Senate bill provided for the development of standards for juvenile justice by the submission of an Advisory Committee report to the President and the Congress as well as by other means. The House amendment provided for the development of standards for juvenile justice by the submission of a report to the President and to Congress as well as by other means. The conference substitute adopts the Senate provision.

The House amendment authorized the Institute to make budgetary recommendations concerning the Federal budget. The Senate bill contained no such provision. The conference substitute adopts the Senate provision.

The Senate bill prohibited revealing individual identities, gathered for the purposes of the Institute, to any "other agency, public or private". The House amendment prohibited the disclosure of such information to "any public or private agency". The conference substitute adopts the Senate provision.

The House amendment authorized an appropriation for the Institute of not more than 10% of the total appropriation authorized for this Act. There was no comparable Senate provision. The conference substitute does not contain the House language. The conferees were in disagreement about what the appropriate level of funding should be for the Institute. In deleting this provision, however, the conference agreed that the level of funding for the Institute should be less than 10% of the total appropriation for this Act.

The House amendment provided for the effective dates of this Act. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment provided that the powers, functions and policies of the Institute shall not be transferred elsewhere without Congressional consent. There was no comparable Senate provision. The conference substitute does not contain the House language.

The House amendment provided that the Institute, in developing standards for juvenile justice, shall recommend Federal budgetary actions among its recommendations. There was no comparable Senate provision. The conference substitute does not contain the House language. The Senate bill established a National Institute of Corrections within the Department of Justice, Bureau of Prisons. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill provides a two year authorization of \$75,000,000 and \$150,000,000. The House amendment provides a four year authorization of \$75,000,000, \$75,000,000, \$125,000,000 and \$175,000,000. The conference substitute provides a three year authorization of \$75,000,000, \$125,000,000 and \$150,000,000.

Sections 512 and 520 of the Omnibus Crime Control and Safe Streets Act, as amended provide for LEAA's authorization through June 30, 1976. Section 261(a) of the conference substitute provides authorization for the juvenile delinquency programs through June 30, 1977. It is anticipated that LEAA's basic authorization will be continued and the agency will continue to administer these programs through June 30, 1977.

The conferees agreed to including a provision from the Senate bill which requires LEAA to maintain its current levels of funding for juvenile delinquency programs and not to decrease it as a result of

the new authorizations under this Act. It is the further intention of the conferees that current levels of funding for juvenile delinquency programs in other Federal agencies not be decreased as a direct result of new funding under this Act.

The House amendment contains a specific non-discrimination provision. There is no specific provision in the Senate bill. The conference bill adopts a modification of the House provision. This modification complements and parallels the requirements of Section 518(c) of the Omnibus Crime Control and Safe Streets Act of 1968 and Title VI of the Civil Rights Act of 1964.

BIRCH BAYH,
JAMES O. EASTLAND,
JOHN L. McCLELLAN,
PHILIP A. HART,
QUENTIN N. BURDICK,
ROMAN HRUSKA,
HUGH SCOTT,
MARLOW W. COOK,
CHARLES MCC MATHIAS, JR.,

Managers on the Part of the Senate.

CARL D. PERKINS,
AUGUSTUS F. HAWKINS,
SHIRLEY CHISHOLM,
ALBERT H. QUIE,

Managers on the Part of the House.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

AUGUST 19, 1974.—Ordered to be printed

Mr. HAWKINS, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 821]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 821) to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the bill, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Act of 1974".

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

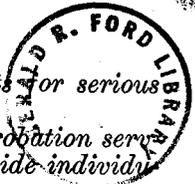
SEC. 101. (a) *The Congress hereby finds that—*

(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;*

(1)



(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;

(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").

(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 who shall be nominated by the President by and with the advice and consent of the Senate.

(d) The Assistant Administrator shall exercise all necessary powers, subject to the direction of the Administrator of the Law Enforcement Assistance Administration.

(e) There shall be in the Office a Deputy Assistant Administrator who shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The Deputy Assistant Administrator shall perform such functions as the Assistant Administrator from time to

time assigns or delegates, and shall act as Assistant Administrator during the absence or disability of the Assistant Administrator in the event of a vacancy in the Office of the Assistant Administrator.

(f) There shall be established in the Office a Deputy Assistant 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 occurrence, is amended by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-five".

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 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 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, require-

ments, 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

(7) provide technical assistance to Federal, State, and local governments, courts, public and private agencies, institutions, 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) shall contain, in addition to the comprehensive plan required by subsection (b) (6), 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 ("f"). 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, 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, 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 rehabilitation programs which the Assistant Administrator finds to be

(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 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, institution, or individual to carry out the purposes of this part.

(k) All functions of the Administrator under this part 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.).

(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 state-

ment 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 ("P"). 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. 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.

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Sec. 206. (a) (1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention (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 Secretary of Housing and Urban Development, or their respective designees, the Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Assistant 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 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 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.

(d) The Council shall meet a minimum of six 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 may, with the approval of the Council, appoint such personnel 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. 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.

(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 member 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.

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 recommendations to the Administrator at least annually with respect to planning, policy, pri-

orities, operations, and management of all Federal juvenile delinquency programs.

(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.

(d) The Chairman shall designate a subcommittee of 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 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.

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 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, 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.

(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 governments 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.

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), and (15) 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 (A) which shall consist of not less than twenty-one and not more than thirty-three persons who have training, experience, or a 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; 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;

(4) provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;

(5) provide that at least 66 $\frac{2}{3}$ per centum of the funds received by the State under section 222 shall be expended through programs 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;

(6) provide that the chief executive officer of the 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 (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. This plan shall include itemized estimated costs for the development and implementation of such programs;

(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—

(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,

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;

(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)));

(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 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—

(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;

(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;

(13) 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 to insure that the re-

quirements of section 223 (12) and (13) are met, and for annual reporting of the results of such monitoring to the 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 or 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 than annually, review its plan and submit to the 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 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 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.

(d) In the event that any State 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.

(e) In the event the plan does not meet the requirements of this section due to oversight or 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;

(4) improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent;

(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 model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions.

(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 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 223;

(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;

(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency; and

(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.

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) 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) 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, 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.

(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.

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 Assistant Administrator, and shall be headed by a Deputy Assistant 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) *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, connected with the treatment and control of juvenile offenders.*

(g) *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) *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 employment intermittently.*

(b) *Any Federal agency which receives a request from the Institute under subsection (g)(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 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;*

(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 instruc-*

tion 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) 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.

ANNUAL REPORT

SEC. 246. The Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the 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 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 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 informa-

tion as the Committee deems necessary to carry out its functions under this section.

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. (a) The 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 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) connected with the prevention and treatment of juvenile delinquency.

CURRICULUM FOR TRAINING PROGRAM

SEC. 250. The 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. (a) Any person seeking to enroll in the training program established under section 249 shall transmit an application to the Administrator, in such form and according to such procedures as the Administrator may prescribe.

(b) The Administrator shall make the final determination with respect to the admittance of any person to the training program. The 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

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.

(b) In addition of the funds appropriated under this section, the Administration shall maintain 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 assisted by the Law Enforcement Assistance Administration during fiscal year 1972.

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 program 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.

EFFECTIVE CLAUSE

SEC. 263. (a) Except as provided by subsection (b), the foregoing provision 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(1) shall become effective at the close of the thirty-first day of the eighth calendar month of 1976.

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 to localities and nonprofit private 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 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 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.

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 relations 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 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 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. In considering grant applications under this part, priority shall be given to any applicant whose program budget is smaller than \$100,000.

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

SURVEY; REPORT

Sec. 321. The Secretary shall gather information and carry 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.

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.

(b) To carry out the purposes of part B of this title there is authorized to be appropriated the sum of \$500,000.

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 the 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 Street 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" following: "and such sums as may be necessary for fiscal year 1975".

**TITLE V—MISCELLANEOUS AND CONFORMING
ADMENTS**

**PARTS A—AMENDMENTS TO THE FEDERAL JUVENILE
DELINQUENCY ACT**

SEC. 501. Section 5031 of title 18, United States Code, is amended to read as follows:

"§ 5031. Definitions

"For the purposes of this chapter, a 'juvenile' is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delin-

quency, a person who has not attained his twenty-first birthday, and 'juvenile delinquency' is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult."

DELINQUENCY PROCEEDINGS IN DISTRICT COURTS

SEC. 502. Section 5032 of title 18, United States Code, is amended to read as follows:

**"§ 5032. Delinquency proceedings in district courts; transfer for
criminal prosecution**

"A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the needs of juveniles.

"If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

"If an alleged juvenile delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

"A juvenile who alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult, except that, with respect to a juvenile sixteen years and older alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, such transfer would be in the interest of justice.

"Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing whether a transfer would be in the interest of justice: the age and social background of the juvenile; the nature of alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; the availability of programs designed to treat the juvenile's behavioral problems.

"Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The

juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

"Once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

"Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions."

CUSTODY

SEC. 503. Section 5033 of title 18, United States Code is amended to read as follows:

"§ 5033. Custody prior to appearance before magistrate

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensive to a juvenile, and shall immediately notify the Attorney General and the juvenile's parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.

"The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for longer than a reasonable period of time before being brought before a magistrate."

DUTIES OF MAGISTRATE

SEC. 504. Section 5034 of title 18, United States Code, is amended to read as follows:

"§ 5034. Duties of magistrate

"The magistrate shall insure that the juvenile is represented by counsel before proceeding with critical stages of the proceedings. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian, or custodian are financially unable to obtain adequate representation. In cases where the juvenile and his parents, guardian, or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian, or custodian to retain private counsel within a specified period of time.

"The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

"If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents, guardian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, at which the juvenile is represented by counsel, that the detention

of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others."

DETENTION

SEC. 505. Section 5035 of this title is amended to read as follows:

"§ 5035. Detention prior to disposition

"A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment."

SPEEDY TRIAL

SEC. 506. Section 5036 of this title is amended to read as follows:

"§ 5036. Speedy trial

"If an alleged delinquent who is in detention pending trial is not brought to trial within thirty days from the date upon which such detention was begun, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay was caused by the juvenile or his counsel, or consented to by the juvenile and his counsel, or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice. Except in extraordinary circumstances, an information dismissed under this section may not be reinstated.

DISPOSITION

SEC. 507. Section 5037 is amended to read as follows:

"§ 5037. Dispositional hearing

"(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than twenty court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the Government a reasonable time in advance of the hearing.

"(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment, or commitment in accordance with subsection (c) shall not extend beyond the juvenile's twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner, unless the juvenile has attained his nineteenth birthday at the time of disposition, in

which case probation, commitment, or commitment in accordance with subsection (c) shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

"(c) If the court desires more detailed information concerning an alleged or adjudicated delinquent, it may commit him, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and his attorney. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time."

JUVENILE RECORDS

SEC. 508. Section 5038 is added, to read as follows:

"§ 5038. Use of juvenile records

"(a) Throughout the juvenile delinquency proceeding the court shall safeguard the records from disclosure. Upon the completion of any juvenile delinquency proceeding whether or not there is an adjudication the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except to the extent necessary to meet the following circumstances:

- "(1) inquiries received from another court of law;
- "(2) inquiries from an agency preparing a presentence report for another court;
- "(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;
- "(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; and
- "(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

Unless otherwise authorized by this section, information about the sealed record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to the sealing of his juvenile record.

"(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.

"(d) Unless a juvenile who is taken into custody is prosecuted as an adult—

"(1) neither the fingerprints nor a photograph shall be taken without the written consent of the judge; and

"(2) neither the name nor picture of any juvenile shall be made public by any medium of public information in connection with a juvenile delinquency proceeding."

COMMITMENT

SEC. 509. Section 5039 is added, to read as follows:

"§ 5039. Commitment

"No juvenile committed to the custody of the Attorney General may be placed or retained in an adult jail or correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

"Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

"Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community."

SUPPORT

SEC. 510. Section 5040 is added, to read as follows:

"§ 5040. Support

"The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for 'support of United States prisoners' or such other appropriations as he may designate."

PAROLE

SEC. 511. Section 5041 is added to read as follows:

"§ 5041. Parole

"The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice."

REVOCATION

SEC. 512. Section 5042 is added to read as follows:

“§ 5042. Revocation of parole or probation

“Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked.”

SEC. 513 The table of sections of chapter 403 of this title is amended to read as follows:

“Sec.

“5031. Definitions.

“5032. Delinquency proceedings in district courts; transfer for criminal prosecution.

“5033. Custody prior to appearance before magistrate.

“5034. Duties of magistrate.

“5035. Detention prior to disposition.

“5036. Speedy trial.

“5037. Dispositional hearing.

“5038. Use of juvenile records.

“5039. Commitment.

“5040. Support.

“5041. Parole.

“5042. Revocation of parole or probation.”

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 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 ten remaining 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 travel-time, 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 on 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) 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.”.

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 or 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.”.

And the House agree to the same.

CARL D. PERKINS,
AUGUSTUS F. HAWKINS,
SHIRLEY CHISHOLM,
ALBERT H. QUIE,
Managers on the Part of the House.

BIRCH BAYH,
JAMES O. EASTLAND,
JOHN L. MCCLELLAN,
PHILIP A. HART,
QUENTIN N. BURDICK,
ROMAN HRUSKA,
HUGH SCOTT,
MARLOW W. COOK,
CHARLES MCC. MATHIAS, JR.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE
COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 821) to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate bill amended Title I of the Omnibus Crime Control and Safe Streets Act as amended while the House amendment established an independent bill. The conference substitute is an independent Act. It is not part of the Omnibus Crime Control and Safe Streets Act. It changes such Act to bring it into conformity with the Juvenile Justice and Delinquency Prevention Act. These conforming amendments represent no substantive changes from the Senate bill.

The Senate bill provides for the creation of an Office of Juvenile Justice and Delinquency Prevention within the Department of Justice, Law Enforcement Assistance Administration, to be directed by an Assistant Administrator appointed by the President with the advice and consent of the Senate. The House amendment created a Juvenile Delinquency Prevention Administration with the Department of Health, Education, and Welfare, to be directed by a Director appointed by the Secretary. The conference substitute adopts the Senate provision.

The House amendment provided for a Federal assistance program for services to runaway youth and their families to be administered by the Department of Health, Education, and Welfare. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill amended the Federal Juvenile Delinquency Act which provides certain rights to juveniles within Federal jurisdictions. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill contained an amendment which permitted Federal surplus property to be contributed to States for use in their criminal justice programs. There was no comparable House provision. The conference substitute does not contain the Senate language. In deleting the Senate provision, it is noted that the House Committee on Government Operations is taking up a general revision of the subject of excess and surplus property disposition. It is hoped that the needs of Law Enforcement Agencies will receive due consideration for suitable priority and entitlement to eligibility. In the meantime, it is hoped that the General Services Administration will liberally construe the new regulations to best meet the needs of Law Enforcement Agencies.

The House amendment defined "construction" to exclude the erection of new structures. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment included alcohol abuse programs in the definition of "community based" programs. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment included alcohol abuse in the definition of "juvenile delinquency" programs. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill required that the Administrator coordinate all Federal juvenile delinquency programs and policies. The House amendment provided that the Secretary shall establish overall Federal juvenile delinquency policies and programs. The conference substitute adopts the Senate provision.

The Senate bill authorized the Assistant Administrator of LEAA to appoint three GS-18 officers on appointment and to obtain other GS-18 officers on detail from other Federal agencies. The House amendment authorized the Secretary to appoint such officers as he deemed necessary. The conference substitute adopts the Senate provision.

The Senate bill authorized the Administrator to "implement" Federal juvenile delinquency programs and policies. The House amendment authorized the Secretary to "coordinate" all Federal juvenile delinquency programs and activities. The conference substitute adopts the Senate provision.

The House bill required annual evaluation and analysis of all Federal juvenile delinquency programs one year after the enactment of this bill. The House amendment required that the first annual report be submitted by September 30th. The conference substitute adopts the Senate provision.

The House amendment provided that, upon receipt of each annual report, the President must report to the Congress on actions taken or anticipated with respect to the recommendations of the Secretary; that the first annual report identify the characteristics of Federal juvenile delinquency programs; the second report identify all Federal juvenile delinquency programs with budgetary information; and the third report detail the procedures to be followed by all Federal agencies in submitting juvenile delinquency development statements. There was no comparable Senate provision. The conference substitute adopts the House provision with reporting to be made through the Attorney General.

The Senate bill authorized the Administrator to "request" information from other Federal agencies. The House amendment authorized the Secretary to "require" information from other Federal agencies. The conference substitute authorizes the administrator to "require through appropriate authority" such information.

The Senate bill required the Administrator to coordinate all juvenile delinquency functions with the Department of Health, Education, and Welfare. There was no comparable House provision. The conference substitute adopts the Senate provision.

The House amendment required that each Federal agency conducting a juvenile delinquency program submit to the Secretary a development statement analyzing the extent to which the program conforms with and furthers Federal juvenile delinquency prevention

and treatment goals and policies. This statement, accompanied by the Secretary's response, shall accompany the legislative request of each Department. There was no comparable Senate provision. The conference substitute adopts the House provision with reporting to be made through the Attorney General.

The Senate bill authorized the Administrator to "request" that one Federal agency act for several in a joint funding situation. The House amendment authorized the Secretary to "designate" a Federal agency to act for several in a joint funding situation. The conference substitute adopts the Senate provision.

The Senate bill provided for the creation of an Interdepartmental Council on Juvenile Delinquency. There was no comparable House provision. The conference substitute does not contain the Senate language.

The Senate bill provided for the creation of a National Advisory Committee for Juvenile Justice and Delinquency Prevention. There was no comparable House provision. The conference substitute adopts the Senate provision.

The House amendment provided for a Coordinating Council on Delinquency Prevention which was independent, had a separate budget and public members. There was no comparable Senate provision. The conference substitute adopts the House provision with an amendment eliminating public members from the Council.

The Senate bill provided a minimum allocation of \$200,000 to each State. The House amendment provided a minimum allocation of \$150,000 to each State. The conference substitute adopts the Senate provision.

The House amendment included the Trust Territory of the Pacific Islands among the territories, for which a minimum allocation of \$50,000 shall be made available from formula grants. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment provided for a 10% matching share requirement in cash for State and local programs. There was no comparable Senate provision. The conference substitute adopts the House provision with an amendment that financial assistance shall provide a 10% matching requirement which may be in cash or in kind.

The Senate bill provided for a State advisory body to advise the State Planning Agency. The House amendment provided for a State Supervisory Board to monitor implementation of the State plan. The conference substitute adopts the Senate provision.

The House amendment required that at least two members of the State Supervisory Board have been in the juvenile justice system. There was no comparable Senate provision. The conference substitute does not contain the House language. In deleting this provision the conferees note that the appointment of such persons to the State advisory board is to be encouraged, by virtue of their invaluable and unique experiences which could broaden the perspective of State Planning Agencies.

The Senate bill provided that 50% of the funds to State and local governments be spent through local governments. The House amendment provided that 75% of the funds be spent through local govern-

ments. The conference substitute provides that 66 $\frac{2}{3}$ % of the funds to State and local governments be spent through local governments.

The House amendment required that the local chief executive provide for the supervision of local programs by designating a local supervisory board. The Senate bill required that the local chief executive must provide for the supervision of local programs. The conference substitute adopts the Senate provision.

The House amendment provided that applications for special emphasis grants and applications shall indicate the response of the State and local agency to the request for review and comment. There was no comparable Senate provision. The conference substitute adopts the House provision. The conferees emphasize that the provision listed under *State Plans*, Section 223(a)(19) which provides that any funds available under that part will be used to supplement and increase (but not supplant) the level of state, local and other non-federal funds that would be used in the absence of federal funds shall apply not only to the State Plan provisions but for *all of the programs authorized under this Act*. The maintenance of effort requirements will cover all activities presently conducted by any public or private agency or organization which might receive funding under any of the programs authorized under this legislation.

The Senate bill defined advanced techniques in the treatment and prevention of Juvenile Delinquency. The House amendment contained similar, but more general definitions of advanced techniques. The conference substitute adopts the Senate provision.

The House amendment, in its definitions of advanced techniques, included the prevention of alcohol abuse and the retention of youth in elementary and secondary schools. There was no comparable Senate provision. The conference substitute contains the House provision.

The Senate bill "requires" that within two years of enactment, juvenile status offenders be placed in shelter facilities; that delinquents not be detained or incarcerated with adults; and that a monitoring system be developed to ensure compliance with these provisions. The House amendment "encourages" such activities. The conference substitute adopts the Senate provision.

The Senate bill "provides" for the development of State research capacity. The House amendment "encourages" the development of State research capacity. The conference substitute adopts the Senate provision.

The House amendment included the physically handicapped among groups to whom assistance should be made available on an equitable basis. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill provided for specific protection to be afforded employees affected by this Act. The House amendment provided for "fair and equitable treatment" to be afforded employees affected by this Act. The conference substitute adopts the Senate provision with an amendment deleting the phrase "as determined by the Secretary of Labor" and providing that arrangements for the protection of employees shall be to the maximum extent feasible. It is the intent of the conferees that the Administrator of LEAA consult with the Secretary of Labor, in order to utilize his expertise, before establishing guidelines for implementation of fair and equitable arrangements

to protect the interests of employees affected by assistance under this Act. It is the further intent of the conferees that problems concerning employee protection arrangements shall be resolved by the Administrator in consultation with the Secretary of Labor where necessary.

The Senate bill provided for the involvement and participation of private agencies and the maximum utilization and coordination of existing juvenile delinquency programs in the development of the State plan. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill required the reallocation of the State formula allotment to public and private agencies when a state plan is deliberately not prepared or modified. The funds reallocated will be utilized for special emphasis prevention and treatment programs within such State. The House bill contained a similar provision but makes no distinction regarding intentions. The conference substitute adopts the Senate provision.

The Senate bill provided that should no State plan be submitted due to neglect or oversight, the Administrator shall "endeavor" to make that State's allotment available to public and private agencies under the special emphasis program. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill prohibited the use of potentially dangerous behavior modification treatment modalities on non-adjudicated youth without parental consent. There was no comparable House provision. The conference substitute contains no provision for the Senate language.

The House amendment provided for programs to retain youth in elementary and secondary schools and to prevent alcohol abuse among its special emphasis programs and grants. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill provided a ceiling of 50% for assistance in Special Emphasis grants and programs. There was no comparable House provision. The conference substitute adopts the Senate provision.

The House amendment provided that priority for Special Emphasis grants and contracts be given to public and private nonprofits groups which have had experience in dealing with youth. There was no comparable Senate provision. The conference substitute does not contain the House language.

The Senate bill contains an application procedure for Special Emphasis grants related to the State Planning Agency. The House application for special emphasis grants and contracts was similar but did not specifically relate to the State Planning Agency. The conference substitute adopts the Senate provision.

The Senate bill provided that the purpose of the special emphasis program was to implement the recommendations of the Advisory Committee. The House amendment provided that the purpose of the special emphasis program is to implement the recommendations of the Institute. The conference substitute provides that the purpose of the special emphasis program is to implement the recommendations of the Advisory Committee and the Institute.

The House amendment limited the use of funds for construction purposes to 50% for community-based facilities. There was no com-

parable Senate provision. The conference substitute adopts the House provision.

The House amendment limited to 25% the amount that a recipient may be required to contribute to the total cost of services. There was no comparable Senate provision. The conference substitute does not contain the House provision.

The Senate bill authorized the Administrator to utilize up to 25% of the formula grant funds to meet the non-Federal matching requirement of other Federal juvenile delinquency programs. The House amendment provided up to 25% of all funds to be utilized for this purpose. The conference substitute adopts the Senate provision.

The Senate bill established a National Institute for Juvenile Justice. The House amendment established an Institute for the Continuing Studies of the Prevention of Juvenile Delinquency. The conference substitute combines both provisions and establishes a National Institute for Delinquency Prevention and Juvenile Justice.

The House amendment specified the purposes of the Institute. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment included among the functions of the Institute, the dissemination of data, the preparation of a study on delinquency prevention and the development of technical training teams. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill included seminars and workshops among the functions of the Institute. The House amendment included similar language among the functions of the Institute. The conference substitute adopts the Senate provision.

The Senate bill included training among the functions of the Institute. The House amendment included specific aspects of training among the functions of the Institute. The conference substitute adopts the House provision.

The House amendment provided that the functions, powers and duties of the Institute may not be transferred elsewhere without specific Congressional consent. There was no comparable Senate provision. The conference substitute does not contain the House language.

The House amendment provided for the specific powers of the Institute. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment provided for the specific powers and responsibilities of the Institute staff. The Senate bill contained similar but more general language. The conference substitute adopts the House provision.

The House amendment provided for the establishment of the training program, the curriculum of the training program, and the enrollment of participants in the training program of the Institute. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill provided that the annual report of the Institute shall be submitted to the Administrator who, in turn, shall include a summary of this report and recommendations in his report to the President and the Congress. The House amendment provided that the Institute shall submit an annual report to the President and to the Congress. The conference substitute adopts the Senate provision.

The Senate bill provided for the development of standards for juvenile justice by the submission of an Advisory Committee report to the President and the Congress as well as by other means. The House amendment provided for the development of standards for juvenile justice by the submission of a report to the President and to Congress as well as by other means. The conference substitute adopts the Senate provision.

The House amendment authorized the Institute to make budgetary recommendations concerning the Federal budget. The Senate bill contained no such provision. The conference substitute adopts the Senate provision.

The Senate bill prohibited revealing individual identities, gathered for the purposes of the Institute, to any "other agency, public or private". The House amendment prohibited the disclosure of such information to "any public or private agency". The conference substitute adopts the Senate provision.

The House amendment authorized an appropriation for the Institute of not more than 10% of the total appropriation authorized for this Act. There was no comparable Senate provision. The conference substitute does not contain the House language. The conferees were in disagreement about what the appropriate level of funding should be for the Institute. In deleting this provision, however, the conference agreed that the level of funding for the Institute should be less than 10% of the total appropriation for this Act.

The House amendment provided for the effective dates of this Act. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment provided that the powers, functions and policies of the Institute shall not be transferred elsewhere without Congressional consent. There was no comparable Senate provision. The conference substitute does not contain the House language.

The House amendment provided that the Institute, in developing standards for juvenile justice, shall recommend Federal budgetary actions among its recommendations. There was no comparable Senate provision. The conference substitute does not contain the House language. The Senate bill established a National Institute of Corrections within the Department of Justice, Bureau of Prisons. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill provides a two year authorization of \$75,000,000 and \$150,000,000. The House amendment provides a four year authorization of \$75,000,000, \$75,000,000, \$125,000,000 and \$175,000,000. The conference substitute provides a three year authorization of \$75,000,000, \$125,000,000 and \$150,000,000.

Sections 512 and 520 of the Omnibus Crime Control and Safe Streets Act, as amended provide for LEAA's authorization through June 30, 1976. Section 261(a) of the conference substitute provides authorization for the juvenile delinquency programs through June 30, 1977. It is anticipated that LEAA's basic authorization will be continued and the agency will continue to administer these programs through June 30, 1977.

The conferees agreed to including a provision from the Senate bill which requires LEAA to maintain its current levels of funding for juvenile delinquency programs and not to decrease it as a result of

the new authorizations under this Act. It is the further intention of the conferees that current levels of funding for juvenile delinquency programs in other Federal agencies not be decreased as a direct result of new funding under this Act.

The House amendment contains a specific non-discrimination provision. There is no specific provision in the Senate bill. The conference bill adopts a modification of the House provision. This modification complements and parallels the requirements of Section 518(c) of the Omnibus Crime Control and Safe Streets Act of 1968 and Title VI of the Civil Rights Act of 1964.

CARL D. PERKINS,
AUGUSTUS F. HAWKINS,
SHIRLEY CHISHOLM,
ALBERT H. QUIE,

Managers on the Part of the House.

BIRCH BAYH,
JAMES O. EASTLAND,
JOHN L. MCCLELLAN,
PHILIP A. HART,
QUENTIN N. BURDICK,
ROMAN HRUSKA,
HUGH SCOTT,
MARLOW W. COOK,
CHARLES MCC MATHIAS, JR.,

Managers on the Part of the Senate.

○



Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

To provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Act of 1974".

TITLE I—FINDINGS AND DECLARATION 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;

(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").

(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 who shall be nominated by the President by and with the advice and consent of the Senate.

(d) The Assistant Administrator shall exercise all necessary powers, subject to the direction of the Administrator of the Law Enforcement Assistance Administration.

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

(f) There shall be established in the Office a Deputy Assistant 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 occurrence, is amended by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-five".

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 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 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

(7) provide technical assistance to Federal, State, and local governments, courts, public and private agencies, institutions, 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) shall contain, in addition to the comprehensive plan required by subsection (b) (6), 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, 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, 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 rehabilitation programs which the Assistant Administrator finds to be

(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 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, institution, or individual to carry out the purposes of this part.

(k) All functions of the Administrator under this part 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.).

(1) (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 ("1") 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 ("1"). 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. 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.

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 206. (a) (1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention (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 Secretary of Housing and Urban Development, or their respective designees, the Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Assistant 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 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 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.

(d) The Council shall meet a minimum of six 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 may, with the approval of the Council, appoint such personnel 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. 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.

(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 member 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.

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 recommendations to the Administrator at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(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.

(d) The Chairman shall designate a subcommittee of 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 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.

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 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, 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.

(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 governments 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.

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), and (15) 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 (A) which shall consist of not less than twenty-one and not more than thirty-three persons who have training, experience, or a 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; 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;

(4) provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;

(5) provide that at least 66 $\frac{2}{3}$ per centum of the funds received by the State under section 222 shall be expended through programs 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;

(6) provide that the chief executive officer of the 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 (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. This plan shall include itemized estimated costs for the development and implementation of such programs;

(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—

(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, 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;

(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)));

(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 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—

(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;

(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;

(13) 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 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 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 or 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 than annually, review its plan and submit to the 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 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 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.

(d) In the event that any State 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.

(e) In the event the plan does not meet the requirements of this section due to oversight or 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;

(4) improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent;

(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 model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions.

(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 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 223;

(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;
- (5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency; and
- (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.

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) 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) 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, 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.

(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.

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 Assistant Administrator, and shall be headed by a Deputy Assistant 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) 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, connected with the treatment and control of juvenile offenders.

(g) 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) 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 employment intermittently.

(b) Any Federal agency which receives a request from the Institute under subsection (g)(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 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;

(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 delinquencies 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) 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.

ANNUAL REPORT

SEC. 246. The Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the 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 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 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.

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. (a) The 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 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) connected with the prevention and treatment of juvenile delinquency.

CURRICULUM FOR TRAINING PROGRAM

SEC. 250. The 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. (a) Any person seeking to enroll in the training program established under section 249 shall transmit an application to the Administrator, in such form and according to such procedures as the Administrator may prescribe.

(b) The Administrator shall make the final determination with respect to the admittance of any person to the training program. The 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

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.

(b) In addition to the funds appropriated under this section, the Administration shall maintain 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 assisted by the Law Enforcement Assistance Administration during fiscal year 1972.

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 program 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.

EFFECTIVE CLAUSE

SEC. 263. (a) Except as provided by subsection (b), the foregoing provision 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(1) shall become effective at the close of the thirty-first day of the eighth calendar month of 1976.

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 to localities and nonprofit private 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 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 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.

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 relations 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 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 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. In considering grant applications under this part, priority shall be given to any applicant whose program budget is smaller than \$100,000.

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 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

SURVEY; REPORT

SEC. 321. The Secretary shall gather information and carry 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.

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.

(b) To carry out the purposes of part B of this title there is authorized to be appropriated the sum of \$500,000.

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 Street 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” following: “and such sums as may be necessary for fiscal year 1975”.

TITLE V—MISCELLANEOUS AND CONFORMING
AMENDMENTS

PARTS A—AMENDMENTS TO THE FEDERAL JUVENILE
DELINQUENCY ACT

SEC. 501. Section 5031 of title 18, United States Code, is amended to read as follows:

“§ 5031. Definitions

“For the purposes of this chapter, a ‘juvenile’ is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-first birthday, and ‘juvenile delinquency’ is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult.”

DELINQUENCY PROCEEDINGS IN DISTRICT COURTS

SEC. 502. Section 5032 of title 18, United States Code, is amended to read as follows:

“§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution

“A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the needs of juveniles.

“If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

“If an alleged juvenile delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

“A juvenile who alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult, except that, with respect to a juvenile sixteen years and older alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, such transfer would be in the interest of justice.

“Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing whether a transfer would be in the interest of justice: the age and social background of the juvenile; the nature of alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; the availability of programs designed to treat the juvenile's behavioral problems.

“Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

“Once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

“Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions.”

CUSTODY

SEC. 503. Section 5033 of title 18, United States Code is amended to read as follows:

“§ 5033. Custody prior to appearance before magistrate

“Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensive to a juvenile, and shall immediately notify the Attorney General and the juvenile’s parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.

“The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for longer than a reasonable period of time before being brought before a magistrate.”

DUTIES OF MAGISTRATE

SEC. 504. Section 5034 of title 18, United States Code, is amended to read as follows:

“§ 5034. Duties of magistrate

“The magistrate shall insure that the juvenile is represented by counsel before proceeding with critical stages of the proceedings. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian, or custodian are financially unable to obtain adequate representation. In cases where the juvenile and his parents, guardian, or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney’s fees or may direct the juvenile, his parents, guardian, or custodian to retain private counsel within a specified period of time.

“The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

“If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents, guardian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, at which the juvenile is represented by counsel, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others.”

DETENTION

SEC. 505. Section 5035 of this title is amended to read as follows:

“§ 5035. Detention prior to disposition

“A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General

may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, and other care and treatment."

SPEEDY TRIAL

SEC. 506. Section 5036 of this title is amended to read as follows:

“§ 5036. Speedy trial

“If an alleged delinquent who is in detention pending trial is not brought to trial within thirty days from the date upon which such detention was begun, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay was caused by the juvenile or his counsel, or consented to by the juvenile and his counsel, or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice. Except in extraordinary circumstances, an information dismissed under this section may not be reinstated.”

DISPOSITION

SEC. 507. Section 5037 is amended to read as follows:

“§ 5037. Dispositional hearing

“(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than twenty court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the Government a reasonable time in advance of the hearing.

“(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment, or commitment in accordance with subsection (c) shall not extend beyond the juvenile's twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner, unless the juvenile has attained his nineteenth birthday at the time of disposition, in which case probation, commitment, or commitment in accordance with subsection (c) shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

“(c) If the court desires more detailed information concerning an alleged or adjudicated delinquent, it may commit him, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an out-patient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only

with the consent of the juvenile and his attorney. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time."

JUVENILE RECORDS

SEC. 508. Section 5038 is added, to read as follows:

"§ 5038. Use of juvenile records

"(a) Throughout the juvenile delinquency proceeding the court shall safeguard the records from disclosure. Upon the completion of any juvenile delinquency proceeding whether or not there is an adjudication the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except to the extent necessary to meet the following circumstances:

"(1) inquiries received from another court of law;

"(2) inquiries from an agency preparing a presentence report for another court;

"(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

"(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; and

"(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

Unless otherwise authorized by this section, information about the sealed record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to the sealing of his juvenile record.

"(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.

"(d) Unless a juvenile who is taken into custody is prosecuted as an adult—

"(1) neither the fingerprints nor a photograph shall be taken without the written consent of the judge; and

"(2) neither the name nor picture of any juvenile shall be made public by any medium of public information in connection with a juvenile delinquency proceeding."

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 Prison 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 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 ten remaining 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.”

COMMITMENT

SEC. 509. Section 5039 is added, to read as follows:

“§ 5039. Commitment

“No juvenile committed to the custody of the Attorney General may be placed or retained in an adult jail or correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

“Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

“Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.”

SUPPORT

SEC. 510. Section 5040 is added, to read as follows:

“§ 5040. Support

“The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes for the observation and study and the custody

and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for 'support of United States prisoners' or such other appropriations as he may designate."

PAROLE

SEC. 511. Section 5041 is added to read as follows:

"§ 5041. Parole

"The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice."

REVOCATION

SEC. 512. Section 5042 is added to read as follows:

"§ 5042. Revocation of parole or probation

"Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked."

SEC. 513. The table of sections of chapter 403 of this title is amended to read as follows:

"Sec.

"5031. Definitions.

"5032. Delinquency proceedings in district courts; transfer for criminal prosecution.

"5033. Custody prior to appearance before magistrate.

"5034. Duties of magistrate.

"5035. Detention prior to disposition.

"5036. Speedy trial.

"5037. Dispositional hearing.

"5038. Use of juvenile records.

"5039. Commitment.

"5040. Support.

"5041. Parole.

"5042. Revocation of parole or probation."

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 travel-time, 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 on 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) 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."

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."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

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(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

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Juvenile Justice and Delinquency Prevention (referred to in this Act as 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 who shall be nominated by the President by and with the advice and consent of the Senate.

(d) The Assistant Administrator shall exercise all necessary powers, subject to the direction of the Administrator of the Law Enforcement Assistance Administration.

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

(f) There shall be established in the Office a Deputy Assistant 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 occurrence, is amended by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-five".

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 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,

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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 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

(7) provide technical assistance to Federal, State, and local governments, courts, public and private agencies, institutions, 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.

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(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) shall contain, in addition to the comprehensive plan required by subsection (b) (6), 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, 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, 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 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, institution, or individual to carry out the purposes of this part.

(k) All functions of the Administrator under this part 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.).

(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).

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(d) The Council shall meet a minimum of six 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 may, with the approval of the Council, appoint such personnel 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. 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.

(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.

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 recommendations to the Administrator at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(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.

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(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 governments 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.

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), and (15) 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 (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; 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;

(4) provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;

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(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 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—

(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;

(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;

(13) 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 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 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 or 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;

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- (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;
 - (4) improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent;
 - (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 model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions.
- (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 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—

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(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;

(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency; and

(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.

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) 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) 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, the State may utilize 25 per centum of the formula

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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.

(b) Any Federal agency which receives a request from the Institute under subsection (g) (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 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;

(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.

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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) 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.

ANNUAL REPORT

SEC. 246. The Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the 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 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.

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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

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.

(b) In addition to the funds appropriated under this section, the Administration shall maintain 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 assisted by the Law Enforcement Assistance Administration during fiscal year 1972.

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 program 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.

EFFECTIVE CLAUSE

SEC. 263. (a) Except as provided by subsection (b), 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(1) shall become effective at the close of the thirty-first day of the eighth calendar month of 1976.

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

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(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

SURVEY; REPORT

SEC. 321. The Secretary shall gather information and carry 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.

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.

(b) To carry out the purposes of part B of this title there is authorized to be appropriated the sum of \$500,000.

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:

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"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 A—AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

SEC. 501. Section 5031 of title 18, United States Code, is amended to read as follows:

"§ 5031. Definitions

"For the purposes of this chapter, a 'juvenile' is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-first birthday, and 'juvenile delinquency' is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult."

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DELINQUENCY PROCEEDINGS IN DISTRICT COURTS

SEC. 502. Section 5032 of title 18, United States Code, is amended to read as follows:

“§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution

“A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the needs of juveniles.

“If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

“If an alleged juvenile delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

“A juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult, except that, with respect to a juvenile sixteen years and older alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, such transfer would be in the interest of justice.

“Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing whether a transfer would be in the interest of justice: the age and social background of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; the availability of programs designed to treat the juvenile's behavioral problems.

“Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

“Once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

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may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment."

SPEEDY TRIAL

SEC. 506. Section 5036 of this title is amended to read as follows:

"§ 5036. Speedy trial

"If an alleged delinquent who is in detention pending trial is not brought to trial within thirty days from the date upon which such detention was begun, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay was caused by the juvenile or his counsel, or consented to by the juvenile and his counsel, or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice. Except in extraordinary circumstances, an information dismissed under this section may not be reinstated."

DISPOSITION

SEC. 507. Section 5037 is amended to read as follows:

"§ 5037. Dispositional hearing

"(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than twenty court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the Government a reasonable time in advance of the hearing.

"(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment, or commitment in accordance with subsection (c) shall not extend beyond the juvenile's twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner, unless the juvenile has attained his nineteenth birthday at the time of disposition, in which case probation, commitment, or commitment in accordance with subsection (c) shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

"(c) If the court desires more detailed information concerning an alleged or adjudicated delinquent, it may commit him, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only

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with the consent of the juvenile and his attorney. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time."

JUVENILE RECORDS

Sec. 508. Section 5038 is added, to read as follows:

"§ 5038. Use of juvenile records

"(a) Throughout the juvenile delinquency proceeding the court shall safeguard the records from disclosure. Upon the completion of any juvenile delinquency proceeding whether or not there is an adjudication the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except to the extent necessary to meet the following circumstances:

- "(1) inquiries received from another court of law;
- "(2) inquiries from an agency preparing a presentence report for another court;
- "(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;
- "(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; and
- "(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

Unless otherwise authorized by this section, information about the sealed record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to the sealing of his juvenile record.

"(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.

"(d) Unless a juvenile who is taken into custody is prosecuted as an adult—

- "(1) neither the fingerprints nor a photograph shall be taken without the written consent of the judge; and
- "(2) neither the name nor picture of any juvenile shall be made public by any medium of public information in connection with a juvenile delinquency proceeding."

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COMMITMENT

SEC. 509. Section 5039 is added, to read as follows:

“§ 5039. Commitment

“No juvenile committed to the custody of the Attorney General may be placed or retained in an adult jail or correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

“Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

“Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.”

SUPPORT

SEC. 510. Section 5040 is added, to read as follows:

“§ 5040. Support

“The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for ‘support of United States prisoners’ or such other appropriations as he may designate.”

PAROLE

SEC. 511. Section 5041 is added to read as follows:

“§ 5041. Parole

“The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice.”

REVOCATION

SEC. 512. Section 5042 is added to read as follows:

“§ 5042. Revocation of parole or probation

“Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked.”

SEC. 513. The table of sections of chapter 403 of this title is amended to read as follows:

“Sec.

“5031. Definitions.

“5032. Delinquency proceedings in district courts; transfer for criminal prosecution.

“5033. Custody prior to appearance before magistrate.

“5034. Duties of magistrate.

“5035. Detention prior to disposition.

“5036. Speedy trial.

“5037. Dispositional hearing.

“5038. Use of juvenile records.

“5039. Commitment.

“5040. Support.

“5041. Parole.

“5042. Revocation of parole or probation.”.

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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 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 travel-time, 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.

“(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) 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."

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:

August 27, 1974

Dear Mr. Director:

The following bills were received at the White House on August 27th:

S. 821
H.R. 13871
H.R. 15572

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C.