

93^D CONGRESS
2^D SESSION

S. 821

IN THE SENATE OF THE UNITED STATES

JULY 31, 1974

Ordered to be printed as passed

AN ACT

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Juvenile Justice and
4 Delinquency Prevention Act of 1974".

5 TITLE I—FINDINGS AND DECLARATION OF
6 PURPOSE

7 SEC. 101. (a) Section titled "Declaration and Pur-
8 pose" in title I of the Omnibus Crime Control and Safe
9 Streets Act of 1968, as amended (82 Stat. 197; 84 Stat.
10 1881; 87 Stat. 197), is amended by inserting immediately

1 after the second paragraph thereof the following new para-
2 graph:

3 "Congress finds further that the high incidence of delin-
4 quency in the United States today results in enormous an-
5 nual cost and immeasurable loss in human life, personal
6 security, and wasted human resources, and (2) that juvenile
7 delinquency constitutes a growing threat to the national
8 welfare requiring immediate and comprehensive action by
9 the Federal Government to reduce and prevent delinquency."

10 (b) Such section is further amended by adding at the
11 end thereof the following new paragraph:

12 "It is therefore the further declared policy of Congress
13 to provide the necessary resources, leadership, and coordina-
14 tion to (1) develop and implement effective methods of pre-
15 venting and reducing juvenile delinquency; (2) to develop
16 and conduct effective programs to prevent delinquency, to
17 divert juveniles from the traditional juvenile justice system
18 and to provide critically needed alternatives, to institutional-
19 ization; (3) to improve the quality of juvenile justice in the
20 United States; and (4) to increase the capacity of State and
21 local governments and public and private agencies to conduct
22 effective juvenile justice and delinquency prevention and re-
23 habilitation programs and to provide research, evaluation,
24 and training services in the field of juvenile justice and
25 delinquency prevention."

DEFINITIONS

1
2 SEC. 103. Section 601 of title I of the Omnibus Crime
3 Control and Safe Streets Act of 1968, as amended (82 Stat.
4 197; 84 Stat. 1881; 87 Stat. 197), is further amended by
5 adding the following new subsections:

6 “(p) the term ‘community based’ facility, program, or
7 service, as used in part F, means a small, open group or home
8 or other suitable place located near the adult offender’s or
9 juvenile’s home or family and programs of community
10 supervision and service which maintain community and con-
11 sumer participation in the planning, operation, and evaluation
12 of their programs which may include, but are not limited to,
13 medical, educational, vocational, social, and psychological
14 guidance, training, counseling, drug treatment, and other
15 rehabilitative services;

16 “(q) the term ‘Federal juvenile delinquency program’
17 means any juvenile delinquency program which is conducted,
18 directly, or indirectly, or is assisted by any Federal depart-
19 ment or agency, including any program funded under this
20 Act;

21 “(r) the term ‘juvenile delinquency program’ means any
22 program or activity related to juvenile delinquency preven-
23 tion, control, diversion, treatment, rehabilitation, planning,
24 education, training, and research, including drug abuse pro-
25 grams; the improvement of the juvenile justice system; and

1 any program or activity for neglected, abandoned, or depend-
2 ent youth and other youth who are in danger of becoming
3 delinquent.”

4 TITLE II—AMENDMENTS TO THE FEDERAL
5 JUVENILE DELINQUENCY ACT

6 SEC. 201. Section 5031 of title 18, United States Code,
7 is amended to read as follows:

8 **“§ 5031. Definitions**

9 “For the purposes of this chapter, a ‘juvenile’ is a per-
10 son who has not attained his eighteenth birthday, or for
11 the purpose of proceedings and disposition under this chapter
12 for an alleged act of juvenile delinquency, a person who has
13 not attained his twenty-first birthday, and ‘juvenile delin-
14 quency’ is the violation of a law of the United States com-
15 mitted by a person prior to his eighteenth birthday which
16 would have been a crime if committed by an adult.”

17 DELINQUENCY PROCEEDINGS IN DISTRICT COURTS

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

20 **“§ 5032. Delinquency proceedings in district courts; trans-
21 fer for criminal prosecution**

22 “A juvenile alleged to have committed an act of juvenile
23 delinquency shall not be proceeded against in any court of
24 the United States unless the Attorney General, after investi-
25 gation, certifies to an appropriate district court of the United

1 States that the juvenile court or other appropriate court of
2 a State (1) does not have jurisdiction or refuses to assume
3 jurisdiction over said juvenile with respect to such alleged act
4 of juvenile delinquency, or (2) does not have available pro-
5 grams and services adequate for the needs of juveniles.

6 "If the Attorney General does not so certify, such juve-
7 nile shall be surrendered to the appropriate legal authorities
8 of such State.

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

18 "A juvenile who is alleged to have committed an act of
19 juvenile delinquency and who is not surrendered to State
20 authorities shall be proceeded against under this chapter un-
21 less he has requested in writing upon advice of counsel to be
22 proceeded against as an adult, except that, with respect to
23 a juvenile sixteen years and older alleged to have committed
24 an act after his sixteenth birthday which if committed by
25 an adult would be a felony punishable by a maximum penalty

1 of ten years imprisonment or more, life imprisonment, or
2 death, criminal prosecution on the basis of the alleged act
3 may be begun by motion to transfer of the Attorney General
4 in the appropriate district court of the United States, if such
5 court finds, after hearing, such transfer would be in the
6 interest of justice.

7 "Evidence of the following factors shall be considered,
8 and findings with regard to each factor shall be made in the
9 record, in assessing whether a transfer would be in the inter-
10 est of justice: the age and social background of the juvenile;
11 the nature of the alleged offense; the extent and nature of
12 the juvenile's prior delinquency record; the juvenile's present
13 intellectual development and psychological maturity; the
14 nature of past treatment efforts and the juvenile's response to
15 such efforts; the availability of programs designed to treat
16 the juvenile's behavioral problems.

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

22 "Once a juvenile has entered a plea of guilty or the pro-
23 ceeding has reached the stage that evidence has begun to be
24 taken with respect to a crime or an alleged act of juvenile
25 delinquency subsequent criminal prosecution or juvenile pro-

1 ceedings based upon such alleged act of delinquency shall
2 be barred.

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

6 CUSTODY

7 SEC. 203. Section 5033 of title 18, United States Code
8 is amended to read as follows:

9 "§ 5033. Custody prior to appearance before magistrate

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

18 "The juvenile shall be taken before a magistrate forth-
19 with. In no event shall the juvenile be detained for longer
20 than a reasonable period of time before being brought before
21 a magistrate."

22 DUTIES OF MAGISTRATE

23 SEC. 204. Section 5034 of title 18, United States
24 Code, is amended to read as follows:

1 "§ 5034. Duties of magistrate

2 "The magistrate shall insure that the juvenile is rep-
3 resented by counsel before proceeding with critical stages
4 of the proceedings. Counsel shall be assigned to represent a
5 juvenile when the juvenile and his parents, guardian, or
6 custodian are financially unable to obtain adequate repre-
7 sentation. In cases where the juvenile and his parents,
8 guardian, or custodian are financially able to obtain adequate
9 representation but have not retained counsel, the magistrate
10 may assign counsel and order the payment of reasonable at-
11 torney's fees or may direct the juvenile, his parents, guard-
12 ian, or custodian to retain private counsel within a specified
13 period of time.

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

20 "If the juvenile has not been discharged before his initial
21 appearance before the magistrate, the magistrate shall re-
22 lease the juvenile to his parents, guardian, custodian, or
23 other responsible party (including, but not limited to, the
24 director of a shelter-care facility) upon their promise to bring
25 such juvenile before the appropriate court when requested by

1 such court unless the magistrate determines, after hearing, at
2 which the juvenile is represented by counsel, that the deten-
3 tion of such juvenile is required to secure his timely appear-
4 ance before the appropriate court or to insure his safety or
5 that of others.”

6 DETENTION

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

9 “§ 5035. **Detention prior to disposition**

10 “A juvenile alleged to be delinquent may be detained
11 only in a juvenile facility or such other suitable place as the
12 Attorney General may designate. Whenever possible, deten-
13 tion shall be in a foster home or community based facility
14 located in or near his home community. The Attorney Gen-
15 eral shall not cause any juvenile alleged to be delinquent to
16 be detained or confined in any institution in which the juve-
17 nile has regular contact with adult persons convicted of a
18 crime or awaiting trial on criminal charges are confined.
19 Insofar as possible, alleged delinquents shall be kept separate
20 from adjudicated delinquents. Every juvenile in custody shall
21 be provided with adequate food, heat, light, sanitary facilities,
22 bedding, clothing, recreation, education, and medical care,
23 including necessary psychiatric, psychological, or other care
24 and treatment.”

1 **SPEEDY TRIAL**

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

4 **“§ 5036. Speedy trial**

5 “If an alleged delinquent who is in detention pending
6 trial is not brought to trial within thirty days from the date
7 upon which such detention was begun, the information shall
8 be dismissed on motion of the alleged delinquent or at the
9 direction of the court, unless the Attorney General shows that
10 additional delay was caused by the juvenile or his counsel,
11 or consented to by the juvenile and his counsel, or would be
12 in the interest of justice in the particular case. Delays at-
13 tributable solely to court calendar congestion may not be
14 considered in the interest of justice. Except in extraordinary
15 circumstances, an information dismissed under this section
16 may not be reinstated.

17 **DISPOSITION**

18 SEC. 207. Section 5037 is amended to read as follows:

19 **“§ 5037. Dispositional hearing**

20 “(a) If a juvenile is adjudicated delinquent, a separate
21 dispositional hearing shall be held no later than twenty
22 court days after trial unless the court has ordered further
23 study in accordance with subsection (c). Copies of the pre-
24 sentence report shall be provided to the attorneys for both

1 the juvenile and the Government a reasonable time in ad-
2 vance of the hearing.

3 “(b) The court may suspend the adjudication of de-
4 linquency or the disposition of the delinquent on such condi-
5 tions as it deems proper, place him on probation, or com-
6 mit him to the custody of the Attorney General. Probation,
7 commitment, or commitment in accordance with subsection
8 (c) shall not extend beyond the juvenile's twenty-first
9 birthday or the maximum term which could have been
10 imposed on an adult convicted of the same offense, which-
11 ever is sooner, unless the juvenile has attained his nineteenth
12 birthday at the time of disposition, in which case probation,
13 commitment, or commitment in accordance with subsection
14 (c) shall not exceed the lesser of two years or the maximum
15 term which could have been imposed on an adult convicted
16 of the same offense.

17 “(c) If the court desires more detailed information
18 concerning an alleged or adjudicated delinquent, it may com-
19 mit him, after notice and hearing at which the juvenile is
20 represented by counsel, to the custody of the Attorney Gen-
21 eral for observation and study by an appropriate agency.
22 Such observation and study shall be conducted on an out-
23 patient basis, unless the court determines that inpatient obser-
24 vation and study are necessary to obtain the desired informa-
25 tion. In the case of an alleged juvenile delinquent, inpatient

1 study may be ordered only with the consent of the juvenile
2 and his attorney. The agency shall make a complete study of
3 the alleged or adjudicated delinquent to ascertain his personal
4 traits, his capabilities, his background, any previous delin-
5 quency or criminal experience, any mental or physical defect,
6 and any other relevant factors. The Attorney General shall
7 submit to the court and the attorneys for the juvenile and
8 the Government the results of the study within thirty days
9 after the commitment of the juvenile, unless the court grants
10 additional time."

11 JUVENILE RECORDS

12 SEC. 208. Section 5038 is added, to read as follows:

13 "§ 5038. Use of juvenile records

14 "(a) Throughout the juvenile delinquency proceeding,
15 the court shall safeguard the records from disclosure. Upon
16 the completion of any juvenile delinquency proceeding
17 whether or not there is an adjudication the district court shall
18 order the entire file and record of such proceeding sealed.
19 After such sealing, the court shall not release these records
20 except to the extent necessary to meet the following cir-
21 cumstances:

22 "(1) inquiries received from another court of law;

23 "(2) inquiries from an agency preparing a presen-
24 tence report for another court;

25 "(3) inquiries from law enforcement agencies

1 where the request for information is related to the in-
2 vestigation of a crime or a position within that agency;

3 “(4) inquiries, in writing, from the director of a
4 treatment agency or the director of a facility to which
5 the juvenile has been committed by the court; and

6 “(5) inquiries from an agency considering the per-
7 son for a position immediately and directly affecting the
8 national security.

9 Unless otherwise authorized by this section, information
10 about the sealed record may not be released when the re-
11 quest for information is related to an application for em-
12 ployment, license, bonding, or any civil right or privilege.
13 Responses to such inquiries shall not be different from re-
14 sponses made about persons who have never been involved in
15 a delinquency proceeding.

16 “(b) District courts exercising jurisdiction over any ju-
17 venile shall inform the juvenile, and his parent or guardian,
18 in writing in clear and nontechnical language of rights relat-
19 ing to the sealing of his juvenile record.

20 “(c) During the course of any juvenile delinquency
21 proceeding, all information and records relating to the pro-
22 ceeding, which are obtained or prepared in the discharge of
23 an official duty by an employee of the court or an employee
24 of any other governmental agency, shall not be disclosed di-
25 rectly or indirectly to anyone other than the judge, counsel

1 for the juvenile and the government, or others entitled under
2 this section to receive sealed records.

3 “(d) Unless a juvenile who is taken into custody is
4 prosecuted as an adult—

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

8 “(2) neither the name nor picture of any juvenile
9 shall be made public by any medium of public informa-
10 tion in connection with a juvenile delinquency proceed-
11 ing.”

12 COMMITMENT

13 SEC. 209. Section 5039 is added, to read as follows:

14 “§ 5039. Commitment

15 “No juvenile committed to the custody of the Attorney
16 General may be placed or retained in an adult jail or cor-
17 rectional institution in which he has regular contact with
18 adults incarcerated because they have been convicted of a
19 crime or are awaiting trial on criminal charges.

20 “Every juvenile who has been committed shall be pro-
21 vided with adequate food, heat, light, sanitary facilities,
22 bedding, clothing, recreation, counseling, education, training,
23 and medical care, including necessary psychiatric, psycholog-
24 ical, or other care and treatment.

25 “Whenever possible, the Attorney General shall commit

1 a juvenile to a foster home or community-based facility lo-
2 cated in or near his home community.”

3 **SUPPORT**

4 **SEC. 210.** Section 5040 is added, to read as follows:

5 **“§ 5040. Support**

6 “The Attorney General may contract with any public
7 or private agency or individual and such community-based
8 facilities as halfway houses and foster homes for the observa-
9 tion and study and the custody and care of juveniles in his
10 custody. For these purposes, the Attorney General may
11 promulgate such regulations as are necessary and may use
12 the appropriation for ‘support of United States’ prisoners’ or
13 such other appropriations as he may designate.”

14 **PAROLE**

15 **SEC. 211.** Section 5041 is added to read as follows:

16 **“§ 5041. Parole**

17 “The Board of Parole shall release from custody, on
18 such conditions as it deems necessary, each juvenile delin-
19 quent who has been committed, as soon as the Board is
20 satisfied that he is likely to remain at liberty without violating
21 the law and when such release would be in the interest of
22 justice.”

23 **REVOCATION**

24 **SEC. 212.** Section 5042 is added to read as follows:

1 "§ 5042. Revocation of parole or probation

2 "Any juvenile parolee or probationer shall be accorded
3 notice and a hearing with counsel before his parole or pro-
4 bation can be revoked."

5 SEC. 213. The table of sections of chapter 403 of this
6 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."

7 TITLE III—JUVENILE JUSTICE AND DELIN-
8 QUENCY PREVENTION OFFICE

9 SEC. 301. Section 203 (a) of title I of the Omnibus
10 Crime Control and Safe Streets Act of 1968, as amended
11 (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is further
12 amended by deleting the third full sentence and inserting
13 in lieu thereof the following: "The State planning agency
14 and any regional planning units within the State shall within
15 their respective jurisdictions be representative of the law
16 enforcement and criminal justice agencies including agencies
17 directly related to the prevention and control of juvenile
18 delinquency, units of general local governments, and public

1 agencies maintaining programs to reduce and control crime,
 2 and shall include representatives of citizen, professional, and
 3 community organizations including organizations directly
 4 related to delinquency prevention.”.

5 SEC. 302. (a) Parts F, G, H, and I of title I of the
 6 Omnibus Crime Control and Safe Streets Act of 1968, as
 7 amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), and
 8 all references thereto, are redesignated as parts G, H, I, and
 9 J, respectively.

10 (b) Title I of the Omnibus Crime Control and Safe
 11 Streets Act of 1968, as amended (82 Stat. 197; 84 Stat.
 12 1881; 87 Stat. 197), is further amended by adding after
 13 part E the following new part F:

14 “PART F—JUVENILE JUSTICE AND DELINQUENCY
 15 PREVENTION

16 “ESTABLISHMENT OF OFFICE

17 “SEC. 471. (a) There is hereby created within the De-
 18 partment of Justice, Law Enforcement Assistance Admin-
 19 istration, the Office of Juvenile Justice and Delinquency Pre-
 20 vention (referred to in this Act as the ‘Office’).

21 “(b) The programs authorized in part F (hereinafter
 22 referred to as ‘this part’) and all other programs concerned
 23 with juvenile delinquency and administered by the Law En-
 24 forcement Assistance Administration shall be administered

1 or subject to the policy direction of the Office established
2 under this section.

3 “(c) There shall be at the head of the Office an Assist-
4 ant Administrator who shall be nominated by the President
5 by and with the advice and consent of the Senate.

6 “(d) The Assistant Administrator shall exercise all
7 necessary powers, subject to the direction of the Adminis-
8 trator of the Law Enforcement Assistance Administration.

9 “(e) There shall be in the Office a Deputy Assistant
10 Administrator who shall be appointed by the Administrator
11 of the Law Enforcement Assistance Administration. The
12 Deputy Assistant Administrator shall perform such functions
13 as the Assistant Administrator from time to time assigns
14 or delegates, and shall act as Assistant Administrator during
15 the absence or disability of the Assistant Administrator or
16 in the event of a vacancy in the Office of the Assistant
17 Administrator.

18 “(f) There shall be established in the Office a Deputy
19 Assistant Administrator who shall be appointed by the
20 Administrator whose function shall be to supervise and direct
21 the National Institute for Juvenile Justice established under
22 section 490 of this Act.

23 “(g) Section 5108 (c) (10) of title 5, United States
24 Code, is amended by deleting the word ‘twenty-two’ and
25 inserting in lieu thereof the word ‘twenty-five’.

1 "PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND
2 CONSULTANTS

3 "SEC. 472. (a) The Administrator is authorized to
4 select, employ, and fix the compensation of such officers and
5 employees, including attorneys, as are necessary to perform
6 the functions vested in him and to prescribe their functions.

7 "(b) The Administrator is authorized to select, appoint,
8 and employ not to exceed three officers and to fix their com-
9 pensation at rates not to exceed the rate now or hereafter
10 prescribed for GS-18 of the General Schedule by section
11 5332 of title 5 of the United States Code.

12 "(c) Upon the request of the Administrator, the head
13 of any Federal agency is authorized to detail, on a reimburs-
14 able basis, any of its personnel to the Assistant Administrator
15 to assist him in carrying out his functions under this Act.

16 "(d) The Administrator may obtain services as author-
17 ized by section 3109 of title 5 of the United States Code, at
18 rates not to exceed the rate now or hereafter prescribed for
19 GS-18 of the General Schedule by section 5332 of title 5
20 of the United States Code.

21 "VOLUNTARY SERVICE

22 "SEC. 473. The Administrator is authorized to accept and
23 employ, in carrying out the provisions of this Act, voluntary
24 and uncompensated services notwithstanding the provisions

1 of section 36.9 (b) of the Revised Statutes (31 U.S.C.
2 665 (b)).

3 "CONCENTRATION OF FEDERAL EFFORTS

4 "SEC. 474. (a) The Administrator shall implement
5 overall policy and develop objectives and priorities for all
6 Federal juvenile delinquency programs and activities relating
7 to prevention, diversion, training, treatment, rehabilitation,
8 evaluation, research, and improvement of the juvenile justice
9 system in the United States. In carrying out his functions,
10 the Administrator shall consult with the Interdepartmental
11 Council and the National Advisory Committee for Juvenile
12 Justice and Delinquency Prevention.

13 "(b) In carrying out the purposes of this Act, the Ad-
14 ministrator is authorized to—

15 "(1) advise the President through the Attorney
16 General as to all matters relating to federally assisted
17 juvenile delinquency programs and Federal policies re-
18 garding juvenile delinquency;

19 "(2) assist operating agencies which have direct re-
20 sponsibilities of the prevention and treatment of juvenile
21 delinquency in the development and promulgation of reg-
22 ulations, guidelines, requirements, criteria, standards,
23 procedures, and budget requests in accordance with the
24 policies, priorities, and objectives he establishes;

25 "(3) conduct and support evaluations and studies of

1 the performance and results achieved by Federal juvenile
2 delinquency programs and activities and of the prospec-
3 tive performance and results that might be achieved by
4 alternative programs and activities supplementary to or
5 in lieu of those currently being administered;

6 “(4) implement Federal juvenile delinquency pro-
7 grams and activities among Federal departments and
8 agencies and between Federal juvenile delinquency pro-
9 grams and activities and other Federal programs and
10 activities which he determines may have an important
11 bearing on the success of the entire Federal juvenile de-
12 linquency effort;

13 “(5) develop annually with the assistance of the
14 Advisory Committee and submit to the President and the
15 Congress, after the first year the legislation is enacted,
16 prior to September 30, an analysis and evaluation of
17 Federal juvenile delinquency programs conducted and
18 assisted by Federal departments and agencies, the ex-
19 penditures made, the results achieved, the plans de-
20 veloped, and problems in the operations and coordination
21 of such programs. This report shall include recommenda-
22 tions for modifications in organization, management,
23 personnel, standards, budget requests, and implementa-
24 tion plans necessary to increase the effectiveness of these
25 programs;

1 “(6) develop annually with the assistance of the
2 Advisory Committee and submit to the President and
3 the Congress, after the first year the legislation is enacted,
4 prior to March 1, a comprehensive plan for Federal
5 juvenile delinquency programs, with particular empha-
6 sis on the prevention of juvenile delinquency and the
7 development of programs and services which will encour-
8 age increased diversion of juveniles from the traditional
9 juvenile justice system; and

10 “(7) provide technical assistance to Federal, State,
11 and local governments, courts, public and private agen-
12 cies, institutions, and individuals, in the planning, estab-
13 lishment, funding, operation, or evaluation of juvenile
14 delinquency programs.

15 “(c) The Administrator may request departments and
16 agencies engaged in any activity involving any Federal
17 juvenile delinquency program to provide him with such
18 information and reports, and to conduct such studies and sur-
19 veys, as he may deem to be necessary to carry out the pur-
20 poses of this part.

21 “(d) The Administrator may delegate any of his func-
22 tions under this part, except the making of regulations, to
23 any officer or employee of the Administration.

24 “(e) The Administrator is authorized to utilize the
25 services and facilities of any agency of the Federal Govern-

1 ment and of any other public agency or institution in ac-
2 cordance with appropriate agreements, and to pay for such
3 services either in advance or by way of reimbursement as
4 may be agreed upon.

5 “(f) The Administrator is authorized to transfer funds
6 appropriated under this title to any agency of the Federal
7 Government to develop or demonstrate new methods in ju-
8 venile delinquency prevention and rehabilitation and to sup-
9 plement existing delinquency prevention and rehabilitation
10 programs which the Assistant Administrator finds to be
11 exceptionally effective or for which he finds there exists
12 exceptional need.

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

16 “(h) All functions of the Administrator under this part
17 shall be coordinated as appropriate with the functions of the
18 Secretary of the Department of Health, Education, and Wel-
19 fare under the Juvenile Delinquency Prevention Act (42
20 U.S.C. 3801 et seq.).

21 “JOINT FUNDING

22 “SEC. 475. Notwithstanding any other provision of
23 law, where funds are made available by more than one
24 Federal agency to be used by any agency, organization,
25 institution, or individual to carry out a Federal juvenile

1 delinquency program or activity, any one of the Federal
2 agencies providing funds may be requested by the Ad-
3 ministrator to act for all in administering the funds advanced.
4 In such cases, a single non-Federal share requirement may
5 be established according to the proportion of funds ad-
6 vanced by each Federal agency, and the Administrator
7 may order any such agency to waive any technical grant
8 or contract requirement (as defined in such regulations)
9 which is inconsistent with the similar requirement of the ad-
10 ministering agency or which the administering agency does
11 not impose.

12 "INTERDEPARTMENTAL COUNCIL

13 "SEC. 476. (a) There is hereby established an Inter-
14 departmental Council on Juvenile Delinquency (hereinafter
15 referred to as the 'Council') composed of the Attorney Gen-
16 eral, the Secretary of Health, Education, and Welfare, the
17 Secretary of Labor, the Director of the Special Action Office
18 for Drug Abuse Prevention, the Secretary of Housing and
19 Urban Development, or their respective designees, and
20 representatives of such other agencies as the President shall
21 designate.

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

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

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

5 “(e) The Chairman shall appoint an Executive Secre-
6 tary of the Council and such personnel as are necessary to
7 carry out the functions of the Council.

8 “ADVISORY COMMITTEE

9 “SEC. 477. (a) There is hereby established a National
10 Advisory Committee for Juvenile Justice and Delinquency
11 Prevention (hereinafter referred to as the ‘Advisory Com-
12 mittee’) which shall consist of twenty-one members.

13 “(b) The members of the Interdepartmental Council or
14 their respective designee shall be ex officio members of the
15 Committee.

16 “(c) The regular members of the Advisory Committee
17 shall be appointed by the Attorney General from persons
18 who by virtue of their training or experience have special
19 knowledge concerning the prevention and treatment of ju-
20 venile delinquency or the administration of juvenile justice,
21 such as juvenile or family court judges; probation, correc-
22 tional, or law enforcement personnel; and representatives of
23 private voluntary organizations and community-based pro-
24 grams. The President shall designate the Chairman. A major-

1 ity of the members of the Advisory Committee, including the
2 Chairman, shall not be full-time employees of Federal, State,
3 or local governments. At least seven members shall not have
4 attained twenty-six years of age on the date of their appoint-
5 ment.

6 " (d) Members appointed by the President to the Com-
7 mittee shall serve for terms of four years and shall be eligible
8 for reappointment except that for the first composition of
9 the Advisory Committee, one-third of these members shall
10 be appointed to one-year terms, one-third to two-year terms,
11 and one-third to three-year terms; thereafter each term shall
12 be four years. Any members appointed to fill a vacancy
13 occurring prior to the expiration of the term for which his
14 predecessor was appointed, shall be appointed for the re-
15 mainder of such term.

16 "DUTIES OF THE ADVISORY COMMITTEE

17 "SEC. 478. (a) The Advisory Committee shall meet
18 at the call of the Chairman, but not less than four times
19 a year.

20 " (b) The Advisory Committee shall make recommenda-
21 tions to the Administrator at least annually with respect to
22 planning, policy, priorities, operations, and management of
23 all Federal juvenile delinquency programs.

24 " (c) The Chairman may designate a subcommittee of
25 the members of the Advisory Committee to advise the Ad-

1 administrator on particular functions or aspects of the work of
2 the Administration.

3 “(d) The Chairman shall designate a subcommittee of
4 five members of the Committee to serve as members of an
5 Advisory Committee for the National Institute for Juvenile
6 Justice to perform the functions set forth in section 494 of
7 this title.

8 “(e) The Chairman shall designate a subcommittee of
9 five members of the Committee to serve as an Advisory Com-
10 mittee to the Administrator on Standards for the Administra-
11 tion of Juvenile Justice to perform the functions set forth
12 in section 496 of this title.

13 “COMPENSATION AND EXPENSES

14 “SEC. 479. (a) Members of the Advisory Committee
15 who are employed by the Federal Government full time shall
16 serve without compensation but shall be reimbursed for
17 travel, subsistence, and other necessary expenses incurred by
18 them in carrying out the duties of the Advisory Committee.

19 “(b) Members of the Advisory Committee not em-
20 ployed full time by the Federal Government shall receive
21 compensation at a rate not to exceed the rate now or here-
22 after prescribed for GS-18 of the General Schedule by sec-
23 tion 5332 of title 5 of the United States Code, including
24 traveltime for each day they are engaged in the performance
25 of their duties as members of the Advisory Committee. Mem-

1 bers shall be entitled to reimbursement for travel, subsistence,
2 and other necessary expenses incurred by them in carrying
3 out the duties of the Advisory Committee."

4 TITLE IV—FEDERAL ASSISTANCE FOR STATE
5 AND LOCAL PROGRAMS

6 SEC. 401. Title I of the Omnibus Crime Control and
7 Safe Streets Act of 1968, as amended (82 Stat. 197; 84
8 Stat. 1881; 87 Stat. 197), is further amended by adding the
9 following sections to new part F thereof:

10 "FORMULA GRANTS

11 "SEC. 480. The Administrator is authorized to make
12 grants to States and local governments to assist them in plan-
13 ning, establishing, operating, coordinating, and evaluating
14 projects directly or through contracts with public and private
15 agencies for the development of more effective education,
16 training, research, prevention, diversion, treatment, and re-
17 habilitation programs in the area of juvenile delinquency and
18 programs to improve the juvenile justice system.

19 "ALLOCATION

20 "SEC. 481. (a) In accordance with regulations pro-
21 mulgated under this part, funds shall be allocated annually
22 among the States on the basis of relative population of peo-
23 ple under age eighteen. No such allotment to any State shall
24 be less than \$200,000, except that for the Virgin Islands,

1 Guam, and American Samoa, no allotment shall be less than
2 \$50,000.

3 " (b) Except for funds appropriated for fiscal year 1975,
4 if any amount so allotted remains unobligated at the end of
5 the fiscal year, such funds shall be reallocated in a manner
6 equitable and consistent with the purposes of this part. Funds
7 appropriated for fiscal year 1975 may be obligated in accord-
8 ance with subsection (a) until June 30, 1976, after which
9 time they may be reallocated. Any amount so reallocated
10 shall be in addition to the amounts already allotted and avail-
11 able to the State, the Virgin Islands, American Samoa, and
12 Guam for the same period.

13 " (c) In accordance with regulations promulgated under
14 this part, a portion of any allotment to any State under this
15 part shall be available to develop a State plan and to pay
16 that portion of the expenditures which are necessary for effi-
17 cient administration. Not more than 15 per centum of the
18 total annual allotment of such State shall be available for
19 such purposes. The State shall make available needed funds
20 for planning and administration to local governments within
21 the State on an equitable basis.

22 "STATE PLANS

23 "SEC. 482. (a) In order to receive formula grants under
24 this part, a State shall submit a plan for carrying out its pur-

1 poses in accordance with the requirements set forth in section
2 303 (a) of this title. In accordance with regulations estab-
3 lished under this title, such plan must—

4 “(1) designate the State planning agency estab-
5 lished by the State under section 203 of this title as the
6 sole agency for supervising the preparation and adminis-
7 tration of the plan;

8 “(2) contain satisfactory evidence that the State
9 agency designated in accordance with paragraph (1)
10 (hereafter referred to in this part as the ‘State planning
11 agency’) has or will have authority, by legislation if
12 necessary, to implement such plan in conformity with
13 this part;

14 “(3) provide for an advisory group appointed by
15 the chief executive of the State to advise the State
16 planning agency and its supervisory board (A) which
17 shall consist of not less than twenty-one and not more
18 than thirty-three persons who have training, experience,
19 or special knowledge concerning the prevention and
20 treatment of juvenile delinquency or the administration
21 of juvenile justice, (B) which shall include representa-
22 tion of units of local government, law enforcement and
23 juvenile justice agencies such as law enforcement, cor-
24 rection or probation personnel, and juvenile or family
25 court judges, and public agencies concerned with delin-

1 quency prevention or treatment such as welfare, social
2 services, mental health, education or youth services de-
3 partments, (C) which shall include representatives of
4 private organizations: concerned with delinquency pre-
5 vention or treatment; concerned with neglected or de-
6 pendent children; concerned with the quality of juvenile
7 justice, education, or social services for children; which
8 utilize volunteers to work with delinquents or potential
9 delinquents; community-based delinquency prevention
10 or treatment programs; and organizations which rep-
11 resent employees affected by this Act, (D) a majority
12 of whose members (including the Chairman) shall not
13 be full-time employees of the Federal, State, or local
14 government, and (E) at least one-third of whose mem-
15 bers shall be under the age of twenty-six at the time of
16 appointment;

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

21 “(5) provide that at least 50 per centum of the
22 funds received by the State under section 481 shall be
23 expended through programs of local government insofar
24 as they are consistent with the State plan, except that
25 this provision may be waived at the discretion of the Ad-

1 administrator for any State if the services for delinquent
2 or potentially delinquent youth are organized primarily
3 on a statewide basis ;

4 “(6) provide that the chief executive officer of the
5 local government shall assign responsibility for the prep-
6 aration and administration of the local government’s part
7 of a State plan, or for the supervision of the preparation
8 and administration of the local government’s part of the
9 State plan, to that agency within the local government’s
10 structure (hereinafter in this part referred to as the ‘local
11 agency’) which can most effectively carry out the pur-
12 poses of this part and shall provide for supervision of the
13 programs funded under this part by that local agency ;

14 “(7) provide for an equitable distribution of the
15 assistance received under section 481 within the State ;

16 “(8) set forth a detailed study of the State needs
17 for an effective, comprehensive, coordinated approach to
18 juvenile delinquency prevention and treatment and the
19 improvement of the juvenile justice system. This plan
20 shall include itemized estimated costs for the develop-
21 ment and implementation of such programs ;

22 “(9) provide for the active consultation with and
23 participation of private agencies in the development and
24 execution of the State plan ; and provide for coordina-
25 tion and maximum utilization of existing juvenile delin-

1 quency programs and other related programs, such as
2 education, health, and welfare within the State;

3 “(10) provide that not less than 75 per centum of
4 the funds available to such State under section 481,
5 whether expended directly by the State or by the local
6 government or through contracts with public or private
7 agencies, shall be used for advanced techniques in de-
8 veloping, maintaining, and expanding programs and
9 services designed to prevent juvenile delinquency, to
10 divert juveniles from the juvenile justice system, and to
11 provide community-based alternatives to juvenile deten-
12 tion and correctional facilities. That advanced techniques
13 include—

14 “(A) community-based programs and services
15 for the prevention and treatment of juvenile de-
16 linquency through the development of foster-care
17 and shelter-care homes, group homes, halfway
18 houses, homemaker and home health services, and
19 any other designated community-based diagnostic,
20 treatment, or rehabilitative service;

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

25 “(C) youth service bureaus and other com-

1 munity-based programs to divert youth from the
2 juvenile court or to support, counsel, or provide
3 work and recreational opportunities for delinquents
4 and youth in danger of becoming delinquent;

5 “(D) comprehensive programs of drug abuse
6 education and prevention and programs for the
7 treatment and rehabilitation of drug addicted youth,
8 and ‘drug dependent’ youth (as defined in section
9 2 (g) of the Public Health Service Act (42 U.S.C.
10 201 (g))) ;

11 “(E) educational programs or supportive serv-
12 ices designed to keep delinquents and other youth
13 in elementary and secondary schools or in alterna-
14 tive learning situations;

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

19 “(G) youth initiated programs and outreach
20 programs designed to assist youth who otherwise
21 would not be reached by assistance programs;

22 “(H) provides for a statewide program through
23 the use of probation subsidies, other subsidies, other
24 financial incentives or disincentives to units of local

1 government, or other effective means, that may in-
2 clude but are not limited to programs designed to—

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

6 “(B) increase the use of nonsecure com-
7 munity-based facilities as a percentage of total
8 commitments to juvenile facilities; and

9 “(C) discourage the use of secure incar-
10 ceration and detention;

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

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

20 “(13) provide that juveniles alleged to be or found
21 to be delinquent shall not be detained or confined in any
22 institution in which they have regular contact with adult
23 persons incarcerated because they have been convicted
24 of a crime or are awaiting trial on criminal charges;

1 “(14) provide for an adequate system of monitor-
2 ing jails, detention facilities, and correctional facilities
3 to insure that the requirements of section 482 (12) and
4 (13) are met, and for annual reporting of the results of
5 such monitoring to the Administrator;

6 “(15) provide assurances that assistance will be
7 available on an equitable basis to deal with all disad-
8 vantaged youth including, but not limited to, females,
9 minority youth, and mentally retarded or emotionally
10 handicapped youth;

11 “(16) provide for procedures to be established for
12 protecting the rights of recipients of services and for
13 assuring appropriate privacy with regard to records re-
14 lating to such services provided to any individual under
15 the State plan;

16 “(17) provide that fair and equitable arrangements
17 are made, as determined by the Secretary of Labor, to
18 protect the interests of employees affected by assist-
19 ance under this Act. Such protective arrangements shall
20 include, without being limited to, such provisions as may
21 be necessary for—

22 “(A) the preservation of rights, privileges,
23 and benefits (including continuation of pension
24 rights and benefits) under existing collective bar-
25 gaining agreements or otherwise;

1 “(B) the continuation of collective bargaining
2 rights;

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

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

10 “(E) training or retraining programs.

11 The State plan shall provide for the terms and condi-
12 tions of the protection arrangements established pursuant
13 to this section;

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

18 “(19) provide reasonable assurance that Federal
19 funds made available under this part for any period will
20 be so used as to supplement and increase, to the extent
21 feasible and practical, the level of State, local, and other
22 non-Federal funds that would in the absence of such
23 Federal funds be made available for the programs de-
24 scribed in this part, and will in no event supplant such
25 State, local, and other non-Federal funds;

1 “(20) provide that the State planning agency will
2 from time to time, but not less often than annually, re-
3 view its plan and submit to the Administrator an anal-
4 ysis and evaluation of the effectiveness of the programs
5 and activities carried out under the plan, and any modifi-
6 cations in the plan, including the survey of State and
7 local needs, which it considers necessary; and

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

11 “(b) The Supervisory Board designated pursuant to
12 section 482 (a), after consultation with the advisory group
13 referred to in section 482 (a), shall approve the State plan
14 and any modification thereof prior to submission to the
15 Administrator.

16 “(c) The Administrator shall approve any State plan
17 and any modification thereof that meets the requirements of
18 this section.

19 “(d) In the event that any State fails to submit a plan,
20 or submits a plan or any modification thereof, which the Ad-
21 ministrator, after reasonable notice and opportunity for
22 hearing in accordance with sections 509, 510, and 511, de-
23 termines does not meet the requirements of this section, the
24 Administrator shall make that State's allotment under the
25 provisions of section 481 (a) available to public and private

1 agencies for special emphasis prevention and treatment
2 programs as defined in section 483.

3 “(e) In the event the plan does not meet the require-
4 ments of this section due to oversight or neglect, rather than
5 explicit and conscious decision, the Administrator shall en-
6 deavor to make that State’s allotment under the provisions
7 of section 481 (a) available to public and private agencies in
8 that State for special emphasis prevention and treatment
9 programs as defined in section 483.

10 “(f) Any nonadjudicated juvenile shall not be made to
11 partake in a program of behavior modification involving
12 the use of drugs or electrical stimula or other potentially
13 harmful treatment as a part of any such program authorized
14 in whole or in part by this Act without the prior approval
15 of his parents or guardians.

16 “SPECIAL EMPHASIS PREVENTION AND TREATMENT
17 PROGRAMS

18 “SEC. 483. (a) The Administrator is authorized to make
19 grants to and enter into contracts with public and private
20 agencies, organizations, institutions, or individuals to—

21 “(1) develop and implement new approaches, tech-
22 niques, and methods with respect to juvenile delinquency
23 programs;

24 “(2) develop and maintain community-based alter-
25 natives to traditional forms of institutionalization;

1 “(3) develop and implement effective means of
2 diverting juveniles from the traditional juvenile justice
3 and correctional system;

4 “(4) improve the capability of public and private
5 agencies and organizations to provide services for delin-
6 quents and youths in danger of becoming delinquent;
7 and

8 “(5) facilitate the adoption of the recommendations
9 of the Advisory Committee on Standards for Juvenile
10 Justice as set forth pursuant to section 496.

11 “(b) Not less than 25 per centum or more than 50 per
12 centum of the funds appropriated for each fiscal year pur-
13 suant to this part shall be available only for special emphasis
14 prevention and treatment grants and contracts made pur-
15 suant to this section.

16 “(c) At least 20 per centum of the funds available for
17 grants and contracts made pursuant to this section shall be
18 available for grants and contracts to private nonprofit agen-
19 cies, organizations, or institutions who have had experience
20 in dealing with youth.

21 “CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

22 “SEC. 484. (a) Any agency, institution, or individual
23 desiring to receive a grant, or enter into any contract under
24 section 483, shall submit an application at such time, in such

1 manner, and containing or accompanied by such information
2 as the Administrator may prescribe.

3 “(b) In accordance with guidelines established by the
4 Administrator, each such application shall—

5 “(1) provide that the program for which assistance
6 is sought will be administered by or under the supervi-
7 sion of the applicant;

8 “(2) set forth a program for carrying out one or
9 more of the purposes set forth in section 482;

10 “(3) provide for the proper and efficient adminis-
11 tration of such program;

12 “(4) provide for regular evaluation of the program;

13 “(5) indicate that the applicant has requested the
14 review of the application from the State planning agency
15 and local agency designated in section 482, when ap-
16 propriate, and indicate the response of such agency to
17 the request for review and comment on the application;

18 “(6) provide that regular reports on the program
19 shall be sent to the Administrator and to the State plan-
20 ning agency and local agency, when appropriate; and

21 “(7) provide for such fiscal control and fund ac-
22 counting procedures as may be necessary to assure pru-
23 dent use, proper disbursement, and accurate accounting
24 of funds received under this title.

1 “(c) In determining whether or not to approve appli-
2 cations for grants under section 483, the Administrator shall
3 consider—

4 “(1) the relative cost and effectiveness of the pro-
5 posed program in effectuating the purposes of this part;

6 “(2) the extent to which the proposed program
7 will incorporate new or innovative techniques;

8 “(3) the extent to which the proposed program
9 meets the objectives and priorities of the State plan,
10 when a State plan has been approved by the Adminis-
11 trator under section 482 (c) and when the location and
12 scope of the program makes such consideration
13 appropriate;

14 “(4) the increase in capacity of the public and pri-
15 vate agency, institution, or individual to provide services
16 to delinquents or youths in danger of becoming
17 delinquents;

18 “(5) the extent to which the proposed project
19 serves communities which have high rates of youth un-
20 employment, school dropout, and delinquency; and

21 “(6) the extent to which the proposed program
22 facilitates the implementation of the recommendations
23 of the Advisory Committee on Standards for Juvenile
24 Justice as set forth pursuant to section 496.

"GENERAL PROVISIONS

"Withholding

1
2
3 "SEC. 485. Whenever the Administrator, after giving
4 reasonable notice and opportunity for hearing, to a recipient
5 of financial assistance under this title, finds—

6 " (1) that the program or activity for which such
7 grant was made has been so changed that it no longer
8 complies with the provisions of this title; or

9 " (2) that in the operation of the program or activ-
10 ity there is failure to comply substantially with any such
11 provision;

12 the Administrator shall initiate such proceedings as are ap-
13 propriate under sections 509, 510, and 511 of this title.

"USE OF FUNDS

14
15 "SEC. 486. Funds paid to any State public or private
16 agency, institution, or individual (whether directly or
17 through a State or local agency) may be used for—

18 " (1) securing, developing, or operating the pro-
19 gram designed to carry out the purposes of this part;

20 " (2) not more than 50 per centum of the cost of
21 the construction of innovative community-based facili-
22 ties for less than twenty persons (as defined in sections
23 601 (f) and 601 (p) of this title) which, in the judg-

1 ment of the Administrator, are necessary for carrying
2 out the purposes of this part.

3 "PAYMENTS

4 "SEC. 487. (a) In accordance with criteria established
5 by the Administrator, it is the policy of Congress that pro-
6 grams funded under this title shall continue to receive finan-
7 cial assistance providing that the yearly evaluation of such
8 programs is satisfactory.

9 "(b) At the discretion of the Administrator, when there
10 is no other way to fund an essential juvenile delinquency
11 program not funded under this part, the State may utilize
12 25 per centum of the formula grant funds available to it
13 under this part to meet the non-Federal matching share re-
14 quirement for any other Federal juvenile delinquency pro-
15 gram grant.

16 "(c) Whenever the Administrator determines that it
17 will contribute to the purposes of this part, he may require
18 the recipient of any grant or contract to contribute money,
19 facilities, or services.

20 "(d) Payments under this part, pursuant to a grant or
21 contract, may be made (after necessary adjustment, in the
22 case of grants, on account of previously made overpayments
23 or underpayments) in advance or by way of reimbursements,
24 in such installments and on such conditions as the Adminis-
25 trator may determine."

1 TITLE V—NATIONAL INSTITUTE FOR JUVENILE
2 JUSTICE

3 NATIONAL INSTITUTE FOR JUVENILE JUSTICE

4 SEC. 501. Title I of the Omnibus Crime Control and
5 Safe Streets Act of 1968, as amended (82 Stat. 197; 84
6 Stat. 1881; 87 Stat. 197), is further amended by adding the
7 following sections to new part F thereof:

8 "SEC. 490. (a) There is hereby established within the
9 Juvenile Justice and Delinquency Prevention Office a Na-
10 tional Institute for Juvenile Justice.

11 "(b) The National Institute for Juvenile Justice shall
12 be under the supervision and direction of the Assistant Ad-
13 ministrator, and shall be headed by a Deputy Assistant Ad-
14 ministrator of the Office appointed under section 471 (f).

15 "(c) The activities of the National Institute for Juvenile
16 Justice shall be coordinated with the activities of the Na-
17 tional Institute of Law Enforcement and Criminal Justice
18 in accordance with the requirements of section 471 (b).

19 "INFORMATION FUNCTION

20 "SEC. 491. The National Institute for Juvenile Justice
21 is authorized to—

22 "(1) serve as an information bank by collecting
23 systematically and synthesizing the data and knowledge
24 obtained from studies and research by public and private
25 agencies, institutions, or individuals concerning all as-

1 pects of juvenile delinquency, including the prevention
2 and treatment of juvenile delinquency;

3 “(2) serve as a clearinghouse and information cen-
4 ter for the preparation, publication, and dissemination
5 of all information regarding juvenile delinquency, includ-
6 ing State and local juvenile delinquency prevention and
7 treatment programs and plans, availability of resources,
8 training and education programs, statistics, and other
9 pertinent data and information.

10 “RESEARCH, DEMONSTRATION, AND EVALUATION

11 FUNCTIONS

12 “SEC. 492. The National Institute for Juvenile Justice
13 is authorized to—

14 “(1) conduct, encourage, and coordinate research
15 and evaluation into any aspect of juvenile delinquency,
16 particularly with regard to new programs and methods
17 which show promise of making a contribution toward
18 the prevention and treatment of juvenile delinquency;

19 “(2) encourage the development of demonstration
20 projects in new, innovative techniques and methods to
21 prevent and treat juvenile delinquency;

22 “(3) provide for the evaluation of all juvenile
23 delinquency programs assisted under this title in order to
24 determine the results and the effectiveness of such
25 programs;

26 “(4) provide for the evaluation of any other Fed-

1 eral, State, or local juvenile delinquency program, upon
2 the request of the Administrator; and

3 “(5) disseminate the results of such evaluations
4 and research and demonstration activities particularly to
5 persons actively working in the field of juvenile delin-
6 quency.

7 “TRAINING FUNCTIONS

8 “SEC. 493. The National Institute for Juvenile Justice
9 is authorized to—

10 “(1) develop, conduct, and provide for training
11 programs for the training of professional, paraprofes-
12 sional, and volunteer personnel, and other persons who
13 are or who are preparing to work with juveniles and
14 juvenile offenders;

15 “(2) develop, conduct, and provide for seminars,
16 workshops, and training programs in the latest proven
17 effective techniques and methods of preventing and
18 treating juvenile delinquency for law enforcement off-
19 cers, juvenile judges, and other court personnel, proba-
20 tion officers, correctional personnel, and other Federal,
21 State, and local government personnel who are engaged
22 in work relating to juvenile delinquency.

23 “INSTITUTE ADVISORY COMMITTEE

24 “SEC. 494. The Advisory Committee for the National
25 Institute for Juvenile Justice established in section 478 (d)

1 shall advise, consult with, and make recommendations to the
2 Deputy Assistant Administrator for the National Institute for
3 Juvenile Justice concerning the overall policy and operations
4 of the Institute.

5 "ANNUAL REPORT

6 "SEC. 495. The Deputy Assistant Administrator for the
7 National Institute for Juvenile Justice shall develop annually
8 and submit to the Administrator after the first year the leg-
9 islation is enacted, prior to June 30, a report on research,
10 demonstration, training, and evaluation programs funded
11 under this title, including a review of the results of such
12 programs, an assessment of the application of such results to
13 existing and to new juvenile delinquency programs, and
14 detailed recommendations for future research, demonstration,
15 training, and evaluation programs. The Administrator shall
16 include a summary of these results and recommendations in
17 his report to the President and Congress required by section
18 474 (b) (5).

19 "DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

20 "SEC. 496. (a) The National Institute for Juvenile
21 Justice, under the supervision of the Advisory Committee on
22 Standards for Juvenile Justice established in section 478 (e),
23 shall review existing reports, data, and standards, relating
24 to the juvenile justice system in the United States.

25 "(b) Not later than one year after the passage of this
26 section, the Advisory Committee shall submit to the Presi-

1 dent and the Congress a report which, based on recom-
2 mended standards for the administration of juvenile justice
3 at the Federal, State, and local level—

4 “(1) recommends Federal action, including but not
5 limited to administrative and legislative action, required
6 to facilitate the adoption of these standards throughout
7 the United States; and

8 “(2) recommends State and local action to facili-
9 tate the adoption of these standards for juvenile justice
10 at the State and local level.

11 “(c) Each department, agency, and instrumentality of
12 the executive branch of the Government, including inde-
13 pendent agencies, is authorized and directed to furnish to the
14 Advisory Committee such information as the Committee
15 deems necessary to carry out its functions under this section.

16 “SEC. 497. Records containing the identity of individual
17 juveniles gathered for purposes pursuant to this title may
18 under no circumstances be disclosed or transferred to any
19 individual or other agency, public, or private.”

20 TITLE VI—AUTHORIZATION OF
21 APPROPRIATIONS

22 SEC. 601. Section 520 of title I of the Omnibus Crime
23 Control and Safe Streets Act of 1968, as amended (82 Stat.
24 197; 84 Stat. 1881; 87 Stat. 197), is further amended by
25 adding at the end thereof:

1 "In addition to any other appropriation authorizations
2 contained in this title there is authorized for the purpose of
3 part F: \$75,000,000 for the fiscal year ending June 30,
4 1975; \$150,000,000 for the fiscal year ending June 30,
5 1976.

6 "In addition to the funds appropriated under this sec-
7 tion, the Administration shall maintain from other Law En-
8 forcement Assistance Administration appropriations other
9 than the appropriations for administration, the same level of
10 financial assistance for juvenile delinquency programs as-
11 sisted by the Law Enforcement Assistance Administration
12 during fiscal year 1972."

13 TITLE VII—NATIONAL INSTITUTE OF
14 CORRECTIONS

15 SEC. 701. Title 18, United States Code, is amended by
16 adding a new chapter 319 to read as follows:

17 "Chapter 319—NATIONAL INSTITUTE OF
18 CORRECTIONS

19 "SEC. 4351. (a) There is hereby established within
20 the Bureau of Prisons a National Institute of Corrections.

21 "(b) The overall policy and operations of the National
22 Institute of Corrections shall be under the supervision of an
23 Advisory Board. The Board shall consist of fifteen members.
24 The following five individuals shall serve as members of
25 the Commission ex officio: the Director of the Federal Bu-

1 reau of Prisons or his designee, the Administrator of the Law
2 Enforcement Assistance Administration or his designee, the
3 Chairman of the United States Parole Board or his designee,
4 the Director of the Federal Judicial Center or his designee,
5 and the Assistant Secretary for Human Development of the
6 Department of Health, Education, and Welfare or his desig-
7 nee.

8 “(c) The remaining ten members of the Board shall be
9 selected as follows:

10 “(1) Five shall be appointed initially by the At-
11 torney General of the United States for staggered terms;
12 one member shall serve for one year, one member for
13 two years, and three members for three years. Upon the
14 expiration of each member's term, the Attorney General
15 shall appoint successors who will each serve for a term
16 of three years. Each member selected shall be qualified
17 as a practitioner (Federal, State, or local) in the field of
18 corrections, probation, or parole.

19 “(2) Five shall be appointed initially by the At-
20 torney General of the United States for staggered terms;
21 one member shall serve for one year, three members for
22 two years, and one member for three years. Upon the
23 expiration of each member's term the Attorney General
24 shall appoint successors who will each serve for a term
25 of three years. Each member selected shall be from the

1 private sector, such as business, labor, and education
2 having demonstrated an active interest in corrections,
3 probation or parole.

4 “(d) The members of the Board shall not, by reason of
5 such membership, be deemed officers or employees of the
6 United States. Members of the Commission who are full-time
7 officers or employees of the United States shall serve without
8 additional compensation, but shall be reimbursed for travel,
9 subsistence, and other necessary expenses incurred in the
10 performance of the duties vested in the Board. Other mem-
11 bers of the Board shall, while attending meetings of the
12 Board or while engaged in duties related to such meetings or
13 in other activities of the Commission pursuant to this title,
14 be entitled to receive compensation at the rate not to exceed
15 the daily equivalent of the rate authorized for GS-18 by
16 section 5332 of title 5, United States Code, including travel-
17 time, and while away from their homes or regular places of
18 business may be allowed travel expenses, including per diem
19 in lieu of subsistence equal to that authorized by section
20 5703 of title 5, United States Code, for persons in the Gov-
21 ernment service employed intermittently.

22 “(e) The Board shall elect a chairman from among its
23 members who shall serve for a term of one year. The mem-
24 bers of the Board shall also elect one or more members as
25 a vice-chairman.

1 “(f) The Board is authorized to appoint, without regard
2 to the civil service laws, technical, or other advisory com-
3 mittees to advise the Institute with respect to the adminis-
4 tration of this title as it deems appropriate. Members of
5 these committees not otherwise employed by the United
6 States, while engaged in advising the Institute or attending
7 meetings of the committees, shall be entitled to receive com-
8 pensation at the rate fixed by the Board but not to exceed
9 the daily equivalent of the rate authorized for GS-18 by sec-
10 tion 5332 of title 5, United States Code, and while away
11 from their homes or regular places of business may be
12 allowed travel expenses, including per diem in lieu of sub-
13 sistence equal to that authorized by section 5703 of title
14 5, United States Code, for persons in the Government service
15 employed intermittently.

16 “(g) The Board is authorized to delegate its powers
17 under this title to such persons as it deems appropriate.

18 “(h) The Board shall be under the supervision of an
19 officer to be known as the Director, who shall be appointed
20 by the Attorney General after consultation with the Board.
21 The Director shall have authority to supervise the organiza-
22 tion, employees, enrollees, financial affairs, and all other
23 operations of the Institute and may employ such staff, fac-
24 ~~ulty, and administrative personnel~~, subject to the civil service
25 and classification laws, as are necessary to the functioning of

1 the Institute. The Director shall have the power to acquire
2 and hold real and personal property for the Institute and
3 may receive gifts, donations, and trusts on behalf of the
4 Institute. The Director shall also have the power to appoint
5 such technical or other advisory councils comprised of consult-
6 ants to guide and advise the Board. The Director is author-
7 ized to delegate his powers under this title to such persons
8 as he deems appropriate.

9 "SEC. 4352. (a) In addition to the other powers, ex-
10 press and implied, the National Institute of Corrections shall
11 have authority:

12 " (1) to receive from or make grants to and enter
13 into contracts with Federal, State, and general units of
14 local government, public and private agencies, educa-
15 tional institutions, organizations, and individuals to carry
16 out the purposes of this section and section 411;

17 " (2) to serve as a clearinghouse and information
18 center for the collection, preparation, and dissemination
19 of information on corrections, including, but not limited
20 to, programs for prevention of crime and recidivism,
21 training of corrections personnel, and rehabilitation and
22 treatment of criminal and juvenile offenders;

23 " (3) to assist and serve in a consulting capacity to
24 Federal, State, and local courts, departments, and agen-
25 cies in the development, maintenance, and coordination

1 of programs, facilities, and services, training, treatment,
2 and rehabilitation with respect to criminal and juvenile
3 offenders;

4 “(4) to encourage and assist Federal, State, and
5 local government programs and services, and programs
6 and services of other public and private agencies, insti-
7 tutions, and organizations in their efforts to develop and
8 implement improved corrections programs;

9 “(5) to devise and conduct, in various geographical
10 locations, seminars, workshops, and training programs
11 for law enforcement officers, judges, and judicial person-
12 nel, probation and parole personnel, correctional per-
13 sonnel, welfare workers, and other persons, including
14 lay, ex-offenders, and paraprofessional personnel, con-
15 nected with the treatment and rehabilitation of criminal
16 and juvenile offenders;

17 “(6) to develop technical training teams to aid in
18 the development of seminars, workshops, and training
19 programs within the several States and with the State
20 and local agencies which work with prisoners, parolees,
21 probationers, and other offenders;

22 “(7) to conduct, encourage, and coordinate re-
23 search relating to corrections, including the causes, pre-
24 vention, diagnosis, and treatment of criminal offenders;

25 “(8) to formulate and disseminate correctional pol-

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

icy, 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

1 “(14) to procure the services of experts and con-
2 sultants in accordance with section 3109 of title 5 of
3 the United States Code, at rates of compensation not
4 to exceed the daily equivalent of the rate authorized for
5 GS-18 by section 5332 of title 5 of the United States
6 Code.

7 “(b) The Institute shall on or before the 31st day of
8 December of each year, submit an annual report for the pre-
9 ceding fiscal year to the President and to the Congress. The
10 report shall include a comprehensive and detailed report of
11 the Institute's operations, activities, financial condition, and
12 accomplishments under this title and may include such
13 recommendations related to corrections as the Institute deems
14 appropriate.

15 “(c) Each recipient of assistance under this shall keep
16 such records as the Institute shall prescribe, including records
17 which fully disclose the amount and disposition by such
18 recipient of the proceeds of such assistance, the total cost of
19 the project or undertaking in connection with which such
20 assistance is given or used, and the amount of that portion of
21 the cost of the project or undertaking supplied by other
22 sources, and such other records as will facilitate an effective
23 audit.

24 “(d) The Institute, and the Comptroller General of the
25 United States, or any of their duly authorized representa-

1 tives, shall have access for purposes of audit and examina-
2 tions to any books, documents, papers, and records of the
3 recipients that are pertinent to the grants received under this
4 chapter.

5 “(e) The provision of this section shall apply to all
6 recipients of assistance under this title, whether by direct
7 grant or contract from the Institute or by subgrant or sub-
8 contract from primary grantees or contractors of the In-
9 stitute.

10 “SEC. 4353. There is hereby authorized to be appropri-
11 ated such funds as may be required to carry out the pur-
12 poses of this chapter.”

13 TITLE VIII—FEDERAL SURPLUS PROPERTY

14 SEC. 801. (a) Section 203 (j) of the Federal Prop-
15 erty Administrative Services Act of 1949, as amended (40
16 U.S.C. 484 (j)), is amended—

17 (1) by striking out “or civil defense” in the first
18 sentence of paragraph (1) and inserting in lieu thereof
19 “civil defense, or law enforcement and criminal justice”;

20 (2) by striking out “or (4)” in the first sentence
21 of paragraph (1) and inserting in lieu thereof “(4), or
22 (5)”;

23 (3) by striking out “or paragraph (4)” in the last
24 sentence of paragraph (2) and inserting in lieu thereof
25 a comma and “(4), or (5)”;

1 (4) by inserting after paragraph (4) a new para-
2 graph as follows:

3 “(5) Determination whether such surplus property
4 (except surplus property allocated in conformity with
5 paragraph (2) of this subsection) is usable and neces-
6 sary for purposes of law enforcement and criminal jus-
7 tice, including research, in any State shall be made by
8 the Administrator, Law Enforcement Assistance Admin-
9 istration, who shall allocate such property on the basis
10 of need and utilization for transfer by the Administrator
11 of General Services to such State agency for distribution
12 to such State or to any unit of general local government
13 or combination, as defined in section 601 (d) or (e)
14 of the Crime Control Act of 1973 (87 Stat. 197), desig-
15 nated pursuant to regulations issued by the Law Enforce-
16 ment Assistance Administration. No such property shall
17 be transferred to any State agency until the Adminis-
18 trator, Law Enforcement Assistance Administration,
19 has received, from such State agency, a certification
20 that such property is usable and needed for law enforce-
21 ment and criminal justice purposes in the State, and
22 such Administrator has determined that such State
23 agency has conformed to minimum standards of opera-
24 tion prescribed by such Administrator for the disposal
25 of surplus property.”;

1 (5) by redesignating paragraphs (5), (6), and
2 (7) as paragraphs (6), (7), and (8), respectively;

3 (6) by striking out "and the Federal Civil Defense
4 Administrator" in paragraph (6), as redesignated, and
5 inserting in lieu thereof a comma and "the Federal
6 Civil Defense Administrator, and the Administrator,
7 Law Enforcement Assistance Administration"; and

8 (7) by striking out "or paragraph (4)" in para-
9 graph (6), as redesignated, and inserting in lieu thereof
10 a comma and "(4), or (5)".

11 (b) Section 203 (k) (4) of such Act, as amended (40
12 U.S.C. 484 (k) (4)), is amended—

13 (1) by striking out "or" after the semicolon in
14 clause (D);

15 (2) by striking out the comma after "law" in
16 clause (E) and inserting in lieu thereof a semicolon and
17 "or"; and

18 (3) by adding immediately after clause (E) the
19 following new clause:

20 "(F) the Administrator, Law Enforcement
21 Assistance Administration, in the case of personal
22 property transferred pursuant to subsection (j) for
23 law enforcement and criminal justice purposes,".

24 (c) Section 203 (n) of such Act, as amended (40
25 U.S.C. 484 (n)), is amended—

1 (1) by striking out in the first sentence "and the
2 head of any Federal agency designated by either such
3 officer" and inserting in lieu thereof "the Administrator,
4 Law Enforcement Assistance Administration, and the
5 head of any Federal agency designated by any such
6 officer"; and

7 (2) by striking in next to the last sentence "law
8 enforcement" and inserting in lieu thereof "law enforce-
9 ment and criminal justice", and in the same sentence
10 striking "or (j) (4)" and inserting in lieu thereof a
11 comma and "(4), or (5)".

12 TITLE IX—EXTENSION AND AMENDMENT OF
13 THE JUVENILE DELINQUENCY PREVENTION
14 ACT

15 YOUTH DEVELOPMENT DEMONSTRATIONS

16 SEC. 901. Title I of the Juvenile Delinquency Preven-
17 tion Act is amended (1) in the caption thereof, by inserting
18 "AND DEMONSTRATION PROGRAMS" after "SERV-
19 ICES"; (2) following the caption thereof, by inserting
20 "PART A—COMMUNITY-BASED COORDINATED YOUTH
21 SERVICES"; (3) in sections 101, 102 (a), 102 (b) (1), 102
22 (b) (2), 103 (a) (including paragraph (1) thereof), 104
23 (a) (including paragraphs (1), (4), (5), (7), and (10)
24 thereof) and 104 (b), by striking out "title" and inserting

1 "part" in lieu thereof; and (4) by inserting at the end of the
2 title the following new part:

3 "PART B—DEMONSTRATIONS IN YOUTH DEVELOPMENT

4 "SEC. 105. (a) For the purpose of assisting the demon-
5 stration of innovative approaches to youth development and
6 the prevention and treatment of delinquent behavior (in-
7 cluding payment of all or part of the costs of minor remodel-
8 ing or alteration), the Secretary may make grants to any
9 State (or political subdivision thereof), any agency thereof,
10 and any nonprofit private agency, institution, or organiza-
11 tion that submits to the Secretary, at such time and in such
12 form and manner as the Secretary's regulations shall pre-
13 scribe, an application containing a description of the pur-
14 poses for which the grant is sought, and assurances satis-
15 factory to the Secretary that the applicant will use the grant
16 for the purposes for which it is provided, and will comply
17 with such requirements relating to the submission of reports,
18 methods of fiscal accounting, the inspection and audit of
19 records and other materials, and such other rules, regulations,
20 standards, and procedures, as the Secretary may impose to
21 assure the fulfillment of the purposes of this Act.

22 "(b) No demonstration may be assisted by a grant under
23 this section for more than one year."

CONSULTATION

1
2 SEC. 902. (a) Section 408 of such Act is amended by
3 adding at the end of subsection (a) thereof the following new
4 subsection:

5 “(b) The Secretary shall consult with the Attorney
6 General for the purpose of coordinating the development and
7 implementation of programs and activities funded under this
8 Act with those related programs and activities funded under
9 the Omnibus Crime Control and Safe Streets Act of 1968”;
10 and by deleting subsection (b) thereof.

11 (b) Section 409 is repealed.

REPEAL OF MINIMUM STATE ALLOTMENTS

12
13 SEC. 903. Section 403 (b) of such Act is repealed, and
14 section 403 (a) of such Act is redesignated section 403.

EXTENSION OF PROGRAM

15
16 SEC. 904. Section 402 of such Act, as amended by this
17 Act, is further amended in the first sentence by inserting
18 after “fiscal year” the following: “and such sums as may
19 be necessary for fiscal year 1975”.

Passed the Senate July 25, 1974.

Attest:

FRANCIS R. VALEO,

Secretary.

93^d CONGRESS
2^d SESSION

S. 821

AN ACT

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.

IN THE SENATE OF THE UNITED STATES

JULY 31, 1974

Ordered to be printed as passed