

JUVENILE JUSTICE AND DELINQUENCY PREVENTION  
AMENDMENTS OF 1977

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MAY 13, 1977.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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

REPORT

together with

SUPPLEMENTAL VIEWS

[Including cost estimate of the Congressional Budget Office]

[To accompany H.R. 6111]

The Committee on Education and Labor, to whom was referred the bill (H.R. 6111) to extend and amend the Juvenile Justice and Delinquency Prevention Act of 1974, having considered the same, report favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment to the text of the bill is a complete substitute therefor and appears in italic type in the reported bill.

[H.R. 6111, 95th Cong. 1st sess.]

A BILL To amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

【SHORT TITLE

【SECTION 1. This Act may be cited as the “Juvenile Justice and Delinquency Prevention Amendments of 1977”.

**[JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE**

**[SEC. 2. (a)** Section 201(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "first" and inserting in lieu thereof "second".

**[ (b)(1)** The first sentence of section 204(b)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting "and the Coordinating Council" after "Advisory Committee".

**[ (2)** Section 204(b)(6) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting "and the Coordinating Council" after "Advisory Committee".

**[ (3)** Section 204(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting "Federal" after "appropriate authority".

**[ (4)** Section 204(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "part" and inserting in lieu thereof "title".

**[ (5)** Section 204(j) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting "organization," after "agency," and by striking out "part" and inserting in lieu thereof "title".

**[ (6)** Section 204(k) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "part" and inserting in lieu thereof "title", and by striking out "the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.)" and inserting in lieu thereof "title III of this Act".

**[ (c)** Section 206(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "six" and inserting in lieu thereof "four".

**[ (d)** Section 208(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "to the Administrator", and by striking out "the Administration of".

**FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS**

**[SEC. 3. (a)** Section 221 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "and local governments", and by inserting "grants and" after "through".

**[ (b)(1)** The third sentence of section 222(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "local governments" and inserting in lieu thereof "units of general local government or combinations thereof".

**[ (2)** The second sentence of section 222(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "or kind", and by inserting "except that assistance extended to private nonprofit organizations may be up to 100 per centum of the approved costs of any assisted program or activity" after "by section 261".

**[ (3)** Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by adding at the end thereof the following new subsection:

**[ "(e)** The requirement of cash match in subsection (d) may be waived by the Administrator, in whole or in part, if the State planning agency makes a formal determination that a demonstrated and deter-

mined good faith effort has been made to obtain cash match and cash match is not available.”.

[(c)(1) Section 223(a)(4) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out “local governments” the first place it appears therein and inserting in lieu thereof “units of general local government or combinations thereof”.

[(2) Section 223(a)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting “or combinations thereof” and after “local government”.

[(3) Section 223(a)(6) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out “local government” and inserting in lieu thereof “unit of general local government”, and by inserting “or to a regional planning agency” after “local government’s structure”.

[(4) Section 223(a)(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting before the semicolon at the end thereof a period and the following: “Programs and projects developed from the study may be funded under paragraph (10) provided that they meet the criteria for advanced technique programs as specified therein”.

[(5) The first sentence of section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out “or by the local government”, and by inserting “grants and” after “or through”.

[(6) Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out subparagraph (D) and by redesignating subparagraphs (E), (F), (G), and (H) as subparagraphs (D), (E), (F), and (G), respectively.

[(7) Section 223(a)(12) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out “must” and inserting in lieu thereof “may”.

[(8) Section 223(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting at the end thereof the following new sentence: “Failure to achieve compliance with the subsection (a)(12) requirement within the two year time limitation shall terminate any State’s eligibility for funding under this subpart unless the Administrator determines that the State is in substantial compliance with the requirement and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time.”.

[(d)(1) Section 224(a)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out “and” at the end thereof.

[(2) Section 224(a)(6) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting after “develop and implement” the following: “, in coordination with the United States Office of Education, Department of Health, Education, and Welfare,”, and by striking out the period at the end thereof and inserting in lieu thereof a semicolon and “and”.

[(3) Section 224(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by adding at the end thereof the following new paragraph:

["(7) develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system."]

[(e)(1) Section 227(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "State, public or private agency, institution, or individual (whether directly or through a State or local agency)" and inserting in lieu thereof "public or private agency, organization, institution, or individual (whether directly or through a State planning agency)".

[(2) Section 227(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "institution, or individual under this part (whether directly or through a State agency or local agency)" and inserting in lieu thereof "organization, institution, or individual under this title (whether directly or through a State planning agency)".

[(f)(1) Section 228(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "under this part" and inserting in lieu thereof "by the Law Enforcement Assistance Administration", and by striking out "25 per centum of".

[(2) Section 228(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "part" and inserting in lieu thereof "title".

[(3) Section 228 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by adding at the end thereof the following new subsections:

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

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

**[NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION**

[SEC. 4. (a)(1) Section 241 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out subsection (e), and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

[(2) Section 241(f) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated by paragraph (1), is amended by inserting "make grants and" after "(4)".

[(3) The subsection designated as subsection (b) immediately following section 241(f) of the Juvenile Justice and Delinquency

Prevention Act of 1974, as so redesignated by paragraph (1), is redesignated as subsection (g).

[(4) Section 241(g) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated by paragraph (1), is amended by striking out "subsection (g)(1)" and inserting in lieu thereof "subsection (f)(1)".

[(5) Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out section 248.

#### [ADMINISTRATIVE PROVISIONS

[SEC. 5. (a) The heading for part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended to read as follows.

#### [“PART D ADMINISTRATIVE PROVISIONS”.

[(b) Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended to read as follows:

[(a) To carry out the purposes of this title there is authorized to be appropriated \$75,000,000 for the fiscal year ending September 30, 1978, and such sums as are necessary for each of the fiscal years ending September 30, 1979, and September 30, 1980. Funds appropriated for any fiscal year may remain available for obligation until expended.”

[(c) Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended to read as follows:

#### “APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

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

[(d) (1) Section 263(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out “subsection (b)” and inserting in lieu thereof “subsections (b) and (c)”.

[(2) Section 263 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by adding at the end thereof the following new subsection:

[(c) The amendments made by the Juvenile Justice and Delinquency Prevention Amendments of 1977 shall take effect on and after October 1, 1977.”.

#### AMENDMENT TO OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

[SEC. 6. Section 203(a)(1) 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 sentence: “The chairman and at least two additional members of any advisory group established pursuant to section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 shall be appointed to the State planning agency as members thereof. These individuals may be considered in meeting the general representation requirements of this subsection.”]

## SHORT TITLE

SECTION 1. (a) This Act may be cited as the "Juvenile Justice and Delinquency Prevention Amendments of 1977".

(b) As used in this Act, the term "the Act" means the Juvenile Justice and Delinquency Prevention Act of 1974.

## JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

SEC. 2. (a) The following sections of the Act are each amended by striking out "Assistant" each place it appears and inserting in lieu thereof "Associate": sections 201, 204(i), 206(a)(1) and (b), 241, 246.

(b) Section 201(g) of the Act is amended by striking out "first" and inserting in lieu thereof "second".

(c) To assure that the delegation of authority to the Associate Administrator mandated by the Act, including section 545, is accomplished, sections 204(l)(1) (second appearance), 208 (b), (c), and (e), 223 (14), (20), and (21), 243(4), 246, 249, 250, and 251 of the Act are each amended by inserting the word "Associate" prior to the word "Administrator" wherever it appears.

(d)(1) Section 204(b) of the Act is amended by inserting immediately after "shall" in matter preceding paragraph (1) the following: "with the assistance of Associate Administrator".

(2) The first sentence of section 204(b)(5) of the Act is amended by inserting "and the Coordinating Council" after "Advisory Committee".

(3) Section 204(b)(6) of the Act is amended by inserting "and the Coordinating Council" after "Advisory Committee".

(4) Section 204(f) of the Act is amended by inserting "Federal" after "appropriate authority".

(5) Section 204(g) of the Act is amended by striking out "part" and inserting in lieu thereof "title".

(6) Section 204(j) of the Act is amended by inserting "organization," after "agency," and by striking out "part" and inserting in lieu thereof "title".

(7) Section 204(k) of the Act is amended by striking out "part" and inserting in lieu thereof "title", and by striking out "the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.)" and inserting in lieu thereof "title III of this Act".

(e) Section 205 of the Act is amended by inserting immediately before the period at the end of the first sentence, the following: "whenever the Associate Administrator finds the program or activity to be exceptionally effective or for which the Associate Administrator finds exceptional need".

(f)(1) Section 206(a)(1) of the Act is amended by inserting after "the Director of the Office of Drug Abuse Policy," the following: "the Commissioner of the Office of Education, the Director of ACTION,".

(2) Section 206(d) of the Act is amended by striking out "six" and inserting in lieu thereof "four".

(3) Subsection (e) of section 206 of the Act is amended—

(A) by striking out "(e)" and paragraphs (1) and (2);

(B) by striking out "(3) The Executive Secretary" and inserting in lieu thereof "(e) The Associate Administrator"; and

(C) by inserting "or staff support" after "personnel".

(g)(1) Section 207(c) of the Act is amended by inserting "including youth workers involved with alternative youth programs" after "community-based programs", and by inserting immediately before the period at the

end thereof the following: “, of whom at least three shall have been under the jurisdiction of the juvenile justice system”.

(2) Section 207(d) of the Act is amended by inserting at the end thereof the following new sentence: “Eleven members of the committee shall constitute a quorum.”

(h)(1) Section 208(b) of the Act is amended by inserting “, the President, and the Congress” after “the Administrator”.

(2) Section 208(d) is amended by inserting “not less than” after “subcommittee of” and by striking out “, together with the Director of the National Institute of Corrections,”.

(3) Section 208(e) of the Act is amended—

(A) by inserting “not less than” after “subcommittee of”; and

(B) by striking out “to the Administrator” and by striking out “the Administrator of”.

(4) Section 208(f) of the Act is amended to read as follows:

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

#### FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

SEC. 3. (a) Section 221 of the Act is amended by striking out “local governments” and inserting in lieu thereof “units of general local government or combinations thereof”, and by inserting “grants and” after “through”.

(b) Section 222 of the Act is amended by striking out subsections (c) and (d).

(c)(1) Section 223(a)(3)(C) of the Act is amended by inserting “business groups and businesses employing youth;” immediately after “programs;”.

(2) Section 223(a)(3)(E) of the Act is amended by inserting before the semicolon at the end thereof the following: “, of whom at least three are or have been under the jurisdiction of the juvenile justice system”.

(3) Section 223(a)(4) of the Act is amended by striking out “local governments” the first place it appears therein and inserting in lieu thereof “units of general local government or combinations thereof”.

(4) Section 223(a)(5) of the Act is amended by striking out “local government” and inserting in lieu thereof “units of general local government or combinations thereof”.

(5) Section 223(a)(6) of the Act is amended by striking out “local government” and inserting in lieu thereof “unit of general local government”, and by inserting “or to a regional planning agency” after “local government’s structure”.

(6) Section 223(a)(8) of the Act is amended by inserting before the semicolon at the end thereof a period and the following: “Programs and projects developed from the study may be funded under paragraph (10) provided that they meet the criteria for advanced technique programs as specified therein”.

(7) The first sentence of section 223(a)(10) of the Act is amended by striking out “local government” and inserting in lieu thereof “unit of general local government or combination thereof”, and by inserting “grants and” after “or through”.

(8) Section 223(a)(10) of the Act is further amended by inserting “and to encourage a diversity of alternatives within the juvenile justice system” after “correctional facilities”.

(9) Section 223(a)(10)(A) of the Act is amended by inserting after "health services" the following: "twenty-four hour in-take screening, volunteer and crisis home programs, day treatment and home probation".

(10) Section 223(a)(10)(D) of the Act is amended to read as follows:

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

(11) Section 223(a)(10)(G) of the Act is amended by inserting "traditional youth" immediately after "reached by".

(12) Section 223(a)(10)(H) of the Act is amended by striking out "that may include but are not limited to programs designed to" and inserting in lieu thereof "are designed to".

(13) Section 223(a)(10) of the Act is further amended by adding at the end thereof the following new subparagraph:

"(I) activities which establish standards for juvenile justice, based on the recommendations of the Advisory Committee on Standards;"

(14) Section 223(a)(12) of the Act is amended to read as follows:

"(12) provide within three 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 or such nonoffenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities but shall, if placed in facilities, be placed in facilities (A) that are the least restrictive alternative appropriate to the needs of the child and the community, (B) that are in reasonable proximity to the family and the home communities of the juveniles, and (C) that provide the services described in section 103(1)."

(15) Section 223(a)(13) of the Act is amended by inserting "and youths within the purview of section 223(a)(12)" immediately after "delinquent".

(16) Section 223(a)(15) of the Act is amended by striking out "all".

(17) Section 223(a)(19) of the Act is amended by striking out "to the extent feasible and practical,".

(18) Section 223(b) of the Act is amended by striking out "consultation with" and inserting in lieu thereof "receiving and considering the advice and recommendations of".

(19) Section 223(c) of the Act is amended by inserting at the end thereof the following new sentence: "Failure to achieve compliance with the subsection (a)(12) requirement within the three-year time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator, with the concurrence of the Associate Administrator, determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 per centum of such juveniles, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two additional years.".

(20) Section 223(d) of the Act is amended by inserting "chooses not to submit a plan" after "fails to submit a plan,".

(21) Section 223 of the Act is further amended by striking out subsection (e).

(d)(1) Section 224(a)(3) of the Act is amended by inserting after "system" the following: "including restitution projects which test and



validate selected arbitration models, such as neighborhood courts or panels and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents”.

(2) Section 224(a)(4) of the Act is amended by striking all after “for delinquents” and inserting in lieu thereof “and other youth to help prevent delinquency”.

(3) Section 224(a)(5) of the Act is amended by striking out “on Standards for Juvenile Justice” and by striking out “and” at the end thereof.

(4) Section 224(a)(6) of the Act is amended by inserting after “develop and implement” the following “, in coordination with the United States Office of Education,” and by striking out the period at the end thereof and inserting in lieu thereof a semicolon.

(5) Section 224(a) of the Act is amended by adding at the end thereof the following new paragraphs:

“(7) develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system;

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

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

“(10) develop and implement programs relating to juvenile delinquency and learning disabilities.”.

(6) Section 224(b) of the Act is amended to read as follows:

“(b) Not more than 20 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.”.

(e)(1) Section 225(c)(4) of the Act is amended by striking all after “to delinquents” and inserting in lieu thereof “and other youth to help prevent delinquency”.

(2) Section 225(c)(6) of the Act is amended by striking out “on Standards for Juvenile Justice”.

(f)(1) Section 227(a) of the Act is amended by striking out “State, public or private agency, institution, or individual (whether directly or through a State or local agency)” and inserting in lieu thereof “public or private agency, organization, institution, or individual (whether directly or through a State planning agency)”.

(2) Section 227(b) of the Act is amended by striking out “institution, or individual under this part (whether directly or through a State agency or local agency)” and inserting in lieu thereof “organization, institution, or individual under this title (whether directly or through a State planning agency)”.

(g) (1) Section 228(b) of the Act is amended by striking out “under this part” and inserting in lieu thereof “by the Law Enforcement Assistance Administration”.

(2) Section 228(c) of the Act is amended by striking out “part” and inserting in lieu thereof “title”.

(3) Section 228 of the Act is amended by adding at the end thereof the following new subsections:

“(e) Financial assistance extended under the provisions of this title shall be 100 per centum of the approved costs of any program or activity,

except that moneys received under this title shall not be used for the cost of the preparation and promotion of the plan, the cost of the preparation, pursuit, or promotion of applications for receipt of any funds, or administrative services associated with such plan or applications.

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

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

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND  
DELINQUENCY PREVENTION

SEC. 4. (a) (1) Section 241 of the Act is amended by striking out subsection (e), and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(2) Section 241(f) of the Act, as so redesignated by paragraph 1, is amended by inserting "make grants and" after "(4)".

(3) The subsection designated as subsection (b) immediately following section 241(f) of the Act, as so redesignated by paragraph (1), is redesignated as subsection (g).

(4) Section 241(g) of the Act, as so redesignated by paragraph (1), is amended by striking out "subsection (g)(1)" and inserting in lieu thereof "subsection (f)(1)".

(b) Section 243(5) of the Act is amended by inserting before the semicolon at the end thereof the following: "such as assessments regarding the role of family violence, sexual abuse or exploitation and media violence in delinquency, the improper handling of youth placed in a State by another State, the possible ameliorating roles of recreation and the arts, and the extent to which youth in the juvenile system are treated differently on the basis of sex and the ramifications of such practices".

(c) Section 245 of the Act is amended to read as follows:

"Sec. 245. The Advisory Committee shall advise, consult with, and make recommendations to the Associate Administrator concerning the overall policy and operations of the Institute."

(d)(1) Section 247(a) of the Act is amended by striking out "on Standards for Juvenile Justice established in section 208(e)".

(2) Section 247(d) of the Act is amended by inserting after subsection (c) the following new subsection:

"(d) Following the submission of its report under subsection (b) the Advisory Committee shall direct its efforts towards refinement of the recommended standards and shall assist State and local governments and private

agencies and organizations in the adoption of appropriate standards at the State and local levels.”.

(e) Title II of the Act is further amended by striking out section 248:

#### ADMINISTRATIVE PROVISIONS

SEC. 5. (a) The heading for part D of title II of the Act is amended to read as follows:

#### “PART D.—ADMINISTRATIVE PROVISIONS”.

(b) Section 261(a) of the Act is amended to read as follows:

“(a) To carry out the purposes of this title there is authorized to be appropriated \$125,000,000 for the fiscal year ending September 30, 1978, and such sums as are necessary for each of the fiscal years ending September 30, 1979, and September 30, 1980. Funds appropriated for any fiscal year may remain available for obligation until expended.”

(c) Section 262 of the Act is amended to read as follows:

#### “APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

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

(d)(1) Section 263(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out “subsection (b)” and inserting in lieu thereof “subsections (b) and (c)”.

(2) Section 263 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by adding at the end thereof the following new subsection:

“(c) The amendments made by the Juvenile Justice and Delinquency Prevention Amendments of 1977 shall take effect on and after October 1, 1977.”.

#### RUNAWAY YOUTH

SEC. 6. (a)(1) Section 311 of the Act is amended—

(A) by inserting in the first sentence “and short-term training” after “technical assistance” and by inserting “and coordinated networks of such agencies” after “agencies”; and

(B) by inserting “or otherwise homeless youth” immediately after “runaway youth” where it first appears and by deleting “runaway youth” in the third and fourth sentences and inserting in lieu thereof “such youth”.

(2) Section 312(b)(5) of the Act is amended by striking out “aftercase” and inserting in lieu thereof “aftercare”.

(3) Section 312(b)(6) of the Act is amended by striking out “parental consent” and inserting in lieu thereof “the consent of the individual youth and parent or legal guardian”.

(4) Section 313 of the Act is amended—

(A) by striking out “State,” and

(B) by striking out “\$75,000” and “\$100,000” and inserting in lieu thereof “\$100,000” and “\$150,000”, respectively.

(b) Part B of title III of the Act is amended by redesignating the title of part B as "RECORDS" and striking out sections 321 and 322 and inserting in lieu thereof the following:

**"RECORDS**

"SEC. 321. Record containing the identity of individual youths pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency."

(c) Title III of the Act is further amended by redesignating part C as part D, by redesignating section 331 as section 341, and by inserting after part B the following new part:

**"PART C—REORGANIZATION**

"SEC. 331. (a) After January 1, 1978, the President may submit to the Congress a reorganization plan which, subject to the provisions of subsection (b) of this section, shall take effect, if such reorganization plan is not disapproved by a resolution of either House of Congress, in accordance with the provisions of and the procedures established by chapter 9 of title 5, United States Code, except to the extent provided in this part.

"(b) A reorganization plan submitted in accordance with the provisions of subsection (a) shall provide—

"(1) for establishing within ACTION an Office of Youth Assistance, which shall be the principal agency, and the Director of ACTION shall be the principal officer, for carrying out title III of this Act;

"(2) that the transfer authorized by paragraph (1) shall be effective thirty days after the last date on which such transfer could be disapproved under chapter 9 of title 5, United States Code;

"(3) that property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions of the Office of Youth Development within the Department of Health, Education, and Welfare in the operation of functions pursuant to title III of this Act, shall be transferred to the Office of Youth Assistance within ACTION, and that all grants, applications for grants, contracts and other agreements awarded or entered into by the Office of Youth Development shall continue in effect until modified, superseded, or revoked;

"(4) that all official actions taken by the Secretary of the Department of Health, Education, and Welfare, his designee, or any other person under the authority of title III of this Act which are in force on the effective date of such plan, and for which there is continuing authority under the provisions of title III of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director of ACTION as appropriate; and

"(5) that references to the Office of Youth Development within the Department of Health, Education, and Welfare in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding shall, on and after such date, be deemed to refer to the Office of Youth Assistance within ACTION, as appropriate."

(d) Section 341 of the Act (as redesignated by subsection (c) of this section) is amended—

(1) by striking out, in subsection (a), everything after "appropriated" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1978, \$25,000,000, and for the fiscal years ending September 30, 1979, and September 30, 1980, such sums as may be necessary."

(2) by striking out subsection (b) and inserting in lieu thereof the following:

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

AMENDMENT TO OMNIBUS CRIME CONTROL AND SAFE STREETS  
ACT OF 1968

SEC. 7. Section 203(a)(1) 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 sentence. "The chairman and at least two additional members of any advisory group established pursuant to section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 shall be appointed to the State planning agency as members thereof. These individuals may be considered in meeting the general representation requirements of this subsection."

AMENDMENT TO TITLE 5

SEC. 8. Section 5108(e)(10) of title 5, United States Code, first occurrence, is amended by striking out "twenty-five" and inserting in lieu thereof "twenty-six".

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

\* \* \* \* \*

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]** *Associate Administrator* who shall be nominated by the President by and with the advice and consent of the Senate.

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

(f) There shall be established in the Office a Deputy **[Assistant]** *Associate Administrator* who shall be appointed by the Administrator whose function shall be to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention established under section 241 of this Act.

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

\* \* \* \* \*

#### 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 *with the assistance of Associate Administrator*—

(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 the Coordinating Council and submit to the President and the Congress, after the first year the legislation is enacted, prior to December 31, 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 the Coordinating Council 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.

\* \* \* \* \*

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

(g) The Administrator may delegate any of his functions under this [part] title, 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] Associate Administrator finds to be exceptionally effective or for which he finds there exists exceptional need.

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

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

\* \* \* \* \*

#### JOINT FUNDING

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

#### 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 Office of Drug Abuse Policy, *the Commissioner of the Office of Education, the Director of ACTION,* the Secretary of Housing and Urban Development, or their respective designees, the [Assistant] Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy [Assistant] Associate Administrator of the Institute for Juvenile Justice and Delinquency Prevention, and representatives of such other agencies as the President shall designate.

\* \* \* \* \*

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

\* \* \* \* \*

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

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



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

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

\* \* \* \* \*

#### ADVISORY COMMITTEE

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

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

(c) The regular members of the Advisory Committee shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs, *including youth workers involved with alternative youth programs*. 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, *of whom at least three shall have been under the jurisdiction of the juvenile justice system*.

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

#### DUTIES OF THE ADVISORY COMMITTEE

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

(b) The Advisory Committee shall make recommendations to the Administrator, *the President, and the Congress* 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 *not less than* five members of the Committee to serve [together with the Director of the National Institute of Corrections,] as members of an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention to perform the functions set forth in section 245 of this title.

(e) The Chairman shall designate a subcommittee of *not less than* five members of the Committee to serve as an Advisory Committee [to the Administrator] on Standards for [the Administration of] Juvenile Justice to perform the functions set forth in section 247 of this title.

(f) The Chairman, with the approval of the Committee, shall [appoint such personnel as are necessary to carry out the duties of the Advisory Committee.] *request of the Associate Administrator such staff and other support as may be necessary to carry 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] *units of general local government or combinations thereof* to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through *grants and contracts* with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

#### ALLOCATION

SEC. 222. (a) \* \* \*

\* \* \* \* \*

[(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), (15), and (17) of title I of the Omnibus Crime Control and Safe Streets Act of 1968. In accordance with regulations established under this title, such plan must—

(1) designate the State planning agency established by the State under section 203 of such title I as the sole agency for supervising the preparation and administration of the plan;

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

(3) provide for an advisory group appointed by the chief executive of the State to advise the State planning agency and its supervisory board (A) which shall consist of not less than twenty-one and not more than thirty-three persons who have training, experience, or special knowledge concerning the prevention and treatment of a juvenile delinquency or the administration of juvenile justice, (B) which shall include representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, or youth services departments, (C) which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; *business groups and businesses employing youth*; 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, of whom at least three are or have been under the jurisdiction of the juvenile justice system;

(4) provide for the active consultation with and participation of [local governments] *units of general local government or combinations thereof* in the development of a State plan which adequately takes into account the needs and requests of local governments;

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

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

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

\* \* \* \* \*

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

(10) provide that not less than 75 per centum of the funds available to such State under section 222, whether expended directly by the State or by the *unit of general local government or combination thereof* or through *grants and contracts* with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correctional facilities *and to encourage a diversity of alternatives within the juvenile justice system.* 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 *twenty-four hour in-take screening, volunteer and crisis home programs, day treatment and home probation,* and any other designated community-based diagnostic, treatment, or rehabilitative service;

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

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

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

\* \* \* \* \*

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

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

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

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

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

(I) *activities which establish standards for juvenile justice, based on the recommendations of the Advisory Committee on Standards;*

\* \* \* \* \*

(12) provide within [two] *three* 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 or such nonoffenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities [ , but must be placed in shelter facilities ]; *but shall, if placed in facilities, be placed in facilities (A) that are the least restrictive alternative appropriate to the needs of the child and the community, (B) that are in reasonable proximity to the family and the home communities of the juveniles, and (C) that provide the services described in section 103(1);*

(13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of section 223(a)(12) 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;

\* \* \* \* \*

(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;

\* \* \* \* \*

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

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

(d) In the event that any State fails to submit a plan, *chooses not 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 *including restitution projects which test and validate selected arbitration models, such as neighborhood courts or panels and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents;*

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

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

(6) develop and implement, *in coordination with the United States Office of Education*, model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions[.];

(7) *develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system;*

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

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

(10) *develop and implement programs relating to juvenile delinquency and learning disabilities.*

[(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.]

*(b) Not more than 20 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.*

\* \* \* \* \*

#### CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

SEC. 225. (a) \* \* \*

\* \* \* \* \*

(c) In determining whether or not to approve applications for grants under section 224, the Administrator shall consider—

(1) the relative cost and effectiveness of the proposed program in effectuating the purposes of this part;

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

(3) the extent to which the proposed program meets the objectives and priorities of the State plan, when a State plan has been approved by the Administrator under section 223(c) and when the location and scope of the program makes such consideration appropriate;

(4) the increase in capacity of the public and private agency, institution, or individual to provide services to delinquents [or youths in danger of becoming delinquents;] *and other youth to help prevent delinquency;*

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

\* \* \* \* \*

## USE OF FUNDS

SEC. 227. (a) Funds paid pursuant to this title to any [State, public or private agency, institution, or individual (whether directly or through a State or local agency)] *public or private agency, organization, institution, or individual (whether directly or through a State planning agency)* may be used for—

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

(2) not more than 50 per centum of the cost of the construction of innovative community-based facilities for less than twenty persons which, in the judgment of the Administrator, are necessary for carrying out the purposes of this part.

(b) Except as provided by subsection (a), no funds paid to any public or private agency, [institution, or individual under this part (whether directly or through a State agency or local agency)] *organization, institution, or individual under this title (whether directly or through a State planning agency)* may be used for construction.

## PAYMENTS

SEC. 228. (a) In accordance with criteria established by the Administrator, it is the policy of Congress that programs funded under this title shall continue to receive financial assistance providing that the yearly evaluation of such programs is satisfactory.

(b) At the discretion of the Administrator, when there is no other way to fund an essential juvenile delinquency program not funded [under this part,] *by the Law Enforcement Assistance Administration*, the State may utilize 25 per centum of the formula grant funds available to it under this part to meet the non-Federal matching share requirement for any other Federal juvenile delinquency program grant.

(c) Whenever the Administrator determines that it will contribute to the purposes of this [part,] *title*, he may require the recipient of any grant or contract to contribute money, facilities, or services.

(d) Payments under this part, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, in such installments and on such conditions as the Administrator may determine.

(e) *Financial assistance extended under the provisions of this title shall be 100 per centum of the approved costs of any program or activity, except that moneys received under this title shall not be used for the cost of the preparation and promotion of the plan, the cost of the preparation, pursuit, or promotion of applications for receipt of any funds, or administrative services associated with such plan or applications.*

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



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

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] Associate Administrator, and shall be headed by a Deputy [Assistant] Associate Administrator of the Office appointed under section 201(f).

(c) The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the National Institute of Law Enforcement and Criminal Justice in accordance with the requirements of section 201(b).

(d) The Administrator shall have responsibility for the administration of the organization, employees, enrollees, financial affairs, and other operations of the Institute.

[(e) The Administrator may delegate his power under the Act to such employees of the Institute as he deems appropriate.]

[(f)] (e) 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)] (f) In addition to the other powers, express and implied, the Institute may—

(1) request any Federal agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions;

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

(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

(4) *make grants and* enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any functions of the Institute; and

(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States

Code and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently.

[(b)] (g) Any Federal agency which receives a request from the Institute under subsection [(g)] (f)(1) may cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute.

\* \* \* \* \*

#### 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, *such as assessments regarding the role of family violence, sexual abuse or exploitation and media violence in delinquency, the improper handling of youth placed in a State by another State, the possible ameliorating roles of recreation and the arts, and the extent to which youth in the juvenile system are treated differently on the basis of sex and the ramifications of such practices;*

\* \* \* \* \*

#### 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.]

*SEC. 245. The Advisory Committee shall advise, consult with, and make recommendations to the Associate Administrator concerning the overall policy and operations of the Institute.*

## ANNUAL REPORT

SEC. 246. The Deputy [Assistant] Associate 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 September 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.

(b) Not later than one year after the passage of this section, the Advisory Committee shall submit to the President and the Congress a report which, based on recommended standards for the administration of juvenile justice at the Federal, State, and local level—

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

(2) recommends State and local action to facilitate the adoption of these standards for juvenile justice at the State and local level.

(c) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Advisory Committee such information as the Committee deems necessary to carry out its functions under this section.

(d) *Following the submission of its report under subsection (b) the Advisory Committee shall direct its efforts toward refinement of the recommended standards and shall assist State and local governments and private agencies and organizations in the adoption of appropriate standards at the State and local levels.*

[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.]

## PART D—[AUTHORIZATION OF APPROPRIATIONS ADMINISTRATIVE PROVISIONS

[SEC. 261. (a) To carry out the purposes of this title there is authorized to be appropriated \$75,000,000 for the fiscal year ending June 30, 1975, \$125,000,000 for the fiscal year ending June 30, 1976, and \$150,000,000 for the fiscal year ending September 30, 1977.]

SEC. 261. (a) *To carry out the purposes of this title there is authorized to be appropriated \$125,000,000 for the fiscal year ending September 30, 1978, and such sums as are necessary for each of the fiscal years ending September 30, 1979, and September 30, 1980. Funds appropriated for any fiscal year may remain available for obligation until expended.*

(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile delinquency programs.

#### 【NONDISCRIMINATION PROVISIONS

【SEC. 262. (a) No financial assistance for any program under this Act shall be provided unless the grant, contract, or agreement with respect to such 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.】

#### APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

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

#### EFFECTIVE CLAUSE

SEC. 263. (a) Except as provided by 【subsection (b),】 subsections (b) and (c), the foregoing provisions of this Act shall take effect on the date of enactment of this Act.

(b) Section 204(b)(5) and 204(b)(6) shall become effective at the close of the thirty-first day of the twelfth calendar month of 1974. Section 204(l) shall become effective at the close of the thirtieth day of the eleventh calendar month of 1976.

(c) *The amendments made by the Juvenile Justice and Delinquency Prevention Amendments of 1977 shall take effect on and after October 1, 1977.*

\* \* \* \* \*

## TITLE III—RUNAWAY YOUTH

\* \* \* \* \*

## PART A—GRANTS PROGRAM

## PURPOSES OF GRANT PROGRAM

SEC. 311. The Secretary is authorized to make grants and to provide technical assistance *and short-term training* to localities and nonprofit private agencies *and coordinated networks of such agencies* in accordance with the provisions of this part. Grants under this part shall be made for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth *or otherwise homeless youth* in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grant shall be determined by the number of [runaway] *such* youth in the community and the existing availability of services. Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with [runaway] *such* youth.

## ELIGIBILITY

SEC. 312. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway house, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians.

(b) In order to qualify for assistance under this part, an applicant shall submit a plan to the Secretary meeting the following requirements and including the following information. Each house—

(1) \* \* \*

\* \* \* \* \*

(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] *aftercare* services will be provided to those children who are returned beyond the State in which the runaway house is located;

(6) shall keep adequate statistical records profiling the children and parents which it serves, except that records maintained on individual runaway youths shall not be disclosed without [parental consent] *the consent of the individual youth and parent or legal guardian* to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway youths;

\* \* \* \* \*

## APPROVAL BY SECRETARY

SEC. 313. An application by a [State,] locality, or nonprofit private agency for a grant under this part may be approved by the Secretary only if it is consistent with the applicable provisions of this

part and meets the requirements set forth in section 312. Priority shall be given to grants smaller than ~~[\$75,000]~~ \$100,000. In considering grant applications under this part, priority shall be given to any applicant whose program budget is smaller than ~~[\$100,000]~~ \$150,000.

\* \* \* \* \*

## PART B—~~STATISTICAL SURVEY~~ RECORDS

### ~~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.]

### RECORDS

*SEC. 321. Record containing the identity of individual youths pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency.*

## PART C—REORGANIZATION

**SEC. 331.** (a) After January 1, 1978, the President may submit to the Congress a reorganization plan which, subject to the provisions of subsection (b) of this section, shall take effect, if such reorganization plan is not disapproved by a resolution of either House of Congress, in accordance with the provisions of and the procedures established by chapter 9 of title 5, United States Code, except to the extent provided in this part.

(b) A reorganization plan submitted in accordance with the provisions of subsection (a) shall provide—

(1) for establishing within ACTION an Office of Youth Assistance—

(A) which shall be headed by the Deputy Associate Director for VISTA and Action Education; and

(B) which shall be the principal agency, and the Director of ACTION shall be the principal officer, for carrying out title III of this Act;

(2) that the transfer authorized by paragraph (1) shall be effective thirty days after the last date on which such transfer could be disapproved under chapter 9 of title 5, United States Code;

(3) that property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions of the

*Office of Youth Development within the Department of Health, Education, and Welfare in the operation of functions pursuant to title III of this Act, shall be transferred to the Office of Youth Assistance within ACTION, and that all grants, applications for grants, contracts and other agreements awarded or entered into by the Office of Youth Development shall continue in effect until modified, superseded, or revoked;*

(4) *that all official actions taken by the Secretary of the Department of Health, Education, and Welfare, his designee, or any other person under the authority of title III of this Act which are in force on the effective date of such plan, and for which there is continuing authority under the provisions of title III of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director of ACTION as appropriate; and*

(5) *that references to the Office of Youth Development within the Department of Health, Education, and Welfare in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding shall, on and after such date, be deemed to refer to the Office of Youth Assistance within ACTION, as appropriate.*

#### **[PART C] PART D—AUTHORIZATION OF APPROPRIATIONS**

SEC. [331.] 341. (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, and 1976, and September 30, 1977, the sum of \$10,000,000.] *for the fiscal year ending September 30, 1978, \$25,000,000, and for the fiscal years ending September 30, 1979, and September 30, 1980, such sums as may be necessary.*

[(b) To carry out the purposes of part B of this title there is authorized to be appropriated the sum of \$500,000.]

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

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#### **SECTION 203 OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968**

SEC. 203. (a)(1) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State or by State law and shall be subject to the jurisdiction of the chief executive. Where such agency is not created or designated by State law, it shall be so created or designated by no later than December 31, 1978. The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public

agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations, including organizations directly related to delinquency prevention. *The chairman and at least two additional members of any advisory group established pursuant to section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 shall be appointed to the State planning agency as members thereof. These individuals may be considered in meeting the general representation requirements of this subsection.*

(2) The State planning agency shall include as judicial members, at a minimum, the chief judicial officer or other officer of the court of last resort, the chief judicial administrative officer or other appropriate judicial administrative officer of the State, and a local trial court judicial officer. The local trial court judicial officer and, if the chief judicial officer or chief judicial administrative officer cannot or does not choose to serve, the other judicial members, shall be selected by the chief executive of the State from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort within thirty days after the occurrence of any vacancy in the judicial membership. Additional judicial members of the State planning agency as may be required by the Administration pursuant to section 515(a) of this title shall be appointed by the chief executive of the State from the membership of the judicial planning committee. Any executive committee of a State planning agency shall include in its membership the same proportion of judicial members as the total number of such members bears to the total membership of the State planning agency. The regional planning units within the State shall be comprised of a majority of local elected officials. State planning agencies which choose to establish regional planning units may utilize the boundaries and organization of existing general purpose regional planning bodies within the State.

\* \* \* \* \*

## SECTION 5108 OF TITLE 5, UNITED STATES CODE

### § 5108. Classification of positions at GS-16, 17, and 18

(a) A majority of the Civil Service Commissioners may establish, and from time to time revise, the maximum numbers of positions (not to exceed an aggregate of 2,754, in addition to any professional engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine which may be placed in these grades, and in addition to 240 hearing examiner positions under section 3105 of this title which may be placed in GS-16 and 9 such positions which may be placed in GS-17) which may be placed in GS-16, 17, and 18 at any one time. However, under this authority, not to exceed 25 percent of the aggregate number may be placed in GS-17 and not to exceed 12 percent of the aggregate number may be placed in GS-18. A position may be placed in GS-16, 17, or 18 only by action of, or after prior approval, by a majority of the Civil Service Commissioners.

(b)(1) The number of positions of senior specialists in the Legislative Reference Service, Library of Congress, placed in GS-16, 17, and



18 under the proviso in section 166(b)(1) of title 2 are in addition to the number of positions authorized by subsection (a) of this section.

(2) In addition to the number of positions authorized by subsection (a) of this section and positions referred to in paragraph (1) of this subsection, the Librarian of Congress, subject to the procedures prescribed by this section, may place a total of 44 positions in the Library of Congress in GS-16, 17, and 18.

(c) In addition to the number of positions authorized by subsection (a) of this section—

(1) the Comptroller General of the United States, subject to the procedures prescribed by this section, may place a total of 90 positions in the General Accounting Office in GS-16, 17, and 18;

(2) the Director of the Federal Bureau of Investigation, without regard to any other provision of this section, may place a total of 140 positions in the Federal Bureau of Investigation in GS-16, 17, and 18;

(3) the Director of the Administrative Office of the United States Courts may place a total of 4 positions in GS-17;

(4) the Commissioner of Immigration and Naturalization may place a total of 11 positions in GS-17;

(5) the Secretary of Defense, subject to the standards and procedures prescribed by this chapter, may place a total of 407 positions (in addition to any professional engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine which may be placed in these grades) in the Department of Defense in GS-16, 17, and 18;

(6) the Administrator of the National Aeronautics and Space Administration, subject to the standards and procedures prescribed by this chapter, may place a total of 5 positions in the National Aeronautics and Space Administration in GS-16, 17, and 18;

(7) the Attorney General, without regard to any other provision of this section, may place a total of ten positions of warden in the Bureau of Prisons in GS-16;

(8) the Attorney General, without regard to any other provision of this section, may place a total of 32 positions in GS-16, 17, and 18;

(9) the Railroad Retirement Board may place 4 positions in GS-16, 4 in GS-17, and 1 in GS-18, for the purpose of its administration of chapter 9 or 11 of title 45, or both;

(10)(A) the Secretary of Labor, subject to the standards and procedures prescribed by this chapter, may place an additional **[twenty-five]** *twenty-six* positions in the Department of Labor in GS-16, 17, and 18 for the purposes of carrying out his responsibilities under the Occupational Safety and Health Act of 1970; and (B) the Occupational Safety and Health Review Commission subject to the standards and procedures prescribed by this chapter, may place ten positions in GS-16, 17, and 18 in carrying out its functions under the Occupational Safety and Health Act of 1970;

\* \* \* \* \*

## I. INTRODUCTION

The Juvenile Justice and Delinquency Prevention Act of 1974 was an attempt on the part of the Congress to provide Federal leadership and coordination of resources to assist States, local governments and private agencies to develop and implement effective programs for the prevention and treatment of juvenile delinquency. An office of Juvenile Justice and Delinquency Prevention was established within the Law Enforcement Assistance Administration to assume primary responsibility for this implementation through a means of providing financial assistance to comprehensive programs and services.

The committee bill, H.R. 6111, would extend the Juvenile Justice and Delinquency Prevention Act of 1974 for 3 years and provide amendments to strengthen efforts to combat juvenile delinquency and improve the juvenile justice system. Specifically, H.R. 6111 would authorize \$125 million for fiscal year 1978 and such sums as are necessary for each of the fiscal years 1979 and 1980. The Federal Coordinating Council, established by the 1974 Act, would be authorized to assist in the preparation of LEAA annual reports on the analysis, evaluation and planning of Federal juvenile delinquency programs in the effort of improving the coordination of Federal efforts.

In addition, H.R. 6111 would amend title I of the Omnibus Crime Control and Safe Streets Act to require that the chairman and at least two other members of each State's juvenile justice advisory group be appointed to the State planning agency supervisory board. H.R. 6111 would incorporate a number of other administrative provisions of the Crime Control Act as applicable to the Juvenile Justice and Delinquency Prevention Act.

H.R. 6111 makes significant changes in the provisions relating to Federal assistance for State and local programs. With respect to the formula grant program, the committee bill, as amended, requires that within 3 years of a State's participation in the formula grant program 75 percent of those juveniles who are classified as status offenders, dependent or neglected children must be removed from juvenile detention or correctional facilities. Federal assistance to the States, local governments, and private agencies would be authorized at up to 100 percent of the approved costs of any assisted program or activity with the provision that no Federal assistance may be utilized for planning or administrative programs. With respect to special emphasis grants, H.R. 6111 provides that no more than 20 percent of funds available for Federal assistance for State and local programs may be allocated and new categories, such as the relationship between juvenile delinquency and learning disabilities, are added to the list of special emphasis programs.

Finally, H.R. 6111 would extend and amend title III of the 1974 Act, the Runaway Youth Act, for 3 years and would authorize \$25 million for fiscal year 1978 and such sums as are necessary for each of the fiscal years 1979 and 1980. A provision is included in title III which authorizes the President, after January 1, 1978 and with congressional approval, to transfer runaway youth programs from the Department of Health, Education, and Welfare to ACTION.

## II. LEGISLATIVE HISTORY

Federal concern for juvenile justice extends back as far as 1912 when Congress created the Children's Bureau and authorized it to investigate and report on juvenile courts, among a number of other youth related issues. As early as 1948, Congress was concerned with developing a Federal concentration of effort around youth services. In that year, the Interdepartmental Committee on Children and Youth was established with the purpose of developing closer relationships among Federal agencies concerned with children and youth. Two years later, the Midcentury White House Conference on Children and Youth met to consider methods to strengthen juvenile courts, develop juvenile police services, and examine the treatment and prevention capability of social service institutions and after care agencies.

Despite Presidential requests in 1955, and 1957, no legislation was enacted to help State and local governments address the problem of delinquency until the Juvenile Delinquency and Youth Offenses Control Act of 1961. This legislation authorized 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. For the first 3 years, a total of \$30 million was authorized. Only \$19.2 million was actually appropriated.

The 1964 extension of the Juvenile Delinquency and Youth Offenses Control Act provided \$5 million to the Department of Health, Education, and Welfare to carry out a special demonstration project in Washington, D.C. The act was further extended through June 1967 with an authorization level of \$6.5 million for fiscal year 1966 and \$10 million for fiscal year 1967 with the stated congressional intention of conducting hearings the following year to review the impact of the legislation. The program expired in 1967.

In 1968, two major pieces of legislation were enacted which concerned delinquency and its prevention. The Juvenile Delinquency Prevention and Control Act of 1968 replaced the Juvenile Delinquency and Youth Offenses Control Act. The 1968 Act was much broader in scope than its predecessor and through it, HEW was expected to help States and localities strengthen their juvenile justice programs, as well as coordinate intergovernmental activities.

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 was passed. Among other eligible funding categories, it provided block grants to States for the prevention and control of delinquency. While duplication of Federal juvenile delinquency efforts was not intended, it was nevertheless created by the enactment of this legislation; especially after the 1971 amendment to the act included community-based delinquency prevention programming as an eligible action grant area.

The HEW administered program, during its first 3 years, was disappointing because of delay and inefficiency. A director of the Youth Development and Delinquency Prevention Administration was not appointed for over 18 months. Less than a third of the \$150 million authorized for fiscal years 1968 through 1971 was appropriated.

Furthermore, only half of the funds that were appropriated were actually expended. The funds were generally spent on underfunded, unrelated, and scattered projects. Weakness in program administration, the dominance of the Law Enforcement Assistance Administration and inadequate funding contributed to reasons for a lack of total success.

In 1971, Congress approved a 1-year extension of the Juvenile Delinquency Prevention and Control Act. It was generally understood that any further extension of the program would not be forthcoming unless HEW showed a marked improvement in its efforts to provide national leadership. The 1971 amendments authorized \$75 million for fiscal year 1972, and \$10 million was appropriated. An interdepartmental council to coordinate Federal delinquency programs was also established.

In 1972, the Juvenile Delinquency Prevention and Control Act was extended for 2 more years under the name "Juvenile Delinquency Prevention Act." An attempt was made to more clearly delineate the respective roles of LEAA and the Department of Health, Education, and Welfare, LEAA was to assist programs inside the juvenile justice system while the Department of Health, Education, and Welfare was to fund preventive programs outside the traditional juvenile justice structure. In extending the program, the Congress again made it clear that the extension was no substitute for vigorous national leadership, coordination, and provision of resources to combat the delinquency problem.

Since its creation in 1968, LEAA has had considerably more congressional support than the juvenile delinquency programs of the Department of Health, Education, and Welfare. While LEAA's role was more limited to programs within the traditional juvenile justice system, millions of dollars in juvenile justice improvement programs had been funded. By the end of 1970, over 40 of the LEAA funded State planning agencies which administered funds under the Safe Streets Act were also administering HEW supported Juvenile Delinquency Prevention and Control Act programs. In 1971, amendments to the Omnibus Crime Control and Safe Streets Act were enacted which expressed the intent that LEAA should focus greater attention on juvenile delinquency. More emphasis of juvenile delinquency within LEAA, coupled with the failure of the Department of Health, Education, and Welfare to fully implement the Juvenile Delinquency Prevention and Control Act, led to increased LEAA leadership within the juvenile delinquency area. In short, HEW had the broader mandate, but LEAA had the greater financial resources.

The Crime Control and Safe Streets Act of 1973 required LEAA to place more emphasis on delinquency programming. The Act's declaration of purpose specifically recognized the need to prevent juvenile crime through coordinated action at all levels of government. More importantly, the 1973 act required each State planning agency to specifically address juvenile delinquency in its comprehensive plan. Thus, all State comprehensive plans competing for federal funds were required to include plans for juvenile justice. As a result, it was found that individual States, in addressing their own needs and priorities, were able to direct a substantial amount of LEAA block grant money to projects relating to juvenile delinquency.

In 1974, as the Juvenile Delinquency Prevention Act was about to expire, several bills were proposed to extend or replace it. H.R. 13737 provided assistance to agencies within the juvenile justice system for programs in the area of youth development, and would have addressed the problems of runaway youth. H.R. 6265, on the other hand, was more far-reaching. It provided for both categorical and block grants to States and localities, required submission of a State plan, mandated that 75 percent of the State funds be passed on to localities, and provided administrative provisions to coordinate juvenile delinquency efforts. A third bill, H.R. 9298, was known as the Runaway Youth Act.

On June 12, 1974, this committee ordered a clean bill, H.R. 15276, reported to the House, as amended, by a vote of 28 to 1. The bill passed the House on July 1, 1974, by a vote of 329 to 20. The Juvenile Justice and Delinquency Prevention Act of 1974 was signed by President Ford on September 7, 1974. The act provided for a 3-year authorization of \$350 million and the creation of the Office of Juvenile Justice and Delinquency Prevention within LEAA for the purpose of coordination of all Federal juvenile justice programs. Programs funded under title III of the act, however, were to be administered by the Department of Health, Education, and Welfare.

Other provisions of the act included the creation of a National Advisory Committee for Juvenile Justice and Delinquency Prevention to advise LEAA on juvenile justice matters. A Coordinating Council on Juvenile Justice and Delinquency Prevention, composed of major Federal agency heads, was created to assist in the concentration of Federal effort. A National Institute for Juvenile Justice and Delinquency Prevention was also created to serve as a clearinghouse for delinquency information and to conduct training, research demonstrations, and evaluations relative to juvenile justice programs.

The act further provided for formula grants to State and local governments and grants to public and private agencies to develop programs with special emphasis on the prevention of delinquency, diversion from the juvenile justice system, and community-based alternatives to traditional incarceration. The granting mechanism provided for both block grant and categorical assistance. All of the approved advanced techniques and special emphasis areas were aimed at decreasing juvenile crime, whether through control or prevention, and reducing juvenile recidivism. Similarly, the act provided that status offenders must not be placed in detention or correctional facilities and that juvenile delinquents should not be incarcerated in institutions with adults convicted of criminal charges or awaiting trial on such charges.

Although efforts at the Federal level to alleviate the causes of juvenile delinquency and improve the juvenile justice system date back for over half a century, it was not until the Juvenile Justice and Delinquency Prevention Act of 1974 that the issue was approached in a comprehensive fashion. While certain provisions of the act have proven to fall short of anticipated accomplishments, mostly due to a hostile Republican administration, this legislation deserves the continued support of the Congress.

### III. HEARINGS

Hearings on H.R. 6111 were held before the Subcommittee on Economic Opportunity on April 22, 1977.

Testifying at the hearings were Representatives Claude Pepper and Jim Santini, Louisiana State Senator Sidney Bartholemew, representatives of the Department of Justice, and the Department of Health, Education, and Welfare. Testimony was also received from the National Advisory Committee for Juvenile Justice and Delinquency Prevention, the National Conference of State Criminal Justice Planning Agency Directors, a representative of the State Planning Agency for the State of North Carolina, the National Association of Counties, the National Collaboration for Youth, the National Council of Jewish Women, the Children's Defense Fund, Inc., and the National Youth Alternatives Project.

The committee also received written submissions from Representatives Tom Railsback and Don Young, the National Governor's Conference, the National League of Cities and the U.S. Conference of Mayors, the Governor of the State of Alaska, the Governor's Commission on Crime Prevention and Control of the State of Minnesota, the Juvenile Rights Projects of the American Civil Liberties Union Foundation, the National Council on Crime and Delinquency and other interested and concerned citizens.

The committee has fully considered all views presented in recommending the legislation here reported.

### IV. LEGISLATION CONSIDERED BY THE COMMITTEE

#### JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

The Office of Juvenile Justice and Delinquency Prevention and the role of its executive head, the Assistant Administrator, were carefully examined during hearings before the Subcommittee on Economic Opportunity. The committee believes that the Assistant Administrator should have sufficient authority to carry out the mandates of this legislation. The committee is convinced that this has not always been the case during the 3 years of the Office history. In the past, the LEAA Administrator did not delegate adequate responsibility to the Assistant Administrator. This situation was further aggravated by the reluctance of the Ford administration to provide adequate appropriations, staffing, and other necessary executive actions demonstrating a commitment to the 1974 act. As a result, the committee believes that aggressive executive support will substantially improve the administration of the Office in the future.

While H.R. 6111 allows LEAA to retain a degree of flexibility to effectively manage the program, the committee bill clarifies the relationship of the Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention and the Administrator of LEAA. H.R. 6111 elevates the title of the head of the Office of Juvenile Justice and Delinquency Prevention from that of "Assistant Administrator" to "Associate Administrator." This will provide the head of the Office with standing equivalent to that of other officers within LEAA appointed by the President. It is understood that this change elevates the Associate Administrator from the general schedule to the

Executive schedule, level V. The titles of the two Deputy Assistant Administrators of the Office are also changed to "Deputy Associate Administrator." The committee also notes that the Office, at this time, is understaffed and expects that additional personnel will be allocated to assure effective performance of administrative responsibility.

Several functions previously performed solely by the Administrator of LEAA are transferred to the Associate Administrator to facilitate the increased delegation of authority. The Associate Administrator is given a statutory role in the concentration of Federal effort activities under section 204 of the 1974 act. Amendments to section 208 (b), (c), and (e) provide that the National Advisory Committee directly advise the Associate Administrator, rather than the Administrator, on Office functions. Amendments to section 223 (a), (14), (20), and (21), provide a direct role for the Associate Administrator in receiving and reviewing State planning agency reports pertaining to monitoring, analysis, and evaluation of programs and activities, and the formulation of additional terms and conditions for State plans. Finally, sections 243 (4), 246, 250, and 251 provide a direct role for the Associate Administrator in Juvenile Justice Institute evaluation, reporting and training activities.

#### CONCENTRATION OF FEDERAL EFFORT

The Federal Coordinating Council on Juvenile Justice and Delinquency Prevention was mandated by the 1974 act to assist in the preparation of the annual Federal reports. The Council's scope is broadened and strengthened by the addition of the Commissioner of the Office of Education and the Director of ACTION to the Council's membership. The committee was informed that the Council's ability to perform has been hampered by inadequate staff support and a lack of participation by member Federal agencies. As a result, H. R. 6111 permits the Associate Administrator to provide staff support to the Council and reduces the minimum number of annual meetings from six to four with the expectation that more extensive staff work can be accomplished between meetings and that fewer meetings will encourage more participation by the executive level officials from member Federal agencies.

#### NATIONAL ADVISORY COMMITTEE

Under the 1974 act, the role of the National Advisory Committee is to advise LEAA on matters pertaining to Federal juvenile justice programs. To date, the Advisory Committee has effectively carried out its responsibility. While stopping short of permitting operational, granting, and contractual authority for the Advisory Committee, the committee believes the Advisory Committee's operation should be strengthened and improved.

H. R. 6111 expands the scope of representation on the Advisory Committee by providing that the President may appoint to the Committee youth workers involved with alternative youth programs. The committee bill additionally requires that future appointments to the Advisory Committee include at least three members under age 26

when appointed who are or who have been under the jurisdiction of the juvenile justice system.

Recommendations made by the Advisory Committee are given expanded visibility in the committee bill by mandating that Advisory Committee recommendations be made to the President and Congress as well as the Associate Administrator. In addition, several amendments increase the flexibility of membership of Subcommittees of the Advisory Committee and the committee bill directs the Advisory Committee to refine its recommendations on standards for juvenile justice. Finally, the 1974 act is also amended to allow the Associate Administrator to provide staff support to the Advisory Committee carry out its duties.

#### FORMULA GRANT PROGRAM

H.R. 6111 makes several changes intended to refine the block grant program and to assure that more Federal funds expended through this assistance be used in direct service delivery to juveniles. The committee bill would amend the act to clarify that formula grant funds can be made available to public and private agencies, organizations, and individuals through subgrants as well as contracts. H.R. 6111 further specifies that the term "local government" means "unit of general local government" or "combination thereof" as defined by section 103 (8) and (9) of the act.

#### STATE PLANNING ALLOTMENT

Section 222(c) of the 1974 act provides that up to 15 percent of formula grant funds could be utilized by State planning agencies for planning and administrative expenses. The committee closely examined this provision and found it to be excessive and undesirable. Consequently, H.R. 6111 reflects the committee's strong belief that no formula grant funds be available to State planning agencies and subgrantees for the cost of the preparation and promotion of a State comprehensive juvenile justice plan, the cost of the preparation, pursuit, or promotion of applications for receipt of any formula grant funds, or administrative services associated with State plans or grant applications. As a result, resources for planning and administrative services could be contributed by State and local governments or by funds received under part B of title I of the Omnibus Crime Control and Safe Streets Act. The committee is hopeful that this amendment to the 1974 act will result in additional juvenile justice funds reaching service delivery programs.

The committee's position is premised on several considerations. First, any contribution of resources by respective State and local governments for planning and administrative services merely acknowledges the congressional mandate expressed in the 1973 amendments to the Omnibus Crime Control and Safe Streets Act calling for the inclusion of a plan for improvement of juvenile justice systems in the comprehensive criminal justice plan submitted to LEAA pursuant to section 303 (a) of the Crime Control Act. This mandate, it should be noted, preceded the Juvenile Justice and Delinquency Prevention Act of 1974.



There seems to be little connection between the 15 percent allotment provided for planning and administrative services and the actual costs of such services. The committee fears that the cost of planning and administrative services may increase in proportion to the amount of Federal funds available for such expenses. State planning agencies have been criticized for not involving local governments and private nonprofit organizations in the preparation of the State plan to the degree mandated by the 1974 act. State planning agencies may now find, in terms of cost-effectiveness, that it is to their advantage to proactively seek out such participation. Therefore, the committee bill will likely promote Federal-State-local and public-private partnerships relative to comprehensive planning.

The elimination of Federal funds available for the preparation and administration of the State plan should in no way be interpreted as a deemphasis by the committee of the importance of quality comprehensive planning. Planning requirements under the 1974 act remain the same. State and local governments are encouraged to meet these requirements as efficiently as possible. Since resources to accomplish these requirements will ultimately come from State and local governments, the committee expects State and local governments to monitor the respective State planning agencies to insure professional juvenile justice planning.

#### STATE ADVISORY GROUPS

The 1974 act provided for the creation of State advisory groups to advise State planning agencies and review State comprehensive juvenile justice plans prior to supervisory board approval and submission of the plan to LEAA. In many States, advisory groups have made substantial and important contributions to the development of adequate juvenile justice planning. In some States, unfortunately, advisory groups have served little benefit, largely due to irregular meetings, poor administration, or inadequate governmental and private support.

In an effort to strengthen State advisory groups, H.R. 6111 expands local participation to include the private business sector and provides that at least three of the next appointed youth members in the group be or have been under the jurisdiction of the juvenile justice system. The bill also amends section 203(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act by providing that the Chairman and at least two additional members of the advisory group be appointed to the State planning agency as voting members. Since this provision will require, in some instances, action by State legislatures, the committee expects LEAA to promulgate guidelines for those States where State planning agency membership cannot be immediately restructured.

#### ADVANCED TECHNIQUE PROGRAMS

Current law provides that not less than 75 percent of formula grant funds allocated to a particular State must be used for "advanced technique" programs. These programs include programs to develop, maintain and expand juvenile delinquency prevention services, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correctional

facilities. H.R. 6111 would add programs and services which encourage a diversity of alternatives within the juvenile justice system. In addition, the scope of community-based prevention programming is broadened to include 24 hour intake screening, volunteer, and crisis home programs, day treatment, home probation services, and youth advocacy services.

Finally, the committee bill adds a new area for emphasis by encouraging the funding of programs and activities to establish and adopt goals for the improvement of juvenile justice within the State, provided such standards are based on those recommended by the National Advisory Committee.

#### DEINSTITUTIONALIZATION

States participating in the formula grant program are required to remove status offenders from juvenile detention or correctional facilities within 2 years after submission to LEAA of a comprehensive juvenile justice plan. The committee remains firmly committed to the principle of removing status offenders from such facilities. However, the committee is convinced that additional flexibility must be provided to those States attempting to meet this requirement if the goal of complete deinstitutionalization of status offenders is to be accomplished.

The committee bill would extend the period for the removal of 75 percent of status offenders from juvenile detention or correctional facilities from 2 to 3 years and would provide the Administrator of LEAA, with the concurrence of the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention, the authority to grant an extension of up to 2 years to those States which demonstrate, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance.

This provision is necessary for several reasons. First, there is substantial evidence to support the proposition that many States currently participating in the formula grant program may be forced to withdraw or face termination of eligibility absent flexibility in the requirement of removal of status offenders from juvenile detention or correctional facilities. Currently funded programs would be discontinued and new projects would be stifled. More importantly, the incentive to proceed with full compliance of section 223(a)(12) of the act would be removed.

Second, the Congress did not foresee the inadequate level of support provided for implementation of this legislation. The 1974 act authorized appropriations of \$75 million, \$125 million, and \$150 million for each of the first 3 fiscal years. Faced with strong opposition from the Ford administration, which consistently requested less than 10 percent of the authorized amounts, Congress only appropriated \$25 million, \$40 million, and \$75 million, for fiscal years 1975, 1976, and 1977 respectively. This represented only 40 percent of the annual authorization levels. Many States, having entered the program with the expectation that substantial Federal resources would be forthcoming, were unable to progress as quickly as originally envisioned. However, despite these difficulties, much progress has been made, since the enactment of the 1974 act, toward the goal of deinstitutionalization of status offenders. For example, the legislatures of California

and Virginia passed legislation requiring the removal of status offenders and nonoffenders from juvenile detention and correctional facilities. Similar bills are pending in a number of additional State legislatures, some of which do not presently participate in the formula grant program. A total of 46 of the 56 jurisdictions eligible to participate have demonstrated a commitment to comply with the law. The continued participation of these 46 jurisdictions and the involvement of the 10 jurisdictions not currently participating under the act is, in the committee's belief, a desirable objective.

The committee is aware of the frequent placement of status offenders and dependent or neglected children in institutions or other inappropriate facilities. Such settings are sometimes hundreds of miles from the child's family and friends, and, in some instances, even in other States. This effectively precludes the child from maintaining communication or any close or frequent relationship with those who comprise his or her sphere of human relationships. The committee believes that this often exacerbates the child's problems and must be strictly prohibited unless clearly required by the needs of the child or the community.

The committee further recognizes that, in some cases, the initial placement of status offenders has been in juvenile detention or correctional facilities due to the unavailability of other placements or because of an unwillingness of State officials to search out or develop less costly and more suitable alternatives. The phrase, "least restrictive alternative appropriate to the needs of the child and the community," therefore, refers to the placement most suited to the child's emotional, psychological, educational, social, and medical needs, as well as to whatever security needs are evidenced by the community. The phrase "needs \* \* \* of the community" is not intended to sanction inappropriate placement simply for the convenience of the community.

Finally, the committee bill amends section 223(a)(13) of the act to clarify that the committee intends to include status offenders and nonoffenders among those children who should be separated from adults convicted of criminal charges or those awaiting trial for such charges.

In implementing section 223(a)(12), the committee expects LEAA to follow a "rule of reason." The committee recognizes that brief custody of status offenders may be required in given circumstances. For example, detention for brief periods for investigative purposes, identification purposes, to allow return of proper custody to the juvenile's parent or guardian, or to arrange appropriate placement may be necessary. However, the committee expects that this would be limited exception, and should not exceed 24 hours. Furthermore, it is anticipated that status offenders and nonoffenders would not be detained in regular contact with delinquent youths or adults convicted of or awaiting trial for criminal offenses.

#### SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAM

H.R. 6111 expands the area of special emphasis program authority by encouraging the development of programs designed to provide more effective responses to delinquent conduct outside the formal

juvenile justice system. Coordination of LEAA-funded school programs with the Office of Education is mandated and new authority is provided to fund youth advocacy programs, the development of programs for youth employment, programs to improve the juvenile justice system so that it more closely conforms to standards of contemporary due process, and programs relating to juvenile delinquency and learning disabilities.

Language in the current law provides that not less than 25 percent nor more than 50 percent of the total funds appropriated for each fiscal year shall be used for special emphasis programs. H.R. 6111 alters this allocation to allow that not more than 20 percent of the funds appropriated be so allocated. The committee believes that this reduction in special emphasis funds will result in additional formula grant funds becoming available to State and local governments. This reduction in administrative discretion is necessary for several reasons. First, such a reduction in the discretionary authority for the allocation of special emphasis funds is more in keeping with authority vested in LEAA under the Omnibus Crime Control and Safe Streets Act which provides for a 15-percent allocation of discretionary funds. Second, as mentioned above, more money will be available for formula grant assistance and should provide a stronger incentive for States not now participating to do so. The committee fully expects an increase in the number of participating jurisdictions. It should be noted that at the same time the appropriation level is not expected to dramatically increase. Finally, the committee was informed that only 25 percent of discretionary funds were allocated in fiscal year 1977. Consequently, the committee is convinced that without a reduction in special emphasis funding, and with a possible increase in participating jurisdictions, some grantees might actually received a smaller block grant in the future than they did in the past.

The addition of a special emphasis program regarding juvenile delinquency and learning disabilities reflect the committee's conclusion that special attention should be devoted to programs designed to deliver quality services to assist in the identification and treatment of youthful offenders with learning disabilities. Furthermore, this provision would encourage the allocation of special emphasis funds to promote the dissemination of information between interested parties regarding the impact of child learning disabilities on the juvenile justice system. The committee suggests that the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention consider the mechanism of a national conference on learning disabilities and juvenile justice as a means of accomplishing the objectives of this added special emphasis program.

#### GENERAL PROVISIONS

H.R. 6111 amends title II of the 1974 act by clarifying that use of Federal funds are applicable to all eligible fund recipients. The authority to use formula grant funds to meet non-Federal matching share requirements for Federal juvenile delinquency program grants is restricted to non-LEAA program grants to insure that money appropriated under the act is not used to provide monetary match for funds received under the Omnibus Crime Control and Safe Streets Act.

#### MATCH REQUIREMENT

The committee bill amends the 1974 act by providing that Federal assistance shall be 100 percent of the approved costs of programs and that this assistance shall not be used for the cost of the preparation and promotion of the State comprehensive plan or for the cost of the preparation, pursuit, or promotion of any subsequent funding applications. Consequently, no formal matching contribution is required. It is the intention of the committee to encourage the dispersal of as much Federal assistance as possible into direct service delivery. The provision of 100-percent assistance should open the program to more potential applicants, both public and private, and provide, through greater selection, improved program quality.

It should be pointed out that section 228(c) of the 1974 act, which permits the Administrator to require of the recipient of any LEAA grant or contract to contribute money, facilities, or services, remains intact. The committee recognizes that individual situations may arise, particularly regarding consultant contracts, grants to profit making groups, grants or contracts involving the Federal concentration of effort, or research endeavors of the Juvenile Justice Institute, where grantee cash or service contributions may be most appropriate.

#### INDIAN TRIBE LIABILITY

H.R. 6111 authorizes the Administrator to waive the liability that remains with a State under a State subgrant agreement with an Indian tribe where the State lacks jurisdiction to enforce the liability of the Indian tribe under the subgrant agreement. Upon waiving the State's liability, the Administrator would then be able to directly pursue available legal remedies or enter into appropriate settlement action with the Indian tribe.

This authority is intended to provide for the increased participation of Indian tribes in the Juvenile Justice Act program. Currently, each State is liable for improperly expended subgrant funds. This liability cannot be waived by LEAA. Consequently, each State must seek indemnification from the subordinate jurisdictions. In some jurisdictions, by virtue of treaty or otherwise, States do not have the legal authority to seek such indemnification from certain Indian tribes. The possibility of Indian tribes being held liable by LEAA for improperly expended subgrant funds, without the ability to seek indemnification, has resulted in a hesitancy on the part of those States to award funds to Indian tribes. The authorization of a statutory waiver should encourage States to increase the amount of funds provided to Indian tribes and increase such participation in the Juvenile Justice Act. It should be noted that the Congress enacted an identical amendment to the Omnibus Crime Control and Safe Streets Act by the Crime Control Act of 1976.

#### NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The committee believes that the research initiatives of the National Institute for Juvenile Justice and Delinquency Prevention can be effective in laying the groundwork for future program initiatives and

can bring new knowledge to important areas of the juvenile justice system. H.R. 6111 provides the Institute with the authority to open new avenues of research assessing the influence of family violence, sexual abuse, and media violence on delinquency, interstate placement of juvenile offenders, the role of recreation and the arts in delinquency prevention, and the extent and ramifications of disparate treatment of juveniles within the juvenile justice system on the basis of sex.

#### RUNAWAY YOUTH

The committee is committed to continuing title III of the Juvenile Justice and Delinquency Prevention Act of 1974. H.R. 6111 extends title III of the act for 3 years with an authorization of \$25 million for fiscal year 1978. The committee bill also provides that priority should be given to applications for programs of less than \$100,000 instead of the current level of programs of less than \$75,000. Priority for applicants with program budgets of less than \$150,000 are included in the committee bill to provide for greater grantee stability with respect to planning and development. This section, however, should not be interpreted to limit the continued operation of the national runaway switchboard, which currently has an approved spending level of \$750,000.

While it supports the allocation of Federal funds for the development of programs designed to assist runaways, the committee is disturbed about the administration of the Runaway Youth Act by the Office of Youth Development within the Department of Health, Education, and Welfare. This concern is a result of a finding by the committee of poor administration reflected in excess staff, absence of enthusiastic commitment to program continuation, and the existence of research rather than service orientation.

In an effort to address these concerns, the committee bill provides for authorization of Presidential transfer of runaway youth programs from HEW to ACTION. Specifically, the bill provides that the President may submit a reorganization plan to the Congress which would become effective within 30 days unless disapproved by either House of Congress pursuant to chapter 9 of title 5 of the United States Code. The committee believes that the reorganization proposal grants adequate time to HEW to demonstrate an improvement in the administration of runaway youth programs. It is the committee's intention to closely review the progress of current administration of title III to insure that the committee's concerns are properly addressed.

#### ADMINISTRATIVE PROVISIONS

##### *A. Authorization of appropriations*

H.R. 6111 provides for a 3-year extension of the 1974 act with an authorization of \$125 million for fiscal year 1978 and such sums as are necessary for fiscal years 1979 and 1980. The committee views the authorization of \$125 million to be adequate to permit LEAA to continue and improve operational efficiency.

### *B. Applicability of other administrative provision*

H.R. 6111 provides for the incorporation of designated administrative provisions of the Omnibus Crime Control and Safe Streets Act in the Juvenile Justice Act. This provision is intended to permit parallel administration of the two acts. These include specific rule-making authority, subpoena power for hearings, authority to request the use of hearing examiners from the Civil Service Commission, specific inclusion of LEAA hearing and appeals procedures, fund payment authority, prohibitions on discrimination and civil rights enforcement procedures, recordkeeping requirements, and prohibitions on the use and revelation of research and statistical information.

## V. CONCLUSION

The committee believes that H.R. 6111 will strengthen and revitalize the program established by the Juvenile Justice and Delinquency Prevention Act of 1974. The committee bill reflects recommendations included in H.R. 6111 as originally introduced, H.R. 1137, and the comments of many interested public and private representatives.

The Federal Government definitely has a valuable role to play in supplying the resources needed to combat delinquency and the leadership required to assure coordination and cooperation at all levels. The problems associated with juvenile criminality and delinquency will not be easily cured. Many factors impact on delinquency which have only just started to be addressed. Increased funding will certainly be an important step in implementation of a national strategy to deal with delinquency. But more than that is needed. There must be a commitment by all involved to resolve the legal and social problems which lead children into trouble. Alternatives to traditional policies must be developed and innovation must be encouraged. Many States, localities, and private organizations are already redirecting and increasing their efforts in this area. The committee believes that H.R. 6111 can further emphasize the commitment that is needed. Passage of the bill will provide important focus for this program and permit its full potential to be realized.

## VI. COMMITTEE APPROVAL

In compliance with clause 2(1)(2)(b) of rule XI of the Rules of the House of Representatives, the committee states that on May 5, 1977, a quorum being present, the committee favorably reported H.R. 6111, as amended, by a rollcall vote of 34 to 0.

## VII. OVERSIGHT STATEMENT

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, this report embodies the findings and recommendations of the Subcommittee on Economic Opportunity, established pursuant to clause 2(B)(1) of rule X of the Rules of the House of Representatives and rule 18(a) of the Rules of the Com-

mittee on Education and Labor. Pursuant to its responsibilities, the committee has determined that legislation should be enacted as set forth in H.R. 6111, as amended.

### VIII. COST OF THIS LEGISLATION

#### A. ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE

In compliance with clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the estimate and comparison prepared by the Director of the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974, as timely submitted prior to the filing of this report, is set forth below.

CONGRESSIONAL BUDGET OFFICE,  
U.S. CONGRESS,  
*Washington, D.C., May 9, 1977.*

Hon. CARL D. PERKINS,  
*Chairman, Committee on Education and Labor, U.S. House of Representatives, Suite 2181, Rayburn House Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 6111, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 and for other purposes.

Should the committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

Enclosure.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

MAY 9, 1977.

1. Bill number: H.R. 6111.
2. Bill title: To amend the Juvenile Justice and Delinquency Prevention Act of 1974 and for other purposes.
3. Bill status: As reported from the House Committee on Education and Labor.
4. Bill purpose:

The bill authorizes to be appropriated \$125 million in fiscal year 1978, and such sums as are necessary in fiscal years 1979 and 1980 for the Law Enforcement Assistance Administration's (LEAA) juvenile justice programs. The bill also provides \$25 million in fiscal year 1978 and such sums as are necessary for fiscal years 1979 and 1980 for the run-away youth program. In addition, the bill makes a number of amendments to the Juvenile Justice and Delinquency Prevention Act of 1974.



## 5. Cost estimate:

The table below presents the costs associated with this bill:

[In millions of dollars; fiscal years]					
	1978	1979	1980	1981	1982
Authorization level.....	150	( <sup>1</sup> )	( <sup>1</sup> )	0	0
Estimated cost.....	50	112.5	150	125	62.5

<sup>1</sup> The bill authorizes the appropriation of such sums as are necessary for fiscal years 1979 and 1980. For the purpose of estimating the cost of this bill, a \$150,000,000 authorization was assumed for each of the 2 yr.

In each fiscal year, the \$25 million cost for the runaway youth program falls in function 500, while the remaining costs are in function 750.

## 6. Basis of Estimate:

The authorization level for fiscal year 1978 is that stated in the bill. It was assumed that the authorization level for fiscal year 1979 and fiscal year 1980 would also be \$150 million. The estimated costs are based on a 3-year spendout rate of formula grants of 10 percent the first year, 30 percent the second year, and 60 percent the third year, while categorical grants were assumed to spend out in 2 years at a rate of 30 percent the first year and 70 percent the second year. The costs for the runaway youth program are based on a first year spendout rate of 100 percent. These spendout rates are based on data supplied by LEAA.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: James V. Manaro (225-7760).

10. Estimate approved by:

JAMES L. BLUM,  
*Assistant Director for Budget Analysis.*

#### B. COMMITTEE ESTIMATE

In compliance with clause 7(a)(1) of rule XIII of the Rules of the House of Representatives, the committee adopts the estimate prepared by the Director of the Congressional Budget Office.

#### IX. OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS

In compliance with clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the committee states that no findings or recommendation of the Committee on Government Operations were submitted to the committee.

## X. INFLATIONARY IMPACT STATEMENT

In compliance with clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the committee states that the enactment into law of H.R. 6111 will have no inflationary impact on prices and costs in the operation of the economy.

## XI. SECTION-BY-SECTION EXPLANATION OF THE BILL

## SHORT TITLE

Section 1 of the bill provides that this legislation may be cited as the "Juvenile Justice and Delinquency Prevention Amendments of 1977."

## TITLE I—FINDINGS AND DECLARATION OF PURPOSE

## DEFINITIONS

Section 1(b) defines the term "the Act" to mean the Juvenile Justice and Delinquency Prevention Act of 1974.

## TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

## JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

Section 2(a) amends sections 201, 204(i), 206(a) (1) and (b), 241, and 246 by changing the title of the person heading the office from Assistant Administrator to Associate Administrator. This is done to provide that person with standing equal to other Presidential appointees within the Law Enforcement Assistance Administration. It is understood that this will be a level V position within the current pay scale of LEAA and that the entrance salary level for the "Assistant" position and the "Associate" position remains the same. The title of "Deputy Assistant Administrator" will likewise be changed to "Deputy Associate Administrator" throughout the amended act.

Section 2(b) technically amends section 201(g) of the act by striking out the word "first" and inserting in lieu thereof "second" with reference to a cited occurrence within the United States Code.

Section 2(c) amends sections 204(l) (1) (second appearance), 208 (b), (c), and (e), 223 (14), (20), and (21), 243 (4), 246, 249, 250, and 251 of the Act to formally delegate to the Associate Administrator of the office authority for some functions previously held by the Administrator of the Law Enforcement Assistance Administration. Such authority would include: Setting criteria for reports or statements by other Federal agencies providing youth service; receiving recommendations from the National Advisory Committee with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs; receiving advice from a subcommittee of the National Advisory Committee which may be designated by the Chairman on particular functions or aspects of the work of the Administration; receiving advice from an Advisory Committee on Standards for Juvenile Justice; receiving annual reports from participating States which monitor jails, detention facilities,

and correctional facilities; receiving State evaluation and analysis of program effectiveness; prescribing reasonable additional terms and conditions for State plans; requesting the National Institute of Juvenile Justice and Delinquency Prevention to evaluate other Federal, State, or local delinquency programs; receiving reports from the Deputy Associate Administrator for the National Institute; establishing training programs within the Institute; designing and supervising the curriculum for training programs established within the Institute; and prescribing procedures for enrollment in Institute training programs.

#### CONCENTRATION OF FEDERAL EFFORT

Section 2(d)(1) amends section 204(b) of the act by providing that the Associate Administrator assist the Administrator in carrying out certain purposes of the act described in the paragraph.

Section 2(d)(2) amends section 204(b)(5) of the act by providing that the Coordinating Council be involved with the Advisory Committee in assisting the Administrator in developing an analysis and evaluation of Federal juvenile delinquency programs for submission to the President and Congress.

Section 2(d)(3) amends section 204(b)(6) of the act by again providing that the Coordinating Council be included with the Advisory Committee in assisting the Administrator in the development of a comprehensive plan for Federal juvenile delinquency programs.

Section 2(d)(4) amends section 204(f) of the act by clarifying that the Administrator's authority to request information, reports, studies, and surveys is limited to Federal departments and agencies.

Section 2(d)(5) amends section 204(g) of the act to authorize the Administrator to delegate his functions under all of title II to any officer or employee of the Administration.

Section 2(d)(6) amends section 204(j) of the act to authorize the Administrator to utilize grants and contracts to carry out the purposes of title II.

Section 2(d)(7) amends section 204(k) of the act to require appropriate coordination between LEAA activities funded under title II and Department of Health, Education, and Welfare programs funded under the Runaway Youth Act.

#### JOINT FUNDING

Section 2(e) amends section 205 of the act to require that any joint funding program or activity be conditioned upon a finding by the Associate Administrator that the program or activity to be funded is exceptionally effective or for which there exists exceptional needs.

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

Section 2(f)(1) amends section 206(a)(1) by adding the Commissioner of the Office of Education, and the Director of Action to the membership of the Coordinating Council on Juvenile Justice and Delinquency Prevention.

Section 2(f)(2) amends section 206(d) of the act to require a minimum of four rather than six annual meetings of the Coordinating Council.

Section 2(f)(3) amends section 206(e) by deleting the position of executive secretary to the Coordinating Council and by authorizing the Associate Administrator to appoint personnel and staff to the Coordinating Council.

#### ADVISORY COMMITTEE

Section 2(g)(1) amends section 207(c) of the act by including youth workers involved with alternative youth programs among those who may be included as members of the National Advisory Committee. It further amends the section by requiring that three of the members under age 26 at the time of their appointment be or have been under the jurisdiction of the juvenile justice system.

Section 2(g)(2) amends section 207(d) of the act by providing that 11 members of the National Advisory Committee constitute a quorum.

#### DUTIES OF THE ADVISORY COMMITTEE

Section 2(h)(1) amends section 208(b) of the act by requiring the National Advisory Committee to submit its annual recommendations to the President and the Congress in addition to the Associate Administrator.

Section 2(h)(2) amends section 208(d) of the act by making the membership of the Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention not less than five members from the National Advisory Committee and by deleting the Director of the National Institute of Corrections as a statutorily required member. Currently, the membership is limited to five together with the Director of the National Institute of Corrections.

Section 2(h)(3) amends section 208(e) by expanding the membership of the Advisory Committee on Standards of Juvenile Justice from five to not less than five and by making the title of the subcommittee consistent with the subcommittee title used in section 247.

Section 2(h)(4) amends section 208(f) by deleting the authority of the Chairman of the National Advisory Committee to appoint personnel and substituting the requirement that the Chairman request needed staff and support from the Associate Administrator.

#### FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Section 3(a) amends section 221 of the act by clarifying the term "local government" to read "units of general local government or combinations thereof" and by further clarifying that States have authority to make formula grant funds available to both public and private agencies through subgrants as well as contracts.

Section 3(b) amends section 222 by removing the provision that 15 per centum of the total annual allotment of a State's formula grant may be available to develop a State plan and to pay that portion of the expenditures necessary for administration. These services are now expected to be contributed in return for full funding of eligible programs. It further amends section 222 by removing the subsection pertaining to match requirements.

Section 3(c)(1) amends section 223(a)(3)(C) of the act to allow for representation on State advisory groups by "business groups and

businesses employing youth." The act currently provides for a wide range of representation.

Section 3(c)(2) amends section 223(a)(3)(E) of the act to provide that 3 of the members of State advisory groups under 26 at the time of appointment have been or are presently under the jurisdiction of the juvenile justice system.

Section 3(c)(3) amends section 223(a)(4) of the act to conform with the definitions of "unit of general local government" and "combination" set forth in section 103 (8) and (9) of the act.

Section 3(c)(4) amends section 223(a)(5) of the act to provide that funds expended through programs of local government may include programs sponsored or administered by combinations of local government.

Section 3(c)(5) amends section 223(a)(6) of the act to conform with the definition of "unit of general local government" set forth in section 103(8) of the act and further clarifies that regional planning bodies may be designated by local chief executives as the "local agency" to perform planning and administrative functions on behalf of the unit of general local government.

Section 3(c)(6) amends section 223(a)(8) to provide that programs and projects developed from a State's detailed study of needs may be funded as advanced technique programs under section 223(a)(10) provided that they meet the criteria established for designation as advanced technique programs.

Section 3(c)(7) amends section 223(a)(10) of the act to conform with the definitions of "unit of general local government" and "combination" set forth in section 103 (8) and (9) of the act and to clarify that States have authority to make formula grant funds available to both public and private agencies through subgrants as well as contracts.

Section 3(c)(8) further amends section 223(a)(10) of the act to add encouragement of a "diversity of alternatives" within the juvenile justice system as an area for the development of advanced techniques.

Section 3(c)(9) amends section 223(a)(10)(A) of the act to add 24-hour intake screening, volunteer and crisis home programs, day treatment, and home probation as advanced techniques.

Section 3(c)(10) amends section 223(a)(10)(D) of the act by deleting drug and alcohol education, prevention, treatment, and rehabilitation programs as advanced techniques and adding youth advocacy programs.

Section 3(c)(11) amends section 223(a)(10)(G) to clarify that "traditional youth" assistance programs was the intent behind a reference to assistance programs made in that section of the act.

Section 3(c)(12) amends section 223(a)(10)(H) by adding limiting language on the definition of what may be considered eligible for advanced technique programs relating to probation subsidies or other financial incentives.

Section 3(c)(13) further amends section 223(a)(10) by adding "activities which establish standards for juvenile justice, based on the recommendations of the Advisory Committee on Standards" as an advanced technique area.

Section 3(c)(14) amends section 223(a)(12) of the act by extending the time period in which a State is required to reach substantial compliance with provisions of the section from 2 years to 3 years after

submission of the State plan. It further clarifies that such non-offenders as dependent or neglected children, in addition to status offenders, should not be placed in juvenile detention or correctional facilities. It further deletes the obligatory language requiring that such juveniles be placed in shelter facilities and replaces it with language describing appropriate alternative facilities when placement outside the home may be necessary.

Section 3(c)(15) amends section 223(a)(13) of the act to clarify that status offenders and nonoffenders are included within the prohibition against detention or confinement of juveniles in institutions where they have regular contact with adults convicted of a crime or awaiting trial on criminal charges.

Section 3(c)(16) amends section 223(a)(15) by making a technical amendment.

Section 3(c)(17) amends section 223(a)(19) of the act to strengthen the provision that States give an assurance that Federal funds will supplement and not supplant non-Federal funds "to the extent feasible and practical." Deletion of these words make the requirement absolute.

Section 3(c)(18) amends section 223(b) of the act by deleting the requirement for consultation with the State advisory group and providing instead that the SPA must receive and consider the advice and recommendations of the State advisory group.

Section 3(c)(19) amends section 223(c) of the act by clarifying the section 223(a)(12) requirement to remove the status offenders and nonoffenders from detention and correctional facilities by providing that failure to comply with the requirement shall result in termination of a State's eligibility for funding unless the Administrator, with the concurrence of the Associate Administrator, determines that the State is in "substantial compliance" and has an unequivocal commitment to achieve full compliance within a "reasonable time." The section defines substantial compliance as the "achievement of deinstitutionalization of not less than 75 per centum of such juveniles" and reasonable time as a period "not exceeding 2 additional years."

Section 3(c)(20) amends section 223(d) of the act to include as special emphasis funds those funds which are made available because a State "chooses not to submit a plan."

Section 3(c)(21) amends section 223 by deleting a provision designed to distinguish oversight or neglect as a basis for a State not submitting a juvenile justice plan.

Section 3(d)(1) amends section 224(a)(3) to include restitution projects, neighborhood courts, and other methods which tend to increase victim satisfaction as fundable special emphasis diversion programs.

Section 3(d)(2) amends section 224(a)(4) of the act to expand the scope of prevention programming under the special emphasis program to include youth in general as well as delinquent youth.

Section 3(d)(3) amends section 224(a)(5) of the act by deleting a reference to the Advisory Committee on Standards for juvenile justice and simply retaining the recommendations of the Advisory Committee as fundable special emphasis options. This section also makes a technical amendment.

Section 3(d)(4) amends section 224(a)(6) of the act to mandate coordination with the U.S. Department of Education in the development of special emphasis school programs.

Section 3(d)(5) amends section 224(a) of the act by providing four new options for special emphasis programming. These areas include youth advocacy activities; programs for youth employment; improvements within the juvenile justice system to conform to standards of due process; and programs relating to juvenile delinquency and learning disabilities.

Section 3(d)(6) amends section 224(b) of the act to specify that not more than 20 per centum of the funds appropriated each fiscal year shall be available for special emphasis program grants and contracts.

Section 3(e)(1) amends section 225(c)(4) of the act to add to the criteria for approval of special emphasis grants a criteria that the capacity to prevent delinquency be evaluated.

Section 3(e)(2) amends section 225(c)(6) of the act to substitute National Advisory Committee recommendations for the recommendations of the Advisory Committee on Standards for Juvenile Justice as a criteria for special emphasis grants.

Section 3(f)(1) amends section 227(a) of the Act to add public and private organizations to the list of entities affected by this subsection.

Section 3(f)(2) amends section 227(b) of the act to add public and private organizations to the list of entities affected by this subsection.

Section 3(g)(1) amends section 228(b) of this act to prohibit the use of formula grant funds to match LEAA funds.

Section 3(g)(2) amends section 228(c) to permit the Administrator to require a matching contribution from recipients of National Institute grants and contracts under part C of the act.

Section 3(g)(3) amends section 228 of the act by adding three new subsections. Subsection (e) provides that financial assistance extended under this title shall be 100 per centum of the approved costs of any programs or activities but prohibits the use of such funds for planning and administrative services. Subsection (f) authorizes the Administrator to waive match requirements for grants to Indian tribes or other aboriginal groups. In addition, where a State lacks jurisdiction to enforce liability under State grant agreements with Indian tribes, the Administrator may waive the State's liability and proceed directly with the Indian tribe on settlement matters. Subsection (g) provides for reallocation, as special emphasis funds, of any funds not required by an applicant or which become available following administrative action to terminate funding.

#### NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Section 4(a)(1) amends section 241 of the act to delete the subsection (e) provision for delegation of authority by the Administrator to employees of the Institute and to redesignate subsections (f) and (g) as subsections (e) and (f).

Section 4(a)(2) amends redesignated section 241(f) of the act to clarify the Institute's authority to make grants as well as enter into contracts for the partial performance of Institute functions.

Section 4(a)(3) amends section 241 of the act by redesignating the erroneously lettered subsection (b) as subsection (g).

Section 4(b) amends section 243(5) of the act to authorize the National Institute to do studies and make recommendations for the prevention of delinquency in areas such as family violence, sexual

abuse, and media violence and for dealing with sex discrimination in the juvenile justice system.

Section 4(c) amends section 245 of the act to provide that the advisory committee advise, consult with, and make recommendations to the Associate Administrator rather than the Deputy Associate Administrator concerning the overall policy and operations of the Institute.

Section 4(d)(1) amends section 247(a) of the act to provide that the Advisory Committee on Standards for Juvenile Justice, established by section 208(e) of the act, as amended, shall continue to direct the Institute's standard setting function.

Section 4(d)(2) amends section 247(d) of the act gives the Advisory Committee authority to "assist" State and local governments and private agencies and organizations in the adoption of appropriate standards at the State and local levels.

Section 4(e) deletes section 248 from the act to remove duplicative restrictions on disclosure or transfer of juvenile records gathered for purposes of the Institute.

#### ADMINISTRATIVE PROVISIONS

Section 5(a) amends the act by amending part D of title II of the act to read: "Part D—Administrative Provisions."

Section 5(b) amends section 261(a) of the act by deleting subsection (a) relating to level of authorized funding and substituting a 3-year authorization at an appropriation level of \$125 million for fiscal year 1978, and such sums as are necessary for each of the fiscal years ending September 30, 1980. Funds appropriated are to remain available until expended.

#### APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

Section 5(c) amends section 262 of the act by striking existing language and substituting language that incorporates the administrative provisions of sections 501, 504, 507, 509, 510, 511, 516, 518(c), 521, and 524 (a) and (c) of the Omnibus Crime Control and Safe Streets Act into the act as administrative provisions.

Section 5(d)(1) makes a technical amendment to section 263(a) of the act.

Section 5(d)(2) further amends section 263 of the act to provide that the amendments made by this act shall be effective on and after October 1, 1977.

#### TITLE III—RUNAWAY YOUTH

Section 6(a)(1) amends section 311 of the act to provide the Secretary of the Department of Health, Education, and Welfare with the authority to provide short-term training as well as technical assistance to localities and nonprofit private agencies and to extend this aid to coordinated networks of private nonprofit agencies as well as individual agencies. It also increases the scope of the program to include other homeless youth in addition to runaways.

Section 6(a)(2) amends section 312(b)(5) of the act by correcting a spelling error.



Section 6(a)(3) amends section 312(b)(6) of the act by inserting in place of the term "parental consent" the phrase "the consent of the individual youth and parent or legal guardian".

Section 6(a)(4) amends section 313 of the act limiting eligible grant recipients to localities and nonprofit private agencies to conform to section 311 of the act. It further raises the ceiling of program applications to be given priority to those "smaller than \$100,000" and suggests that priority be given to program applicants whose program budget is smaller than \$150,000," rather than \$100,000.

Section 6(b) amends part B of title III of the act by redesignating the title of part B as "Records" and deleting sections 321 and 322 and inserting in lieu thereof a new section 321 pertaining to the use of records. Deleting section 321 removes authority from the Secretary to carry out future statistical surveys acknowledging that the initial survey as provided in the act should have already been completed. Amendments make to redesignated section 321 conform to deletion of the initial section.

Section 6(c) further amends title III of the act by making technical changes and inserting a new part pertaining to the possible reorganization of the program. Under this new part the President, after January 1, 1978, may submit to Congress a reorganization plan for establishing within ACTION an Office of Youth Assistance which could be the transfer recipient of the operation of functions pursuant to title III of the act.

Section 6(d) amends redesignated section 341 of the act by fiscal year authorizations and substituting a 3-year authorization at an appropriation level of \$25 million for fiscal year 1978, and such sums as are necessary for each of the fiscal years ending September 30, 1979, and September 30, 1980. Redesignated section 341 of the act is further amended by deleting section 341(b) and inserting in lieu thereof new language mandating cooperation between the Office of Youth Development and the Office of Juvenile Justice and Delinquency Prevention in coordinating the development and implementation of programs for runaway and otherwise homeless youth.

AMENDMENT TO OMNIBUS CRIME CONTROL AND SAFE STREETS ACT  
OF 1968

Section 7 amends section 203(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 by providing that the Chairman and at least two additional members of State advisory groups established pursuant to section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act be appointed as members of the State planning agency.

AMENDMENT TO TITLE 5

Section 8 amends section 5108(c)(10) of title 5 of the United States Code by increasing the number of supergrades for LEAA to 26 from 25.

SUPPLEMENTAL VIEWS OF BALTASAR CORRADA

I wish to commend the Committee on Education and Labor for extending the expiring Juvenile Justice and Delinquency Prevention

Act, which provides Federal assistance to States and local units of government for dealing with the problem of juvenile delinquency which threatens our youth. I support the aims of the bill, but would like to make several observations which I trust will be considered at the appropriate time.

In subcommittee I had wanted to add a new category under the special emphasis programs aimed at addressing the problem of school violence and school vandalism. The Assistant Administrator of LEAA would have been authorized to make grants and enter into contracts with State and local education agencies, professional education organizations as well as public and private groups, institutions, or individuals, to plan, develop, or operate community education programs, alternative education programs, alternative to suspension programs, school security programs, or any other school based delinquency prevention program. No agency, organization, or individual who enters into such a contract or receives such grant would have expended more than 50 per centum of any funds received under the act for school security programs, and no funds received under the act would be used to support the introduction, presence, or use of firearms, chemical agents, or other weapons in any elementary or secondary school.

I was gratified by the fact that the subcommittee chairman, Mr. Andrews and my colleagues on the subcommittee share my concern, and are willing to hold hearings on the subject in the very near future. It is estimated that schools in the United States spend close to \$600 million a year countering the effects of school violence, and the incidence of weapons possession, robbery, trespass, assault, sex offenses, narcotics violations, and larceny have sky rocketed in recent years. I believe it is time we lent a helping hand, and welcome these hearings which I am sure will reinforce the need for prompt congressional action.

The second issue which I am concerned about is the authorization level provided for the Juvenile Justice and Delinquency Prevention Act. The current authorization level is \$150 million. The committee bill would reduce this to \$125 million for the next fiscal year. First of all, I consider that the current appropriation is minimal, compared with the magnitude of the problem. The fact that appropriations have been much lower than the authorized level does not persuade me to believe we should reduce the authorized level. Witnesses from LEAA have testified that the program's success up to now has been limited in scope and in serving the intended population. Ten states have found that the amount of the grant they would receive did not warrant the conditions placed by law, and have opted out. The committee bill eases somewhat the de-institutionalization requirements, with the hope that we can bring in more participants. In addition we have added several new categories of eligible activities under the special emphasis programs. All of these initiatives require an increase in funding. I hope that as the legislation makes it way through the legislative channels that we can strive for the highest authorization and appropriation level, if we are to be sincere in our effort to address the problems of juvenile delinquency in our Nation.

BALTASAR CORRADA.