
JUVENILE JUSTICE AMENDMENTS OF 1980

MAY 13, 1980.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

REPORT
together with
SUPPLEMENTAL
and
INDIVIDUAL MINORITY VIEWS

[To accompany H.R. 6704]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 6704) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Juvenile Justice Amendments of 1980"

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended—

(1) by striking out "\$150,000,000" and all that follows through "1979, and"; and

(2) by striking out "for the fiscal year ending September 30, 1980" and inserting in lieu thereof "for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

(b) Section 341(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5751(a)) is amended by striking out "June 30, 1975" and all that follows through "1980" and inserting in lieu thereof the following: "September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984"

FINDINGS

SEC. 3. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) in paragraph (4) thereof, by inserting "alcohol and other" after "abuse";

(2) in paragraph (6) thereof, by striking out "and" at the end thereof;

(3) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new paragraph:

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

PURPOSE

SEC. 4. (a) Section 102(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(a)) is amended—

(1) in paragraph (6) thereof, by striking out "and" at the end thereof;

(2) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(8) to assist State and local governments in removing juveniles from jails and lockups for adults."

(b) Section 102(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(b)(1)) is amended by inserting before the semicolon at the end thereof the following: ", including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes".

DEFINITIONS

SEC. 5. (a) Section 103(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(1)) is amended by inserting "special education," after "training,".

(b) Section 103(4) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(4)) is amended to read as follows:

"(4)(A) the term 'Office of Justice Assistance, Research, and Statistics' means the office established by section 801(a) of the Omnibus Crime Control and Safe Streets Act of 1968;

"(B) the term 'Law Enforcement Assistance Administration' means the administration established by section 101 of the Omnibus Crime Control and Safe Streets Act of 1968;

"(C) the term 'National Institute of Justice' means the institute established by section 202(a) of the Omnibus Crime Control and Safe Streets Act of 1968; and

"(D) the term 'Bureau of Justice Statistics' means the bureau established by section 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968;"

(c) Section 103(7) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(7)) is amended by striking out "and any territory or possession of the United States" and inserting in lieu thereof "the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands".

(d) Section 103(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(9)) is amended by striking out "law enforcement" and inserting in lieu thereof "juvenile justice and delinquency prevention".

(e) Section 103(12) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(12)) is amended to read as follows:

"(12) the term 'secure detention facility' means any public or private residential facility which—

“(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

“(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense;”.

(f) Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by redesignating paragraph (13) as paragraph (15); and

(2) by inserting after paragraph (12) the following new paragraphs:

“(13) the term ‘secure correctional facility’ means any public or private residential facility which—

“(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

“(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense;

“(14) the term ‘serious crime’ means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony; and”.

(g) Section 103(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (f)(1), is amended—

(1) by inserting “special education,” after “educational,”; and

(2) by striking out “and benefit the addict” and all that follows through “, and his” and inserting in lieu thereof “, including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and”

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 6. (a) Section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(a)) is amended by striking out “Law Enforcement Assistance Administration” and inserting in lieu thereof “under the general authority of the Attorney General”.

(b) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended—

(1) in the first sentence thereof, by striking out “direction of” and all that follows through “Administration” and inserting in lieu thereof “general authority of the Attorney General”;

(2) in the second sentence thereof, by striking out “, subject to the direction of the Administrator,”, and by inserting “prescribe regulations for,” before “award”;

(3) in the third sentence thereof—

(A) by inserting “of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice” after “Administrator” the first place it appears therein; and

(B) by inserting “of the Office of Juvenile Justice and Delinquency Prevention” after “Administrator” the last place it appears therein; and

(4) by striking out the last sentence thereof.

(c) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out “Administrator of the Law Enforcement Assistance Administration” and inserting in lieu thereof “Attorney General”.

(d) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out “Administrator” the last place it appears therein and inserting in lieu thereof “Attorney General”.

CONCENTRATION OF FEDERAL EFFORTS

SEC. 7. (a) Section 204(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(b)) is amended—

(1) by striking out “, with the assistance of the Associate Administrator,”; and

(2) in paragraph (6) thereof, by inserting “and training assistance” after “technical assistance”.

(b) Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended by adding at the end thereof the following new subsection:

“(m) To carry out the purposes of this section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this title.”

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 8. (a) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(1) by inserting “the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration,” after “Secretary of Labor,”; and

(2) by striking out “the Secretary of Housing and Urban Development,” and inserting in lieu thereof “the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau.”

(b) Section 206(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)) is amended—

(1) by striking out “the Attorney General and”;

(2) by inserting “, and to the Congress,” after “President”; and

(3) by adding at the end thereof the following new sentence: “The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.”

(c) Section 206(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(d)) is amended by striking out “a minimum of four times per year” and inserting in lieu thereof “at least quarterly”.

(d) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out “may” and inserting in lieu thereof “shall”.

(e) Section 206(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(g)) is amended by inserting “, not to exceed \$500,000 for each fiscal year” before the period at the end thereof.

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 9. Part A of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by striking out section 207, section 208, and section 209, and inserting in lieu thereof the following new section:

“NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

“SEC. 207. (a)(1) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter in this Act referred to as the ‘Advisory Committee’) which shall consist of 15 members appointed by the President.

“(2) Members shall be appointed who 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; representatives of private, voluntary organizations and community-based programs, including youth workers involved with alternative youth programs; and persons with special training or experience in addressing the problems of youth unemployment, school violence and vandalism, and learning disabilities.

“(3) At least 5 of the individuals appointed as members of the Advisory Committee shall not have attained 24 years of age on or before the date of their appointment. At least 2 of the individuals so appointed shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system. The Advisory Committee shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

“(4) The President shall designate the Chairman from members appointed to the Advisory Committee. No full-time officer or employee of the Federal Government may be appointed as a member of the Advisory Committee, nor may the Chairman be a full-time officer or employee of any State or local government.

“(b)(1) Members appointed by the President shall serve for terms of 3 years. Of the members first appointed, 5 shall be appointed for terms of 1 year, 5 shall be appointed for terms of 2 years, and 5 shall be appointed for terms of 3 years, as

designated by the President at the time of appointment. Thereafter, the term of each member shall be 3 years. The initial appointment of members shall be made not later than 90 days after the effective date of this section.

"(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. The President shall fill a vacancy not later than 90 days after such vacancy occurs. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(c) The Advisory Committee shall meet at the call of the Chairman, but not less than quarterly. Ten members of the Advisory Committee shall constitute a quorum.

"(d) The Advisory Committee shall—

"(1) review and evaluate, on a continuing basis, Federal policies regarding juvenile justice and delinquency prevention and activities affecting juvenile justice and delinquency prevention conducted or assisted by all Federal agencies;

"(2) advise the Administrator with respect to particular functions or aspects of the work of the Office;

"(3) advise, consult with, and make recommendations to the National Institute of Justice and the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of each such Institute regarding juvenile justice and delinquency prevention research, evaluations, and training provided by each such Institute; and

"(4) make refinements in recommended standards for the administration of juvenile justice at the Federal, State, and local levels which have been reviewed under section 247, and recommend Federal, State, and local action to facilitate the adoption of such standards throughout the United States.

"(e) Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary or appropriate.

"(f) The Advisory Committee shall have staff personnel, appointed by the Chairman with the approval of the Advisory Committee, to assist it in carrying out its activities. The head of each Federal agency shall make available to the Advisory Committee such information and other assistance as it may require to carry out its activities. The Advisory Committee shall not have any authority to procure any temporary or intermittent services of any personnel under section 3109 of title 5, United States Code, or under any other provision of law.

"(g)(1) Members of the Advisory Committee shall, while serving on business of the Advisory Committee, be entitled to receive compensation at a rate not to exceed the daily rate specified for Grade GS-18 of the General Schedule in section 5332 of title 5, United States Code, including travel time.

"(2) Members of the Advisory Committee, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

"(h) To carry out the purposes of this section, there is authorized to be appropriated such sums as may be necessary, not to exceed \$500,000 for each fiscal year."

ALLOCATION

SEC. 10. The first sentence of section 222(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(b)) is amended by striking out "in a manner" and all that follows through "part" and inserting in lieu thereof "in an equitable manner to the States which are determined by the Administrator to be in compliance with the requirements of section 223(a)(12)(A) and section 223(a)(13) for use by such States in a manner consistent with the purposes of section 223(a)(10)(H)"

STATE PLANS

SEC. 11. (a)(1) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended by striking out "consistent with the provisions" and all that follows through "such plan must" and inserting in lieu thereof the following: "applicable to a 3-year period. Such plan shall be amended annually to include new programs, and the State shall submit annual performance reports to

the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall”.

(2) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out “twenty-one” and inserting in lieu thereof “15”, and by striking out “thirty-three” and inserting in lieu thereof “33”.

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

(A) by inserting “locally elected officials,” after “include”; and

(B) by inserting “special education,” after “education,”

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

(A) by striking out “one-third” and inserting in lieu thereof “one-fifth”;

(B) by striking out “twenty-six” and inserting in lieu thereof “24”;

(C) by inserting “, and” after “appointment”; and

(D) by striking out “three of whom” and inserting in lieu thereof “3 of whose members”.

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

(A) by striking out “(ii) may advise” and all that follows through “requested;” and inserting in lieu thereof “(ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12)(A) and paragraph (13);”;

(B) by adding at the end thereof the following: “and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;”.

(6) Section 223(a)(3)(F)(iii) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)(iii)) is amended by striking out “and” at the end thereof.

(7) Section 223(a)(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(8)) is amended to read as follows:

“(8) provide for (A) an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs within the relevant jurisdiction, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;”.

(8) Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(A) by striking out “juvenile detention and correctional facilities” and inserting in lieu thereof “confinement in secure detention facilities and secure correctional facilities”;

(B) by striking out “and” the fifth place it appears therein;

(C) by inserting after “standards” the following: “, and to provide programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation”; and

(D) by adding at the end thereof the following new subparagraph:

“(J) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members;”.

(9) Section 223(a)(10)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(A)) is amended by inserting “education, special education,” after “home programs,”.

(10) Section 223(a)(10)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(E)) is amended by striking out “keep delinquents and to”, and by inserting “delinquent youth and” after “encourage”.

(11) Section 223(a)(10)(H) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(H)) is amended to read as follows:

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

“(i) remove juveniles from jails and lock-ups for adults;

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

“(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State; or

“(iv) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention;”.

(12) Section 223(a)(10)(I) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(I)) is amended to read as follows:

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

(13) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking out “juvenile detention or correctional facilities” and inserting in lieu thereof “secure detention facilities or secure correctional facilities”.

(14) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in paragraph (15)(A), is amended—

(A) by striking out “paragraph (12)(A) and paragraph (13)” and inserting in lieu thereof “paragraph (12)(A), paragraph (13), and paragraph (14)”; and

(B) by inserting before the semicolon at the end thereof the following: “, except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively”.

(15) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended by the foregoing provisions of this subsection, is further amended—

(A) by redesignating paragraph (14) through paragraph (21) as paragraph (15) through paragraph (22), respectively, and by inserting after paragraph (13) the following new paragraph:

“(14) provide that, beginning after the 5-year period following the date of the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults;”;

(B) by adding at the end thereof the following new sentence: “Such plan shall be modified by the State, as soon as practicable after the date of the enactment of the Juvenile Justice Amendments of 1980, in order to comply with the requirements of paragraph (14).”.

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

(1) by striking out “, with the concurrence of the Associate Administrator,”;

(2) by inserting after “juveniles” the following: “or through removal of 100 percent of such juveniles from secure correctional facilities”; and

(3) by adding at the end thereof the following new sentence: “Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State’s eligibility for funding under this subpart, unless the Administrator determines that (1) the State is in substantial compliance with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 2 additional years.”.

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

(1) by striking out “special emphasis prevention and treatment”;

(2) by striking out “section 224” and inserting in lieu thereof “subsection (a)(10)(H)”;

(3) by striking out “endeavor to”;

(4) by striking out “a preferential” and inserting in lieu thereof “an equitable”;

(5) by striking out “to programs in nonparticipating States under section 224(a)(2) and”;

- (6) by striking out "substantial or"; and
 (7) by striking out "subsection (a)(12)(A) requirement" and all that follows through "subsection (c)" and inserting in lieu thereof "requirements under subsection (a)(12)(A) and subsection (a)(13)"

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

SEC. 12. (a) Section 224(a)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(5)) is amended to read as follows:

"(5) develop statewide programs through the use of subsidies or other financial incentives designed to—

"(A) remove juveniles from jails and lock-ups for adults;

"(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

"(C) establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State."

(b) Section 224(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(11)) is amended by inserting before the period at the end thereof the following: "including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles".

(c) Section 224 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634) is amended by adding at the end thereof the following new subsection:

"(d) Assistance provided pursuant to this section shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth."

PAYMENTS

SEC. 13. (a) Section 228 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638) is amended by striking out subsection (b) thereof, and by redesignating subsection (c) through subsection (g) as subsection (b) through subsection (f), respectively.

(b) Section 228(f) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (a), is amended—

(1) by inserting "subpart II of" after "applicant under"; and

(2) by striking out "under section 224" and inserting in lieu thereof "in an equitable manner to States which have complied with the requirements in section 223(a)(12)(A) and section 223(a)(13), under section 224(a)(5)"

ADMINISTRATIVE PROVISIONS

SEC. 14. Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended to read as follows:

"APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

"SEC. 262. (a) The administrative provisions of sections 802(a), 802(c), 803, 804, 805, 806, 807, 810, 812, 813, 814(a), 815(c), 817(a), 817(b), 817(c), 818(a), 818(b), and 818(d) of the Omnibus Crime Control and Safe Streets Act of 1968 are incorporated in this Act as administrative provisions applicable to this Act. References in the cited sections authorizing action by the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics also shall be construed as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same action.

"(b) The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968."

RUNAWAY AND HOMELESS YOUTH

SEC. 15. (a) The heading for title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 et seq.) is amended to read as follows:

"TITLE III—RUNAWAY AND HOMELESS YOUTH"

(b) Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 note) is amended by inserting "and Homeless" after "Runaway".

(c) Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5711) is amended—

(1) by inserting "(a)" after the section designation;

(2) by inserting "equitably among the States based upon their respective populations of youth under 18 years of age" after "shall be made";

(3) by inserting ", and their families," after "homeless youth";

(4) by inserting after "services." the following new sentence: "Grants also may be made for the provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers."; and

(5) by adding at the end thereof the following new subsections:

"(b) The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication.

"(c) The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles."

(d)(1) Section 312(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(a)) is amended by striking out "house" and inserting in lieu thereof "center", and by inserting "or to other homeless juveniles" before the period at the end thereof.

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

(A) by striking out "house" each place it appears therein and inserting in lieu thereof "center"; and

(B) in paragraph (4) thereof, by inserting "social service personnel, and welfare personnel," after "personnel,".

(e) Section 313 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5713) is amended by striking out "\$100,000" and inserting in lieu thereof "\$150,000", and by striking out "any applicant whose program budget is smaller than \$150,000" and inserting in lieu thereof "organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families".

(f) Section 315 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5715) is amended by striking out "houses" and inserting in lieu thereof "centers"

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 16. (a) Section 103(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(5)) is amended by striking out "section 101(b)" and all that follows through "amended" and inserting in lieu thereof "section 201(c)".

(b)(1) Section 201(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(c)) is amended—

(A) in the first sentence thereof, by striking out "Associate"; and

(B) by striking out the last sentence thereof.

(2) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended by striking out "Associate" each place it appears therein.

(3) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Associate" each place it appears therein, and by striking out "Office" the last place it appears therein and inserting in lieu thereof "office".

(4) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Associate"

(c)(1) Section 202(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(c)) is amended by striking out "Associate".

(2) Section 202(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(d)) is amended by striking out "title I" and inserting in lieu thereof "title 5".

(d)(1) Section 204(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(d)(1)) is amended by striking out "Associate".

(2) Section 204(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(g)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

(3) Section 204(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(i)) is amended by striking out "Associate".

(4) Section 204(k) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(k)) is amended by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(5) Section 204(l)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(l)(1)) is amended by striking out "Associate".

(e) Section 205 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5615) is amended by striking out "Associate" each place it appears therein.

(f)(1) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(A) by striking out ", Education, and Welfare" and inserting in lieu thereof "and Human Services";

(B) by striking out "the Commissioner of the Office of Education,";

(C) by inserting "the Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration," after "designees,";

(D) by striking out "Associate" each place it appears therein; and

(E) by inserting "the Director of the National Institute of Justice," after "Prevention," the last place it appears therein.

(2) Section 206(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(b)) is amended by striking out "Associate".

(3) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "Associate".

(g)(1) Section 223(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(1)) is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council"; and

(B) by striking out "section 203 of such title I" and inserting in lieu thereof "section 402(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968".

(2) Section 223(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(2)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(3) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "a juvenile" and inserting in lieu thereof "juvenile".

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

(A) in clause (i) thereof, by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) in clause (iii) thereof, by striking out "planning agency" and all that follows through "as amended" and inserting in lieu thereof "criminal justice council"; and

(C) in clause (iv) thereof—

(i) by striking out "planning agency and regional planning unit supervisory" and inserting in lieu thereof "criminal justice council and local criminal justice advisory"; and

(ii) by striking out "section 261(b) and section 502(b)" and inserting in lieu thereof "section 1002"

(5) Section 223(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(11)) is amended by striking out "provides" and inserting in lieu thereof "provide".

(6) Section 223(a)(12)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(B)) is amended by striking out "Associate".

(7) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate"

(8) Section 223(a)(18)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "or" the first place it appears therein and inserting in lieu thereof "of".

(9) Section 223(a)(21) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) by striking out "then" and inserting in lieu thereof "than"; and

(C) by striking out "Associate".

(10) Section 223(a)(22) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate".

(11) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended in section 11(a)(15)(B), is further amended (in the sentence preceding the last sentence thereof) by striking out "303(a)" and inserting in lieu thereof "section 403".

(12) Section 223(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(b)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(13) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended by striking out "sections 509, 510, and 511" and inserting in lieu thereof "sections 803, 804, and 805".

(h) Section 224(a)(6) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(6)) is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(i) Section 228(f) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a), is amended by striking out "section 509" and inserting in lieu thereof "section 803".

(j)(1) Section 241(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(b)) is amended by striking out "Associate" each place it appears therein.

(2) Section 241(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(c)) is amended by striking out "National Institute of Law Enforcement and Criminal Justice" and inserting in lieu thereof "National Institute of Justice".

(k) Section 244(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654(3)) is amended by striking out "sections 249, 250, and 251" and inserting in lieu thereof "sections 248, 249, and 250".

(l) Section 245 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5655) is amended by striking out "Associate".

(m) Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5656) is amended by striking out "Associate" each place it appears therein.

(n) Section 248(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5658(a)) is amended by striking out "Associate" each place it appears therein.

(o) Section 249 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended by striking out "Associate".

(p)(1) Section 250(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(a)) is amended by striking out "Associate" each place it appears therein.

(2) Section 250(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(b)) is amended by striking out "Associate" each place it appears therein.

(3) Section 250(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(c)) is amended by striking out "section 5703(b)" and inserting in lieu thereof "section 5703".

I. INTRODUCTION

The Juvenile Justice and Delinquency Prevention Act of 1974 represents an attempt on the part of Congress to provide leadership and assistance to States, local governments, and private agencies in order to develop and implement effective programs for the prevention and treatment of juvenile delinquency. The Office of Juvenile Justice and Delinquency Prevention (OJJDP), established

within the Justice Department, assumes primary responsibility for implementing Federal assistance, as well as the coordination of Federal resources and policy.

The committee bill, H.R. 6704, would extend the Juvenile Justice and Delinquency Prevention Act of 1974 for four years and provide amendments to strengthen efforts to prevent and control juvenile delinquency and improve the juvenile justice system. H.R. 6704 also extends Title III of the Juvenile Justice and Delinquency Prevention Act, the Runaway and Homeless Youth program, located within the Department of Health and Human Services, for four years at currently authorized levels.

Cited as The Juvenile Justice Amendments of 1980, H.R. 6704 makes several significant changes in current law. Completing the reorganization initiated by the Justice System Improvement Act of 1979, H.R. 6704 administratively separates the Office of Juvenile Justice and Delinquency Prevention (OJJDP) from the Law Enforcement Assistance Administration (LEAA), placing it under the coordination of the Office of Justice Assistance, Research, and Statistics (OJARS) and the general authority of the Attorney General. OJJDP would thus become an administrative "fourth box" under OJARS, equal to LEAA, the National Institute of Justice (NIJ), and the Bureau of Justice Statistics (BJS).

H.R. 6704 makes an additional finding that the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes. It expands the purpose of the Act to include assisting State and local governments in removing juveniles from jails and lock-ups for adults and providing a special focus on maintaining and strengthening the family unit.

Changes are made within the Federal program intended both to streamline operation and strengthen Federal coordination and citizen input. Separate budget line item categories are provided and spending caps are placed on the administrative operation of OJJDP, the Federal Coordinating Council on Juvenile Justice and Delinquency Prevention, and the National Advisory Committee on Juvenile Justice and Delinquency Prevention. Membership on the Federal Coordinating Council is expanded to include other relevant agency heads, including those of the newly formed Department of Education, the Community Services Administration, and the Office of Special Education and Rehabilitation Services. The National Advisory Committee is reorganized and streamlined to make it more closely parallel to other Presidential advisory committees, specifically the Federal Council on Aging and the National Advisory Committee on Economic Opportunity.

Several significant changes are made with regard to Federal assistance for State and local programs. Changes are made in State plan requirements to streamline paperwork requirements. Annual plans are replaced by 3-year plans, with annual plan updates to report on performance and plan implementation. New program authority is added by H.R. 6704 to address the needs of juveniles who commit serious crimes and to provide projects designed to work with juvenile gangs, intended both to deter their involvement in illegal activities and to promote activity in lawful activities. Existing authorities are expanded to include education and special education as appropriate community-based treatment alternatives and to provide statewide subsidies or incentives to local governments de-

signed to remove juveniles from adult jails and lock-ups, replicate exemplary programs, establish and adapt standards for the improvement of juvenile justice, and increase the use of nonsecure community-based facilities. Existing program authority relating to delinquency and learning disabilities are expanded to include on-the-job training to assist law enforcement and juvenile justice personnel to more readily recognize and provide for handicapped youngsters.

Beginning five years after the date of enactment of the Juvenile Justice Amendments of 1980, H.R. 6704 requires that State plans provide that no juveniles shall be detained or confined in any jail or lock-up for adults. A provision is also made so that if States are in substantial compliance after five years, an additional two years may be allowed for full compliance.

H.R. 6704 would require for the first time that Federal discretionary assistance be available on an equitable basis to deal with disadvantaged youth, including minority, female, and handicapped youth. This provision parallels existing requirements for State formula grant assistance.

Finally, H.R. 6704 also makes several changes regarding Title III assistance. The name of this title is expanded to read "Runaway and Homeless Youth" in acknowledgement of the fact that many of the young people presently served by the program do not leave home of their own volition. Under new amendments, Title III assistance would be required to be distributed equitably among the States based upon their respective population of youth under 18 years of age. Clarifications are also made so that services provided by shelters would also be available to the families of runaway and homeless youth as well as the youth themselves. New program authorities are added under Title III for the development, in cooperation with juvenile court and social service personnel, of model programs designed to assist chronic runaways and for the development of on-the-job training programs to assist local personnel in recognizing and providing for learning disabled and other handicapped juveniles.

II. LEGISLATIVE HISTORY

Federal concern for juvenile justice extends back to 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 sought to develop 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 again in 1957, no legislation was enacted to help State and local governments address the problem of delinquency until passage of the Juvenile Delinquency and Youth Offenses Control Act of 1961. The legislation authorized

the Department of Health, Education and Welfare (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 three 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 HEW 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. Also in 1968, 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 creating the Law Enforcement Assistance Administration (LEAA). Among eligible block grant funding categories for States was one providing for the prevention and control of delinquency. The HEW administered program, during its first three 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 ever actually expended. Those funds were too often spent on underfunded, unrelated, and scattered projects. Weakness in program administration, the dominance of LEAA, and inadequate funding contributed to a general lack of success.

In 1971, Congress approved a one-year extension of the Juvenile Delinquency Prevention and Control Act. It was 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 two more years under the name "Juvenile Delinquency Prevention Control Act." An attempt was made to more clearly delineate the respective roles of LEAA and HEW. LEAA was to assist programs inside the juvenile justice system while HEW 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.

After its creation in 1968, LEAA had considerably more congressional support than the juvenile delinquency programs of HEW. While LEAA's role was more limited to programs within the traditional juvenile justice system, millions of dollars in State and local assistance for 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 HEW to fully implement the Juvenile Delinquency Prevention and Control Act, led to increased LEAA leadership at the Federal level. In short, HEW had the broader mandate, but LEAA had the greater financial resources.

The Crime Control and Safe Streets Amendments 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 Amendments 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 three-year authorization of \$350 million and the creation of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within LEAA for the purpose of coordinating all Federal juvenile justice programs. Programs funded under Title III of the act, however, were to be administered by HEW.

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 concen-

tration 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 (juveniles committing offenses that would not be offenses if the juveniles were adults), must not be placed in secure detention or secure correctional facilities and that juveniles should not be placed in any institutions where they would be in regular contact with adults convicted of criminal charges or awaiting trial on such charges.

In 1977, the act was reauthorized for three additional years. H.R. 6111 was the primary House bill, incorporating administration amendments, as well as provisions from H.R. 1137, which proposed an additional focus on learning disabled children who become involved in the juvenile justice system. Representing a strong bipartisan effort, on May 5, 1977, H.R. 6111 was reported to the House by this committee by a vote of 34 to 0. On May 19, 1977, H.R. 6111 was considered and passed by the House by a vote of 401 to 5. On October 3, 1977, H.R. 6111, the Juvenile Justice Amendments of 1977, was signed by President Carter.

Although Federal efforts to alleviate the causes of juvenile delinquency and improve the juvenile justice system date back for over half a century, prior to the Juvenile Justice and Delinquency Prevention Act of 1974, the issue was not approached in a comprehensive fashion. Since passage of the act in 1974, the proportion of serious crime committed by juveniles has steadily fallen as has the number of status offenders and nonoffenders housed in secure detention and correctional facilities. It is now time to again consider the act's reauthorization. This legislation deserves the continued support of the Congress.

III. HEARINGS

Hearings on H.R. 6704 were held before the Subcommittee on Human Resources on March 19, 1980. Oversight hearings held by this committee since the act's last reauthorization in 1977 were held on January 24, 1978, March 7, 1978, June 27, 1978, March 20, 1979, and June 4, 1979.

Testifying at the reauthorization hearings on March 19, 1980, were Deputy Attorney General Charles B. Renfrew, representing the Justice Department, accompanied by Ira Schwartz, Administrator of the Office of Juvenile Justice and Delinquency Prevention; Acting Assistant Secretary for Human Development Services Cesar Perales, representing the Department of Health, Education and Welfare, accompanied by John A. Calhoun, III, Commissioner of

the Administration on Children, Youth, and Families and Larry Dye, Director of the Youth Development Bureau; and, New Orleans Mayor Ernest N. Morial. Testimony was also received from the National Advisory Committee on Juvenile Justice and Delinquency Prevention, the National Governor's Association, the National Association of Counties, the National Council of Juvenile and Family Court Judges, the Director of the California Youth Authority, the Director of the Division of Public Safety for the State of North Carolina, the National Collaboration for Youth, the Council for Exceptional Children, the Association of Junior Leagues, the National Council of Jewish Women, and program representatives from Madison, Wisconsin, Pierre, South Dakota, Chicago, Illinois, and Davis, California.

The committee also received written submissions from Representatives Thomas Ludlow Ashby, Julian C. Dixon, and Parren J. Mitchell, the National PTA, the National Council on Crime and Delinquency, the Association for Children with Learning Disabilities, the National Association of Social Workers, the National Coalition of Hispanic Mental Health and Human Services Organizations, the Child Welfare League of America, the National Criminal Justice Association, the National Association of Criminal Justice Planners, the Association of state Juvenile Justice Administrators, the National Network of Runaway and Youth Services, Inc., the National Youth Workers Alliance, the National Runaway Switchboard, the Arizona Juvenile Justice and Delinquency Prevention Advisory Council, the Juvenile Justice Advisory Group of Maine, the Massachusetts Juvenile Justice Advisory Committee, the Michigan Advisory Committee on Juvenile Justice, the New Jersey Governor's Advisory Committee on Juvenile Justice and Delinquency Prevention, the New Mexico Juvenile Justice Advisory Committee, the Commonwealth of Virginia Juvenile Justice and Delinquency Prevention Advisory Council, the California Child, Youth and Family Coalition, the Pennsylvania Congress of Parents and Teachers, Inc., Georgetown University, the Albuquerque Association for Children with Learning Disabilities, the Cleveland Association for Children with Learning Disabilities, the YWCA of Greater Pittsburgh, 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

AUTHORIZATION OF APPROPRIATIONS

H.R. 6704 extends the Juvenile Justice and Delinquency Prevention Act of 1974, including Title III, the Runaway and Homeless Youth program, for four additional years at current authorization of appropriations levels.

FINDINGS

The committee proposes additions to the findings of the act to clarify that alcohol should also be considered as an addicting drug causing increasing problems for juveniles and to express the belief

that the juvenile justice system should give additional attention to the problems of juveniles who commit serious crimes.

PURPOSE

H.R. 6704 would expand the existing purposes enumerated for the act in two respects. It specifies as a purpose of the act providing assistance to State and local governments in the removal of juveniles from jails and lock-ups for adults, to conform with newly added State plan requirements and new program authorities. It further expresses a declared policy of Congress that among effective prevention programs encouraged by the act, those with a special focus on maintaining and strengthening the family unit should be included. The committee believes that many juveniles removed from their homes could be better served if resources were focused on strengthening the family so the child could be maintained there as opposed to focusing resources on creating facilities to serve as alternatives to family placement. The committee sees this as more efficient and less costly, as well as potentially more effective.

DEFINITIONS

A number of definitional clarifications are made by the committee bill. These clarifications include defining what services may be appropriately considered as "community-based"; defining new organization entities within the Office of Justice Assistance, Research and Statistics (OJARS) subsequent to reauthorization in 1979 of the Omnibus Crime Control and Safe Streets Act of 1968; clarifying the definition of the term "State" with regard to the territories; and, expanding the definition of what constitutes appropriate "treatment" under the act, to include special education and programs designed to eliminate juvenile dependence on alcohol or other addictive and nonaddictive drugs.

H.R. 6704 redefines and clarifies the term "correctional institution or facility" in order to recognize the difference between detention and correctional facilities and to define the term secure, in conformance with current practice. The new definition is intended to provide more specificity and clarity. It is not intended, particularly with regard to the term "secure", to indicate a desire on the part of the committee for a change in current practice as expressed in existing regulations. The current definition of secure, as defined in current regulations, seems acceptable both to the States and to practitioners. Current practice as provided for by existing regulations, defines a secure facility as one which is designed and operated so as to ensure that all entrances and exits from such facility are under the exclusive control of the staff of such facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, locked fences, or physical restraints in order to control the behavior of its residents.

The committee also provides a new definition. That is for the term "serious crime" which relates to references throughout H.R. 6704 to new program authority for juveniles who commit serious crimes. The definition is the same as those considered as serious (Part I offenses) by the Uniform Crime Reports of the Federal

Bureau of Investigation and all reporting police departments throughout the nation.

Office of Juvenile Justice and Delinquency Prevention

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), including the role of its Administrator, was carefully examined during committee oversight. Current law establishes OJJDP within the Law Enforcement Assistance Administration (LEAA) and makes the OJJDP Administrator specifically subject to the direction of the Administrator of LEAA.

In 1979, when the Omnibus Crime Control and Safe Streets Act of 1968 was reauthorized through the Justice System Improvement Act Amendments of 1979, LEAA was reorganized. A coordinative body known as the Office of Justice Assistance, Research, and Statistics (OJARS) was created and under it three administrative "boxes" constructed from what has been LEAA. LEAA itself was retained as one box of provide State and local assistance. The National Institute of Law Enforcement and Criminal Justice (NILECJ), which had conducted research within LEAA, was removed from LEAA and made a separate box, known as the National Institute of Justice (NIJ). Statistical operations were removed from LEAA and coupled with other statistical operations carried on elsewhere in the Justice Department and made a third box, the Bureau of Justice Statistics (BJS). H.R. 6704 would establish OJJDP as a "fourth box" under the coordination of OJARS and "under the general authority of the Attorney General", on equal footing with LEAA, the NIJ, and the BJS.

Establishing OJJDP as a separate administrative entity should succeed in making the Office more accountable to Congress and this committee as it implements the act. The Juvenile Justice and Delinquency Prevention Act of 1974 is a free-standing piece of legislation authorizing a Presidentally appointed Administrator to implement the act. Congress should be able to hold the Administrator responsible for implementing the act. Establishing OJJDP as a "fourth box" should also establish it as a separate line item within the Federal budget and increase efficiency by reducing bureaucratic time-delays caused by the duplication involved in dual decision-making. During hearings on H.R. 6704, establishing OJJDP as a separate entity was endorsed by, among others:

The National Advisory Committee on Juvenile Justice and Delinquency Prevention;

Governor's State Juvenile Justice Advisory Groups from New Jersey, Massachusetts, Virginia, Arizona, Michigan, and Maine;

The National Association of Counties;

The U.S. Conference of Mayors;

The National Council of Juvenile and Family Court Judges;

The National Collaboration for Youth (on behalf of the American Red Cross, Boy's Clubs of America, Camp Fire, Inc., Girls Clubs of America, YWCA, YMCA, National Network Services of Runaway Youth and Families, United Neighborhood Centers, and Girl Scouts);

The National Council of Jewish Women;

The Child Welfare League of America;

The Association of State Juvenile Justice Administrators;

The National Youth Workers Alliance;

The National Association of Social Workers;

Region I Coalition of State Advisory Group Chairs (representing Maine, New Hampshire, Vermont, Connecticut, Massachusetts and Rhode Island).

OJARS is intended to provide coordination and support services for OJJDP in the same manner as it does for LEAA, NIJ, and BJS. It is not intended that OJARS exercise any policy control over the activities of OJJDP. The relationship between OJJDP and the Department of Justice is expected to be similar to that enjoyed by LEAA since 1968. It is not anticipated nor intended that the Attorney General be involved in the day-to-day operations of the OJJDP program. OJJDP is established by H.R. 6704 as a separate agency within the Department of Justice, under the coordination of OJARS, but vested with all the operational and administrative authority necessary to enable it to accomplish the purposes of the act. It is expected that, for the purposes of the Organization of the Department of Justice, set forth a Part O of Title 28 of the Code of Federal Regulations, OJJDP will be designated as a principal organizational unit within the Department of Justice.

The phrase, "under the general authority of the Attorney General", is intended to empower the Attorney General to set major policy objectives within which OJJDP would function. The Attorney General may exercise regulatory authority regarding OJJDP pursuant to Title 5 of the United States Code, which specifies that the Department of Justice as an Executive Agency and that the Attorney General, as head of the Justice Department, may prescribe regulations for the governance of the department, the conduct of employees, the distribution and performance of its duties and the like. The Attorney General also has budgetary powers over OJJDP.

Coordinating Council on Juvenile Justice and Delinquency Prevention

The Federal Coordinating Council on Juvenile Justice and Delinquency Prevention was mandated by the 1974 act for the purpose of coordinating all Federal juvenile delinquency programs and policy. While one of the most important and potentially innovative components of the Federal program, its performance through mid-1979 can be described as sporadic. Through much of its life, it has not even succeeded in meeting the required number of times. In 1977, the Juvenile Justice Amendments of 1977 reduced the number of required annual meetings from 6 to 4, hoping that a greater interval of time between meetings might allow for more extensive staff preparation. Yet in 1978, after considerable pressure from committee oversight, the Council met its four meetings requirement only by meeting on three consecutive days near the end of the year—on December 18th, 19th, and 20th.

The committee intends for the Coordinating Council to function and function successfully. The coordination of Federal programs and policy are a prerequisite for Federal leadership. It can provide a means of avoiding duplication while at the same time promoting cooperative Federal efforts to address common problems. H.R. 6704 therefore makes the following changes: (1) it requires that meetings be held "quarterly" rather than "a minimum of four times a year"; (2) it requires that annual reports be submitted to the Congress as well as to the President; and (3) it adds a new function for the

Council to review and make recommendations with respect to any joint funding proposal undertaken by the Office and any agency represented on the Council. H.R. 6704 further requires that the Administrator of OJJDP “shall” rather than “may” appoint staff support. It is the intent of the committee that the Coordinating Council be given its own budget line item with a cap on appropriations not to exceed \$500,000 for each fiscal year.

H.R. 6704 expands Council membership to include the following Federal agency heads: the Secretary of Education, the Director of the Community Services Administration, the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration of Children, Youth and Families, the Director of the Youth Development Bureau, the Director of OJARS, the Administrator of LEAA, and the Director of the National Institute of Justice.

National Advisory Committee on Juvenile Justice and Delinquency Prevention

The role of the National Advisory Committee (NAC) is to advise OJJDP, the President, and the Congress with respect to matters pertaining to Federal juvenile justice programs and policy. It provides citizen input. While generally successful, there have been problems, as documented during committee oversight in 1978 and 1979.

Failure on the part of the President to appoint new members in a timely fashion to replace those whose terms had expired left the NAC with seven vacant chairs for eight months. This caused difficulties obtaining quorums and subsequent problems in meeting the act’s requirement to meet a minimum of four times a year.

Staff support was also a problem—seemingly dependent on the willingness of OJJDP’s Administrator to provide such support. Since passage of the 1977 amendments, such staff support as has been provided has been somewhat inconsistent—supplied at times by various personnel assigned from OJJDP on a less than full-time basis and two different private consultant contractors. The result has been inconsistent performance in some areas. A report on standards, required by law for submission to the President and Congress by the end of 1975 has yet to be submitted.

It is the intent of the committee that citizen input be taken seriously. To correct existing problems, H.R. 6704 reorganizes the NAC to bring it more in line with other Presidential advisory committees under the jurisdiction of the committee—namely the Federal Council on Aging and the National Advisory Council on Economic Opportunity. This reorganization calls for streamlining NAC membership from 21 to 15 members, mandating full-time, independent, non-contractual staff support, consolidating NAC duties, and allowing NAC members to serve until their replacements are named, while requiring the President to fill vacancies not later than 90 days after they occur.

Section 207(f) of the committee bill authorized the chairman of NAC, with the approval of the membership, to appoint personnel to provide staff services. It also forbids procurement of any temporary or intermittent contractual services of personnel under section 3109 of Title 5, United States Code. Section 207(h) places a cap on

appropriations, not to exceed \$500,000 for each fiscal year. It is the intent of the committee that appropriations for NAC be considered as a separate line item in the Federal budget.

Part B—Federal Assistance for State and Local Programs

REALLOCATION OF PART B FUNDS

The committee bill amends section 222(b) to provide that formula grant funds unobligated at the end of the fiscal year shall be reallocated in an equitable manner among States which have demonstrated compliance with the deinstitutionalization and separation requirements of the act. "Equitable", with regard to the reallocation of unobligated formula grant and special emphasis funds, is intended to mean on the basis of a compliant State's relative population of people under age eighteen as compared to that of other compliant States.

Similarly, section 223(d) is amended to provide that where formula funds are to be reallocated during a fiscal year, whether voluntarily or because of a State's failure to submit a plan meeting the section 223 requirements, such funds are also to be reallocated among compliant States. Funds reallocated under section 222(b) would be added to the allocation of funds for the following fiscal year and those reallocated under section 223(d) would be allocated as a supplement to qualifying States' current fiscal year awards. In either case, these awards would be for programs consistent with the purpose of section 223(a)(10)(14) of the act.

Any unused Part B special emphasis (discretionary) funds reverting to OJJDP are to be available for reallocation as special emphasis awards to compliant States on an equitable basis consistent with the amendments made by H.R. 6704 in section 228(f) of the act as reported out of committee. These additional allocations would be for the purpose of section 224(a)(5) of the act.

STATE PLANS

H.R. 6704 makes several changes in State plan requirements in order to reduce paperwork and bring juvenile justice and delinquency prevention plan requirements into conformance with State planning agency criminal justice plan requirements subsequent to the 1979 reauthorization of the Omnibus Crime Control and Safe Streets Act of 1968. These include provision of three-year, rather than annual, plan submission requirements and a revision in plan format made to section 223(a)(8). H.R. 6704, for the first time, requires that participating States provide for a State concentration effort to parallel the Federal concentration of effort provided for in the act.

STATE ADVISORY GROUPS

In an effort to further strengthen State advisory groups, H.R. 6704 makes several minor changes. In accord with the reorganization of the National Advisory Committee, the committee bill provides that membership should consist of not less than 15 rather than not less than 21 members. The committee bill requires that

locally elected officials be included in advisory group membership and specifies that public agencies concerned with special education ought to be among those considered for representation.

H.R. 6704 reduces the mandatory percentage of advisory group members who are to be considered "youth" representatives from one-third to one-fifth but correspondingly lowers the maximum age for inclusion in this category from 26 years of age to 24 years of age. This should give Governors more flexibility in the selection of group members while at the same time providing for a more true reflection of youth needs. It should be emphasized that the requirement specifies "at least" one-fifth. The committee believes a higher percentage can be advantageous but would leave that determination to individual States.

The committee bill requires that three of the members of the advisory group shall have been or shall be under the jurisdiction of the juvenile justice system. The previous requirement had been that these three members had to be from among the youth members. H.R. 6704 broadens this requirement to include full membership but adds the additional mandate that State advisory groups contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system. The committee firmly believes that advisory groups should have a first-hand awareness of state correctional facilities and justice systems and that at least part of that awareness should come from young people who are involved at the time. The committee is concerned that some advisory groups might consider their duty to gain such awareness completed when a few youth members with such experience are appointed to advisory group membership. The committee intends that advisory group members be actively involved in acquiring continuing perspectives from "consumers" within the juvenile justice system.

H.R. 6704 also makes it a requirement that advisory groups make at least annual recommendations to the Governor and the legislature. Previously, advice could be provided only on request.

ADVANCED TECHNIQUES

Current law provides that not less than 75 percent of formula grants 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 direct juveniles from the juvenile justice system, and to provide community-based alternatives to confinement in secure detention facilities and secure correctional facilities. H.R. 6704 adds, as an additional authority, the provision of programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation.

In addition, the committee bill expands the list of specific advanced techniques mentioned in the bill. It broadens and clarifies the advanced technique program category calling for the use of local government subsidies or financial incentives by specifying that such subsidies shall be designed to either: (1) remove juveniles from jails and lock-ups for adults; (2) replicate juvenile programs designated as exemplary by the National Institute of Justice; (3) es-

establish and adopt standards for the improvement of juvenile justice; or (4) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention.

H.R. 6704 expands eligibility of programs designed to implement projects relating to juvenile delinquency and learning disabilities to include on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped youth.

The committee bill also identifies projects designed to work with juvenile gangs as an eligible advanced technique program area.

REMOVAL OF JUVENILES FROM JAILS AND LOCK-UPS FOR ADULTS

The committee bill would add a new section 223(a)(14) to current law to require the removal of juveniles from jails and lock-ups for adults. States participating in the formula grant program would have five years from the enactment of the Juvenile Justice Amendments of 1980 to achieve compliance with this new provision. States that are in substantial compliance with the requirement after five years, through the achievement of at least 75 percent removal of juveniles from jails and lock-ups for adults, may be given up to two additional years to achieve full compliance if the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable period of time not to exceed two years.

This new paragraph complements the existing deinstitutionalization and separation provisions of the act. Section 223(a)(12) requires that participating States remove all juveniles who have committed offenses that would not be criminal if committed by an adult (status offenders) and nonoffenders such as dependent or neglected children, from secure juvenile detention or secure correctional facilities. Most States are in the process of completing this effort. Section 223(a)(13) of the act requires participating States to provide that juveniles who are alleged to be or found to be delinquent, as well as juveniles within the scope of section 223(a)(12), shall not be detained or confined in any institution in which they are in regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

The committee believes, based on evidence presented during hearings on H.R. 6704, that the time has come to go farther. Statistics from recent surveys covering nine states indicated that 18 percent of the juveniles jailed in adult facilities had not committed a criminal offense. It was reported that 4 percent had committed no offense at all. Furthermore, it was reported that of those juveniles in jail for criminal offenses, 88 percent were there on property and minor charges. Witnesses during the hearings pointed to potential physical and sexual abuse encountered by juveniles incarcerated in adult jails. It was pointed out that during 1978, the suicide rate for juveniles incarcerated in adult jails was approximately seven times the rate of children held in secure juvenile detention facilities. One Department of Justice official termed this a "national catastrophe."

Statistics on inappropriate placements, the evidence of harm, the growing body of constitutional law, and the expressed belief that properly planned and implemented removal of juveniles from all

adult jails and lock-ups is economically feasible, promoted the committee amendment. Among those on record supporting the removal of juveniles from adult jails and lock-ups were the Justice Department; the National Coalition for Jail Reform; the American Correctional Association; the National Council of Juvenile and Family Court Judges; the National Sheriff's Association; the National Association of Counties; the National League of Cities; the National Association of Blacks in Criminal Justice; the Association of Junior Leagues; the National Council on Crime and Delinquency; the Child Welfare League of America; and the American Civil Liberties Union.

The new provision does not require the release of any juvenile delinquent offenders from secure detention or secure correctional facilities. Juveniles alleged to have committed delinquent offenses can still be detained in secure facilities—but not in adult jails and lock-ups.

The committee intends the new provision to extend to all juveniles who may be subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations established by State law. If a juvenile is formally waived or transferred to criminal court by a juvenile court and criminal charges have been filed or a criminal court with original or concurrent jurisdiction over a juvenile has formally asserted its jurisdiction through the filing of criminal charges against a juvenile, the section 223(a)(14) prohibition no longer attaches.

The committee recognizes that flexibility may be required in the case of juveniles who are waived or otherwise come under criminal court jurisdiction. Appropriate alternative secure placements for serious and violent juvenile criminal offenders waived or bound over to adult court are often not available. For these juveniles, a judicial or legislative determination has been made that they are not to be processed in the juvenile justice system. However, the new provision is not intended to encourage increased waivers of juveniles to criminal court, a decrease in the age of original or concurrent criminal court jurisdiction, or a lowering of the age of juvenile court jurisdictions for specific categories or classes of offenses committed by juveniles.

The new provision requires removal of juveniles from adult jails and lock-ups. For the purposes of this provision, a jail for adults is defined as a locked facility, administered by State, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year. The new provision is intended to require the removal of juveniles from such facilities. A lock-up for adults is similar to a jail for adults except that it is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

Facilities which are not authorized to or do not in practice hold adults convicted of a crime or awaiting trial on criminal charges are not considered adult jails or lock-ups. Also, institutions and facilities that are used exclusively for the post-conviction or post-adjudication detention or confinement of offenders who have been convicted of crimes or adjudicated delinquent are not adult jails or

lock-ups. Juveniles adjudicated delinquent, if confined in an institution that incarcerates adult criminal offenders, would continue to have to be separated from regular contact with adults in order for the State to be in compliance with the section 223(a)(13) separation requirement.

The committee expects a "rule of reason" to be followed in the implementation of section 223(a)(14). For example, it would be permissible for OJJDP to permit temporary holding in an adult jail or lock-up by police of juveniles arrested for committing an act which would be a crime if committed by an adult for purposes of identification, processing, and transfer to juvenile court officials or juvenile shelter or detention facilities. Any such holding of juveniles should be limited to the absolute minimum time necessary to complete this action, not to exceed six hours, but in no case overnight. Section 223(a)(13) would prohibit such juveniles who are delinquent offenders from having regular contact with adult offenders during this brief holding period.

MONITORING REQUIREMENTS

Current law requires that participating States provide for an adequate system of monitoring jails, detention facilities, correctional facilities and non-secure facilities to insure that the deinstitutionalization and separation requirements are being met and provide for annual reporting of results. H.R. 6704 provides that monitoring reports shall also include progress regarding the new requirement of removing juveniles from jails and lock-ups for adults.

It also provides that annual monitoring report requirements shall not apply to States which are fully in compliance with the deinstitutionalization, separation, and removal-from-adult-jail requirements and which have enacted State legislation which conforms to those requirements and which, in the opinion of the Administrator, contain sufficient enforcement mechanisms to insure that the legislation will be administered effectively. The intent of the committee is to reduce paperwork, to provide an additional incentive for full compliance, and to encourage States to pass State legislation which conforms to the requirements of the act.

SUBSTANTIAL COMPLIANCE

Current law provides, in section 223(c), for termination of a State's eligibility to participate if there is a failure to comply with the deinstitutionalization requirement but also provides for up to two years additional participation, if substantial compliance with the requirement has been reached. H.R. 6704 extends the substantial compliance provision to the removal-of-juveniles-from-adult-jails requirement and, with regard to the deinstitutionalization mandate, provides an additional criteria for what substantial compliance might look like. Current law recognizes no differences between status offenders held in secure detention and those placed for long periods of time in secure correctional facilities. It provides that if a State has deinstitutionalized not less than 75 percent of such juveniles and has an unequivocal commitment to achieve full compliance within a reasonable time, eligibility can continue. H.R.

6704 modifies that definition only to the extent that eligibility could also be continued if a State had totally removed status offenders and other nonoffenders from correction facilities within the three year period, as opposed to a 75 percent reduction of both detention and correctional placements. The maximum time allowed for full compliance would remain the same—five years.

The committee is concerned about children who have committed no criminal offense being locked away in secure correctional placements for long periods of time. Secure detention, while still harmful to status offenders and nonoffenders, is of shorter duration. The committee believes that States who have totally ended the practice of placing status offenders and nonoffenders in secure correctional placements within the allowable three year time period should also be judged to have made a good faith effort.

SPECIAL EMPHASIS PROGRAMS

H.R. 6704 makes only slight modifications to the programs identified by the act as special emphasis areas. It adds a statewide subsidy program similar to that provided for among formula grant advanced techniques and expands program authority for projects relating to juvenile delinquency and learning disabilities to include on-the-job training for law enforcement and juvenile justice personnel, also similar to that provided for among formula grant advanced techniques.

The committee bill does make a noteworthy addition to this section, however, by requiring that the Administrator of OJJDP makes this assistance available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth. Similar requirements are placed on the States by existing law and it is only reasonable the Federal discretionary funds be available under the same requirement.

There have been rather serious allegations brought to the attention of the committee that assistance has been available, in the past, on an inequitable basis, particularly with regard to minority youth. The committee strongly encourages the Administrator of OJJDP to formally investigate these allegations and report the findings. Should such inequity exist, as alleged, it is the intent of the committee that it be corrected.

Part C—National Institute for Juvenile Justice and Delinquency Prevention

The committee bill makes no change in the structure or function of the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP). It is the belief of the committee that research conducted by NIJJDP should be closely coordinated with that of the National Institute of Justice in order to avoid duplication. It is further the intent of the committee that appropriations for NAC be considered as a separate line item in the Federal budget.

RUNAWAY AND HOMELESS YOUTH

H.R. 6704 broadens the name and scope of Title III programs to Runaway and Homeless Youth, in recognition of the fact that many youth presently being served by Title III projects do not leave home of their own accord, but may, in many instances, be pushed out or be running from physical or sexual abuse.

The committee bill requires for the first time that Title III grants be made equitably among the States based upon their respective population of youth under 18 years of age. This conforms grant allocation under Title III to the same criteria for distributing assistance utilized in Title II of the act. It is done also in recognition of evidence presented to the committee during oversight that more children running away today are running within their own communities or being pushed out rather than running across country. This being the case, assistance is needed in communities across the country and funds should be allocated in such a way as to reflect that fact.

Two additional program authorities are given the Secretary of Health and Human Services. One is to provide supplemental grants to centers which develop, with the cooperation of juvenile court and social services personnel, model programs addressing the needs of chronic runaways—those who run from home or placements repeatedly. The second is to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist them in recognizing and providing for learning disabled and other handicapped juveniles.

V. CONCLUSION

The committee believes that H.R. 6704 will strengthen and revitalize programs established by the Juvenile Justice and Delinquency Prevention Act of 1974. The committee bill reflects recommendations included in H.R. 6704, as originally introduced, H.R. 6983, the Administration's bill, and the comments of many interested public and private representatives.

The Federal government does have a valuable role to play in supplying resources needed to combat delinquency and 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 are involved which have only begun to be addressed. Funding is certainly an important component in the implementation of a national strategy to deal with delinquency. But more than money 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. 6704 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(c)(1)(2)(b) of rule XI of the Rules of the House of Representatives, the committee states that on April 22, 1980, a quorum being present, the committee favorably reported H.R. 6704, as amended by a roll call vote of 32 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 Human Resources, 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 Committee on Education and Labor. Pursuant to its responsibilities, the committee has determined that legislation should be enacted as set forth in H.R. 6704, as amended.

VIII. 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. 6704 will have no inflationary impact on prices and costs in the operation of the economy. H.R. 6704 maintains the current level for authorization of appropriations for an additional four years. This amounts to a total authorization level for Titles II and III programs of \$225 million, which represents less than four hundredths of one percent of the \$691.3 billion budget authority proposed in the Administration's revised budget for fiscal year 1981. The \$130 million in estimated budget outlays projected by the Congressional Budget Office for the Juvenile Justice Act programs in fiscal year 1981 represents about two hundredths of one percent of the \$611.5 billion in total outlays under the Administration's proposed budget for fiscal year 1981.

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. COST OF THIS LEGISLATION

A. ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the estimate and comparison prepared by the Director of the Congressional 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 6, 1980.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor,
U.S. House of Representatives, 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. 6704, the Juvenile Justice Amendments of 1980.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

JAMES BLUM,
(for Alice M. Rivlin, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—MAY 6, 1980

1. Bill number: H.R. 6704.
2. Bill title: Juvenile Justice Amendments of 1980.
3. Bill status: As ordered reported by the House Committee on Education and Labor, April 22, 1980.
4. Bill purpose: The purpose of this legislation is to authorize the appropriation of funds for juvenile justice and delinquency prevention and runaway and homeless youth programs. Specifically, the bill authorizes \$200 million for each of the fiscal years 1981 through 1984 for juvenile justice programs, and \$25 million each year for the same period for youth programs. The bill also limits the authorizations for the Coordinating Council and the National Advisory Committee for juvenile justice and delinquency prevention to \$500,000 per year. This amount is contained in the \$200 million authorization for the juvenile justice programs.
5. Cost estimate:

[By fiscal years, in millions of dollars]

Authorization level:	
1981	225
1982	225
1983	225
1984	225
1985
Estimated outlays:	
1981	130
1982	225
1983	225
1984	225
1985	95

The costs of this bill fall primarily within budget function 750.

6. Basis of estimate: For the purpose of this estimate, it has been assumed that the full amounts authorized for each fiscal year will be appropriated. Estimated outlays are based on information obtained from the Justice Department and on historical spending patterns which indicate that approximately 60 percent of each year's funds for the juvenile justice programs are spent in the first year, and 40 percent in the second year. The runaway and homeless

youth programs are estimated to spend 50 percent of their funds in the first year, and the remaining 50 percent in the second year.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Kathy Weiss.

10. Estimate approved by: C. G. Nuckols for 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.

XI. SECTION-BY-SECTION EXPLANATION

SHORT TITLE

Section 1 of the bill provides that this legislation may be cited as the "Juvenile Justice Amendments of 1980".

AUTHORIZATION OF APPROPRIATIONS

Section 2(a) amends section 241(a) of the act as redesignated to provide for a 4-year reauthorization at current authorized levels of funding for Title II programs.

Section 2(b) amends section 341(a) of the act to provide a 4-year reauthorization at currently authorized levels of funding for Title III programs.

FINDINGS

Section 3 amends Section 101(a) of the act to clarify that alcohol is also found to be a drug which contributes to delinquency, by making a technical amendment preparatory to the addition of a new paragraph, and by adding a new paragraph, (8), finding that "the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation."

PURPOSE

Section 4(a) amends section 102(a) of the act to provide that an additional purpose of the act is to assist State and local governments in removing juveniles from jails and lockups for adults.

Section 4(b) amends section 102(b)(1) of the act to clarify that it is the purpose of Congress, in providing necessary resources, leadership, and coordination for developing and implementing methods of preventing and reducing delinquency, to include methods with a special focus on maintaining and strengthening the family unit.

DEFINITIONS

Section 5(a) amends section 103(1) of the act to clarify that special education is an appropriate rehabilitative service which may be carried out in a "community based" facility.

Section 5(b) amends section 103(4) of the act to specify that the "Office of Justice Assistance, Research and Statistics," the "Law Enforcement Assistance Administration," the "National Institute of Justice," and the "Bureau of Justice Statistics" are those agencies established respectively by sections 801(a), 101, 202(a), and 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968.

Section 5(c) amends section 103(7) of the act to specify which territories or possessions are to be treated as "States" for the purpose of the act.

Section 5(d) amends section 103(9) to clarify that juvenile justice and delinquency prevention plans rather than law enforcement plans are those qualifying groupings of States and units of local governments as a "combination" for the purposes of the act.

Section 5(e) amends section 103(12) of the act to strike the definition of "correctional institution or facility" and to replace it with a more specific definition of "secure detention facility" describing such facility as any public or private residential facility which is designed to be physically restrictive for those held in lawful custody and used for temporary placement of juveniles or other individuals, accused of criminal offenses.

Section 5(f) amends section 103 of the act to make a technical amendment and inserting 2 new paragraphs to define the terms "secure correctional facility" and "serious crime". The term "secure correctional facility" is defined to include any public or private residential placement which is designed to be physically restrictive for those held in lawful custody and used for placement after adjudication and disposition. The term "serious crime" is defined to include criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony.

Section 5(g) amends section 103(15) of the act to clarify that special education is an appropriate form of treatment for the purposes of the act and to clarify that alcohol should be considered addicting for the purposes of the act and that treatment is also appropriate to eliminate or control dependence on nonaddictive as well as addictive drugs.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Section 6(a) amends section 201(a) of the act to place the Office under the general authority of the Attorney General rather than within the Law Enforcement Assistance Administration.

Section 6(b) amends section 201(d) to provide that the administrator exercises all necessary powers under the general authority of the Attorney General rather than the Administrator of the Law Enforcement Assistance Administration; to clarify that the Administrator of the Office of Juvenile Justice and Delinquency Prevention is authorized to prescribe regulations for all grants and contracts available under part B and part C of title II; and to provide that the Administrator of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice may delegate authority to the Administrator of the Office for all juvenile justice and delinquency prevention grants and contracts for funds made available under the Omnibus Crime Control and Safe Streets Act of 1968.

Section 6(c) amends section 201(e) of the act to provide that the Deputy Administrator of the Office shall be appointed by the Attorney General rather than the Administrator of the Law Enforcement Assistance Administration.

Section 6(d) amends section 201(f) to provide that the Deputy Administrator of the Office whose function is to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention shall be appointed by the Attorney General rather than the Administrator of the Law Enforcement Assistance Administration.

CONCENTRATION OF FEDERAL EFFORTS

Section 7(a) amends section 204(b) to make a conforming amendment and to authorize the Administrator of the Office of Juvenile Justice and Delinquency Prevention to provide training assistance, as well as 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.

Section 7(b) amends section 204 to place a limit on appropriations for the purposes of section 204, not to exceed 7.5 percent of the total amount appropriated to carry out title II for each fiscal year.

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Section 8(a) amends section 206(a) (1) of the act to clarify that the Secretary of Housing and Urban Development is a cabinet level secretary included on the Coordinating Council; to add the Secretary of Education as a new cabinet level member; and to add the Director of the Community Services Administration, the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau to the Coordinating Council.

Section 8(b) amends section 206(c) to provide that the Coordinating Council make its annual recommendations to the Congress as well as the President and to provide that the Coordinating Council shall review and make recommendations with respect to any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.

Section 8(c) amends section 206(d) of the act to stipulate that the Coordinating Council should meet at least quarterly rather than simply four times a year.

Section 8(d) amends section 206(e) of the act to provide that the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall, rather than may, appoint such personnel or staff support as he considers necessary.

Section 8(e) amends section 206(g) of the act to place a limit on authorizations of appropriations for the Coordinating Council, not to exceed \$500,000 for each fiscal year.

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND
DELINQUENCY PREVENTION

Section 9 amends part A of title II of the act to strike out section 207, section 208, and section 209, and inserting a single new section for the purpose of reorganizing the National Advisory Committee. Changes subsequent to the reorganization: (1) provide for 15, rather than 21 members, appointed by the President; (2) provide that five of the members so appointed shall not have attained 24 years of age on or before the date of their appointment; (3) require that 2 of the members shall be or shall have been under the jurisdiction of the juvenile justice system; (4) require the Advisory Committee to contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; (5) provide that members be appointed for 3 rather than 4 years; (6) require the initial appointment of members to be made not later than 90 days after the effective date of the new section; (7) require the President to fill vacancies no later than 90 days after a vacancy occurs; (8) allow members to serve after their terms expire until their successors are named; (9) require at least quarterly meetings rather than a minimum of 4 meetings a year; (10) provide for a date of submission for annual recommendations to the President and Congress; (11) provide for staff assistance appointed by the Chairman rather than the Administrator of the Office; (12) provide that the Advisory Committee shall not have any authority to procure employment of experts and consultants as specified in section 3109 of title 5 of the United States Code; and (13) place a limit of authorizations of appropriations, not to exceed \$500,000 per fiscal year.

ALLOCATION

Section 10 amends section 222(b) to provide that formula funds unobligated at the end of each fiscal year shall be reallocated in an equitable manner to States which are determined by the Administrator to be in compliance with the requirements of section 223(a)(12)(A) and section 223(a)(13) for use by the States in a manner consistent with the purposes of section 223(a)(10)(H).

STATE PLANS

Section 11(a)(1) amends section 223(a) of the act to provide for 3-year, rather than annual, plans, and annually submitted performance reports which describe progress in implementing programs contained in the original plan and the status of compliance with State plan requirements.

Section 11(a)(2) amends section 223(a)(3)(A) to provide that State advisory groups shall consist of between 15 and 33 members rather than between 21 and 33 members.

Section 11(a)(2) amends section 223(a)(3)(A) to provide that locally elected officials be included on State advisory groups and to clarify that special education departments should be included along with other public agencies for representation on State advisory groups.

Section 11(a)(4) amends section 223(a)(3)(E) of the act to provide that one-fifth of the members of State advisory groups shall be under

24 years of age at the time of their appointment, rather than one-third under 26 years of age.

Section 11(a)(5) amends section 223(a)(3)(F) of the act to require that State advisory groups submit recommendations to the Governor and the state legislature at least annually regarding matters related to its functions and to require that State advisory groups contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

Section 11(a)(6) amends section 223(a)(3)(F)(iii) of the act to make a technical amendment.

Section 11(a)(7) amends section 223(a)(8) to conform State juvenile justice plan requirements with State criminal justice application requirements and to require a State concentration of effort to coordinate State juvenile delinquency programs and policy.

Section 11(a)(8) amends section 223(a)(10) of the act to clarify that the advanced techniques described in the paragraph are to be used to provide community-based alternatives to "secure" juvenile detention and correctional facilities; to make a technical amendment; to clarify that advanced techniques can be used for the purpose of providing programs for juveniles who have committed serious crimes, particularly programs designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation; and to add for a new advanced technique category providing for projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members.

Section 11(a)(9) amends section 223(a)(10)(A) of the act to clarify that education and special education programs are appropriate to be included among community-based programs and services.

Section 11(a)(10) amends section 223(a)(10)(E) of the act to clarify that educational programs included as advanced techniques should be designed to encourage delinquent and other youth to remain in school.

Section 11(a)(11) amends section 223(a)(10)(H) of the act to provide that statewide programs through the use of subsidies or other financial incentives to units of local government should be designed to: (1) remove juveniles from jails and lock-ups for adults; (2) replicate juvenile programs designed as exemplary by the National Institute of Justice; or, (3) to establish and adopt standards for the improvement of juvenile justice within the State; or, (4) to increase the use of nonsecure, community-based facilities and discourage the use of secure incarceration and detention.

Section 11(a)(12) amends section 223(a)(10)(I) of the act to clarify that advanced technique programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities may include on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles.

Section 11(a)(13) amends section 223(a)(12)(A) of the act to clarify that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult shall not be placed in "secure detention facilities or secure correctional facilities" rather than simply "juvenile detention or correctional facilities."

Section 11(a)(14) amends section 223(a)(14) to make a technical amendment redesignating it as section 223(a)(15) and to provide that annual reporting requirements of the results of such monitoring as required by the section can be waived for States in compliance with the requirements of paragraph (12)(A), paragraph (13), and the new paragraph (14), and which have enacted legislation, conforming to those requirements, which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively.

Section 11(a)(15) further amends section 223(a) of the act to make a technical amendment; to add a new paragraph to provide the State plans shall provide that, 5 years following the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults; and, to provide that State plans be modified as soon as practicable after enactment of the 1980 amendments to comply with the requirements of the new paragraph (14).

Section 11(b) amends section 223(c) of the act to make a conforming amendment; to redefine "substantial compliance" with regard to paragraph 223(a)(12)(A) to include either 75 percent deinstitutionalization of 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 or the "removal of 100 percent of such juveniles from secure correctional facilities"; and, to add a new sentence at the end defining the term substantial compliance with regard to new paragraph 223(a)(14).

Section 11(c) amends section 223(d) of the act to provide that allotments redistributed under that paragraph shall be for the purposes of removing juveniles from jails and lock-ups for adults, replicating exemplary juvenile programs, or establishing and adopting standards to improve the juvenile justice system, or to increase the use of non-secure community-based facilities and to provide that the Administrator shall make such reallocated funds available on an equitable basis to States that have achieved full compliance with the requirements under subsection (a)(12)(A) and subsection (a)(13).

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

Section 12(a) amends section 224(a)(5) of the act to provide, as a special emphasis category, statewide programs through the use of subsidies or other financial incentives designed to remove juveniles from jails and lock-ups for adults; replicate juvenile programs designated as exemplary by the National Institute of Justice; or, to establish and adopt standards for the improvement of juvenile justice within the State.

Section 12(b) amends section 224(a)(11) of the act to clarify that special emphasis programs designed to develop and implement programs relating to juvenile delinquency and learning disabilities may include on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles.

Section 12(c) amends section 224 of the act to require that special emphasis assistance be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.

PAYMENTS

Section 13(a) amends section 228 of the act to strike out subsection (b) which gave the Administrator discretion to allow States to use 25 per centum of their formula grant funds to match other Federal juvenile delinquency grants and to redesignate the remaining subsections.

Section 13(b) amends section 228(f) of the act, as redesignated, to provide funds available for reallocation under subpart II shall be reallocated in an equitable manner to States which have complied with the requirements in section 223(a)(12)(A) and section 223(a)(13) for purposes specified under section 224(a)(5).

ADMINISTRATIVE PROVISIONS

Section 14 amends section 262 of the act to bring relevant applicable administrative provisions of the Omnibus Crime Control and Safe Streets Act of 1968 into conformance subsequent to the Justice System Improvement Amendments of 1979 and to provide that the Office of Justice Assistance, Research, and Statistics shall provide staff support to, and coordinate the activities of the Office in the same manner as it does for the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968.

RUNAWAY AND HOMELESS YOUTH

Section 15(a) provides that the heading for title III of the act shall be amended to read: "Title III—Runaway and Homeless Youth Act".

Section 15(b) makes an amendment to the short title of title III.

Section 15(c) amends section 311 of the act: (1) to make a conforming technical amendment; (2) to provide that title III funds be distributed equitably among the States based upon their respective population of youth under 18 years of age; (3) to clarify that services provided by runaway and homeless youth centers under title III are also appropriate for the families of the youth as well as the youth themselves; (4) to clarify that the provision of a national communications system for the purpose of assisting runaway and homeless youth to communicate with their families and with service providers is appropriate under title III; (5) to provide a new authority for the Secretary of Health and Human Services to provide supplemental grants to runaway centers which are developing, in cooperation with juvenile court and welfare personnel, model programs for repeat runners; and (6) to provide a new authority for the provision of on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service and welfare personnel to assist to recognize and provide for learning disabled and other handicapped juveniles.

Section 15(d)(1) amends section 312(a) of the act by clarifying that grantees are to provide for runaway centers rather than runaway houses and to clarify that services provided by title III should be available to other homeless juveniles besides those who have left home without permission of their parents or guardians.

Section 15(d)(2) amends section 312(b) of the act to again clarify that services will be provided through "centers" rather than "houses"

and to clarify that grantees should include in their plans provisions for assuring proper relations with social service and welfare personnel as well as law enforcement personnel.

Section 15(e) amends section 313 of the act to provide that, in considering grant application, priority be given to grants smaller than \$150,000 rather than those smaller than \$100,000 and to provide that priority be given to organizations which have demonstrated experience in the provision of service to runaway and homeless youth and their families rather than to applicants having program budgets smaller than \$150,000.

Section 15(f) amends section 315 of the act to clarify that services will be provided through "centers" rather than "houses."

TECHNICAL AND CONFORMING AMENDMENTS

Section 16(a) amends section 103(5) of the act to conform with amendments proposed by section 6 of these amendments to provide that the term "Administrator" refers to the head of the Office of Juvenile Justice and Delinquency Prevention subsequent to placement of the Office under the general authority of the Attorney General.

Section 16(b)(1) amends section 201(c) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(b)(2) amends section 201(d) to conform with amendments proposed in section 6 of these amendments.

Section 16(b)(3) amends section 201(e) of the act to conform with amendments proposed in section 6 of these amendments to make a technical amendment.

Section 16(b)(4) amends section 201(f) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(c)(1) amends section 202(c) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(c)(2) amends section 202(d) of the act to make a technical amendment.

Section 16(d)(1) amends section 204(d)(1) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(d)(2) amends section 204(g) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(d)(3) amends section 204(i) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(d)(4) amends section 204(k) of the act to change a reference to the Secretary of Health, Education, and Welfare to a reference to the Secretary of Health and Human Services.

Section 16(d)(5) amends section 204(l)(1) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(e) amends section 205 of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(f)(1) amends section 206(a)(1) of the act: (1) to make technical amendments subsequent to the creation of the Department of Education; (2) to add the Director of the Office of Justice Assistance, Research, and Statistics and the Administrator of the Law Enforcement Assistance Administration to the Federal Coordinating Council on Juvenile Justice and Delinquency Prevention to conform with amendments proposed in section 6 of these amendments; (3) to con-

form other parts of section 206(a)(1) to amendments proposed in section 6 of these amendments; and (4) to add the Director of the National Institute of Justice to the Coordinating Council.

Section 16(f)(2) amends section 206(b) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(f)(3) amends section 206(e) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(g)(1) amends section 223(a)(1) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(g)(2) amends section 223(a)(2) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(g)(3) amends section 223(a)(3)(A) of the act to make a technical amendment.

Section 16(g)(4) amends section 223(a)(3)(F) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(g)(5) amends section 223(a)(11) to make a technical amendment.

Section 16(g)(6) amends section 223(a)(12)(B) to conform with amendments proposed in section 6 of these amendments.

Section 16(g)(7) amends section 223(a)(14) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(g)(8) amends section 223(a)(17)(A) to make a technical amendment.

Section 16(g)(9) amends section 223(a)(20) of the act: to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended; to make a technical amendment; and, to conform with amendments proposed in section 6 of these amendments.

Section 16(g)(10) amends section 223(a)(21) of the act to conform to amendments proposed in section 6 of these amendments.

Section 16(g)(11) amends section 223(a) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(g)(12) amends section 223(b) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(g)(13) amends section 223(d) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(h) amends section 224(a)(6) of the act to conform to the establishment of the Department of Education.

Section 16(i) amends section 228(f) as so redesignated in section 11(a) of these amendments, to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(j)(1) amends section 241(b) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(j)(2) amends section 241(c) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(k) amends section 244(3) of the act to make a technical amendment.

Section 16(l) amends section 245 of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(m) amends section 246 of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(n) amends section 248(a) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(o) amends section 249 of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(p)(1) amends section 249 of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(p)(2) amends section 250(b) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(p)(3) amends section 250(c) of the act to make a technical amendment.

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 I—FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

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

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

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

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

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

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

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

[and]

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

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

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

PURPOSE

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

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

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

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

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

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

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

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

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

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

juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

DEFINITIONS

SEC. 103. For purposes of this Act—

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

(2) the term “Federal juvenile delinquency program” means any juvenile delinquency program which is conducted, directly, or indirectly, or is assisted by any Federal department or agency, including any program funded under this Act;

(3) the term “juvenile delinquency program” means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity for neglected, abandoned, or dependent youth and other youth to help prevent delinquency;

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

(4) (A) *the term “Office of Justice Assistance, Research, and Statistics” means the office established by section 801(a) of the Omnibus Crime Control and Safe Streets Act of 1968;*

(B) *the term “Law Enforcement Assistance Administration” means the administration established by section 101 of the Omnibus Crime Control and Safe Streets Act of 1968;*

(C) *the term “National Institute of Justice” means the institute established by section 202(a) of the Omnibus Crime Control and Safe Streets Act of 1968; and*

(D) *the term “Bureau of Justice Statistics” means the bureau established by section 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968;*

(5) the term “Administrator” means the agency head designated by [section 101(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended] *section 201(c)*;

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

programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction;

(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, [and any territory or possession of the United States] *the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands*;

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

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

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

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

[(12) the term "correctional institution or facility" means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses; and]

(12) *the term "secure detention facility" means any public or private residential facility which—*

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any non-offender, or of any other individual accused of having committed a criminal offense:

(13) *the term "secure correctional facility" means any public or private residential facility which—*

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held by lawful custody in such facility; and

(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense;

(14) the term "serious crime" means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony; and

[(13)] (15) the term "treatment" includes but is not limited to medical, educational, *special education*, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public [and benefit the addict or other user by eliminating his dependence on addicting or other drugs or by controlling his dependence, and his], *including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and susceptibility to addiction or use.*

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

ESTABLISHMENT OF OFFICE

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

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

(c) There shall be at the head of the Office an [Associate] Administrator who shall be nominated by the President by and with the advice and consent of the Senate. [The Associate Administrator may be referred to the Administrator of the Office of Juvenile Justice and Delinquency Prevention in connection with the performance of his functions as the head of the Office, except that any reference in this Act to the "Administrator" shall not be construed as a reference to the Associate Administrator.]

(d) The [Associate] Administrator shall exercise all necessary powers, subject to the [direction of the Administrator of the Law Enforcement Assistance Administration] *general authority of the Attorney General*. The [Associate] Administrator is authorized[, subject to the direction of the Administrator,] *to prescribe regulations for, award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under part B and part C of this title. The Administrator of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice may delegate such authority to the [Associate] Administrator of the Office of Juvenile Justice and Delinquency Prevention for all grants and contracts from, and applications for, funds made available under this part*

and funds made available for juvenile justice and delinquency prevention programs under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. [The Associate Administrator shall report directly to the Administrator.]

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

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

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

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

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

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

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

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

VOLUNTARY SERVICE

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

CONCENTRATION OF FEDERAL EFFORTS

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

functions, the Administrator shall consult with the Council and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

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

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

(2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives he establishes;

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

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

(5) develop annually with the assistance of the Advisory Committee and the Coordinating Council and submit to the President and the Congress, after the first year following the date of the enactment of the Juvenile Justice Amendments of 1977, 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 and a brief but precise comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system, which analysis and evaluation shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs; and

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

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

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

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

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

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

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

(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 [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 title.

(k) All functions of the Administrator under this title shall be coordinated as appropriate with the functions of the Secretary of [the Department of Health, Education, and Welfare] *Health and Human Services* under title III of this Act.

(l) (1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program which meets any criterion developed by the

[Associate] Administrator under section 204(d)(1) to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under section 204(f).

(2) Each juvenile delinquency development statement submitted to the Administrator under subsection ("1") shall be submitted in accordance with procedures established by the Administrator under section 204(e) and shall contain such information, data, and analyses as the Administrator may require under section 204(e). Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to him under subsection ("1"). Such development statement, together with the comments of the Administrator, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment.

(m) To carry out the purposes of this section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this title.

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.]** and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration, the Director of the Office of Drug Abuse Policy, **[the Commissioner of the Office of Education,]**

the Director of the ACTION Agency, [the Secretary of Housing and Urban Development,] *the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau,* or their respective designees, *the Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration, the [Associate] Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy [Associate] Administrator of the Institute for Juvenile Justice and Delinquency Prevention, the Director of the National Institute of Justice,* and representatives of such other agencies as the President shall designate.

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

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

(c) The function of the Council shall be to coordinate all Federal juvenile delinquency programs. The Council shall make recommendations to [the Attorney General and] the President, *and to the Congress,* at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities. The Council is authorized to review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of section 223(a)(12)(A) and (13) of this title. *The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.*

(d) The Council shall meet [a minimum of four times per year] *at least quarterly* 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) The [Associate] Administrator [may] *shall,* with the approval of the Council, appoint such personnel or staff support as he considers necessary to carry out the purposes of this title.

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

(g) To carry out the purposes of this section there is authorized to be appropriated such sums as may be necessary, *not to exceed \$500,000 for each fiscal year.*

[ADVISORY COMMITTEE

[SEC. 207. (a) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter

referred to as the "Advisory Committee") which shall consist of twenty-one members.

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

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

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

[DUTIES OF THE ADVISORY COMMITTEE

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

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

[(d) The Chairman shall designate a subcommittee of 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 Associate Administrator on Standards for Juvenile Justice to perform the functions set forth in section 247 of this title.

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

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

[COMPENSATION AND EXPENSES

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

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

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 207. (a) (1) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter in this Act referred to as the "Advisory Committee") which shall consist of 15 members appointed by the President.

(2) Members shall be appointed who 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; representatives of private, voluntary organizations and community-based programs, including youth workers involved with alternative youth programs; and persons with special training or experience in addressing the problems of youth unemployment, school violence and vandalism, and learning disabilities.

(3) At least 5 of the individuals appointed as members of the Advisory Committee shall not have attained 24 years of age on or before the date of their appointment. At least 2 of the individuals so appointed shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system. The Advisory Committee shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

(4) The President shall designate the Chairman from members appointed to the Advisory Committee. No full-time officer or employee of the Federal Government may be appointed as a member of the Advisory Committee, nor may the Chairman be a full-time officer or employee of any State or local government.

(b) (1) *Members appointed by the President shall serve for terms of 3 years. Of the members first appointed, 5 shall be appointed for terms of 1 year, 5 shall be appointed for terms of 2 years, and 5 shall be appointed for terms of 3 years, as designated by the President at the time of appointment. Thereafter, the term of each member shall be 3 years. The initial appointment of members shall be made not later than 90 days after the effective date of this section.*

(2) *Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. The President shall fill a vacancy not later than 90 days after such vacancy occurs. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.*

(c) *The Advisory Committee shall meet at the call of the Chairman, but not less than quarterly. Ten members of the Advisory Committee shall constitute a quorum.*

(d) *The Advisory Committee shall—*

(1) *review and evaluate, on a continuing basis, Federal policies regarding juvenile justice and delinquency prevention and activities affecting juvenile justice and delinquency prevention conducted or assisted by all Federal agencies;*

(2) *advise the Administrator with respect to particular functions or aspects of the work of the Office;*

(3) *advise, consult with, and make recommendations to the National Institute of Justice and the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of each such Institute regarding juvenile justice and delinquency prevention research, evaluations, and training provided by each such Institute; and*

(4) *make refinements in recommended standards for the administration of juvenile justice at the Federal, State, and local levels which have been reviewed under section 247, and recommend Federal, State, and local action to facilitate the adoption of such standards throughout the United States.*

(e) *Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary or appropriate.*

(f) *The Advisory Committee shall have staff personnel, appointed by the Chairman with the approval of the Advisory Committee, to assist it in carrying out its activities. The head of each Federal agency shall make available to the Advisory Committee such information and other assistance as it may require to carry out its activities. The Advisory Committee shall not have any authority to procure any temporary or intermittent services of any personnel under section 3109 of title 5, United States Code, or under any other provision of law.*

(g) (1) *Members of the Advisory Committee shall, while serving on business of the Advisory Committee, be entitled to receive compensation at a rate not to exceed the daily rate specified for Grade*

GS-18 of the General Schedule in section 5332 of title 5, United States Code, including travel time.

(2) Members of the Advisory Committee, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

(h) To carry out the purposes of this section, there is authorized to be appropriated such sums as may be necessary, not to exceed \$500,000 for each fiscal year.

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

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated [in a manner equitable and consistent with the purpose of this part] *in an equitable manner to the States which are determined by the Administrator to be in compliance with the requirements of section 223(a)(12)(A) and section 223(a)(13) for use by such States in a manner consistent with the purposes of section 223(a)(10)(H).* Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.

(c) In accordance with regulations promulgated under this part, a portion of any allotment to any State under this part shall be available to develop a State plan or for other pre-award activities associated with such State plan, and to pay that portion of the expenditures which are necessary for efficient administration, including monitoring and evaluation. Not more than 7½ per centum of the total annual allotment of such State shall be available for such purposes, except that

any amount expended or obligated by such State, or by units of general local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State, or by such units or combinations, from State or local funds, as the case may be. The State shall make available needed funds for planning and administration to units of general local government or combinations thereof within the State on an equitable basis.

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

STATE PLANS

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

(1) designate the State [planning agency] *criminal justice council* established by the State under section [203 of such title I] *402(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968* 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] *criminal justice council*") has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

(3) provide for an advisory group appointed by the chief executive of the State to carry out the functions specified in subparagraph (F), and to participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action and (A) which shall consist of not less than [twenty-one] *15* and not more than [thirty-three] *33* 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 *locally elected officials*, representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, *special education*, or youth services departments, (C)

which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; business groups and businesses employing youth, youth workers involved with alternative youth programs, and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities; and organizations which represent employees affected by this Act, (D) a majority of whose members (including the chairman) shall not be full-time employees of the Federal, State, or local government, (E) at least **[one-third]** *one-fifth* of whose members shall be under the age of **[twenty-six]** *24* at the time of appointment, *and* at least **[three of whom]** *3 of whose members* shall have been or shall currently be under the jurisdiction of the juvenile justice system; and (F) which (i) shall, consistent with this title, advise the State **[planning agency]** *criminal justice council* and its supervisory board; **[**(ii) may advise the Governor and the legislature on matters related to its functions, as requested:**]** *(ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12) (A) and paragraph (13);* (iii) shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State **[planning agency other than those subject to review by the State's judicial planning committee established pursuant to section 203 (c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended]** *criminal justice council*, except that any such review and comment shall be made no later than 30 days after the submission of any such application to the advisory group; **[and]** (iv) may be given a role in monitoring State compliance with the requirements of paragraph (12) (A) and paragraph (13), in advising on State **[planning agency and regional planning unit supervisory]** *criminal justice council and local criminal justice advisory board* composition, in advising on the State's maintenance of effort under **[section 261 (b) and section 502 (b)]** *section 1002* of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and in review of the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive State plan; *and* (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;

(4) provide for the active consultation with and participation of 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, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;

(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least $66\frac{2}{3}$ per centum of funds received by the State under section 222, other than funds made available to the State advisory group under section 222(e), shall be expended through—

(A) programs of units of general local government or combinations thereof, to the extent such programs are consistent with the State plan: and

(B) programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of general local government or combination thereof;

(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;]

(8) provide for (A) an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs within the relevant jurisdiction, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;

(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, other than funds made available to the State advisory group under section 222(e), whether expended directly by the State, by the unit of general local government or combination thereof, or through grants and contracts with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to provide community-based alternatives to [juvenile detention and correctional facilities] *confinement in secure detention facilities and secure correctional facilities*, to encourage a diversity of alternatives within the juvenile justice system, [and] to establish and adopt juvenile justice standards, *and to provide programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation.* These advanced techniques include—

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

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

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

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

(E) educational programs or supportive services designed to [keep delinquents and to] encourage *delinquent youth and other youth to remain in elementary and secondary schools or in alternative learning situations;*

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

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

[(H) provide 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, 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;]

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

(i) remove juveniles from jails and lockups for adults;

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

(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State; or

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

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

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

(J) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members;

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

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

(B) provide that the State shall submit annual reports to the [Associate] Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles

described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities which (i) are the least restrictive alternatives appropriate to the needs of the child and the community; (ii) are in reasonable proximity to the family and the home communities of such juveniles; and (iii) 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 paragraph (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 that, beginning after the 5-year period following the date of the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lock-up for adults;

[(14)] (15) provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of paragraph (12) (A) [and], paragraph (13), and paragraph (14) are met, and for annual reporting of the results of such monitoring to the [Associate] Administrator, *except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12) (A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;*

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

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

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

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

(B) the continuation of collective-bargaining rights;

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

(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any

program funded in whole or in part under provisions of this Act;

(E) training or retraining programs.

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

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

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

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

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

Such plan may at the discretion of the Administrator be incorporated into the plan specified in [303(a)] *section 403* of the Omnibus Crime Control and Safe Streets Act. *Such plan shall be modified by the State, as soon as practicable after the date of the enactment of the Juvenile Justice Amendments of 1980, in order to comply with the requirements of paragraph (14).*

(b) The State [planning agency] *criminal justice council* designated pursuant to section 223(a), after 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) (A) 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 *or through removal of 100 percent of such juveniles from secure correctional facilities*, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two additional years. *Failure to achieve compliance with the requirements of subsection (a) (14) within the 5-year time limitation shall terminate any State's eligibility for funding under this subpart, unless the Administrator determines that (1) the State is in substantial compliance*

with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 2 additional years.

(d) In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections [509, 510, and 511] 803, 804, and 805 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 subsection [224] (a) (10) (II). The Administrator shall [endeavor to] make such reallocated funds available on [a preferential] *an equitable* basis [to] programs in nonparticipating States under section 224(a) (2) and [to those States that have achieved [substantial or] full compliance with the [subsection (a) (12) (A) requirement within the initial three years of participation or have achieved full compliance within a reasonable time thereafter as provided by subsection (c)] *requirements under subsection (a) (12) (A) and subsection (a) (13).*

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 other youth to help prevent delinquency;

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

(5) *develop statewide programs through the use of subsidies or other financial incentives designed to—*

(A) *remove juveniles from jails and lock-ups for adults;*

(B) *replicate juvenile programs designated as exemplary by the National Institute of Justice; or*

(C) *establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;*

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

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

(8) develop, implement, and support, in conjunction with the Secretary 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;

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

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

(b) Twenty-five per centum of the funds appropriated for each fiscal year pursuant to this part shall be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section.

(c) At least 30 per centum of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts to private nonprofit agencies, organizations, or institutions who have had experience in dealing with youth.

(d) *Assistance provided pursuant to this section shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.*

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

SEC. 225. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under section 224, shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

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

(1) provide that the program for which assistance is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out one or more of the purposes set forth in section 224;

(3) provide for the proper and efficient administration of such program;

(4) provide for regular evaluation of the program;

(5) indicate that the applicant has requested the review of the application from the State planning agency and local agency designated in section 223, when appropriate, and indicate the response of such agency to the request for review and comment on the application;

(6) provide that regular reports on the program shall be sent to the Administrator and to the State planning agency and local agency, when appropriate;

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

(8) indicate the response of the State agency or the local agency to the request for review and comment on the application.

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

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

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

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

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

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

(6) the extent to which the proposed program facilitates the implementation of the recommendations of the Advisory Committee as set forth pursuant to section 247; and

(7) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than forty thousand, located within States which have no city with a population over two hundred and fifty thousand.

(d) No city should be denied an application solely on the basis of its population.

GENERAL PROVISIONS

Withholding

SEC. 226. Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds—

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

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Administrator shall initiate such proceedings as are appropriate.

USE OF FUNDS

SEC. 227. (a) Funds paid pursuant to this title to any 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) 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 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)] (b) Whenever the Administrator determines that it will contribute to the purposes of part A or part C he may require the recipient of any grant or contract to contribute money, facilities, or services.

[(d)] (c) 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)] (d) Except as provided in the second sentence of section 222 (c), financial assistance extended under the provisions of this title shall be 100 per centum of the approved costs of any program or activity.

[(f)] (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 any liability on Indian tribes, the Administrator is authorized to waive State liability and may pursue such legal remedies as are necessary.

[(g)] (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 *subpart II* of this part for that fiscal year will not be required by the applicant or will become avail-

able by virtue of the application of the provisions of section [509] 330 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, that portion shall be available for reallocation *in an equitable manner to States which have complied with the requirements in section 223(a)(12)(A) and section 223(a)(13), under section 224(a)(5) [under section 224]* of this title.

CONFIDENTIALITY OF PROGRAM RECORDS

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

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 241. (a) There is hereby established within the Juvenile Justice and Delinquency Prevention Office a National Institute for Juvenile Justice and Delinquency Prevention.

(b) The National Institute for Juvenile Justice and Delinquency Prevention shall be under the supervision and direction of the [Associate] Administrator, and shall be headed by a Deputy [Associate] Administrator of the Office appointed under section 201(f).

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

(d) It shall be the purpose of the Institute to provide a coordinating center for the collection, preparation, and dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local law enforcement officers, teachers, and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation personnel, correctional personnel and other persons, including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations, connected with the treatment and control of juvenile offenders.

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

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

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

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

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

(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently; and

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

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

INFORMATION FUNCTION

SEC. 242. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency;

(2) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 243. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

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

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

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

(4) provide for the evaluation of any other Federal, State, or local juvenile delinquency program, upon the request of the Associate Administrator;

(5) prepare, in cooperation with educational institutions, Federal, State, and local agencies, and appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and related matters, including recommendations designed to promote effective prevention and treatment, such as assessments regarding the role of family violence, sexual abuse or exploitation and media violence in delinquency, the improper handling of youth placed in one State by another State, the possible ameliorating roles of recreation and the arts, and the extent to which youth in the juvenile system are treated differently on the basis of sex and the ramifications of such practices;

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

(7) disseminate pertinent data and studies (including a periodic journal) to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency.

TRAINING FUNCTIONS

SEC. 244. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are or who are preparing to work with juveniles and juvenile offenders;

(2) develop, conduct, and provide for seminars, workshop, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

(3) devise and conduct a training program, in accordance with the provisions of sections [249, 250, and 251,] 248, 249, 250, of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations) connected with the prevention and treatment of juvenile delinquency; and

(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work directly with juveniles and juvenile offenders.

INSTITUTE ADVISORY COMMITTEE

SEC. 245. The Advisory Committee 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 [Associate] Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the [Associate] Administrator after the first year the legislation is enacted, prior to 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 [Associate] Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 204(b) (5).

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

SEC. 247. (a) The National Institute for Juvenile Justice and Delinquency Prevention, under the supervision of the Advisory Committee, shall review existing reports, data, and standards, relating to the juvenile justice system in the United States.

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

- (1) recommends Federal action, including but not limited to administrative and legislative action, required to facilitate the adoption of these standards throughout the United States; and
- (2) recommends State and local action to facilitate the adoption of these standards for juvenile justice at the State and local level.

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

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

ESTABLISHMENT OF TRAINING PROGRAM

SEC. 248. (a) The [Associate] Administrator shall establish within the Institute a training program designed to train enrollees with re-

spect to methods and techniques for the prevention and treatment of juvenile delinquency. In carrying out this program the [Associate] Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like.

(b) Enrollees in the training program established under this section shall be drawn from correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations) connected with the prevention and treatment of juvenile delinquency.

CURRICULUM FOR TRAINING PROGRAM

SEC. 249. The [Associate] Administrator shall design and supervise a curriculum for the training program established by section 248 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program.

ENROLLMENT FOR TRAINING PROGRAM

SEC. 250. (a) Any person seeking to enroll in the training program established under section 248 shall transmit an application to the [Associate] Administrator, in such form and according to such procedures as the [Associate] Administrator may prescribe.

(b) The [Associate] Administrator shall make the final determination with respect to the admittance of any person to the training program. The [Associate] Administrator, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in section 248(b).

(c) While studying at the Institute and while traveling in connection with his study (including authorized field trips), each person enrolled in the Institute shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703[(b)] of title 5, United States Code.

PART D—ADMINISTRATIVE PROVISIONS

SEC. 261. (a) To carry out the purposes of this title there is authorized to be appropriated [\$150,000,000 for the fiscal year ending September 30, 1978, \$175,000,000 for the fiscal year ending September 30, 1979, and] \$200,000,000 [for the fiscal year ending September 30, 1980.] *for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984.* 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.

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.]

SEC. 262. (a) The administrative provisions of sections 802(a), 802(c), 803, 804, 805, 806, 807, 810, 812, 813, 814(a), 815(c), 817(a), 817(b), 817(c), 818(a), 818(b), and 818(d) of the Omnibus Crime Control and Safe Streets Act of 1968 are incorporated in this Act as administrative provisions applicable to this Act. References in the cited sections authorizing action by the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics also shall be construed as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same action.

(b) The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968.

EFFECTIVE CLAUSE

SEC. 263. (a) Except as provided by 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) Except as otherwise provided by the Juvenile Justice Amendments of 1977, the amendments made by the Juvenile Justice Amendments of 1977 shall take effect on October 1, 1977.

TITLE III—RUNAWAY AND HOMELESS YOUTH

SHORT TITLE

SEC. 301. This title may be cited as the "Runaway and Homeless Youth Act".

FINDINGS

SEC. 302. The Congress hereby finds that—

(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming pro-

portions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;

(2) the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

(3) many such young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

(4) the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; and

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure.

RULES

SEC. 303. The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") may prescribe such rules as he considers necessary or appropriate to carry out the purposes of this title.

PART A—GRANTS PROGRAM

PURPOSES OF GRANT PROGRAM

SEC. 311. (a) The Secretary is authorized to make grants and to provide technical assistance and short-term training to States, 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 *equitably among the States based upon their respective populations of youth under 18 years of age* for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth or otherwise homeless youth, *and their families*, 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 such youth in the community and the existing availability of services. *Grants also may be made for the provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers.* Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with such youth.

(b) *The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication.*

(c) *The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles.*

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] center, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians or to other homeless juveniles.

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

(1) shall be located in an area which is demonstrably frequented by or easily reachable by runaway youth;

(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient portion to assure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the child's parents or relatives (if such action is required by State law) and assuring the safe return of the child according to the best interests of the child, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway [house] center, and for providing for other appropriate alternative living arrangements;

(4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, social service personnel, and welfare personnel, and the return of runaway youths from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway youth and their parents within the State in which the runaway [house] center is located and for assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway [house] center 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 the consent of the individual youth and parent or legal guardian to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway youths;

(7) shall submit annual reports to the Secretary detailing how the [house] center has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

(9) shall submit a budget estimate with respect to the plan submitted by such [house] center under this subsection; and

(10) shall supply such other information as the Secretary reasonably deems necessary.

APPROVAL BY SECRETARY

SEC. 313. An application by a State, locality, or nonprofit private agency for a grant under this part may be approved by the Secretary only if it is consistent with the applicable provisions of this part and meets the requirements set forth in section 312. Priority shall be given to grants smaller than **[\$100,000]** *\$150,000*. In considering grant applications under this part, priority shall be given to **[any applicant whose program budget is smaller than \$150,000]** *organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families.*

GRANTS TO PRIVATE AGENCIES, STAFFING

SEC. 314. Nothing in this part shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other respects meet the requirements of this part and agree to be legally responsible for the operation of the runaway house. Nothing in this part shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds.

REPORTS

SEC. 315. The Secretary shall annually report to the Congress on the status and accomplishments of the runaway **[houses]** *centers* which are funded under this part, with particular attention to—

- (1) their effectiveness in alleviating the problems of runaway youth;
- (2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;
- (3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and
- (4) their effectiveness in helping youth decide upon a future course of action.

FEDERAL SHARE

SEC. 316 (a) The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary, including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

PART B—RECORDS

RECORDS

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

PART C—REORGANIZATION

REORGANIZATION PLAN

SEC. 331. (a) After April 30, 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 the 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 the establishment of an Office of Youth Assistance which shall be the principal agency for purposes of carrying out this title and which shall be established—

(A) within the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice; or

(B) within the ACTION Agency;

(2) that the transfer authorized by paragraph (1) shall be effective 30 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 this title, shall be transferred to the Office of Youth Assistance within the Office of Juvenile Justice and Delinquency Prevention or within the ACTION Agency, as the case may be, 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 Health, Education, and Welfare, his designee, or any other person under the authority of this title which are in force on the effective date of such plan, and for which there is continuing authority under the provisions of this title, shall continue in full force and effect until modified, superseded, or revoked by the Associate Administrator for the Office of Juvenile Justice and Delinquency Prevention or by the Director of the ACTION Agency, as the case may be, 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 the Office of Juvenile Justice and Delinquency Prevention or within the ACTION Agency, as the case may be, as appropriate.

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 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, and for each of the fiscal years ending September 30, 1978, 1979, and 1980] *September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984*, the sum of \$25,000,000.

(b) The Secretary (through the Office of Youth Development which shall administer this title) 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 title with those related programs and activities funded under title II of this Act and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

SUPPLEMENTAL VIEWS

The goal of the Juvenile Justice and Delinquency Prevention Act has been, among other purposes, to encourage participating states and the juvenile justice system within those states to remove status and nonoffenders from secure detention and correctional facilities. We share this important goal, but do not believe the mandate should be so inflexible as to preclude the courts from making rational dispositions. The current Act requires states who wish to continue to participate in JJDP programs to remove all status and nonoffenders from secure detention and correctional facilities within five years after the acceptance of their initial state plan. This mandate excessively limits the courts' ability to respond to status offenders who chronically and habitually refuse to accept voluntary treatment recommended by the court.

During Full Committee consideration, a provision of the bill was removed which provides juvenile courts with the flexibility needed to respond to the problems of juveniles who chronically refuse voluntary treatment. This provision, which the Subcommittee had adopted amended section 223(a)(12)(A) to enable juvenile courts to place status and nonoffenders in secure detention and correctional facilities only if they were found "in violation of a valid court order."

We believe the amendment prudently deals with the real world problem of chronic and habitual status offenders. The experience of any juvenile court will show that chronic or habitual status offenders regularly come before these courts and are regularly released to repeat the very same offense; and the current provision of the Juvenile Justice Amendments leave juvenile justices with virtually no option to prevent this situation. The current Act implies that juveniles who are status offenders by definition are better able to make decisions regarding their own best interest than the court. We believe it is dangerous and poor policy to remove such juveniles from the authority of the juvenile court not only because it results in less effective treatment for such youth but allows such youth to continually flout the legal system. As Judge John R. Milligan of Ohio queried of the Human Resources Subcommittee with respect to this absurdity:

"Does Congress intend that every child have the ultimate right, at any age, to decide for himself whether he will (1) continue to run away from home; (2) go to school; (3) consume alcohol; or (4) violate legitimate court orders?"

The irony is that in order to restrain chronic status offenders, prosecutors have begun to push for more serious charges in order to bring the juveniles within the courts authority.

The Subcommittee on Human Resources agreed with Judge Milligan that the court needed discretion to deal with chronic status offenders and adopted this amendment which allows the court such discretion *only* if such youth violate a valid court order.

We believe the provision contains numerous safeguards:

(1) In order to be in violation of a valid court order, a juvenile must first have been brought into court and be made subject to a court order. Thus, no first time status offenders could be incarcerated under the provision. The juvenile in question would have

received adequate and fair warning of the consequences of violation of the order at the time it was issued.

(2) The use of "valid" permits the incarceration of juveniles only if they have received their full due process rights. These rights have been specifically enumerated by the Supreme Court in *in re Gault* as follows:

(i) the right to have the charges against the juvenile in writing, served upon him a reasonable time before the hearing;

(ii) the right to a hearing before a court;

(iii) the right to an explanation of the nature and consequences of the proceedings;

(iv) the right to legal counsel, and the right to have such counsel appointed by the court if indigent;

(v) the right to confront witnesses;

(vi) the right to present witnesses;

(vii) the right to have a transcript or record of the proceedings; and

(viii) the right of appeal to an appropriate court.

(3) The purpose of the Juvenile Justice and Delinquency Prevention Act is to discourage the placement of juveniles in secure facilities unless there is no rational alternative to incarceration. We believe the intent of the Act is to provide sufficient resources and incentives to insure that rational alternatives are available and that there would be few if any instances where juvenile status offenders or nonoffenders would be incarcerated.

But from the start the amendment has been misrepresented. The Office of Juvenile Justice and Delinquency Prevention, for example, described the effect of this amendment as negating "six years of progress in assuring that status offenders and nonoffenders are not treated like criminal offenders by the justice system." Others have gone so far as to infer that this provision would result in dictatorial judges throwing young people into prison cells for no just cause.

Apparently opponents of the amendment do not believe that there are juveniles who habitually ignore or refuse to accept voluntary treatment recommended by the courts. Nor do they believe that judges have the capability to make well-balanced and thoughtful decisions regarding such youth. They would rather leave the court with no option to deal with chronic status offenders rather than provide them with discretion in certain cases.

We disagree. This provision responds fairly to the problem of incorrigible juveniles remaining beyond the authority of the judicial system until they commit a more serious offense. Current law is an obstacle to appropriate treatment of such juveniles. We believe that this amendment must be reoffered on the House Floor and accepted if the Juvenile Justice and Delinquency Prevention Act is to truly carry out its mandate.

JUVENILE JUSTICE AMENDMENTS

J. M. ASHBROOK.

TOM COLEMAN.

DAN CRANE.

JOHN N. ERLNBORN.

KEN KRAMER.

THOMAS J. TAUKE.

JON HINSON.

INDIVIDUAL MINORITY VIEWS BY HON. KEN KRAMER

During Full Committee consideration of the Juvenile Justice and Delinquency Prevention Act I offered a series of amendments to the youth advocacy initiatives section of the bill which would have prohibited the direct or indirect use of federal funds to lobby Congress, State or local legislative bodies, regulatory agencies, or to subsidize court suits on behalf of youth.

These amendments were offered in the belief that it is improper to use federal funds to subsidize communication designed to bring about system change advocated by some groups with tax funds collected from all our citizens.

I believe we must question whether or not we will continue to allow federal funds to be used in this manner to support one group's position over and above that of another, especially where the group's objective using these federal dollars is to bring about legislative change so that the philosophy of a few can be used as a tool of social change to disrupt the established laws and social justice systems established by the majority.

I do not believe this was the will, or wish of the 95th Congress when it enacted the youth advocacy programs. Yet, inaction on the part of the 96th Congress may well lead to such a result if H.R. 6704 is not amended to prohibit the use of youth advocacy grant funds for lobbying.

The 95th Congress authorized youth advocacy initiatives as "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." Yet, the \$12.1 million in youth advocacy grant dollars the Office of Juvenile Justice is presently in the process of awarding to 20 out of 184 hopeful youth advocacy applicants will be going to grantees who have complied with the youth advocacy guidelines promulgated by the agency. On page 1, these 1979 October Guidelines say grant program objectives shall be "specific system reforms at the state and local levels leading to a greater availability and better quality of services to youth by juvenile justice, education and social service agencies and institutions." On page two of the guidelines the guidelines state that the targets of these program objectives shall be the "statutes, regulations, policies and practices of the juvenile justice system, education system and social service system, which are insensitive or detrimental to the needs and best interests of youth."

As the Office of Juvenile Justice is accepting national as well as state and local grant applications, one can only conclude that if national grants are awarded, they must meet these guideline criteria of system reform. This inference seems substantiated by the only section in the guidelines which refers to national youth advocacy. Under a section entitled "Recent Examples of Youth Advocacy", the national youth advocacy section states, in pertinent part:

“National groups engage in educational efforts directed at the formation of federal, legislative and administrative policy and programs. They share their views with individual members of Congress and their staff members, Congressional Committees, and Executive Branch officials and staff members. To build grass roots support, they communicate their views to their constituencies through newsletters, publications, conferences and the mass media.

Most of these groups are concerned with reform of the systems that serve young people: education, juvenile justice, employment and welfare, health and shelter. Their research publications document the inadequacies of these systems presently and point to options and alternatives for improvement. Their hope is that the general public, legislators, and administrators will be influenced to call for fundamental change in youth serving systems.” (October 1979 Youth Advocacy Guidelines at page 14-15)

Since 18 U.S.C. Sec. 1913 prohibits the use of federally appropriated funds to lobby Congress, one can only wonder how compliance with this statute can be met where national youth advocacy grantees are concerned. As the stated targets of youth advocacy grants are the “statutes, regulations, policies and practices of the juvenile justice system, educational system, and the social service system,” if the objectives of national youth advocacy grants are to bring about system change at the national level of government, then clearly the objectives of such grants conflict with a federally prohibited activity.

The use of federal funds to lobby is prohibited by 18 U.S.C. Sec. 1913 whether direct, or indirect, whether a personal service, advertisement, telegram, telephone, letter, printed or written matter, or any other device intended or designed to influence in any manner a Member of Congress. Moreover, this statute has been interpreted to prohibit the use of federal funds by an agency which funds a grant or contract when the grantee or contractee uses the funds for propaganda or lobbying activities that imply government sponsorship or endorsement. In these cases the agency has an affirmative responsibility to prevent the use of such funds in this manner in the future. (See letter opinion of the Comptroller General of the U.S. B-128939, July 12, 1976.)

Since it is clear from 18 U.S.C. Sec. 1913 that youth advocacy grantees may not lobby Congress with their grant funds, then the question becomes whether or not the use of youth advocacy grant funds to lobby state legislatures or local legislative bodies or regulatory agencies is appropriate. They, unlike Congress, are not protected by law or statute from the use of federal funds in this manner.

I believe the answer is clear. Since State and local elected officials operate under the same pressures as Members of Congress, they should not be any more subject to the influence of federal funds being used to bring about change through confrontation politics than Members of Congress.

We should not allow tax dollars to be used to lobby for change at the state and local levels of government. Such policy has been determined by state and local elected officials who reflect the wills of their constituencies. Using federal dollars as a tool of change in this manner is using it as a tool against the taxpayers who contributed those dollars. If reform of the juvenile justice system comes, it should

evolve as a result of the ebb and tug of day to day business within our legislatures. Youth advocacy programs should educate, and inform, and suggest, nothing more. Therefore, as a matter of policy, the prohibitions of 18 U.S.C. Sec. 1913 prohibiting the use of federal funds to lobby Congress should apply to State and local legislative bodies, and regulatory agencies as well. The rationale which precludes the use of funds to lobby Congress should apply with equal force to these bodies.

Finally, the focus of youth advocacy programs should be on the improvement of services. Radical system change brought about in the courts through the use of federal tax dollars can be just as damaging as the use of such funds for lobbying. If litigation is required, then the proper proponent of this litigation is the Department of Justice, not nongovernmental grantee vigilantees. This is an improper use of federal grant dollars, and should be specifically disallowed in the statute.

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