

## JUVENILE DELINQUENCY PREVENTION ACT OF 1974

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

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

### REPORT

together with

### SUPPLEMENTAL AND MINORITY VIEWS

[To accompany H.R. 15276]

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

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

#### INTRODUCTION

##### PURPOSE

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

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

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

#### SUMMARY OF THE MAJOR PROVISIONS OF THE BILL

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

Specifically, the bill provides for:

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

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

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

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

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

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

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

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

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

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

#### LEGISLATIVE BACKGROUND

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

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

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

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

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

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

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

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

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

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

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

## COMMITTEE ACTION

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

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

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

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

## COST ESTIMATE

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

## ADMINISTRATION

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

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

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

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

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

#### REPORT REQUIREMENTS

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

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

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

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

#### JUVENILE DELINQUENCY DEVELOPMENT STATEMENT

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

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

#### ALLOCATION BY FORMULA

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

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

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

#### STATE PLAN AND SUPERVISION

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

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

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

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

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

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

(A) *community-based programs and services for the prevention and treatment of juvenile delinquency* through the development of foster-care and shelter-care homes, group homes, half-way houses, homemaker and home health services and any other designated community-based diagnostic, treatment, or rehabilitative service;

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

(C) *youth service bureaus* and other community-based programs (which utilize youth, volunteers, and paraprofessionals) to divert youth from the juvenile court or to support, counsel, or provide work and recreational opportunities for delinquents and youth in danger of becoming delinquent;



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

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

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

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

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

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

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

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

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

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

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

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

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

#### SPECIAL EMPHASIS, PREVENTION AND TREATMENT PROGRAM

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

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

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

#### INSTITUTE FOR CONTINUING STUDIES OF THE PREVENTION OF JUVENILE DELINQUENCY

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

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

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

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

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

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

#### RUNAWAY YOUTH ACT

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

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

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

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

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

#### COORDINATING COUNCIL ON JUVENILE DELINQUENCY PREVENTION

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

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

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

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

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

## AUTHORIZATION OF APPROPRIATION

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

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

## SECTION-BY-SECTION SUMMARY

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

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

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

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

Sec. 4. *Definitions.*—This section defines the terms used in this Act.

The term "community-based" is defined to mean a small home or other suitable place near a juvenile's home, and programs of community supervision and service which maintain community participation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## TITLE I—JUVENILE DELINQUENCY PREVENTION ADMINISTRATION

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

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

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

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

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

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

## TITLE II—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

### PART A—GRANT PROGRAMS

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

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

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

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

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

#### PART B—GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

#### TITLE IV—RUNAWAY YOUTH ACT

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

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

#### PART A—GRANT PROGRAM

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

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

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

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

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

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

#### PART B—STATISTICAL SURVEY

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

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

#### TITLE V—COORDINATING COUNCIL ON JUVENILE DELINQUENCY PREVENTION

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

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

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

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

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

## TITLE VI—GENERAL PROVISIONS

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

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

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

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



## SUPPLEMENTAL VIEWS BY ALBERT H. QUIE

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

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

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

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

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

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

4. In 1971 the Congress passed a one year extension of the HEW legislation. The Education and Labor Committee noted in its report that a further extension of the Act could not be justified unless HEW showed a marked improvement in its efforts to provide national leadership in dealing with problems of juvenile delinquency. In 1972 the Congress extended the legislation again but only after a commitment was given by HEW to the Committee to remove the ineffective head of the HEW program. LEAA, on the other hand, has had no such problems in implementing its program nor dealing with the Congress.

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

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

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

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

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

ALBERT H. QUITE.

## MINORITY VIEWS ON H.R. 15276

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

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

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

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

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

EARL F. LANDGREBE.

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