

JUVENILE JUSTICE AND DELINQUENCY  
PREVENTION ACT AMENDMENTS OF 1980

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REPORT

OF THE

COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE

ON

S. 2441



MAY 14 (legislative day, JANUARY 3), 1980.—Ordered to be printed

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[96th Congress]

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# CONTENTS

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	Page
Committee amendment.....	1
Purpose of amendment.....	5
Legislation considered by the committee.....	6
Senator Dole's proposal, S. 2434.....	6
Senator Bayh's proposal, S. 2441.....	6
Carter administration proposal, S. 2442.....	6
Explanation of committee amendment.....	6
Conclusion.....	8
Cost estimate.....	9
Regulatory impact.....	10
Committee action.....	10
Section-by-section analysis.....	10
Changes in existing law.....	12

(III)



## JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AMENDMENTS OF 1980

MAY 14 (legislative day, JANUARY 3), 1980.—Ordered to be printed

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

### REPORT

[To accompany S. 2441]

The Committee on the Judiciary, to which was referred the bill (S. 2441) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill as amended do pass.

#### COMMITTEE AMENDMENT

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

##### SHORT TITLE

SECTION 1. This Act shall be cited as the "Juvenile Justice and Delinquency Prevention Act Amendments of 1980".

#### TITLE I—AMENDMENTS TO TITLE I OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 101. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended—

- (1) by striking out "and" immediately after the semicolon in paragraph (6);
- (2) by striking out the period at the end of paragraph (7) and inserting a semicolon and "and"; and
- (3) by adding at the end thereof the following:

"(8) the justice system should give additional attention to violent crimes committed by juveniles, particularly to the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation."

SEC. 102. (a) Paragraph 5 of section 103 of that Act is amended to read as follows:

"(5) the term "Administrator" means the agency head designated by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended;"

(b) Section 103(7) of that Act is amended by inserting after "Pacific Islands" the following: "the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands,".

(c) Section 103(9) of that Act is amended by striking out "law enforcement" and inserting "juvenile justice".

(d) Section 103(1) of that Act is amended by inserting "special educational," immediately before "vocational".

(e) Section 103(12) of that Act is amended by striking out "and" immediately after the semicolon.

(f) Section 103(13) of that Act is amended—

(1) by inserting "special educational," immediately before "social"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and"

(g) Section 103 of that Act is amended by adding at the end thereof the following:

"(14) The term 'handicapping conditions' means the conditions described in the definition of the term 'handicapped children' in section 602(1) of the Education of the Handicapped Act (20 U.S.C. 1401)."

## TITLE II—AMENDMENTS TO TITLE II OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 201. (a) Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended to read as follows:

"Sec. 201. (a) There is hereby established within the Department of Justice under the general authority of the Administrator of the Law Enforcement Assistance Administration, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the 'Office'). The Office shall be under the direction of an Administrator, who shall be nominated by the President by and with the advice and consent of the Senate. The Administrator shall administer the provisions of this Act through the Office. The Administrator shall have final authority to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants, cooperative agreements and contracts from, and applications for, funds made available under this title.

"(b) The Administrator may prescribe, in accordance with section 553 of title 5, United States Code, such rules and regulations as are necessary or appropriate to carry out the purposes of this title."

(b) Section "201(e)" of that Act is renumbered "201(c)" and amended by striking out "of the Law Enforcement Assistance Administration".

(c) Section "201(f)" of that Act is renumbered "201(d)".

(d) A new subsection "(e)" is added to read as follows:

"(e) There shall be established in the Office a Legal Advisor who shall be appointed by the Administrator whose function shall be to supervise and direct the Legal Advisor Unit whose responsibilities shall include legal policy development, implementation, and dissemination and the coordination of such matters with all relevant departmental units. The Legal Advisor, when appropriate, shall consult with the Law Enforcement Assistance Administration and the Office of Justice Assistance, Research, and Statistics on legal nonpolicy matters relating to the provisions of this Act."

(e) Section "201(g)" of that Act is renumbered "201(f)" and amended by striking out "-five" and inserting "-six".

(f) New subsections "(g)" and "(h)" are added to read as follows:

"(g) The Administrator shall provide the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor with a detailed evaluation of the Rahway Juvenile Awareness Project, the so-called 'Scared-Straight' program or other similar programs, no later than June 30, 1981".

"(h) The Administrator, in cooperation with the Director of the Bureau of Indian Affairs, shall conduct a study of juvenile justice and delinquency prevention policies, programs, and practices affecting native Americans and shall report on the results of that study to the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor no later than December 31, 1981. Such report shall contain recommendations regarding actions which should be taken, including suggested legislation, and shall address, at a minimum, the nature and quality of juvenile programs on Indian reservations, the impact of Federal Government

activities on such programs, the consistency of ongoing efforts with the objectives of the Juvenile Justice and Delinquency Prevention Act, and the juvenile justice relationships between Indian tribes and contiguous units of local government.”.

SEC. 202. (a) Section 204(b) of that Act is amended by striking out “, with the assistance of Associate Administrator,”.

(b) Section 204(g) of that Act is amended by striking out “Administration” and inserting “Office”.

SEC. 203. Section 207(c) of that Act is amended by inserting “and other handicapping conditions” immediately after “learning disabilities”.

SEC. 204. Section 208(d) of that Act is amended by striking out “Corrections” and inserting “Justice”.

SEC. 205. (a) Section 222(a) of that Act is amended by striking the last “and” and inserting immediately after “Pacific Islands” the following: “, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States,”.

(b) Section 222(b) of that Act is amended by striking out “the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands” and inserting “as defined in section 103(7),”.

SEC. 206. (a) Section 223(a) of that Act is amended to read as follows:

“(a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes in accordance with regulations established under this title, such plan must—”.

(b) Section 223(a)(3)(iii) of that Act is amended by striking out “established pursuant to section 203(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended”.

(c) Section 223(a)(3)(iv) of that Act is amended by striking out “section 520(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended,” and inserting “section 1002 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended,”.

(d) Section 223(a)(3)(B) of that Act is amended by inserting “special education,” immediately before “or youth services departments”.

(e) Section 223(a)(3)(C) of that Act is amended—

(1) by inserting “special education” immediately before “or social services for children”; and

(2) by inserting “and other handicapping conditions” immediately after “learning disabilities”.

(f) Section 223(a)(15) of that Act is amended by striking out “mentally retarded and emotionally or physically”.

(g) Section 223(a) of that Act is amended by striking out the last sentence.

(h) Section 223(c) of that Act is amended by striking out “, with the concurrence of the Associate Administrator,”.

(i) Section 223(d) of that Act is amended by striking out “, in accordance with sections 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968,”.

SEC. 207. Section 224(a)(11) of that Act is amended by inserting “and other handicapping conditions” immediately after “learning disabilities”.

SEC. 208. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by substituting “Priority Juvenile” for “Special Emphasis” each time it appears.

SEC. 209. Section 225(b)(5) and (6) of that Act is amended by striking out “planning agency” and inserting “advisory group”.

SEC. 210. Section 225(b)(8) of that Act is amended by striking out “agency” the first time it appears and inserting “advisory group”.

SEC. 211. (a) Section 228(b) of that Act is amended by striking out “not funded by the Law Enforcement Assistance Administration,”.

(b) Section 228(g) of that Act is amended—

(1) by striking out “part” and inserting “title”; and

(2) by striking out “or will become available by virtue of the application of the provisions of section 509 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended”.

SEC. 212. Section 241(c) of that Act is amended by striking out “Law Enforcement and Criminal”.

(b) Section 241(d) of that Act is amended by inserting “and special educational” immediately after “other educational”.

SEC. 213. (a) Section 261(a) of that Act is amended to read as follows:

“(a) To carry out the purposes of this title there is authorized to be appropriated \$150,000,000 for each of the fiscal years ending September 30, 1981 and 1982, \$175,000,000 for the fiscal year ending September 30, 1983, and \$200,000,000 for each of the fiscal years ending September 30, 1984 and 1985. Appropriated funds not obligated by the end of each fiscal year, shall be allocated directly to the States participating in the Act on the basis of relative population of people under age eighteen for the purpose of implementing section 223(a) (13), no later than January 1, of the subsequent fiscal year.”

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

“(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, there shall be maintained from appropriations for each fiscal year, at least 19.15 per centum of the total appropriations under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, for juvenile delinquency programs, with emphasis on programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation. This subsection shall be waived when the total appropriations for each fiscal year under Title I of the Omnibus Crime Control and Safe Streets Act of 1968 do not exceed \$150,000,000. Implementation, including guidelines, of this subsection shall be the responsibility of the Administrator of the Office.”

SEC. 214. Section 262 of that Act is amended to read as follows:

“SEC. 262. Of the appropriation for the Office under this Act, there shall be allocated an adequate amount for administrative expenses other than those support services performed for the Office by the Office of Justice Assistance, Research, and Statistics.”

SEC. 215. Section 263 (a), (b), and (c) of that Act are amended to read as follows:

“SEC. 263. The amendments made by the Juvenile Justice and Delinquency Prevention Act Amendments of 1980 shall take effect upon enactment.”

### TITLE III—AMENDMENTS TO THE RUNAWAY YOUTH ACT

SEC. 301. Amend the caption “TITLE III—RUNAWAY YOUTH” by inserting “AND HOMELESS” immediately after “RUNAWAY”.

SEC. 302. Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting “and Homeless” immediately after “Runaway.”

SEC. 303. (a) Section 302(1) of that Act is amended by adding “or who are otherwise homeless” after “permission”.

(b) Section 302(2) of that Act is amended by adding “and homeless” after “runaway”.

SEC. 304. (a) Section 311 of that Act is amended by inserting “(a)” immediately after “SEC. 311.”

(b) Section 311 of that Act is amended by adding at the end thereof the following:

“(b) The Secretary is authorized to make grants for the purposes of providing a national telephone communications system to link runaway and homeless youths with their families and with service providers.

“(c) (1) In addition, the Secretary is authorized to make grants and to enter into contracts with governmental and nonprofit private agencies for the purposes of providing counseling and other services to meet the immediate needs of runaway or otherwise homeless youth, youth in trouble or in crisis, and the families of such youth, in a manner which is outside the law enforcement structure and juvenile justice system.

“(2) The Secretary may provide technical assistance and training to such agencies who receive grants or enter into contracts under this subsection.

“(3) The size of the grant or contract shall be determined by the number of such youth and families in the community and the existing availability of such services.”

SEC. 305. (a) Section 312(a) of that Act is amended by striking the period and inserting “or who are otherwise homeless.”

(b) Section 312(b)(5) of that Act is amended by inserting “and homeless” after “runaway” the first time it appears.

SEC. 306. (a) Section 315(1) of that Act is amended by adding “and homeless” after “runaway”.



(b) Section 315 of that Act is amended—

- (1) by inserting "(a)" immediately after "SEC. 315."; and
- (2) by adding at the end thereof the following:

"(b) The Secretary is authorized to design the information instruments required to collect any information necessary to comply with the reporting requirements of this section, and to assess the need for, and to determine the effectiveness of, programs and services funded under this part."

SEC. 307. Section 341(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of part A of this title there is authorized to be appropriated \$25,000,000 for each of the fiscal years ending September 30, 1981, 1982, 1983, 1984, and 1985."

#### TITLE IV—MISCELLANEOUS CONFORMING AMENDMENTS

SEC. 401. Section 5316 of title 5, United States Code, is amended by striking out "Associate Administrator, Office of Juvenile Justice and Delinquency Prevention" and inserting "Administrator, Office of Juvenile Justice and Delinquency Prevention,".

SEC. 402. Section 4351 (b) of title 18, United States Code, is amended by striking out "Associate".

SEC. 403. Section 1002 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 1002. In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, there shall be maintained from appropriations for each fiscal year, at least 19.15 per centum of the total appropriations under this title, for juvenile delinquency programs, with emphasis on programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation. This section shall be waived when the total appropriations for each fiscal year under this title do not exceed \$150,000,000. Implementation, including guidelines, of this section shall be the responsibility of the Administrator of the Office."

SEC. 404. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "Associate" each time it appears.

#### PURPOSE OF AMENDMENT

The Committee bill, as amended is designed to strengthen, stabilize and extend for five years the program established by the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415) as amended in 1977 (Public Law 95-115). The intent of the 1974 legislation was to provide Federal leadership and coordination of the resources necessary to develop and implement effective programs for the prevention and treatment of juvenile delinquency at the State and local community level. The Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration of the Department of Justice was given responsibility for implementing this program. Through substantial grants to States, local governments, and public and private agencies, it is the role of the Office to encourage development of economical and comprehensive programs and services.

The Committee bill should continue to enable the objectives of the program to be achieved. Comprehensive programs and services to prevent juvenile delinquency have already shown improvement since 1974 and will be further encouraged, additional efforts to curb youth violence will be supported, as well as programs to curb discrimination in the system for young girls, minorities, and the handicapped, increased numbers of juveniles will be able to be diverted from the juvenile

justice system and alternatives to traditional detention and correctional facilities used for confinement of juveniles will be more adequately developed.

Title III of the 1974 Act is reauthorized and renamed by the Committee bill as the Runaway and Homeless Youth Act.

#### LEGISLATION CONSIDERED BY THE COMMITTEE

During two days of hearings held March 26 and 27, 1980, forty-five witnesses provided testimony on the three bills to reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974: S. 2434, introduced by Senator Robert Dole; S. 2441, introduced by Senator Birch Bayh; and S. 2442, introduced by Senator Bayh on request of the Administration. The Committee Amendment incorporated concepts and provisions from each of the considered measures, witnesses and other organizations.

#### EXPLANATION OF COMMITTEE AMENDMENT

##### OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Committee has carefully reviewed the role of the Office of Juvenile Justice and Delinquency Prevention and its executive head, the Associate Administrator. Congress fully intended in 1974 and 1977 that the Administration administer the Juvenile Justice and Delinquency Prevention Act program through the new Office. Section 820 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended in 1979, retains this intent by specifying that all programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the Office of Juvenile Justice and Delinquency Prevention to carry out the mandates of the Juvenile Justice and Delinquency Prevention Act of 1974.

The oversight hearings held by the Subcommittee to Investigate Juvenile Delinquency on the implementation of the 1974 and 1977 Acts from 1975 through 1977 and the oversight hearings held in 1980 by the Committee on the Judiciary established that the Administrator failed to delegate sufficient authority for the Associate Administrator to fully implement this program. While the Office did a relatively effective job of getting the new program off the ground under difficult circumstances, and to keep it operating as efficiently as possible, it is the Committee's view that mandated statutory support of the Office's Administration of the Program will greatly enhance the future ability of the Office to implement the program as intended by Congress.

Therefore, the Committee Amendment specifically delegates authority regarding all administrative, managerial, operational and policy responsibilities for the Juvenile Justice and Delinquency Prevention Act to the Administrator of the Office of Juvenile Justice and Delinquency Prevention. In order to insure effective implementation of this provision the legal advisor unit is reestablished in the Office.

##### *Unobligated funds*

A key provision in S. 2441, as introduced, required that appropriated funds under the Juvenile Justice Act, not obligated by the end of

each fiscal year shall be transferred to programs funded under title III—the Runaway and Homeless Youth Act. Historically the juvenile justice program had a rocky beginning which resulted in its failure to properly obligate its funds, even though the necessary program applications were available to the Office of Juvenile Justice and Delinquency Prevention. Fortunately, in 1978 the three-year backlog of funds was obligated and off the Washington desk at the Office of Juvenile Justice. However, within the past year the obligation rate has diminished substantially, with the prospect of a significant carry-over. The Runaway Youth Act had not experienced any such problem. However, the Committee Amendment mandates that any unobligated Juvenile Justice funds shall be used to implement section 223(a)(13). Such funds will be allocated to the States participating in the Act on the basis of relative population of people under the age of eighteen.

The Committee is concerned that this important provision of the 1974 Act, which was intended to prohibit the placement of juveniles in any adult facility, including jails, has not been properly implemented. In fact, during the March hearings the Department of Justice revealed that six years after this section became law only ten States even report compliance with this laudatory provision. Of similar concern is that such disappointing progress relates to a standard of “sight and sound” developed by the Department of Justice, rather than the fuller prohibition intended by the 1974 Act. In that regard it was never intended that the words “regular contact” in Section 223(a)(13) allow less than full compliance, as does the “sight and sound” standard. The prohibition on “regular contact” was designed to allow commingling of juveniles and adults under specialized circumstances such as a short-term employment training program in order to avoid costly duplication.

It is obvious to the Committee that much remains to be done to make the 1974 Act programs a reality. The allocation of unobligated funds for this worthy, but somewhat neglected objective is particularly appropriate.

#### *Maintenance of effort*

The Committee amendment retains the current provision of law that requires at least 19.15 percent of the total appropriation under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, be spent for juvenile delinquency programs, with emphasis on programs aimed at curbing violent crimes committed by juveniles. The Committee acknowledges that violent juvenile offenders should be given an increased focus, but given the comparable competing interests it was felt that requiring all of the maintenance of effort funds for this particular focus would be excessive. In addition, the Committee amendment waives the maintenance of effort provision when the total appropriations under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, does not exceed \$150,000,000 during any fiscal year.

#### *Citizen participation*

The Committee Amendment improves the Act's citizen participation provisions. Under the Committee Amendment, the citizen groups,

namely the State Advisory Groups, will work more closely with the State agency perspective applicants and others interested in the Juvenile Justice program.

#### *Reports and studies*

The Committee amendment requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to provide a detailed evaluation of the scared-straight type programs for juveniles to the Congress by June 30, 1981. In addition, a study of juvenile justice and delinquency prevention policies, programs and practices affecting Native Americans is to be completed and submitted to Congress by December 31, 1981.

#### *Title III—Runaway Youth Act Amendments*

This program's title is amended by the Committee Amendment to reflect the 1977 Act's homeless youth focus. Thus, entitled the Runaway and Homeless Youth Act. The Committee amendment makes statutory the authority for the Secretary of Health, Education, and Welfare to continue to fund national telephone networks to link runaway, homeless, neglected and abused youth with their families and service providers. It further, expands the client population eligible for service and stimulate the strengthening of governmental and private sector programs for youth and families in need of service. The Secretary will continue through the Administration for Children, Youth and Families to collect any information necessary to report on and assess the need for programs and services funded under this title.

The Committee bill authorized funding for Title III at the same level as the 1977 Act of \$25 million per year for each of five fiscal years, 1981 through 1985.

#### *Juvenile Justice Act authorization*

If one merely looks at the extent and cost of juvenile crime and at all the needs that are not met by current programs, one could easily conclude that the authorization levels for this Act should be doubled or tripled. It is the responsibility of this Committee, however, to insure that juvenile justice programs are developed in an orderly fashion and that all moneys are spent effectively, timely and wisely. Therefore the Committee has suggested authorization levels that provide for the orderly growth of these programs over the next five years. As reported by the Committee, S. 2441, would authorize for each of fiscal years 1981 through 1985 levels of \$150 million, \$150 million, \$175 million, \$200 million and \$200 million respectively.

The Committee further contemplates that the Subcommittee on the Constitution will pursue its oversight responsibilities in a vigorous manner so as to assure that the Office of Juvenile Justice and Delinquency Prevention expends the newly authorized funds in a fiscally sound manner consistent with the primary goals of the 1974 Act in order to assure complete implementation of the Juvenile Justice and Delinquency Prevention Act.

### CONCLUSION

The Committee believes that S. 2441, as amended, will make more accountable and thereby strengthen the program established by the Juvenile Justice and Delinquency Prevention Act of 1974. The Com-

mittee bill reflects recommendations included in S. 2441, as introduced, S. 2434, Senator Dole's bill, S. 2442, the Administration bill, and the comments of many interested public and private representatives.

The Federal Government has an important responsibility to provide the leadership and coordination to assist and encourage the development of sensible, humane, and more economical responses to juvenile delinquency. There are no panaceas. A reauthorization of the 1974 Juvenile Justice and Delinquency Prevention Act will be an important step. There must be a commitment by all our citizens to begin to resolve the legal and social problems and attitudes relevant to children in trouble. Alternatives to unsound policies must be developed and encouraged. Many States, localities and private interest are already beginning to redirect and increase their efforts. The Juvenile Justice Act has contributed to this progress. The Committee believes that S. 2441, as amended, further emphasizes the type of commitment that is requisite. Passage of the bill will refocus this clear product of a bipartisan Congressional and citizen initiative to further reduce crime and delinquency in this country.

### COST ESTIMATE

#### CONGRESSIONAL BUDGET OFFICE

MAY 8, 1980.

1. Bill number: S. 2441.
2. Bill title: Juvenile Justice and Delinquency Prevention Act Amendments of 1980.
3. Bill status: As ordered reported by the Senate Committee on the Judiciary, May 7, 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 \$150 million for each of the fiscal years 1981 and 1982, \$175 million for fiscal year 1983, and \$200 million for each of the fiscal years 1984 and 1985 for juvenile justice programs, and \$25 million each year for the same period for youth programs.
5. Cost estimate (by fiscal years):

Authorization level:	<i>Millions</i>
1981 -----	\$175
1982 -----	175
1983 -----	200
1984 -----	225
1985 -----	225
<b>Estimated outlays:</b>	
1981 -----	102
1982 -----	175
1983 -----	190
1984 -----	215
1985 -----	225

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: On May 6, 1980, the CBO prepared an estimate of the costs of H.R. 6704, a similar bill, as ordered reported by the House Committee on Education and Labor. The House bill authorized a total of \$225 million in each of the fiscal years 1981 through 1984, and outlays were estimated to be \$130 million in 1981, \$225 million in each of the fiscal years 1982 through 1984, and \$95 million in 1985.

9. Estimate prepared by: Kathy Weiss.

10. Estimate approved by:

C. G. NUCKOLS  
(For James L. Blum,  
Assistant Director for Budget Analysis).

#### REGULATORY IMPACT

In compliance with paragraph 5, Rule XXIX of the Standing Rules of the Senate, the Committee has concluded that the bill will have little or no direct regulatory impact.

#### COMMITTEE ACTION

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended (Public Law 91-510), the Committee motion to report S. 2441, as amended in the nature of a substitute, to the Senate carried unanimously.

#### SECTION-BY-SECTION ANALYSIS

Section 1 provides that that Act shall be cited as the "Juvenile Justice and Delinquency Prevention Act Amendments of 1980."

Section 101 amends Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 to add an additional declaration of purpose. The new section 101(a) (8) adds a Congressional declaration of purpose that the justice system should give additional attention to the problem of violent crimes committed by juveniles, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation.

Section 102(a) amends paragraph (5) of section 103 which defines the term "Administrator" as the agency head designated by Section 201(a) of the Juvenile Justice and Delinquency Act of 1974, as amended.

Section 102(b) amends section 103(7) to list additional territories that qualify as "States" eligible for funding under the Act.

Section 102(c) amends section 103(9), a technical amendment.

Section 102(d) through (g) amends section 103(1), (12) and (13) and adds a new section (14) to assure that community based programs and treatment may include special education and that handicapping

conditions means the conditions defined in the term handicapped children in the Education of the Handicapped Act.

Section 201 amends Title II, Part A of the Act in four ways:

(1) It delegates all final authority to the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

(2) It requires the Administrator of OJJDP to appoint the two statutory Deputies, as well as the newly created Legal Advisor.

(3) It requires the Administrator of OJJDP to provide a detailed evaluation of "Scared-Straight"-type programs to the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor, no later than June 30, 1981.

(4) It requires the Administrator to conduct a study of juvenile justice and delinquency prevention policies, programs and practices affecting native Americans and shall report on the results of that study to the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor, no later than December 31, 1981.

Section 202 amends Title II, technical amendment.

Section 203 amends section 207(c) to include persons eligible for membership on the National Advisory Committee who have special experience in addressing the problems of handicapping conditions.

Section 204 amends Title II, technical amendment.

Sections 205 and 206 amend Title II, Part B, Subpart I related to block grant Federal Assistance for State and Local Programs, technical amendments.

Section 207 amends section 224(a)(11) to develop and implement programs relating to juvenile delinquency and handicapped conditions.

Section 208 amends Title II, Part B, Subpart II related to discretionary grant Federal Assistance for Priority Juvenile Prevention and Treatment Programs, technical amendments.

Sections 209 and 210 amend sections 225(b)(5), (6), and (8) to increase citizen participation in the operation of the program.

Sections 211 and 212 amend section 228(g) and 241(c) and (d), technical amendments.

Section 213 amends Title II, Part D, Administrative Provisions, in four ways:

(1) It provides a five-year authorization with an appropriation level of \$150 million for each of fiscal years 1981 and 1982, \$175 million for fiscal year 1983, and \$200 million for each of fiscal years 1984 and 1985, section 261(a).

(2) It requires that appropriated funds not obligated by the end of each fiscal year shall be allocated directly to the States participating in the Act on the basis of relative population of people under eighteen years of age no later than January 1 of the next fiscal year, for the purpose of implementing section 223(a)(13), section 261(a).

(3) It requires that maintenance of effort funds, 19.15 percent of the total appropriations of Title I of the Omnibus Crime Con-

trol and Safe Streets Act of 1968, as amended, shall be maintained for juvenile delinquency programs, with emphasis on programs aimed to curb crimes of violence by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy-adjudication, sentencing and rehabilitation. Included, is a waiver of this provision when the total appropriations for any fiscal year for title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, do not exceed \$150,000,000.

(4) It requires the Administrator of OJJDP to implement and be responsible for section 261 (b).

Section 214 amends section 262, to provide adequate administrative support for the Office.

Section 215 amends section 263 to require that amendments made by the Juvenile Justice and Delinquency Prevention Act Amendments of 1980 shall take effect on the date of enactment.

Sections 301, 302 and 308 amend Title III of the Act to reflect the 1977 Act's homeless youth program authority.

Section 304 amends section 311 to authorize the Secretary to make grants to link runaway and homeless youth with their families and service providers through the use of a National hot-line telephone network. It further authorizes the Secretary to expand the client population eligible for service and stimulate the strengthening of governmental and private sector programs for youth and families in need of service.

Sections 305 and 306 amend sections 312(a), (b) (5) and section 315 (1) to reflect the 1977 Act's homeless youth program authority. It further amends section 315 to authorize the Secretary to continue to collect information to report and assess the need for programs and services funded under title III.

Section 307 amends Title III, Part D, Authorization of Appropriations, to provide a five-year authorization with an appropriation level of \$25 million per year for each of fiscal years 1981 through 1985.

Sections 401 and 402 amend Title 5 and Title 18 of the United States Code, technical amendments.

Section 403 amends section 1002 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, a technical amendment.

Section 404 amends the Act to carry out the delegation of authority for the Administrator of the Office.

#### CHANGES IN EXISTING LAW

In the interest of economy the Committee waived subsection (4) of Rule XXIX of the Standing Rules of the Senate. To reprint the current law with the proposed amendment in italics would be very lengthy.

