

## JUVENILE JUSTICE AMENDMENTS OF 1977

JULY 27 (legislative day, JULY 19), 1977.—Ordered to be printed

Mr. CULVER, from the committee of conference,  
submitted the following

### CONFERENCE REPORT

[To accompany H.R. 6111]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6111) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

#### SHORT TITLE

*SECTION 1. This Act may be cited as the "Juvenile Justice Amendments of 1977".*

#### DEFINITION OF JUVENILE DELINQUENCY PROGRAMS

*SEC. 2. Section 103(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (hereinafter in this Act referred to as the "Act") is amended by striking out "who are in danger of becoming delinquent" and inserting in lieu thereof "to help prevent delinquency".*

#### JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

*Sec. 3. (a) (1) Section 201(a) of the Act is amended by adding at the end thereof the following new sentence: "The Administrator shall administer the provisions of this Act through the Office."*

*(2) Section 201(c) of the Act is amended by adding at the end thereof the following new sentence: "The Associate Administrator may be referred to as the Administrator of the Office of Juvenile Justice and Delinquency Prevention in connection with the perform-*

ance of his functions as the head of the Office, except that any reference in this Act to the 'Administrator' shall not be construed as a reference to the Associate Administrator."

(3) (A) The Act is amended by striking out "Assistant Administrator" and inserting in lieu thereof "Associate Administrator" in sections 201, 202(c), 204(i), 206(a)(1), 206(b), 241, 246 and any other place it appears therein.

(B) The Act is amended by inserting "Associate" before "Administrator" in sections 208(b), 208(e), 223(a)(14), 223(a)(20), 223(a)(21), 243(4), 246, 248 (as so redesignated by section 5(e)(1)), 249 (as so redesignated by section 5(e)(1)), section 250 (as so redesignated by section 5(e)(1)), and any other place it appears therein.

(4) Section 201(d) of the Act is amended by adding at the end thereof the following new sentences: "The Associate Administrator is authorized, subject to the direction of the Administrator, to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under part B and part C of this title. The Administrator may delegate such authority to the Associate Administrator for all grants and contracts from, and applications for, funds made available under this part and funds made available for juvenile justice and delinquency prevention programs under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. The Associate Administrator shall report directly to the Administrator."

(5) The Act is amended by striking out "Deputy Assistant Administrator" and inserting in lieu thereof "Deputy Associate Administrator" in sections 201(e), 206(a)(1), 246, and any other place it appears therein.

(6) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(141) Associate Administrator, Office of Juvenile Justice and Delinquency Prevention of the Law Enforcement Assistance Administration."

(b) (1) Section 204(b) of the Act is amended—

(A) by inserting "with the assistance of the Associate Administrator," after "the Administrator"; and

(B) by redesignating paragraph (7) as paragraph (6), and by striking out paragraph (5) and paragraph (6) and inserting in lieu thereof the following new paragraph:

"(5) develop annually with the assistance of the Advisory Committee and the Coordinating Council and submit to the President and the Congress, after the first year following the date of the enactment of the Juvenile Justice Amendments of 1977, prior to December 31, an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs and a brief but precise comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system, which analysis and evaluation shall include recommendations for modifications in organization, management, personnel, standards,

*budget requests, and implementation plans necessary to increase the effectiveness of these programs; and”.*

(2) Section 204(d)(1) of the Act is amended by inserting “Associate” before “Administrator” the second place it appears therein.

(3) Section 204(e) of the Act is amended by striking out “(6)” each place it appears therein and inserting in lieu thereof “(5)”.

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

(5) Section 204(g) of the Act is amended by striking out “part, except the making of regulations”, and inserting in lieu thereof “title”.

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

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

(8) Section 204(l)(1) of the Act is amended by inserting “Associate” before “Administrator” the second place it appears therein.

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

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

(2) Section 206(c) of the Act is amended by inserting at the end thereof the following new sentence: “The Council is authorized to review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of section 223(a)(12)(A) and (13) of this title.”.

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

(4) Section 206(e) of the Act is amended—

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

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

(C) by inserting “or staff support” after “personnel”.

(e)(1) Section 207(c) of the Act is amended by inserting “, including youth workers involved with alternative youth programs and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities.” after “community-based programs”, and by inserting immediately before the period at the end thereof the following: “, of whom at least three shall have been or shall currently be under the jurisdiction of the juvenile justice system”.

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

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

(2) Section 208(c) of the Act is amended to read as follows:

"(c) The Chairman shall designate a subcommittee of members of the Advisory Committee to advise the Associate Administrator on particular functions or aspects of the work of the Office."

(3) Section 208(d) of the Act is amended by inserting "not less than" immediately after "subcommittee of".

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

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

(B) by striking out "the Administration of".

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

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

(6) Section 208 of the Act is amended by adding at the end thereof the following new subsection:

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

#### FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Sec. 4. (a) Section 221 of the Act is amended by striking out "local governments" and inserting in lieu thereof "units of general local government or combinations thereof", and by inserting "grants and" after "through".

(b) (1) The last sentence of section 222(a) of the Act is amended by striking out "\$200,000" and inserting in lieu thereof "\$225,000", and by striking out "\$50,000" and inserting in lieu thereof "\$56,250".

(2) (A) The first sentence of section 222(c) of the Act is amended—

(i) by inserting "or for other pre-award activities associated with such State plan," after "State plan"; and

(ii) by inserting immediately before the period at the end thereof the following: ", including monitoring and evaluation".

(B) The second sentence of section 222(c) of the Act is amended—

(i) by striking out "15 per centum" and inserting in lieu thereof "7½ per centum"; and

(ii) by inserting immediately before the period at the end thereof the following: ", except that any amount expended or obligated by such State, or by units of general local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State, or by such units or combinations, from State or local funds, as the case may be".

(C) Section 222 of the Act is amended by striking out subsection (d) thereof.

(D) The amendments made by this paragraph shall take effect on October 1, 1978.

(3) The last sentence of section 222(c) of the Act is amended by striking out "local government" and inserting in lieu thereof "units of general local government or combinations thereof".

(4) (A) Section 222 of the Act is amended by adding at the end thereof the following new subsection:

"(e) In accordance with regulations promulgated under this part. 5 per centum of the minimum annual allotment to any State under this

part shall be available to assist the advisory group established under section 223 (a) (3) of this Act."

(B) Effective on October 1, 1978, section 222 (e) of the Act, as added by subparagraph (A), is redesignated as section 222 (d) of the Act.

(c) (1) Section 223 (a) (3) of the Act is amended—

(A) by striking out the matter preceding "(A)" and inserting in lieu thereof the following: "provide for an advisory group appointed by the chief executive of the State to carry out the functions specified in subparagraph (F) and to participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action and";

(B) in subparagraph (C) thereof, by inserting after "prevention or treatment programs;" the following: "business groups and businesses employing youth, youth workers involved with alternative youth programs, and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities;"

(C) in subparagraph (D) thereof, by striking out "and" at the end thereof;

(D) in subparagraph (E) thereof, by striking out the semicolon at the end thereof and inserting in lieu thereof the following: "at least three of whom shall have been or shall currently be under the jurisdiction of the juvenile justice system; and"; and

(E) by inserting after subparagraph (E) the following new subparagraph: "(F) which (i) shall, consistent with this title, advise the State planning agency and its supervisory board; (ii) may advise the Governor and the legislature on matters related to its functions, as requested; (iii) shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State planning agency other than those subject to review by the State's judicial planning committee established pursuant to section 203

(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, except that any such review and comment shall be made no later than 30 days after the submission of any such application to the advisory group; and (iv) may be given a role in monitoring State compliance with the requirements of paragraph (12) (A) and paragraph (13), in advising on State planning agency and regional planning unit supervisory board composition, in advising on the State's maintenance of effort under section 261 (b) and section 520 (b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and in review of the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive State plan;"

(2) Section 223 (a) (4) of the Act is amended—

(A) by striking out "local governments" the first place it appears therein and inserting in lieu thereof "units of general local government or combinations thereof"; and

(B) by inserting immediately before the semicolon at the end thereof the following: ", except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group".

(3) (A) Section 223(a)(5) of the Act is amended to read as follows:

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

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

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

(B) Effective October 1, 1978, section 223(a)(5) of the Act, as amended by subparagraph (A), is amended by striking out "section 222(e)" and inserting in lieu thereof "section 222(d)".

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

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

(6) (A) Section 223(a)(10) of the Act is amended—

(i) by striking out the matter preceding subparagraph (A) and inserting in lieu thereof the following: "provide that not less than 75 per centum of the funds available to such State under section 222, other than funds made available to the State advisory group under section 222(e), whether expended directly by the State, by the unit of general local government or combination thereof, or through grants and contracts with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to provide community-based alternatives to juvenile detention and correctional facilities, to encourage a diversity of alternatives within the juvenile justice system, and to establish and adopt juvenile justice standards. These advanced techniques include—";

(ii) in subparagraph (A) thereof, by inserting after "health services," the following: "twenty-four hour intake screening, volunteer and crisis home programs, day treatment, and home probation,";

(iii) in subparagraph (C) thereof, by striking out "youth in danger of becoming delinquent" and inserting in lieu thereof "other youth to help prevent delinquency";

(iv) by amending subparagraph (D) to read as follows:

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

(v) in subparagraph (G) thereof, by inserting "traditional youth" immediately after "reached by";

(vi) in subparagraph (II) thereof, by striking out "that may include but are not limited to programs designed to" and inserting in lieu thereof "are designed to"; and

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

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

(B) Effective October 1, 1978, section 223(a)(10) of the Act, as amended by subparagraph (A), is amended by striking out "section 222(e)" and inserting in lieu thereof "section 222(d)".

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

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

*"(B) provide that the State shall submit annual reports to the Associate Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities which (i) are the least restrictive alternatives appropriate to the needs of the child and the community; (ii) are in reasonable proximity to the family and the home communities of such juveniles; and (iii) provide the services described in section 103(1);"*

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

(9) Section 223(a)(14) of the Act is amended by striking out "and" the first place it appears therein, by inserting ", and non-secure facilities" after "facilities" the second place it appears therein, and by striking out "section 223(12) and (13)" and inserting in lieu thereof "paragraph (12)(A) and paragraph (13)".

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

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

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

(13) Section 223(c) of the Act is amended by adding at the end thereof the following new sentence: "Failure to achieve compliance with the subsection (a)(12)(A) requirement within the three-year

*time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator, with the concurrence of the Associate Administrator, determines that the State is in substantial compliance with the requirement, through achievement of de-institutionalization of not less than 75 per centum of such juveniles, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two additional years."*

(14) Section 223(d) of the Act is amended by inserting "chooses not to submit a plan," after "State" the first place it appears therein, and by adding at the end thereof the following new sentence: "The Administrator shall endeavor to make such reallocated funds available on a preferential basis to programs in nonparticipating States under section 224(a)(2) and to those States that have achieved substantial or full compliance with the subsection (a)(12)(A) requirement within the initial three years of participation or have achieved full compliance within a reasonable time thereafter as provided by subsection (c)."

(15) Section 223 of the Act is amended by striking out subsection (e) thereof.

(d) (1) Section 224(a)(3) of the Act is amended by inserting after "system" the following: "including restitution projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents".

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

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

(4) Section 224(a)(6) of the Act is amended by inserting after "develop and implement" the following: "in coordination with the Commissioner of Education," and by striking out the period at the end thereof and inserting in lieu thereof the following: "and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;"

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

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

"(8) develop, implement, and support, in conjunction with the Secretary of Labor, other public and private agencies and organizations and business and industry programs for youth employment;

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

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

"(11) develop and implement programs relating to juvenile delinquency and learning disabilities."



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

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

(7) Section 224(c) of the Act is amended by striking out "20" and inserting in lieu thereof "30".

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

(2) Section 225(c) (5) of the Act is amended by striking out "and" at the end thereof.

(3) Section 225(c) (6) of the Act is amended by striking out "on Standards for Juvenile Justice", and by striking out the period at the end thereof and inserting in lieu thereof "; and".

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

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

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

(2) Section 228(c) of the Act is amended to read as follows:

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

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

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

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

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

(B) Section 228 (e) of the Act, as added by subparagraph (A), shall take effect October 1, 1978.

(h) Part B of title II of the Act is amended by adding at the end thereof the following new section:

**"CONFIDENTIALITY OF PROGRAM RECORDS**

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

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

*Sec. 5. (a) (1) Section 241 of the Act is amended by striking out subsection (d) and subsection (e), and by redesignating subsection (f) and subsection (g) as subsection (d) and subsection (e), respectively.*

*(2) Section 241 (e) (4) of the Act, as so redesignated by paragraph (1), is amended by inserting "make grants and" after "(4)", and by striking out "and" at the end thereof.*

*(3) Section 241 (e) of the Act, as so redesignated by paragraph (1), is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:*

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

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

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

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

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

**"INSTITUTE ADVISORY COMMITTEE**

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

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

(2) Section 247 of the Act is amended by adding at the end thereof the following new subsection:

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

(e) (1) Part C of title II of the Act is amended by striking out section 248 and by redesignating section 249, section 250, and section 251, as section 248, section 249, and section 250, respectively.

(2) (A) Section 249 of the Act, as so redesignated by paragraph (1), is amended by striking out "section 249" and inserting in lieu thereof "section 248".

(B) Section 250 of the Act, as so redesignated by paragraph (1), is amended by striking out "section 249" each place it appears therein and inserting in lieu thereof "section 248".

(f) Section 241(d) of the Act, as so redesignated by subsection (a) (1), section 244(3) of the Act, and section 248(b) of the Act, as so redesignated by subsection (e), are amended by inserting after "lay personnel" the following: ", including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations".

#### ADMINISTRATIVE PROVISIONS

SEC. 6. (a) The heading for part D of title II of the Act is amended to read as follows:

#### "PART D—ADMINISTRATIVE PROVISIONS"

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

"SEC. 261. (a) To carry out the purposes of this title there is authorized to be appropriated \$150,000,000 for the fiscal year ending September 30, 1978, \$175,000,000 for the fiscal year ending September 30, 1979, and \$200,000,000 for the fiscal year ending September 30, 1980. Funds appropriated for any fiscal year may remain available for obligation until expended."

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

#### "APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

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

(d) (1) Section 263(a) of the Act is amended by striking out "subsection (b)" and inserting in lieu thereof "subsections (b) and (c)".

(2) Section 263 of the Act is amended by adding at the end thereof the following new subsection:

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

## RUNAWAY YOUTH

SEC. 7. (a) (1) Section 311 of the Act is amended—

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

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

(C) by inserting “States,” before “localities”.

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

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

(4) Section 313 of the Act is amended by striking out “\$75,000” and “\$100,000” and inserting in lieu thereof “\$100,000” and “\$150,000”, respectively.

(b) Part B of title III of the Act is amended to read as follows:

“PART B—RECORDS

“RECORDS

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

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

“PART C—REORGANIZATION

“REORGANIZATION PLAN

“SEC. 331. (a) After April 30, 1978, the President may submit to the Congress a reorganization plan which, subject to the provisions of subsection (b) of this section, shall take effect, if such reorganization plan is not disapproved by a resolution of either House of the Congress, in accordance with the provisions of, and the procedures established by, chapter 9 of title 5, United States Code, except to the extent provided in this part.

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

“(1) for the establishment of an Office of Youth Assistance which shall be the principal agency for purposes of carrying out this title and which shall be established—

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

“(B) within the ACTION Agency;

“(2) that the transfer authorized by paragraph (1) shall be effective 30 days after the last date on which such transfer could be disapproved under chapter 9 of title 5, United States Code;

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

“(4) that all official actions taken by the Secretary of Health, Education, and Welfare, his designee, or any other person under the authority of this title which are in force on the effective date of such plan, and for which there is continuing authority under the provisions of this title, shall continue in full force and effect until modified, superseded, or revoked by the Associate Administrator for the office of Juvenile Justice and Delinquency Prevention or by the Director of the ACTION Agency, as the case may be, as appropriate; and

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

(d) (1) Section 341(a) of the Act, as so redesignated by subsection (c), is amended by inserting immediately before the period at the end thereof the following: “, and for each of the fiscal years ending September 30, 1978, 1979, and 1980, the sum of \$25,000,000”.

(2) Section 341(b) of the Act, as so redesignated by subsection (c), is amended to read as follows:

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

#### AMENDMENTS TO TITLE 18, UNITED STATES CODE

SEC. 8. (a) Section 4351(b) of title 18, United States Code is amended by striking out “Deputy Assistant Administrator for the National Institute for” and inserting in lieu thereof “Associate Administrator for the Office of”.

(b) Section 5038(a) of title 18, United States Code, is amended—

(1) by striking out “and” at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon and “and”; and

(3) by adding immediately after paragraph (5) the following:  
 “(6) inquiries from any victim of such juvenile delinquency, or if the victim is deceased from the immediate family of such victim, related to the final disposition of such juvenile by the court in accordance with section 5037.”.

AMENDMENTS TO OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 9. (a) Section 519 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by inserting “, and to the Committee on Education and Labor of the House of Representatives,” immediately after “House of Representatives”; and

(2) by striking out “and” at the end of paragraph (10), by striking out the period at the end of paragraph (11) and inserting in lieu thereof “; and”, and by adding at the end thereof the following new paragraph:

“(12) a summary of State compliance with sections 223(a)(12)–(14) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, the maintenance of effort requirement under section 261(b) of such Act and section 520(b) of this Act, State planning agency and regional planning unit representation requirements as set forth in section 203 of this Act, and other areas of State activity in carrying out juvenile justice and delinquency prevention programs under the comprehensive State plan.”.

(b) Section 203(a)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new sentences: “The Chairman and at least two additional citizen members of any advisory group established pursuant to section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 shall be appointed to the State planning agency as members thereof. These individuals may be considered in meeting the general representation requirements of this section. Any executive committee of a State planning agency shall include in its membership the same proportion of advisory group members as the total number of such members bears to the total membership of the State planning agency.”.

TECHNICAL AMENDMENT

SEC. 10. The Act is amended by striking out title IV thereof.

And the Senate agree to the same.

JOHN CULVER,  
 BIRCH BAYH,  
 DENNIS DeCONCINI,  
 CHARLES McC. MATHIAS,  
 MALCOLM WALLOP,

*Managers on the Part of the Senate.*

CARL D. PERKINS,  
 IKE ANDREWS,  
 AUGUSTUS F. HAWKINS,  
 WILLIAM D. FORD,  
 BALTASAR CORRADA,  
 ALBERT H. QUITE,  
 BILL GOODLING,

*Managers on the Part of the House.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6111) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

### SHORT TITLE

The House bill provided that the Act may be cited as the "Juvenile Justice and Delinquency Prevention Amendments of 1977." The Senate amendment short title was the "Juvenile Justice Amendments of 1977." The conference substitute adopts the Senate provision.

### DEFINITION

The Senate amendment amended the definition of the term "juvenile delinquency program" to include prevention programs for all youth who would benefit from programs and services designed to reduce the incidence of delinquent conduct. The Conference substitute adopts the Senate amendment.

### OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Senate amendment reaffirmed that the provisions of the Act are to be administered through the Office. The House bill had no similar provision. The Conference substitute adopts the Senate provision in order to reemphasize the intent of Congress that LEAA juvenile programs be administered through the Office.

The Senate amendment contained a provision not in the House bill that affirms the authority of the Associate Administrator of the Office to administer LEAA juvenile justice funds subject to delegation and direction by the Administrator of LEAA. The Conference substitute adopts the Senate provision. The Conferees intend that the Department of Justice fully implement section 527 of the 1974 Act so as to assure that all Crime Control Act juvenile programs are actually administered by the Associate Administrator or at least subject to the

Associate Administrator's policy direction and concurrence. In this regard, it is expected, as required by the 1976 maintenance of effort amendment and by comparable language in the 1974 Act, that each Crime Control Act program component or activity, including, but not limited to, all direct assistance, all collateral assistance, and management and operations, allocate at least 19.15% of its resources for juvenile justice and delinquency prevention programs.

The Senate amendment changed the title of the head of the Office from Assistant Administrator to Associate Administrator and added the Associate Administrator to the Executive Schedule, level V.<sup>1</sup> The House bill only made the change in title. The Conference substitute adopts the Senate provision.

#### CONCENTRATION OF FEDERAL EFFORT

*Annual Federal reports.*—The Senate amendment consolidated the annual analysis and evaluation and the annual comprehensive plan into a single concise report to be submitted prior to December 31 of each year. The House bill made no change in the annual report provisions. The Conference substitute adopts the Senate provision with the modification of deleting the word "concise."

*Delegation of functions.*—The House bill provided that the Administrator may delegate any of his functions under this title, except the making of regulations, to any officer or employee of the Administration. The Senate amendment includes the making of regulations as a function that may be delegated. The Conference substitute adopts the Senate provision with the intent that any delegation of the making of regulations shall only be made to an officer or employee within the Office of Juvenile Justice and Delinquency Prevention.

*Federal Coordinating Council.*—The Senate amendment required that the reports of the Coordinating Council be adequate but concise and authorized the Coordinating Council to review the programs and practices of Federal agencies and report on the degree to which funds are used for purposes consistent with the deinstitutionalization and separation mandates of the Act. There was no comparable provision in the House bill. The Conference substitute adopts the Senate amendment with the modification of striking the word "concise."

*National Advisory Committee for Juvenile Justice and Delinquency Prevention.*—Both the House bill and the Senate amendment expanded the range of persons eligible for membership on the National Advisory Committee. However, the Senate amendment also provided that persons with special experience with school violence and vandalism and learning disabilities are eligible for appointment to the Committee. The Conference substitute adopts the Senate amendment, with the modification that individuals have special experience and competence in the selected areas.

The Senate amendment contained a provision not in the House bill which provided that the annual recommendations of the National Ad-

<sup>1</sup> It is important to note that the substitute bill does not create a new position to head the Office. It is contemplated that the present Assistant Administrator of the Office is authorized to continue to serve with the title Associate Administrator, without the necessity of reconfirmation by the Senate. While the duties of the Associate Administrator are somewhat expanded by the bill, Congress may devolve upon one already in office different duties which are germane to his/her office without thereby rendering it necessary that the incumbent should be again nominated, appointed, or confirmed. Cf. *Shoemaker v. United States*, 147 U.S. 282, 301 (1893).



visory Committee be included in the annual Federal report. The Conference substitute does not contain the Senate language. The Conferees intend to avoid duplicative reporting requirements, but in no way intend to curtail the wide dissemination of the views of the National Advisory Committee.

The Senate amendment clarified the intended role of the Advisory Committee relative to the activities of the Office of Juvenile Justice and Delinquency Prevention. There was no comparable provision in the House bill. The Conference substitute adopts the Senate amendment.

The House bill contained a provision not in the Senate amendment that deleted the Director of the National Institute of Corrections from membership on a Subcommittee of the Advisory Committee. The Conference substitute does not contain the House language.

The Senate amendment directed the Associate Administrator to provide such staff and other support as may be necessary for the National Advisory Committee to perform its duties. There was no comparable House bill provision. The Conference substitute adopts the Senate provision with the intent that the Associate Administrator will determine the level of staff and other support necessary for the performance of the Committee's duties.

#### FORMULA GRANT PROGRAM

The House bill clarifies the term "local government" to mean "units of general local government or combinations thereof" consistent with the definition in section 103(8). The Senate amendment deleted the reference to local government entirely. The Conference substitute adopts the House provision.

The Senate amendment increased the minimum State formula grant allocation from \$200,000 to \$225,000 and, in the case of certain territories, from \$50,000 to \$56,250. The House bill contained no comparable language. The Conference substitute adopts the Senate provision.

*Planning and administration funds.*—The House bill deleted the provision limiting the use of formula grant funds for planning and administration purposes to 15 percent. A companion provision in the House bill provided that no such funds could be used for preparation and promotion of the State plan, the cost of preparation, pursuit or promotion of applications for funds, or for administration services associated with such plans or application. The Senate bill contained no comparable provision. The Conference substitute provides that, beginning in fiscal year 1979, not more than 7½ percent of a State's total annual formula grant allotment shall be used to pay the costs of planning, administration (including monitoring and evaluation), and any pre-award activities carried out in association with the State plan, and that formula grant monies used for such purposes (including monitoring and evaluation) would have to be matched on a dollar-for-dollar basis from State or local government funds. The conferees do not intend to prohibit the use of the State's share of Federal formula grant funds for research or evaluation done by independent private agencies outside State government. The conferees expect that this provision will encourage States to use a greater share of their formula grant funds for action programs while retaining sufficient flexibility to insure that essential planning and administration serv-

ices (including monitoring and evaluation) are performed in order to provide time for the States to adjust to this change in the program, this provision will not take effect until October 1, 1978. Until that time, i.e. during fiscal year 1978, the 15 percent limitation on planning and administration costs in the 1974 Act will remain in effect.

*Matching funds.*—The House bill deleted the provision that limited financial assistance under the formula grant program to 90 percent of approved program costs, the non-Federal share to be made in cash or kind, and substituted a provision that such assistance shall be 100 percent of the approved costs of any program or activity. The Senate amendment provided that financial assistance extended under the formula grant program may be up to 100 percent of the approved costs of any assisted programs or activities and limited a State's authority so that it could require a matching share of no more than 10 percent of approved costs. The Conference substitute adopts the House provision but again delays the effective date until October 1, 1978. Until that date, i.e. during fiscal year 1978, the match provisions in the 1974 Act will remain in effect.

*State advisory groups.*—The Senate amendment provided that between 5 and 10 percent of a State's minimum formula grant allotment shall be made available to assist the State advisory group to carry out its mandated and assigned functions. The House bill contained no comparable provision. The Conference substitute adopts the Senate provision with the modification that the allotment for the State advisory group shall consist of five percent of a State's minimum formula grant allotment. In adopting this provision it is the intent of the conferees that the funds set aside for this purpose not count against or be included as a part of the maximum amount of the formula grants that may be used for planning and administration purposes under section 222(c).

The Senate amendment required advisory group participation in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action. There was no comparable provision in the House bill. The Conference substitute adopts the Senate provision.

The Senate amendment added participation of the private business sector, youth workers involved with alternative youth programs, and persons with special experience with school violence and vandalism and learning disabilities to the listing of examples of private agency interests that may be represented on the State advisory group. The House bill added only participation of the private business sector. The Conference substitute adopts the Senate provision.

The Senate amendment provided for a considerably increased role for State advisory groups including the right to review and comment on juvenile justice and delinquency prevention grant applications submitted to the State planning agency. The Senate amendment also provided that the State advisory group may, upon request, advise the Governor and legislature, and may be given a role in advising, reviewing, or monitoring a number of other aspects of the State's juvenile justice and delinquency prevention program. There was no comparable provision in the House bill. The Conference substitute adopts the Senate provision with the modification that the time period for the review and comment on grant applications shall not exceed 30 days from the date of the submission of such grant applications to the State advisory group.

*Formula grant pass-through.*—The Senate amendment contained a provision not in the House bill that clarified that formula grant funds may be made available, through grants or contracts, to local private agencies or the State advisory group. The Conference substitute adopts the Senate provision.

The Senate amendment exempted funds made available to the State advisory group from the 66 $\frac{2}{3}$  percent pass-through requirement and from the requirement that not less than 75 percent of such funds be used for advanced technique programs. The House bill contained no comparable provision. The Conference substitute adopts the Senate provision.

The Senate amendment contained a provision not in the House bill that made local private agencies eligible to be recipients of pass-through funds. The Conference substitute adopts the Senate amendment with the modification that direct funding of local private agencies by a State under this subsection shall not be made unless the local private agency has applied to the appropriate unit of local government or combination thereof for funding and been denied. In adopting this provision, it is the intent of the Conferees that if a local private agency is denied funding by a unit of local government or combination thereof, the local private agency may request the State to provide such funding. The Conferees would expect that in considering any such application, the State would provide the unit of local government or combination thereof with a full opportunity to explain why it decided not to fund the local private agency.

*Standards development.*—Both the House bill and the Senate amendment encouraged the funding of programs and activities to establish standards for the improvement of juvenile justice within the State. The Senate amendment included activities designed to adopt the standards after they are established. The Conference substitute adopts the Senate provision.

*Deinstitutionalization.*—Both the House bill and the Senate amendment provided that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such non-offenders as neglected or dependent children, shall be removed from juvenile detention or correctional facilities within three years of submission of the State plan. The Senate amendment specified that compliance must be made within three years of the initial plan. The Conference substitute adopts the Senate provision with the intent that States which have dropped out of participation prior to fiscal year 1978 and seek to re-enter the program shall have three years from the time of re-entry to comply. The Conferees strongly note that they intend that this provision not be used to avoid complying with section 223 (a) (12) (A). Thus if any State ceases to participate in the program during fiscal year 1978 or thereafter and then subsequently re-enters the program, it is the intent of the Conferees, that such State shall be required to comply with the provisions of this section after having participated in the program for a cumulative total of three years. This cumulative total of three years shall include any three years of participation whether or not these years were consecutive and whether or not these years of participation occurred prior to, during, or after fiscal year 1978.

The provisions of both the House bill and the Senate amendment eliminated language that appeared to require that all status offenders

removed from juvenile detention or correctional facilities be placed in shelter facilities. The House bill provided that these children, if placed in facilities, are to be placed in facilities that (i) are the least restrictive alternative appropriate to the needs of the child and the community, (ii) are in reasonable proximity to family and the home communities of the juveniles and (iii) provide a full range of services designated to include, but not limited to, providing medical, educational, vocational, social and psychological guidance, training, counseling, alcoholism treatment, drug treatment and other rehabilitative services. The Conference substitute provides that all participating States shall include in their annual reports to the Associate Administrator a review of the extent to which they have complied with the deinstitutionalization provision and a review of progress made to provide that the goals in (i), (ii), (iii) are carried out. The Conferees strongly encourage the States to make every effort to achieve these goals within the time frame with regard to full compliance established by section 223(a)(12)(A) and section 223(c) of the Act. In this regard the Conferees note that they did not contemplate that every facility would directly provide all of the services designated in (iii) above, but instead that these designated services for the child and the family should be readily accessible in the community.

The Senate amendment required that alternative nonsecure placements for juvenile offenders also be monitored under section 223(a)(14) in order to insure that they are properly classified as facilities that are not juvenile detention or correctional facilities. The House bill contained no similar provision. The Conference substitute adopts the Senate provision.

The House bill provided that the Administrator's determination of substantial compliance with the deinstitutionalization requirement be made with the "concurrence" of the Associate Administrator. The Senate amendment did not contain this requirement. The Conference substitute adopts the House provision.

*Reallocation of funds.*—The Senate amendment required that the Administrator endeavor to make reallocated formula grant funds available on a preferential basis to States which have achieved compliance with the deinstitutionalization of status offenders requirement and to make a nonparticipating State's reallocated formula grant funds available to public and private agencies in that State for the purpose of developing alternatives to institutionalization. The House bill required that all reallocated formula grant funds be made available as special emphasis funds but established no preferences for their expenditure. The Conference substitute adopts the Senate provision with the intent that the Office of Juvenile Justice and Delinquency Prevention will determine the order of the preferences established by the amendment. It is also the intent of the Conferees that the amount allotted to any nonparticipating State shall in no event exceed the formula grant allocation that such State would have been eligible to receive for the particular fiscal year.

#### SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

*School violence and vandalism.*—The Senate amendment encouraged special emphasis attention to new approaches and techniques with respect to the prevention of school violence and vandalism. The House bill contained no comparable provision. The Conference substitute adopts the Senate provision.

*Youth advocacy activities.*—The Senate amendment provided special emphasis authority for youth advocacy programs for and protecting the rights of youth impacted by the juvenile justice system. The House bill contained a comparable provision. The Conference substitute adopts the House provision, noting that the Conferees intend youth advocacy services to include a full and comprehensive range of services.

*State legislatures.*—The Senate amendment provided special emphasis authority to assist State legislatures to develop legislation that would assist in achieving State compliance with the mandates of the Act and to devote greater resources to those purposes. The House bill contained no comparable provision. The Conference substitute adopts the Senate provision.

*Allocation to program.*—The House bill provided that not more than 20 percent, rather than 25–50 percent, of Part B funds be available only for the special emphasis program. The Senate amendment contained no comparable provision. The Conference substitute does not contain the House language. The Conference substitute provides that 25 percent of Part B funds be available only for the special emphasis program.

*Private agency share.*—The Senate amendment increased the minimum private agency share of special emphasis funding from 20 to 30 percent. The House bill contained no similar provision. The Conference substitute adopts the Senate provision.

#### GENERAL PROVISIONS

*Formula grant funds as match.*—The Senate amendment and the House bill both prohibited use of formula grant funds to match other LEAA funds. The Senate amendment, unlike the House bill, permitted up to 100 percent of a State's formula grant funds to be used as match for other Federal juvenile delinquency program grants. The Conference substitute adopts the House provision.

*Match.*—The Senate amendment specified that the Administrator's authority to require a matching contribution extends to grants for the concentration of Federal efforts, the special emphasis program, and programs of the National Institute for Juvenile Justice and Delinquency Prevention. The House bill extended the Administrator's authority to require any recipient of a grant or contract to contribute money, facilities, or services to include all title II programs. The Conference substitute adopts the Senate provision with the modification that special emphasis programs are deleted from such authority.

*Confidentiality of program records.*—The Senate amendment provided for confidentiality of program records, restricting the disclosure of program records unless otherwise authorized by law, with the consent of the service recipient or legally-authorized representative, or as necessary to perform the functions required by the Act. The House bill contained no comparable provision. The Conference substitute adopts the Senate provision.

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

The Senate amendment provided that the Institute has the authority to assist, through training, State advisory groups or com-

parable public or private citizen groups in nonparticipating States in the accomplishment of their objectives. The House bill contained no comparable provision. The Conference substitute adopts the Senate provision.

The Senate amendment permitted the National Advisory Committee to refine its recommended standards for juvenile justice and to assist in the adoption of appropriate standards at the State and local levels. The House bill contained a similar provision that would require the Committee to assist in the adoption of standards. The Conference substitute adopts the Senate provision.

The Senate amendment authorized the Institute to develop and support model State legislation designed to implement the mandates of the Act and the standards developed by the Advisory Committee. The House bill contained no comparable provision. The Conference substitute adopts the Senate provision.

The Senate amendment included persons involved with law-related education projects, youth workers and citizens groups as eligible participants in Institute-funded training activities. There was no comparable House bill provision. The Conference substitute adopts the Senate provision.

#### ADMINISTRATIVE PROVISIONS

The House bill provided a 3-year authorization at authorized appropriation levels of \$125 million for fiscal 1978 and such sums as are necessary for fiscal years 1979 and 1980. The Senate amendment also provided a 3-year authorization but at authorized appropriation levels of \$150 million, \$175 million and \$200 million for fiscal years 1978, 1979, and 1980, respectively. The Conference substitute adopts the Senate provision.

The House bill incorporated certain administrative provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, into the Act as administrative provisions. The Senate bill incorporated the same provisions and, in addition, a provision that would restrict the transfer of the functions, powers, and duties specified in the Act to be carried out by the Administration. The Conference substitute adopts the House provision. It is the strong intention of the Conferees that the Office of Juvenile Justice and Delinquency Prevention be retained within the Department of Justice. The Conferees note, however, dependent on the outcome of the Law Enforcement Assistance Administration reorganization, that the Office of Juvenile Justice and Delinquency Prevention may be established as a separate entity reporting to the Attorney General.

In this regard the Conferees strongly reaffirm the original integrated approach contemplated for the Office of Juvenile Justice and Delinquency Prevention and each of its component parts, especially as regards its Institute, which has helped to assure that the Office has avoided most of the disappointing experiences of the Crime Control Act program. Similarly, with the advent of the abolition of the LEAA Regional Offices, it is contemplated that the Office retain at least its current fifty-one positions which were predicated on the fiscal year 1975 funding of \$25 million and that the juvenile justice formula grant program along with necessary staff, including regional juvenile justice specialists, and resources, now be transferred to the Office.

#### RUNAWAY YOUTH ACT

The House bill provided a 3-year authorization of \$25 million for fiscal 1978 and such sums as are necessary for fiscal 1979 and 1980. The Senate amendment also provided a 3-year authorization, but authorized \$25 million for fiscal years 1978, 1979, and 1980 respectively. The Conference substitute adopts the Senate provision.

The House bill further provided the President with permissive authority to provide Congress, after January 1, 1978, with a reorganization plan to transfer the Runaway Youth Program from the Department of Health, Education, and Welfare to the ACTION Agency. The Senate amendment contained no comparable provision. The Conference substitute adopts the House provision with the modification that any such reorganization plan not be submitted until after April 30, 1978, and that the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice be added as an eligible recipient of any such transfer as might be advised in the reorganization plan should one be submitted.

#### EXTENSION OF JUVENILE DELINQUENCY PREVENTION ACT

The Senate amendment contained a provision, not in the House bill, that deleted expired title IV of the Act. The Conference substitute adopts the Senate provision.

The Senate amendment contained a provision that would allow a Federal court, upon the completion of any juvenile delinquency proceeding, to respond to inquiries from any victim of such juvenile delinquency (or if the victim is deceased from the immediate family of such victim) related to the final disposition of such juvenile by the court. The House bill contained no comparable provision. The Conference substitute adopts the Senate provision. It is the intent of the conferees that the response to any such request would be restricted to information that might assist the victim, or the victim's family, to overcome any psychological damage that resulted from the act of delinquency. Normally such information would be restricted to whether or not the court had placed the juvenile in any form of treatment or incarceration and the length of any such treatment or incarceration. It would not include such information as the name, present location, prior record, or former place of residence of the juvenile.

#### NATIONAL INSTITUTE OF CORRECTIONS

The Senate amendment provided that the Associate Administrator of the Office shall be an ex officio member of the National Institute of Corrections Advisory Board. The House bill contained no comparable provision. The Conference substitute adopts the Senate provision.

#### CONFORMING AMENDMENTS

The House required that the chairman and at least two other members of the State advisory group shall be appointed to the State planning agency supervisory board. The Senate amendment contained a similar provision but limits the additional representation to citizen members and requires that any State planning agency executive committee shall include proportional representatives of advisory group/State planning agency members. The Conference substitute adopts the Senate provision.

The Senate amendment required that the LEAA annual report be submitted to the House Committee on Education and Labor and that the annual report contain specified information pertaining to the implementation of the Juvenile Justice and Delinquency Prevention Act. The House bill contained no comparable provision. The Conference substitute adopts the Senate provision.

The House bill increased the number of authorized supergrade positions under the U.S. Code from 25 to 26. The Senate amendment contained no comparable provision. The Conference substitute does not retain the House provision.

JOHN CULVER,  
BIRCH BAYH,  
DENNIS DECONCINI,  
CHARLES McC. MATHIAS,  
MALCOLM WALLOP,

*Managers on the Part of the Senate.*

CARL D. PERKINS,  
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WILLIAM D. FORD,  
BALTASAR CORRADA,  
ALBERT H. QUIE,  
BILL GOODLING,

*Managers on the Part of the House.*

