

95th Congress }  
2d Session }

COMMITTEE PRINT

THE JUVENILE JUSTICE AND DELINQUENCY  
PREVENTION ACT OF 1974

AS AMENDED BY

THE JUVENILE JUSTICE AMENDMENTS  
OF 1977

PREPARED BY THE

SUBCOMMITTEE TO INVESTIGATE JUVENILE  
DELINQUENCY

Senator JOHN C. CULVER, *Chairman*

FOR THE USE OF THE

COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE



JANUARY 1978

NCJRS

APR 27 1978

ACQUISITION

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1978

20-589

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402

46811

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(II)

## INTRODUCTION

Each year well over 1 million young people enter the juvenile justice system for offenses ranging from truancy and ungovernability to serious criminal offenses. The traditional goal of the juvenile justice system has been to furnish humane treatment to juveniles with problems and to prevent, reduce and control juvenile crime. Sadly, the consensus is that the system has largely failed to fulfill this goal. In many areas of the country overcrowded and understaffed juvenile courts and correctional agencies are not able to provide juveniles with effective treatment. Processing of troubled youth through the juvenile justice system may in fact exacerbate rather than ameliorate their problems.

The sad truth is that in far too many cases the juvenile justice system is simply used as a dumping ground for children. And unfortunately a substantial number of children who go through this system suffer social, economic and psychological damage. Obviously something must be done to stop this horrible waste of young lives.

The Juvenile Justice and Delinquency Prevention Act of 1974 is truly a milestone in the Federal initiative to improve juvenile justice and prevent juvenile delinquency. The act coordinates the various Federal programs dealing with the prevention and treatment of juvenile delinquency and provides Federal funds to assist innovative State, local, and private programs. It also establishes a runaway youth program which provides temporary shelter and counseling for young runaways and attempts to reunite these children with their parents.

The 1974 Act has dramatically improved the nation's programs for the prevention and treatment of juvenile delinquency, but a great deal still needs to be done. After careful study of the implementation of the act, the Congress recently passed the Juvenile Justice Amendments of 1977. These amendments reauthorize the programs established under the 1974 Act for an additional 3 years. The amendments also make a number of changes that should greatly increase the effectiveness of these efforts.

Because of the importance of the 1977 Amendments, the Subcommittee to Investigate Juvenile Delinquency has prepared the following compilation of the text of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended by the Juvenile Justice Amendments of 1977. I believe this compilation will be a valuable reference for officials of the executive branch, members of Congress, State, and local officials and the many individuals across the country who are deeply concerned with the problems of our young.

JOHN C. CULVER,  
*Chairman, Subcommittee to  
Investigate Juvenile Delinquency.*



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# THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

AS AMENDED BY

## THE JUVENILE JUSTICE AMENDMENTS OF 1977<sup>1</sup>

AN ACT To provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

*Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Act of 1974".*

### TITLE I—FINDINGS AND DECLARATIONS OF PURPOSE

#### FINDINGS

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

42 USC 5601.

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

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

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

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

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

(6) States and local communities which experience

<sup>1</sup> New provisions added by the Juvenile Justice Amendments of 1977 are printed in *italics*. Provisions of the 1974 Act that were repealed by the 1977 Amendments are enclosed in brackets.

directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency; and

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

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

#### PURPOSE

42 USC 5602.

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

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

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

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

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

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

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

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

(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delin-



quency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

#### DEFINITIONS

Sec. 103. For purposes of this Act—

42 USC 5803.

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

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

(3) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity for neglected, abandoned, or dependent youth and other youth [who are in danger of becoming delinquent] to help prevent delinquency;

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

42 USC 3711.

(5) the term "Administrator" means the agency head designated by section 101(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

42 USC 3711.

(6) the term "law enforcement and criminal justice" means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to ap-

prehend criminals, activities of courts having criminal jurisdiction and related agencies including prosecutorial and defender services, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction;

(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States;

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

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

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

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

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

(13) the term "treatment" includes but is not limited to medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict or other user by eliminating his dependence on addicting or other drugs or by controlling his dependence, and his susceptibility to addiction or use.

## TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

### PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

#### ESTABLISHMENT OF OFFICE

SEC. 201. (a) There is hereby created within the Department of Justice, Law Enforcement Assistance Administration, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office"). *The Administrator shall administer the provisions of this Act through the Office.* 42 USC 5611.

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

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

(d) The [Assistant Administrator] Associate Administrator shall exercise all necessary powers, subject to the direction of the Administrator of the Law Enforcement Assistance Administration. *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.* Powers of Associate Administrator? 42 USC 5731, 5751.

(e) There shall be in the Office a [Deputy Assistant Administrator] Deputy Associate Administrator who shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The [Deputy Assistant Administrator] Deputy Associate Administrator shall perform such functions as the [Assistant Administrator] Associate Administrator from time to time assigns or delegates, and shall act as [Assistant Administrator] Associate Administrator during the absence or 42 USC 3701 nota

disability of the [Assistant Administrator] *Associate Administrator* or in the event of a vacancy in the Office of the [Assistant Administrator] *Associate Administrator*.

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

(g) Section 5108(c) (10) of title 5, United States Code first occurrence, is amended by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-five".<sup>1</sup>

#### PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

42 USC 5612.

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

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

5 USC 5332  
note.

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

(d) The Administrator may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title I<sup>2</sup> of the United States Code.

#### VOLUNTARY SERVICE

42 USC 5613.

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

#### CONCENTRATION OF FEDERAL EFFORTS

42 USC 5614.

SEC. 204. (a) The Administrator shall implement overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities

<sup>1</sup> Section 5108(c) (10) of title 5, U.S.C., has been redesignated as section 5108(c) (11).

<sup>2</sup> S.C. 1974 Act. Should read "title 5".

relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out his functions, the Administrator shall consult with the Council and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

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

Duties.

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

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

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

Studies.

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

(5) develop annually with the assistance of the Advisory Committee and submit to the President and the Congress, after the first year the legislation is enacted, prior to September 30, an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs. The report shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs;

(6) develop annually with the assistance of the Advisory Committee and submit to the President and the Congress, after the first year the legislation is enacted, prior to March 1, a comprehensive plan for Federal juvenile delinquency programs, with

particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system; and

Federal juvenile delinquency programs, analysis and evaluation, submittal to President and Congress.

(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 systems, 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

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

Reports to Congress and Council.

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

Annual reports, contents.

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

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

(e) The third such annual report submitted to the President and the Congress by the Administrator under subsection (b) **[(6)] (5)** shall contain, in addition to the comprehensive plan required by subsection (b) **[(6)] (5)**, a detailed statement of procedures to be used with respect to the submission of juvenile delinquency development statements to the Administrator by Federal agencies under subsection ("1"). Such statement submitted by the Administrator shall include a description of information, data, and analyses which shall be contained in each such development statement.

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

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

(h) The Administrator is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

Federal  
Government  
services and  
facilities,  
utilization.

(i) The Administrator is authorized to transfer funds appropriated under this title to any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the **[Assistant Administrator]** *Associate Administrator* finds to be exceptionally effective or for which he finds there exists exceptional need.

Transfer of  
funds.

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

Grants and  
contracts.

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

Coordination  
with HEW.

(1) (1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program which meets any criterion developed by the *Associate Administrator* under section 204(d) (1) to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under section 204(f).

Development  
statement,  
submittal to  
Council.  
*Supra.*

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

Juvenile  
delinquency  
development  
statement,  
review.

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

#### JOINT FUNDING

42 USC 5615.

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

Non-Federal  
share require-  
ment.  
Establishment.

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

Establishment.  
42 USC 5616.

SEC. 206. (a) (1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Council") composed of the Attorney General, the Secretary of Health, Education, and Welfare, the Secretary of Labor, [the Director of the Special Action Office for Drug Abuse Prevention] the Director of the Office of Drug Abuse Policy, *the Commissioner of the Office of Education, the Director of the ACTION*

Membership.



Agency, the Secretary of Housing and Urban Development, or their respective designees, the [Assistant Administrator] *Associate Administrator* of the Office of Juvenile Justice and Delinquency Prevention, the [Deputy Assistant Administrator] *Deputy Associate Administrator* of the Institute for Juvenile Justice and Delinquency Prevention, and representatives of such other agencies as the President shall designate.

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

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

Chairman.

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

Functions.

Federal agencies, programs and practices, review and report.

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

Meetings.

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

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

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

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

(g) To carry out the purposes of this section there is authorized to be appropriated such sums as may be necessary.

Appropriation.

#### ADVISORY COMMITTEE

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

National Advisory Committee for Juvenile Justice and Delinquency Prevention. Establishment. 42 USC 5617.

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

**Membership.**

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

**Terms of office.**

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

**DUTIES OF THE ADVISORY COMMITTEE**

**Meetings.**  
42 USC 5618.

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

**Recommendations.**

(b) The Advisory Committee shall make recommendations to the Associate Administrator, the President, and the Congress at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

[(c) The Chairman may designate a subcommittee of the members of the Advisory Committee to advise the Administrator on particular functions or aspects of the work of the Administrator.]

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

(d) The Chairman shall designate a subcommittee of *not less than* five members of the Committee to serve, together with the Director of the National Institute of Corrections, as members of an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention to perform the functions set forth in section 245 of this title.

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

[(f) The Chairman, with the approval of the Committee, shall appoint such personnel as are necessary to carry out the duties of the Advisory Committee.]

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

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

#### COMPENSATION AND EXPENSES

SEC. 209. (a) Members of the Advisory Committee who are employed by the Federal Government full time shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee. 42 USC 5319.

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

5 USC 5332  
note.

#### PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

##### Subpart I—Formula Grants

SEC. 221. The Administrator is authorized to make grants to States and [local governments] *units of general local government or combinations thereof* to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through *grants and* 42 USC 5631.

contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

#### ALLOCATION<sup>1</sup>

Minimum State  
allotment.  
42 USC 5632.

SEC. 222. (a) In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. No such allotment to any State shall be less than ~~["\$200,000"]~~ *\$225,000*, except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands no allotment shall be less than ~~["\$50,000"]~~ *\$56,250*.

Reallocation  
of funds.

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976 after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.

Funds, plan-  
ning and ad-  
ministration.

(c) In accordance with regulations promulgated under this part, a portion of any allotment to any State under this part shall be available to develop a State plan and to pay that portion of the expenditures which are necessary for efficient administration. Not more than 15 per centum of the total annual allotment of such State shall be available for such purposes. The State shall make available needed funds for planning and administration to ~~["local government"]~~ *units of general local government or combination thereof* within the State on an equitable basis.

Financial  
assistance,  
limitation.

(d) Financial assistance extended under the provisions of this section shall not exceed 90 per centum of the approved costs of any assisted programs or activities. The non-Federal share shall be made in cash or kind consistent with the maintenance of programs required by section 261.

Funds, avail-  
ability to  
advisory group.  
*Infra.*

(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.*

<sup>1</sup> Certain amendments to Section 222 will take effect on October 1, 1978. The text of Section 222, as it will appear after October 1, 1978, is set forth in appendix B.

## STATE PLANS

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes consistent with the provisions of section 303(a), (1), (3), (5), (6), (8), (10), (11), (12), (15), and (17) of title I of the Omnibus Crime Control and Safe Streets Act of 1968. In accordance with regulations established under this title, such plan must—

42 USC 5033.

42 USC 3733.  
State plans,  
requirements.

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

42 USC 3723.

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

Advisory group

(3) [provide for an advisory group appointed by the chief executive of the State to advise the State planning agency and its supervisory board] *provide for an advisory group appointed by the chief executive of the State to carry out the functions specified in subparagraph (F) and to participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action and (A) which shall consist of not less than twenty-one and not more than thirty-three persons who have training, experience, or special knowledge concerning the prevention and treatment of a juvenile delinquency or the administration of juvenile justice, (B) which shall include representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, or youth services departments, (C) which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; business groups and businesses employing youth, 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*

Membership.

Duties.

42 USC 3723.

42 USC 5671,  
3768.Consultation  
with local  
governments.Local  
passthrough  
requirement

*learning disabilities; and organizations which represent employees affected by this Act, (D) a majority of whose members (including the chairman) shall not be full-time employees of the Federal, State, or local government, [and] (E) at least one-third of whose members shall be under the age of twenty-six at the time of appointment[;] at least three of whom shall have been or shall currently be under the jurisdiction of the juvenile justice system; and (F) which (i) shall, consistent with this title, advise the State planning agency 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;*

*(4) provide for the active consultation with and participation of [local governments] units of general local government or combinations thereof in the development of a State plan which adequately takes into account the needs and requests of local governments, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;*

*[(5) provide that at least 66⅔ per centum of the funds received by the State under section 222 shall be expended through programs of local government insofar as they are consistent with the State plan, except that this provision may be waived at the discretion of the Administrator for any State if the services for delinquent or potentially delinquent youth are organized primarily on a statewide basis;]*

*(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 66⅔ 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)<sup>1</sup> shall be expended through—

42 USC 5632.

(A) programs of units of general local government or combinations thereof, to the extent such programs are consistent with the State plan;<sup>2</sup> and

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

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

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

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

Study of State needs.

(10) provided that they meet the criteria for advanced technique programs as specified therein;

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

Private agencies.

<sup>1</sup> Due to certain amendments that will take effect on October 1, 1978, section 222(e) will be redesignated as section 222(d). On October 1, 1978, the reference to section 222(e) above will be changed to section 222(d) in order to reflect this redesignation.

Advanced  
techniques  
requirement.

42 USC 5632.

(10) [provide that not less than 75 per centum of the funds available to such State under section 222, whether expended directly by the State or by the local government or through 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 direct juveniles from the juvenile justice system, and to provide community based alternatives to juvenile detention and correctional facilities. That advanced techniques include—] *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)<sup>1</sup> 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—*

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

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

(C) youth service bureaus and other community-based programs to divert youth from the juvenile court or to support, counsel, or provide work and recreational opportunities for delinquents and [youth in danger of becoming delinquent] *other youth to help prevent delinquency;*

[(D) comprehensive programs of drug and alcohol abuse education and prevention and programs for the treatment and rehabilitation of

<sup>1</sup> Due to certain amendments that will take effect October 1, 1978, section 222(e) will be redesignated as section 222(d). On October 1, 1978, the reference to section 222(e) will be changed to section 222(d) in order to reflect this redesignation.



drug addicted youth, and "drug dependent" youth (as defined in section 2(q) of the Public Health Service Act (42 U.S.C. 201(q)));**]**

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

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

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

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

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

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

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

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

(I) *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;*

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

**[(12) provide within two years after submission of the plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities;]**

(12) (A) *provide within three years after submission of the initial plan that juveniles who are charged*

Deinstitutionalization of juveniles.

*with or who have committed offenses that would not be criminal if committed by an adult, or such non-offenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities; and*

Annual reports,  
submittal to  
Associate  
Administrator.

(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);

42 USC 5603.

Separation  
requirement.

(13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

Monitoring.

(14) provide for an adequate system of monitoring jails, detention facilities, [and] correctional facilities and non-secure facilities to insure that the requirements of [section 223 (12) and (13) paragraph (12) (A) and paragraph (13)] are met, and for annual reporting of the results of such monitoring to the Associate Administrator;

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

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

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

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

(B) the continuation of collective-bargaining rights;

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

(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act;

(E) training or retraining programs.

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

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

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

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

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

Such plan may at the discretion of the Administrator be incorporated into the plan specified in 303(a) of the Omnibus Crime Control and Safe Streets Act.

42 USC 3783.

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

(c) The Administrator shall approve any State plan and any modification thereof that meets the requirements of this section. *Failure to achieve compliance with the subsection (a) (12) (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 deinstitution-*

State plan,  
approval.

*tionalization 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.*

Reallocated  
funds,  
preference.

42 USC 3757-  
3759.

(d) In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall make that State's allotment under the provisions of section 222(a) available to public and private agencies for special emphasis prevention and treatment programs as defined in section 224. *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 these 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).*

[(e) In the event the plan does not meet the requirements of this section due to oversight or neglect, rather than explicit and conscious decision, the Administrator shall endeavor to make that State's allotment under the provisions of section 222(a) available to public and private agencies in that State for special emphasis prevention and treatment programs as defined in section 224.]

#### Subpart II—Special Emphasis Prevention and Treatment Programs

Grants and  
contracts.  
42 USC 5634.

SEC. 224. (a) The Administrator is authorized to make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to—

(1) develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs;

(2) develop and maintain community-based alternatives to traditional forms of institutionalization;

(3) develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system, *including restitution projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents;*

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

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

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

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

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

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

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

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

[(b) Not less than 25 per centum or more than 50 per centum of the funds appropriated for each fiscal year pursuant to this part shall be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section.]

(b) *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.*

Appropriated funds, limitation.

(c) At least [20] 30 per centum of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts to private nonprofit agencies, organizations, or institutions who have had experience in dealing with youth.

Private nonprofit organizations.

#### CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

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

42 USC 5635.

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

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

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

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

(4) provide for regular evaluation of the program;

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

Reports.

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

Fiscal control  
and fund  
accounting.

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

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

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

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

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

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

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

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

(6) the extent to which the proposed program facilitates the implementation of the recommendations of the Advisory Committee [on Standards for Juvenile Justice] as set forth pursuant to section 247; and

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

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

#### GENERAL PROVISIONS

##### Withholding

SEC. 226. Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds— 42 USC 5636.

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

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

the Administrator shall initiate such proceedings as are appropriate.

##### USE OF FUNDS

SEC. 227. (a) Funds paid pursuant to this title to any 42 USC 5637.  
[State, public or private agency, institution, or individual (whether directly or through a State or local agency)] *public or private agency, organization, institution, or individual (whether directly or through a State planning agency)* may be used for—

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

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

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

##### PAYMENTS

SEC. 228. (a) In accordance with criteria established by the Administrator, it is the policy of Congress that programs funded under this title shall continue to receive financial assistance providing that the yearly evaluation of such programs is satisfactory. Continuing financial assistance for programs.  
42 USC 5638.

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

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

(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.*

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

<sup>1</sup>(e) *Except as provided in the second sentence of section 222 (a), financial assistance extended under the provisions of this title shall be 100 per centum of the approved costs of any program or activity.*

Indian tribe.  
Federal share,  
increase.

(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.*

Funds,  
reallocation.

(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.*

42 USC 3757.

#### CONFIDENTIALITY OF PROGRAM RECORDS

42 USC 5630.

*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*

<sup>1</sup>Under Section 4(g)(3)(B) of the Juvenile Justice Amendments of 1977, the new Section 228(e) will not take effect until October 1, 1978.



*disclosed except with the consent of the service recipient or legally authorized representative, or as may be necessary to perform the functions required by this title. Under no circumstances may project reports or findings available for public dissemination contain the actual names of individual service recipients.*

**PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE  
AND DELINQUENCY PREVENTION**

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

Establishment.  
42 USC 5051.

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

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

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

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

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

Data collection

Training.

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

Additional powers.

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

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

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

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

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

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

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

#### INFORMATION FUNCTION

42 USC 5652

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

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

Information  
clearinghouse.

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

## RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 243. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to— 42 USC 5653.

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

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

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

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

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

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

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

## TRAINING FUNCTIONS

SEC. 244. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to— 42 USC 5654.

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

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

(3) devise and conduct a training program, in accordance with the provisions of sections 249, 250, and 251,<sup>1</sup> of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel), *including persons associated with law related education programs, youth workers, and representatives of private youth agencies and organizations* connected with the prevention and treatment of juvenile delinquency; and

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

#### INSTITUTE ADVISORY COMMITTEE

42 USC 5055.

SEC. 245. [The Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention established in section 208(d) shall advise, consult with, and make recommendations to the Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of the Institute.] *The Advisory Committee shall advise, consult with, and make recommendations to the Associate Administrator concerning the overall policy and operations of the Institute.*

#### ANNUAL REPORT

42 USC 5056.

SEC. 246. The [Deputy Assistant Administrator] *Deputy Associate Administrator* for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the *Associate Administrator* after the first year the legislation is enacted, prior to June 30, a report on research, demonstration, training, and evaluation programs funded under this title, including a review of the results of such programs, an assessment of the application of such results to existing and

<sup>1</sup> These sections have been redesignated as sections 248, 249, and 250 respectively.

to new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs. The *Associate Administrator* shall include a summary of these results and recommendations in his report to the President and Congress required by section 204(b) (5).

Report to  
President and  
Congress.

#### DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

SEC. 247. (a) The National Institute for Juvenile Justice and Delinquency Prevention, under the supervision of the Advisory Committee [on Standards for Juvenile Justice established in section 208(e)], shall review existing reports, data, and standards, relating to the juvenile justice system in the United States.

42 USC 5657.

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

Report to  
President and  
Congress.

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

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

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

Information,  
availability.

(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 the Act and the standards developed by the Advisory Committee.*

Adoption of  
standards.  
Model legis-  
lation.

[SEC. 248. Records containing the identity of individual juveniles gathered for purposes pursuant to this title may under no circumstances be disclosed or transferred to any individual or other agency, public, or private.]

#### ESTABLISHMENT OF TRAINING PROGRAM

SEC. [249.] 248. (a) The *Associate Administrator* shall establish within the Institute a training program designed to train enrollees with respect to methods and

42 USC 5659.

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

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

#### CURRICULUM FOR TRAINING WORK

42 USC 5600.

SEC. [250.] 249. The *Associate Administrator* shall design and supervise a curriculum for the training program established by [section 249] *section 248* which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program.

#### ENROLLMENT FOR TRAINING PROGRAM

42 USC 5601.

SEC [251.] 250. (a) Any person seeking to enroll in the training program established under [section 249] *section 248* shall transmit an application to the *Associate Administrator*, in such form and according to such procedures as the *Associate Administrator* may prescribe.

(b) The *Associate Administrator* shall make the final determination with respect to the admittance of any person to the training program. The *Associate Administrator*, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in [section 249] *section 248(b)*.

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

PART D—[AUTHORIZATION OF APPROPRIATIONS]  
ADMINISTRATIVE PROVISIONS

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

*Sec. 261. (a) To carry out the purposes of this title there is authorized to be appropriated \$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.*

Appropriation  
authorization.  
42 USC 5671.

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

Maintenance  
of effort.

[NONDISCRIMINATION PROVISIONS]

[SEC. 262. (a) No financial assistance for any program under this Act shall be provided unless the grant, contract, or agreement with respect to such program specifically provides that no recipient of funds will discriminate as provided in subsection (b) with respect to any such program.

[(b) No person in the United States shall on the ground of race, creed, color, sex, or national origin be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this Act. The provisions of the preceding sentence shall be enforced in accordance with section 603 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act.]

APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

*Sec. 262. The administrative provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968,*

42 USC 5672.

42 USC 3701.  
42 USC 3751,  
3754, 3755,  
3757, 3758,  
3759, 3764,  
3766, 3769,  
3771.

designated as sections 501, 504, 507, 509, 510, 511, 516, 518(c), 521, and 524 (a) and (c) of such Act, are incorporated herein as administrative provisions applicable to this Act.

#### EFFECTIVE CLAUSE

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

(b) Section 204(b)(5) and 204(b)(6) shall become effective at the close of the thirty-first day of the twelfth calendar month of 1974. Section 204(1) shall become effective at the close of the thirty-first day of the eighth calendar month of 1976.

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

### TITLE III—RUNAWAY YOUTH

#### SHORT TITLE

Runaway  
Youth Act.  
42 USC 5701  
note.

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

#### FINDINGS

42 USC 5701.

SEC. 302. The Congress hereby finds that—

(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;

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

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

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

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



## RULES

SEC. 303. The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") may prescribe such rules as he considers necessary or appropriate to carry out the purposes of this title. 42 USC 5702.

## PART A—GRANTS PROGRAM

## PURPOSES OF GRANT PROGRAM

SEC. 311. The Secretary is authorized to make grants and to provide technical assistance *and short-term training to States*, localities, and nonprofit private agencies *and coordinated networks of such agencies* in accordance with the provisions of this part. Grants under this part shall be made for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth *or otherwise homeless youth* in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grant shall be determined by the number of [runaway youth] *such youth* in the community and the existing availability of services. Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with [runaway youth] *such youth*. Federal assistance 42 USC 5711.

## ELIGIBILITY

SEC. 312. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway house, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians. 42 USC 5712.

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

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

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

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

Runaway house requirements.

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

Aftercare  
counseling.

(5) shall develop an adequate plan for aftercare counseling involving runaway youth and their parents within the State in which the runaway house is located and for assuring, as possible, that [aftercase] aftercare services will be provided to those children who are returned beyond the State in which the runaway house is located;

Records,  
information  
disclosure,  
restriction.

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

Annual reports  
to Secretary.

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

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

Budget  
estimate.

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

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

#### APPROVAL BY SECRETARY

42 USC 5713.

Sec. 313. An application by a State, locality, or non-profit private agency for a grant under this part may be approved by the Secretary only if it is consistent with the applicable provisions of this part and meets the requirements set forth in section 312. Priority shall be given to grants smaller than ~~[\$75,000]~~ \$100,000. In considering grant applications under this part, priority shall be given to any applicant whose program budget is smaller than ~~[\$100,000]~~ \$150,000.

#### GRANTS TO PRIVATE AGENCIES, STAFFING

42 USC 5714.

Sec. 314. Nothing in this part shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in

other respects meet the requirements of this part and agree to be legally responsible for the operation of the runaway house. Nothing in this part shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds.

#### REPORTS

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

Report to  
Congress.  
42 USC 5715.

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

#### FEDERAL SHARE

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

42 USC 5716.

Non-Federal  
share.

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

Payments.

#### PART B—[STATISTICAL SURVEY] RECORDS

##### [SURVEY; REPORT

[SEC. 321. The Secretary shall gather information and carry out a comprehensive statistical survey defining the major characteristic of the runaway youth population and determining the areas of the Nation most affected. Such survey shall include the age, sex, and socioeconomic background of runaway youth, the places from which and to which children run, and the relationship between running away and other illegal behavior. The Secretary shall report the results of such information gathering and survey to the Congress not later than June 30, 1975.

## [RECORDS

[SEC. 322. Records containing the identity of individual runaway youths gathered for statistical purposes pursuant to section 321 may under no circumstances be disclosed or transferred to any individual or to any public or private agency.]

## RECORDS

Disclosure or  
transfer,  
restriction.  
42 USC 5781.

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

## PART C—REORGANIZATION

## REORGANIZATION PLAN

Submittal to  
Congress.  
42 USC 5741.

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

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

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

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

*(B) within the ACTION Agency;*

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

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

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

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

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

SEC [331.] 341. (a) To carry out the purposes of part A of this title there is authorized to be appropriated for each of the fiscal years ending June 30, 1975, 1976, and 1977, the sum of \$10,000,000, and for each of the fiscal years ending September 30, 1978, 1979, and 1980, the sum of \$25,000,000. 42 USC 5751.

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

(b) The Secretary (through the Office of Youth Development which shall administer this 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.

Consultation  
with Attor-  
ney General.  
Coordination.

42 USC 3701  
nota.

#### **[TITLE IV—EXTENSION AND AMENDMENT OF THE JUVENILE DELINQUENCY PRE- VENTION ACT**

##### **[YOUTH DEVELOPMENT DEMONSTRATIONS**

[SEC. 401. Title I of the Juvenile Delinquency Prevention Act is amended (1) in the caption thereof, by inserting "AND DEMONSTRATION PROGRAMS" after "SERVICES"; (2) following the caption thereof, by inserting "PART A—COMMUNITY-BASED COORDINATED YOUTH SERVICES"; (3) in sections 101, 102 (a), 102 (b)

(1), 102(b) (2), 103(a) (including paragraph (1) thereof), 104(a) (including paragraphs (1), (4), (5), (7), and (10) thereof), and 104(b) by striking out "title" and inserting "part" in lieu thereof; and (4) by inserting at the end of the title following new part:

**["PART B—DEMONSTRATIONS IN YOUTH DEVELOPMENT**

**["SEC. 105. (a)** For the purpose of assisting the demonstration of innovative approaches to youth development and the prevention and treatment of delinquent behavior (including payment of all or part of the costs of minor remodeling or alteration), the Secretary may make grants to any State (or political subdivision thereof), any agency thereof, and any nonprofit private agency, institution, or organization that submits to the Secretary, at such time and in such form and manner as the Secretary's regulations shall prescribe, an application containing a description of the purposes for which the grant is sought, and assurances satisfactory to the Secretary that the applicant will use the grant for the purposes for which it is provided, and will comply with such requirements relating to the submission of reports, methods of fiscal accounting, the inspection and audit of records and other materials, and such other rules, regulations, standards, and procedures, as the Secretary may impose to assure the fulfillment of the purposes of this Act.

**["(b)** No demonstration may be assisted by a grant under this section for more than one year."

**["CONSULTATION**

**["SEC. 402. (a)** Section 408 of such Act is amended by adding at the end of subsection (a) thereof the following new subsection:

**["(b)** The Secretary shall consult with the Attorney General for the purpose of coordinating the development and implementation of programs and activities funded under this Act with those related programs and activities funded under the Omnibus Crime Control and Safe Streets Act of 1968";

and by deleting subsection (b) thereof.

**["(b)** Section 409 is repealed.

**["REPEAL OF MINIMUM STATE ALLOTMENTS**

**["SEC. 403. Section 403(b) of such Act is repealed, and section 403(a) of such Act is redesignated section 403.**

**["EXTENSION OF PROGRAM**

**["SEC. 404. Section 402 of such Act, as amended by this Act, is further amended in the first sentence by inserting after "fiscal year" the following: "and such sums as may be necessary for fiscal year 1975"."]**

## TITLE V—MISCELLANEOUS AND CONFORMING AMENDMENTS

### PART A—AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

SEC. 501. Section 5031 of title 18, United States Code, 18 USC 5031, is amended to read as follows:

#### “§ 5031. Definitions

“For the purposes of this chapter, a ‘juvenile’ is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-first birthday, and ‘juvenile delinquency’ is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult.”

### DELINQUENCY PROCEEDINGS IN DISTRICT COURTS

SEC. 502. Section 5032 of title 18, United States Code, 18 USC 5032, is amended to read as follows:

#### “§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution

“A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the needs of juveniles.

“If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

“If an alleged juvenile delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

“A juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult, except that,

with respect to a juvenile sixteen years and older alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, such transfer would be in the interest of justice.

"Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing whether a transfer would be in the interest of justice: the age and social background of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; the availability of programs designed to treat the juvenile's behavioral problems.

"Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

"Once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

"Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions."

#### CUSTODY

18 USC 5033.

SEC. 503. Section 5033 of title 18, United States Code is amended to read as follows:

"§ 5033. Custody prior to appearance before magistrate

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensive to a juvenile, and shall immediately notify the Attorney General and the juvenile's parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.



"The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for longer than a reasonable period of time before being brought before a magistrate."

#### DUTIES OF MAGISTRATE

SEC. 504. Section 5034 of title 18, United States Code, 18 USC 5034. is amended to read as follows:

##### "§ 5034. Duties of magistrate

"The magistrate shall insure that the juvenile is represented by counsel before proceeding with critical stages of the proceedings. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian, or custodian are financially unable to obtain adequate representation. In cases where the juvenile and his parents, guardian, or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian, or custodian to retain private counsel within a specified period of time.

Representation  
by counsel.

"The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

Appointment  
by guardian.

"If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents, guardian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility) upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, at which the juvenile is represented by counsel, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others."

#### DETENTION

SEC. 505. Section 5035 of this title is amended to read as follows: 18 USC 5035.

##### "§ 5035. Detention prior to disposition

"A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to

be delinquent to be detained or confined in any institution in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment."

#### SPEEDY TRIAL

18 USC 5036.

Sec. 506. Section 5036 of this title is amended to read as follows:

##### "§ 5036. Speedy trial

"If an alleged delinquent who is in detention pending trial is not brought to trial within thirty days from the date upon which such detention was begun, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay was caused by the juvenile or his counsel, or consented to by the juvenile and his counsel, or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice. Except in extraordinary circumstances, an information dismissed under this section may not be reinstituted."

#### DISPOSITION

18 USC 5037.

Sec. 507. Section 5037 is amended to read as follows:

##### "§ 5037. Dispositional hearing

"(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than twenty court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the Government a reasonable time in advance of the hearing.

Presentence  
report,  
availability  
of copies.

"(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment, or commitment in accordance with subsection (c) shall not extend beyond the juvenile's twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner, unless the juvenile has attained his nineteenth birthday at the time of disposition, in which case probation, commitment, or commitment in accordance with subsection (c) shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

Probation or  
commitment,  
term.

"(c) If the court desires more detailed information concerning an alleged or adjudicated delinquent, it may commit him, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and his attorney. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time."

Commitment to  
Attorney  
General.

Study.

#### JUVENILE RECORDS

SEC. 508. Section 5038 is added, to read as follows: 18 USC 5038.

##### "§ 5038. Use of juvenile records

"(a) Throughout the juvenile delinquency proceeding the court shall safeguard the records from disclosure. Upon the completion of any juvenile delinquency proceeding whether or not there is an adjudication the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except to the extent necessary to meet the following circumstances:

Disclosure  
safeguard.

- "(1) inquiries received from another court of law;
- "(2) inquiries from an agency preparing a presentence report for another court;

"(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

"(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; and

"(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.<sup>1</sup>

Sealed records,  
release,  
exceptions.

Unless otherwise authorized by this section, information about the sealed record may not be released when the request for information is related to an application for

<sup>1</sup> Section 5038(a) of title 18, U.S.C., was amended by Section 8(b) of The Juvenile Justice Amendments of 1977. This amendment is reflected in appendix A.

employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to the sealing of his juvenile record.

"(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.

"(d) Unless a juvenile who is taken into custody is prosecuted as an adult—

"(1) neither the fingerprints nor a photograph shall be taken without the written consent of the judge; and

"(2) neither the name nor picture of any juvenile shall be made public by any medium of public information in connection with a juvenile delinquency proceeding."

#### COMMITMENT

18 USC 5039.

SEC. 509. Section 5039 is added, to read as follows:

#### "§ 5039. Commitment

"No juvenile committed to the custody of the Attorney General may be placed or retained in an adult jail or correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

"Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

"Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community."

#### SUPPORT

18 USC 5040.

SEC. 510. Section 5040 is added, to read as follows:

#### "§ 5040. Support

"The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney

Contract  
authority.

Regulations.

General may promulgate such regulations as are necessary and may use the appropriation for 'support of United States prisoners' or such other appropriations as he may designate."

#### PAROLE

SEC. 511. Section 5041 is added to read as follows:

18 USC. 5041.

#### "§ 5041. Parole

"The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice."

#### REVOCATION

SEC. 512. Section 5042 is added to read as follows:

18 USC 5042.

#### "§ 5042. Revocation of parole or probation

"Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked."

Notice and hearing.

SEC. 513. The table of sections of chapter 403 of this title is amended to read as follows:

"Sec.

"5031. Definitions.

"5032. Delinquency proceedings in district courts; transfer for criminal prosecution.

"5033. Custody prior to appearance before magistrate.

"5034. Duties of magistrate.

"5035. Detention prior to disposition.

"5036. Speedy trial.

"5037. Dispositional hearing.

"5038. Use of juvenile records.

"5039. Commitment.

"5040. Support.

"5041. Parole.

"5042. Revocation of parole or probation."

#### PART B—NATIONAL INSTITUTE OF CORRECTIONS

SEC. 521. Title 18, United States Code, is amended by adding a new chapter 319 to read as follows:

#### "CHAPTER 319.—NATIONAL INSTITUTE OF CORRECTIONS

"SEC. 4351. (a) There is hereby established within the Bureau of Prisons a National Institute of Corrections.

Establishment.  
18 USC 4351.

"(b) The overall policy and operations of the National Institute of Corrections shall be under the supervision of an Advisory Board. The Board shall consist of sixteen members. The following six individuals shall serve as members of the Commission ex officio: the Director of the Federal Bureau of Prisons or his designee, the Administrator of the Law Enforcement Assistance Administra-

Membership.

tion or his designee, Chairman of the United States Parole Board or his designee, the Director of the Federal Judicial Center or his designee, the Deputy<sup>1</sup> Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention or his designee, and the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare or his designee.

"(c) The remaining ten members of the Board shall be selected as follows:

"(1) Five shall be appointed initially by the Attorney General of the United States for staggered terms; one member shall serve for one year, one member for two years, and three members for three years. Upon the expiration of each member's term, the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be qualified as a practitioner (Federal, State, or local) in the field of corrections, probation, or parole.

"(2) Five shall be appointed initially by the Attorney General of the United States for staggered terms, one member shall serve for one year, three members for two years, and one member for three years." Upon the expiration of each member's term the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be from the private sector, such as business, labor, and education, having demonstrated an active interest in corrections, probation or parole.

Compensation  
for expenses.

"(d) The members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States. Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Commission pursuant to this title, be entitled to receive compensation at the rate not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code, including travel-time, and while away from their homes, or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

5 USC 5332  
note.

Chairman and  
vice-chairman.

"(e) The Board shall elect a chairman from among its members who shall serve for a term of one year. The members of the Board shall also elect one or more members as a vice-chairman.

<sup>1</sup> Section 4351(b) of Title 18, U.S.C., was amended by section 8(a) of the Juvenile Justice Amendments of 1977. This amendment is reflected in appendix A.

"(f) The Board is authorized to appoint, without regard to the civil service laws, technical, or other advisory committees to advise the Institute with respect to the administration of this title as it deems appropriate. Members of these committees not otherwise employed by the United States, while engaged in advising the Institute or attending meetings of the committees, shall be entitled to receive compensation at the rate fixed by the Board but not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

Appointment of committees.

5 USC 5332 note.

"(g) The Board is authorized to delegate its powers under this title to such persons as it deems appropriate.

Delegation of powers.  
Director.

"(h) The Institute shall be under the supervision of an officer to be known as the Director, who shall be appointed by the Attorney General after consultation with the Board. The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel, subject to the civil service and classification laws, as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Board. The Director is authorized to delegate his powers under this title to such persons as he deems appropriate.

"SEC. 4352. (a) In addition to the other powers, express and implied, the National Institute of Corrections shall have authority—

Additional authority.  
18 USC 4352.

"(1) to receive from or make grants to and enter into contracts with Federal, State, and general units of local government, public and private agencies, educational institutions, organizations, and individuals to carry out the purposes of this chapter;

"(2) to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on corrections, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal and juvenile offenders;

"(3) to assist and serve in a consulting capacity to Federal, State, and local courts, departments, and agencies in the development, maintenance, and coordination of programs, facilities, and services,

training, treatment, and rehabilitation with respect to criminal and juvenile offenders;

"(4) to encourage and assist Federal, State, and local government programs and services, and programs and services of other public and private agencies, institutions, and organizations in their efforts to develop and implement improved corrections programs;

"(5) to devise and conduct, in various geographical locations, seminars, workshops, and training programs for law enforcement officers, judges, and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay ex-offenders, and paraprofessional personnel, connected with the treatment and rehabilitation of criminal and juvenile offenders;

"(6) to develop technical training teams to aid in the development of seminars, workshops, and training programs within the several States and with the State and local agencies which work with prisoners, parolees, probationers, and other offenders;

"(7) to conduct, encourage, and coordinate research relating to corrections, including the causes, prevention, diagnosis, and treatment of criminal offenders;

"(8) to formulate and disseminate correctional policy, goals, standards, and recommendations for Federal, State, and local correctional agencies, organizations, institutions, and personnel;

"(9) to conduct evaluation programs which study the effectiveness of new approaches, techniques, systems, programs, and devices employed to improve the corrections system;

"(10) to receive from any Federal department or agency such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information to the Institute;

"(11) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel, facilities, or equipment of such departments and agencies;

"(12) to confer with and avail itself to the assistance, services, records, and facilities of State and local governments or other public or private agencies, organizations, or individuals;

"(13) to enter into contracts with public or private agencies, organizations, or individuals, for the performance of any of the functions of the Institute; and

Contracts.



"(14) to procure the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code, at rates of compensation not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code.

Experts and consultants.

"(b) The Institute shall on or before the 31st day of December of each year submit an annual report for the preceding fiscal year to the President and to the Congress. The report shall include a comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishments under this title and may include such recommendations related to corrections as the Institute deems appropriate.

5 USC 5332 note.  
Annual report to President and Congress.

"(c) Each recipient of assistance under this <sup>1</sup> shall keep such records as the Institute shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate and effective audit.

Recordkeeping.

"(d) The Institute, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purposes of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

Audit.

"(e) The provisions of this section shall apply to all recipients of assistance under this title, whether by direct grant or contract from the Institute or by subgrant or subcontract from primary grantees or contractors of the Institute.

"Sec. 4353. There is hereby authorized to be appropriated such funds as may be required to carry out the purposes of this chapter."

Appropriation.  
18 USC 4353.

#### PART C—CONFORMING AMENDMENTS

SEC. 541. (a) The section titled "DECLARATION AND PURPOSE" in title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended by inserting immediately after the second paragraph thereof the following new paragraph:

42 USC 3701.

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

<sup>1</sup> Sic, 1974 Act. Should read "this chapter".

(b) Such section is further amended by adding at the end thereof the following new paragraph:

"It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination to (1) develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile justice and delinquency prevention."

42 USC 3723.

SEC. 542. The third sentence of section 203(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended to read as follows: "The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations including organizations directly related to delinquency prevention."

42 USC 3733.

SEC. 543. Section 303(a) of title I of the Omnibus Crime and Safe Streets Act of 1968 is amended by adding after the first sentence the following: "In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act."

42 USC 3768.

SEC. 544. Section 520 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by (1) inserting "(a)" after "Sec. 520." and (2) by inserting at the end thereof the following:

Maintenance  
of effort.

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall expend from other Law Enforcement Assistance Administration appropriations, other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs as was expended by the Administration during fiscal year 1972."

42 USC 3751.

SEC. 545. Part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new sections:

"Sec. 526. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)) : 42 USC 3772.

"Sec. 527. All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974. 42 USC 3773.

"Sec. 528. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the function vested in him and to prescribe their functions. 42 USC 3774.

"(b) Notwithstanding the provisions of section 5108 of title 5, United States Code, and without prejudice with respect to the number of positions otherwise placed in the Administration under such section 5108, the Administrator may place three positions in GS-16, GS-17, and GS-18 under section 532 of such title 5." 5 USC 532 note.

#### LEGISLATIVE HISTORY:

1974 Act (Public Law 93-415)

HOUSE REPORTS: No. 93-1135 accompanying H.R. 15276 (Comm. on Education and Labor) and No. 93-1298 (Comm. of Conference).

SENATE REPORTS: No. 93-1011 (Comm. on the Judiciary) and No. 1103 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 120 (1974):

July 1, H.R. 15276 considered and passed House.

July 25, considered and passed Senate.

July 31, considered and passed House, amended, in lieu of H.R. 15276.

Aug. 19, Senate agreed to conference report.

Aug. 21, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 37:

Sept. 8, Presidential Statement.

#### AMENDMENTS:

April 21, 1976. Amended by Fiscal Year Adjustment Act (Public Law 94-273).

Oct. 15, 1976. Amended by Crime Control Act of 1976 (Public Law 94-503).

Oct. 1, 1977. Amended by Juvenile Justice Amendments of 1977 (Public Law 95-115).

1977 Amendments (Public Law 95-115)

HOUSE REPORTS: No. 95-313 (Comm. on Education and Labor) and No. 95-542 (Comm. of Conference).

SENATE REPORTS: No. 95-105 accompanying S. 1021 (Comm. on the Judiciary) and No. 95-368 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 19, considered and passed House.

June 21, considered and passed Senate, amended, in lieu of S. 1021.

July 28, Senate agreed to conference report.

Sept. 23, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENT DOCUMENTS, Vol. 13, No. 41:



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## APPENDIX

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## APPENDIX A

### ADDITIONAL STATUTORY CHANGES MADE BY THE JUVENILE JUSTICE: AMENDMENTS OF 1977

The Juvenile Justice Amendments of 1977 also make a number of amendments to The Omnibus Crime Control and Safe Streets Act of 1968 and certain other federal statutes. Specifically the 1977 Amendments:

Amend Section 203(a) (1) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to read as follows:

SEC. 203. (a) (1) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State or by State law and shall be subject to the jurisdiction of the chief executive. Where such agency is not created or designated by State law, it shall be so created or designated by no later than December 31, 1978. The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations, including organizations directly related to delinquency prevention. *The Chairman and at least two additional citizen members of any advisory group established pursuant to section 223(a) (3) of the Juvenile Justice and Delinquency Prevention Act of 1977 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.*

State planning  
agency,  
membership.  
42 USC 3723.

Amend Section 519 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to read as follows:

SEC. 519. On or before December 31 of each year, the Administration shall report to the President and to the Committees on the Judiciary of the Senate and House of

Annual report.  
42 USC 3707

Representatives, and to the Committee on Education and Labor of the House of Representatives, on activities pursuant to the provisions of this title during the preceding fiscal year. Such report shall include—

\* \* \* \* \*

(10) an explanation of how the funds made available under sections 306(a)(2), 402(b), and 455(a)(2) of this title were expended, together with the policies, priorities, and criteria upon which the Administration based such expenditures; [and]

(11) a description of the implementation of, and compliance with, the regulations, guidelines, and standards required by section 454 of this Act [.]; and

(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.

42 USC 5671.  
42 USC 3768.  
42 USC 3723.

Amend Section 5038(a) of title 18, United States Code, to read as follows:

Juvenile  
records,  
confidentiality.

(a) Throughout the juvenile delinquency proceeding the court shall safeguard the records from disclosure. Upon the completion of any juvenile delinquency proceeding whether or not there is an adjudication the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except to the extent necessary to meet the following circumstances:

(1) inquiries received from another court of law;  
(2) inquiries from an agency preparing a presentence report for another court;

(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; [and]

(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security[.]; and

(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.



Unless otherwise authorized by this section, information about the sealed record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

Amend Section 4351(b) of title 18, United States Code, to read as follows:

(b) The overall policy and operations of the National Institute of Corrections shall be under the supervision of an Advisory Board. The Board shall consist of sixteen members. The following six individuals shall serve as members of the Commission ex officio: the Director of the Federal Bureau of Prisons or his designee, the Administrator of the Law Enforcement Assistance Administration or his designee, Chairman of the United States Parole Board or his designee; the Director of the Federal Judicial Center or his designee, the [Deputy Assistant Administrator for the National Institute for] *Associate Administrator for the Office of Juvenile Justice and Delinquency Prevention* or his designee, and the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare or his designee.

National  
Institute of  
Corrections.

Amend Section 5316 of title 5, United States Code, to add the following new paragraph:

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

This amendment adds the Associate Administrator to the Executive Schedule, Level V.



## APPENDIX B

### AMENDMENTS THAT TAKE EFFECT ON OCTOBER 1, 1978

Certain of the amendments in the Juvenile Justice Amendments of 1977 will not take effect until October 1, 1978. The primary effect of these amendments will be to amend Sections 222 and 228 of the Juvenile Justice and Delinquency Prevention Act of 1974. Sections 222 and 228, as they will appear from October 1, 1977 to September 30, 1978 are set forth in the main body of this report. The text of Sections 222 and 228, as they will appear on October 1, 1978 and thereafter, is set forth below. In the text below, only those changes that take effect on October 1, 1978 are enclosed in brackets or printed in *italic*. Existing law that will be omitted as of October 1, 1978 is enclosed in brackets and new matter is printed in *italic*.

#### ALLOCATION

SEC. 222. (a) In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. No such allotment to any State shall be less than \$225,000 except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands no allotment shall be less than \$56,250.

Minimum State  
allotment.  
42 USC 5632.

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.

(c) In accordance with regulations promulgated under this part, a portion of any allotment to any State under this part shall be available to develop a State plan *or for other pre-award activities associated with such State plan*, and to pay that portion of the expenditures which are necessary for efficient administration, *including monitoring and evaluation*. Not more than [15 per centum] *7½ per centum* of the total annual allotment of such State shall be available for such purposes, *except that any amount expended or obligated by such State, or by units of general local government or any combination*

Funds, plan-  
ning and ad-  
ministration.

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

[(d) Financial assistance extended under the provisions of this section shall not exceed 90 per centum of the approved costs of any assisted programs or activities. The non-Federal share shall be made in cash or kind consistent with the maintenance of programs required by section 261].

Funds, availability to advisory group.

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

#### PAYMENTS

Continuing financial assistance for programs.  
42 U.S.C. 5038.

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

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

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

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

Financial assistance, Federal share.

(e) Except as provided in the second sentence of section 222 (e), 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.

Funds,  
reallocation.

42 USC 3757.

## APPENDIX C

DISTRIBUTION OF CRIME CONTROL ACT (PTS. B, C, AND E) AND J.J. & D.P. FORMULA GRANT FUNDS FOR  
FISCAL YEAR 1978 BY STATE

[In thousands of dollars]

State	PL B	PL C	PL E	J.J. & D.P.
Alabama	\$352	\$4,240	\$499	\$1,098
Alaska	311	428	50	225
Arizona	618	2,594	305	692
Arkansas	601	2,475	291	623
California	3,778	24,864	2,925	5,929
Colorado	673	2,980	351	748
Connecticut	766	3,636	428	863
Delaware	346	679	80	225
Florida	1,628	9,708	1,142	2,184
Georgia	1,071	5,784	680	1,524
Hawaii	394	1,018	120	264
Idaho	395	954	112	260
Illinois	2,113	13,133	1,545	3,262
Indiana	1,134	6,232	733	1,598
Iowa	726	3,356	395	834
Kansas	629	2,674	315	(631)
Kentucky	814	3,973	467	1,009
Louisiana	883	4,464	525	1,230
Maine	426	1,241	146	314
Maryland	936	4,835	569	1,202
Massachusetts	1,218	6,819	802	1,617
Michigan	1,766	10,686	1,257	2,813
Minnesota	903	4,599	541	1,179
Mississippi	640	2,746	323	773
Missouri	1,043	5,591	658	1,345
Montana	374	875	103	229
Nebraska	507	1,811	213	(449)
Nevada	348	692	81	(225)
New Hampshire	385	952	112	241
New Jersey	1,470	8,601	1,012	2,069
New Mexico	440	1,342	158	383
New York	3,258	21,202	2,494	4,988
North Carolina	1,156	6,382	751	1,602
North Dakota	356	747	88	(225)
Ohio	2,037	12,591	1,481	3,180
Oklahoma	702	3,184	375	(762)
Oregon	630	2,679	315	637
Pennsylvania	2,224	13,911	1,637	3,237
Rhode Island	405	1,092	129	256
South Carolina	719	3,393	389	(882)
South Dakota	363	799	94	(225)
Tennessee	944	4,695	576	1,209
Texas	2,287	14,353	1,689	3,749
Utah	439	1,411	166	(421)
Vermont	329	554	65	225
Virginia	1,079	5,842	687	1,437
Washington	842	4,174	491	1,013
West Virginia	549	2,110	248	(512)
Wisconsin	1,014	5,383	633	1,376
Wyoming	313	441	52	(225)
District of Columbia	368	835	98	225
American Samoa	255	33	4	56
Guam	267	117	14	56
Puerto Rico	741	3,461	407	1,101
Trust Territory	270	139	16	56
Virgin Islands	264	97	12	56
	50,000	253,717	29,849	63,750

Note: Figures in parentheses indicate that as of December, 1977, the State has chosen not to participate in the J.J. & D.P. program and has not received its allotted funds.



**END**