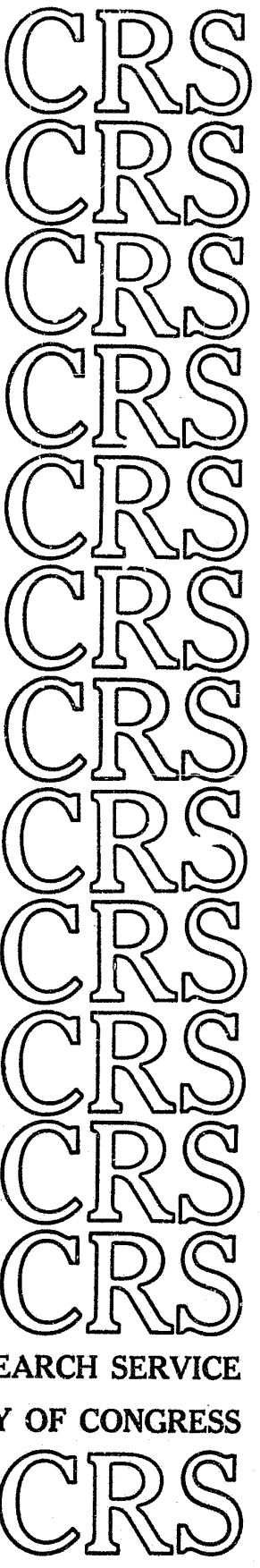

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THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974, AS AMENDED: LEGISLATIVE HISTORY AND SUMMARY OF PROVISIONS

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INTRODUCTION

Federal assistance programs to prevent and control juvenile delinquency both initiated and helped define the Federal role in assisting States and localities to cope with crime. Under the Constitution, the enactment and enforcement of criminal law is not among the powers expressly granted the Federal Government; therefore, crime control is basically the responsibility of State and local governments. Federal assistance for crime control activities, however, has been justified in light of the threat crime poses to the national welfare and the nationwide scope of the problem. Basically, Federal crime control assistance programs have been designed to provide financial and technical aid for the States, localities, and appropriate public and private agencies to help them to improve their criminal justice systems and their general capability to cope with crime.

Juvenile delinquency was the focus of the first Federal crime control assistance efforts and has subsequently been the particular subject of such assistance largely because of the particularly serious involvement of juveniles, as an age group, in criminal activity. Criminal arrest statistics reported annually by the U.S. Federal Bureau of Investigation indicate that juveniles characteristically account for a disproportionate share of arrests; recidivism studies have also concluded that the juvenile offender is the most likely to repeat his criminal activity.

The degree of juvenile involvement in crime is evident from the most recently published arrest statistics. In 1976, persons under 18 accounted for 25 percent of the total arrests recorded by police nationally and for 42 percent of the arrests for serious crime. Persons from 10 to 17 years old account for only about 15 percent of the population. Furthermore, arrest trends indicate significant

increases in juvenile involvement in violent crime (murder, forcible rape, robbery and aggravated assault). During the period 1972 through 1976, there was a 28 percent increase in arrests of juveniles for violent crimes.

The following provides a brief discussion of major Federal assistance programs in the area of juvenile delinquency, the background of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended,[1/] its legislative history, and related issues. A summary of its provisions is also provided. The Juvenile Justice and Delinquency Prevention Act as well as title I of the Omnibus Crime Control and Safe Streets Act, as amended[2/] provide the majority of Federal assistance currently available for juvenile delinquency prevention and the improvement of the juvenile justice system. Assistance provided under both acts is administered by the Law Enforcement Assistance Administration within the U.S. Department of Justice except for runaway youth facility grants (title III, the Runaway Youth Act, of the Juvenile Justice Act) which are administered by the Office of Youth Development within the U.S. Department of Health, Education and Welfare.

[For a description of LEAA's general crime control assistance program see the Congressional Research Service multilith 77-179, "The Law Enforcement Assistance Administration (LEAA): The Title I Program of the Omnibus Crime Control and Safe Streets Act, as Amended."]

1/ P.L. 93-415; 88 Stat. 1109; 42 USC 5601 et seq. as amended by the Juvenile Justice Amendments of 1977, P.L. 95-115, 91 Stat. 1048.

2/ P.L. 93-83, 87 Stat. 197; 42 USC 3701 et seq., most recently amended by Title I, Amendments Relating to LEAA, of the Crime Control Act of 1976, P.L. 94-503, 90 Stat. 2407.

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT, AS AMENDED
(P.L. 93-415, 88 Stat. 1109, amended by the Juvenile
Justice Amendments of 1977, P.L. 95-115, 91 Stat. 1048)

I. BACKGROUND

Federal activity in the field of juvenile delinquency can be traced to the early 20th Century with the establishment of the Childrens' Bureau in 1912. It was not until the 1950's, however, that Federal interest in the problem intensified when, in response to the rapid post-war increase in juvenile delinquency, a series of executive branch conferences and legislative hearings focused on the nature of juvenile crime and possible solutions.

The first Presidential request for legislation to provide assistance to the States in combating delinquency came from President Eisenhower in 1955, but no legislation was enacted until President Kennedy's Administration when the Juvenile Delinquency and Youth Offenses Control Act of 1961 [3/] was signed. This legislation and two subsequent extensions [4/] provided funding for pilot projects intended to demonstrate improved methods for juvenile delinquency prevention and control and was administered by the Department of Health, Education and Welfare. Total expenditures were about $47 million over the 6-year life of this program.

In response to the recommendations of President Johnson's Commission on Law Enforcement and the Administration of Justice (see Challenge of Crime in a Free Society, Washington, U.S. Government Printing Office, 1967), the President requested, and Congress enacted the Juvenile Delinquency Prevention and Control Act of 1968, [5/] which provided for an HEW-administered assistance program far

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3/ P.L. 87-274, Act of September 22, 1961, 75 Stat. 572.
4/ P.L. 88-368, Act of July 9, 1964, 78 Stat. 309; and P.L. 89-69, Act of July 8, 1965, 79 Stat. 212.
5/ P.L. 90-445, Act of July 31, 1968, 82 Stat. 462.

broader in scope than its predecessor. Block grants (lump sum grants to States based on a formula for reallocation at the State's discretion) and discretionary grants were made available to State and local governments to improve community services relating to delinquency control and to train personnel in related occupations. This legislation was amended and extended three times,[6/] lasting through fiscal year 1975. [For a detailed description of the HEW programs and earlier legislation see the Congressional Research Service multilith, "The Juvenile Delinquency Prevention Act: A Legislative History" (75-232 ED).]

The immediate impetus for the enactment of the Juvenile Justice and Delinquency Prevention Act of 1974 (hereinafter referred to as the Juvenile Justice Act) was the expiration of the legislative authority for the HEW program, the Juvenile Delinquency Prevention Act, in June of 1974. A major influence on the new legislation was the disappointing record of the HEW program. A report of the House Committee on Education and Labor summarizes the problem of the 1968 Act and its extensions:

> The HEW administered program, during its first three years, was disappointing because of delay and inefficiency. A director of the Youth Development and Delinquency Prevention Administration was not appointed for over 18 months. Less than a third of the $150 million authorized for fiscal years 1968 through 1971 was appropriated. Furthermore, only half of the funds that were appropriated were actually expended. The funds were generally spent on underfunded, unrelated and scattered projects. Weakness in program administration, the dominance of the Law Enforcement Assistance Administration and inadequate funding contributed to reasons for a lack of total success.
>
> (House Report no. 95-313, p. 35-36)

6/ P.L. 92-31, Act of June 30, 1971, 85 Stat. 84; P.L. 92-381, Act of August 14, 1972; and Title IV, Extension and Amendment of the Juvenile Delinquency Prevention Act, of the Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 93-415, 88 Stat. 1132.

Title II of the Juvenile Justice Act authorized a major new assistance program, restructured the administration of juvenile delinquency assistance and provided for a more comprehensive Federal effort than had been provided under previous legislation. An Office of Juvenile Justice and Delinquency Prevention was created within the Law Enforcement Assistance Administration of the Department of Justice to administer block and discretionary grants called special emphasis grants, for the prevention of juvenile delinquency and the improvement of the juvenile justice system. The program's scope of the assistance was extended from previous efforts to include projects in the specific areas of juvenile courts and corrections, drug and alcohol abuse, and programs to prevent unwarranted school suspensions and expulsions. The Office of Juvenile Justice was additionally made responsible for developing the objectives and priorities for all Federal programs relating to juvenile justice and delinquency prevention. Two national advisory groups were established to oversee and coordinate Federal juvenile delinquency assistance activities and a National Institute for Juvenile Justice and Delinquency Prevention was established within the Office to act as an information and training center. Initial authorizations for title II activities were $75 million for fiscal year 1975, $125 for fiscal year 1976, and $150 million for fiscal year 1977. The Act further required that LEAA maintain the level of funding for juvenile delinquency programs from its own title I (Omnibus Crime Control and Safe Streets Act) assistance funds that had been allocated during fiscal year 1972.

A smaller assistance effort was established under title III of the Juvenile Justice Act, called the Runaway Youth Act. This program, administered by the Department of Health, Education and Welfare, provided assistance for the development

of facilities to meet the needs of runaway youth. This program had a $10 million authorization for each of the three fiscal years 1975 through 1977.

Other provisions of the Juvenile Justice and Delinquency Prevention Act amended certain provisions of Federal law relating to juvenile crime under Federal jurisdiction.

When President Gerald Ford signed the Juvenile Justice Act on September 7, 1974, he expressed his concern over the impact that its funding authorizations would have on the Federal budget at that time when the economic situation called for budgetary restraint and said:

> ...therefore, I do not intend to seek appropriations for the new programs authorized in the bill in excess of the general amounts included in the 1975 budget until the general need for restricting Federal spending has abated.
>
> (Weekly Compilation of Presidential Documents, v. 10, p. 1119)

The Ford administration thereafter did not support appropriations for the act's LEAA assistance program until fiscal year 1977, when $10 million was requested 7/.

Appropriations for the title II programs were not initially passed until June 12, 1975, some 9 months after the Juvenile Justice Act was signed into law. These monies, provided in the Second Supplemental Appropriation Act for fiscal year 1975 (P.L. 94-32), amounted to $25 million. Although these were fiscal year 1975 monies they were made available for expenditure well into fiscal year 1976 because it was so late in the fiscal year.

Congress supported the implementation of the Juvenile Justice Act despite what congressional sponsors felt to be a lack of Ford administration support. Appropriations for the main programs under title II of the act continued to increase at levels

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7/ The actual funding level anticipated by the administration was $25 million, $15 million to be deferred from the fiscal year 1976 appropriation for the Juvenile Justice Act's title II program.

of $40 million for fiscal year 1976, $75 million for fiscal year 1977 and $100 million for fiscal year 1978. Additionally, the Senate Subcommittee to Investigate Juvenile Delinquency held oversight hearings during the 94th Congress to determine the cause of the Ford administration's seeming reluctance to implement provisions of the Act.

Prior to the reauthorization of the Juvenile Justice Act in 1977, it became clear that the legislation would have general support from the new Carter Administration. In his revisions to the fiscal year 1978 budget, the President requested a reallocation of resources for LEAA to provide "additional funds for juvenile justice and delinquency prevention programs that have a high potential for reducing crime and delinquency."[8/] President Carter's budget revision requested $75 million which was the same level as fiscal year 1977 appropriations; President Ford had requested $30 million for the program for fiscal year 1978.

The Carter Administration introduced legislation early in the 95th Congress to simply extend the Juvenile Justice Act for three years, but Congress enacted a reauthorization bill that contained more substantive amendments to the original act. A more detailed examination of the legislative history of the act follows.

II. LEGISLATIVE HISTORY

A. The Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 93-415

During the 93rd Congress, several bills were introduced to revise or replace the Juvenile Delinquency Prevention Act which was to expire June 30, 1974. These

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8/ U.S. Office of Management and Budget. Fiscal Year 1978 Budget Revisions, February 1977. Washington, U.S. Govt. Print. Off., 1977. p. 68.

included a Nixon administration proposal, H.R. 13737, introduced by Mr. Steiger of Wisconsin, and two more comprehensive measures introduced by the chairmen of committees in the House and Senate having jurisdiction over juvenile delinquency programs. It was these latter bills that were the focal point of congressional action that led to the enactment of the Juvenile Justice and Delinquency Prevention Act.

The House Subcommittee on Equal Opportunity of the Committee on Education and Labor held hearings on H.R. 6265, the proposal of the full committee's chairman, Mr. Perkins of Kentucky, along with other bills in the spring of 1974. Subsequently, the subcommittee presented a new measure, H.R. 15276, to the full committee and this bill was reported to the House June 21, 1974 (House Report No. 93-1135). This bill, with minor amendments, was passed by the House July 1, 1974 by a record vote of 329 to 20.

Senator Birch Bayh, the Chairman of the Subcommittee to Investigate Juvenile Delinquency of the Senate Judiciary Committee, introduced S. 821 which was considered in subcommittee hearings in 1973. An amended version of the bill was presented to the full committee, and in turn, the full committee reported still another version of S. 821 to the Senate July 16, 1974 (Senate Report No. 93-1011). On July 18, Senator Bayh offered an amendment in the nature of a substitute to S. 821, as reported, and this amendment, with several minor changes, was the final version passed by the Senate July 25, 1974 by a record vote of 88 to 1.

The major difference between H.R. 15276 passed by the House and S. 821 passed by the Senate concerned the Federal agency that would be responsible for administering the juvenile delinquency assistance program.

Sponsors of the House proposal supported the continued administration of the program by the Department of Health, Education and Welfare. They argued that the

structure and jurisdictions of this agency most properly lent themselves to a preventive approach to the problem, and that HEW had administered Federal assistance in the area of juvenile delinquency since the inception of such a program in 1961. The House report concluded,

> HEW [has], already within its structure, the range of human resources with which any juvenile delinquency program must interact. HEW [has], in the past year, demonstrated its commitment to a strengthened Federal juvenile delinquency effort by significantly increasing its budgetary requests. HEW, through its recent administrative reorganizations, [has] developed the administrative machinery to meet the responsibilities mandated by this bill. (HOuse Rept. No. 93-1135, p. 6).

On the other hand, the Senate proposal transferred the administration of juvenile delinquency assistance to the Law Enforcement Assistance Administration (LEAA) of the Department of Justice by amending title I of the Omnibus Crime Control and Safe Streets Act, as amended (P.L. 93-83) to include a new Part F. LEAA was created in 1968 to administer the title I program which provided a major Federal assistance program for the improvement of law enforcement and criminal justice in general. Senate sponsors argued that since its creation, LEAA had had substantial appropriations, and had funded millions of dollars into juvenile delinquency prevention and juvenile justice programs. In 1971, Congress had expressed its intent that LEAA focus greater attention on juvenile delinquency under its own title I program, and in more recent years LEAA had "emerged as the lead agency in the prevention and control efforts" due to the integration of juvenile delinquency components into the Senate plans on which LEAA assistance is based. It was argued further that juvenile delinquency assistance could be administered in each State by the State planning agencies established to administer and coordinate LEAA funds. The development of such a State planning agency structure for delinquency programs only under another

Federal agency, as proposed in the House bill, would be a costly duplication of effort. Furthermore, Congress had already mandated that the LEAA State planning agencies prepare a detailed analysis of the delinquency situation and needs by 1976 (Senate Rept. No. 93-1011, p. 29-32).

Other differences between the House and Senate proposals were that the House proposal provided a program of assistance for runaway youth not contained in the Senate bill; and the Senate proposal amended the Federal criminal law as it relates to juveniles, created a National Institute of Corrections, and contained a technical amendment relating to Federal surplus property. Additionally, in accord with the proposed transfer of the juvenile delinquency assistance program to LEAA, the Senate bill made substantial changes in the makeup of the LEAA-mandated State planning agencies.

On July 31, 1974, the House passed S. 821 with an amendment substituting the language of H.R. 15276, and called for a conference with the Senate to resolve the differences in the proposals. The Senate disagreed with the House amendment to S. 821, and agreed to the conference on August 2.

The Juvenile Justice and Delinquency Prevention Act of 1974 was the substitute proposal for S. 821 that emerged from the conference committee. The new bill did place the administration of the major provisions of the legislation in LEAA, but did so as free-standing legislation which did not amend the Omnibus Crime Control Act with a new part F as proposed in the Senate-passed version. The structure for administration within LEAA through an Office of Juvenile Justice and Delinquency Prevention was retained from the Senate version of S. 821, and the Omnibus Crime Control Act was amended only with respect to those changes necessary to bring it into conformity with the new legislation.

Other major compromises included the retention of the "Runaway Youth Act," providing Federal assistance for the development of facilities for runaways administered by HEW, from the House-passed version; and the National Institute of Corrections as well as the amendments to the Federal Juvenile Delinquency Act from the Senate version. Finally the Senate provision permitting Federal surplus property to be contributed to States for use in their criminal justice systems was not included.

The conference report was agreed to by the Senate on August 19, 1974 and by the House on August 21. The Juvenile Justice and Delinquency Prevention Act was signed into law by President Ford September 7, 1974.

B. Juvenile Justice Amendments of 1977, P.L. 95-115

Early in the 95th Congress, major legislation was introduced to reauthorize the Juvenile Justice Act programs. Both Title II, Juvenile Justice and Delinquency Prevention, and Title III, Runaway Youth, of the act were due to expire at the end of fiscal year 1977, September 30, 1977.

Two proposals were dominant in Congress' consideration of the reauthorization: H.R. 6111 introduced at the request of the Carter Administration by Representative Ike Andrews, Chairman of the Subcommittee on Economic Opportunity of the House Committee on Education and Labor which has jurisdiction over the legislation; and, S. 1021 introduced by Senator Birch Bayh, the major author of the 1974 act and former Chairman of the Subcommittee to Investigate Juvenile Delinquency of the Senate Judiciary Committee. Senator Bayh also introduced S. 1218, identical to H.R. 6111, on behalf of the Administration. A bill identical to S. 1021 was introduced in the House by Representative Tom Railsback as H.R. 6092.

As originally introduced, the Administration bill made less significant changes to the act than the Bayh bill. H.R. 6111 called for a simple three-year extension of title II and did not reauthorize the Runaway Youth Act. However, subsequent action by the House Committee on Education and Labor resulted in a far more comprehensive version of H.R. 6111. It was this legislation, modified through compromise with the Senate-passed version, that became the 1977 amendments to the Juvenile Justice Act.

Hearings were held by the Subcommittee on Economic Opportunity on April 22, 1977 to consider H.R. 6111 as well as another measure, H.R. 1137, which would have provided a national conference on learning disabilities and delinquency. Subsequently, the Subcommittee recommended a substantially amended version of H.R. 6111 for consideration by the full Education and Labor Committee. A number of the amendments to the original H.R. 6111 recommended by the subcommittee were provisions identical to those in the Bayh bill S. 1021; there were also a number of major new provisions but these did not include one relating to the conference on learning disabilities.

The Education and Labor Committee reported a further amended version of H.R. 6111 to the House on May 13, 1977 (House Report No. 95-313). After agreeing to the committee amendment in the nature of a substitute, the House passed H.R. 6111 on May 19, 1977 by a record vote of 389 to 5.

The Senate Subcommittee to Investigate Juvenile Delinquency held hearings on S. 1021 and S. 1218, the Administration bill, on April 27, 1977 and agreed to favorably report S. 1021 to the full Judiciary Committee. Senator Culver, the new chairman of the subcommittee, proposed an amendment incorporating elements of both S. 1021 and S. 1218 to the full committee which was accepted without objection.

S. 1021, as amended, was subsequently reported to the Senate on May 14, 1977 (Senate Report No. 95-165).

The Senate considered S. 1021 on June 21, 1977, adopting the committee amendment in the nature of a substitute as well as three minor floor amendments. The text of H.R. 6111 was then substituted with the language of S. 1021, as amended and H.R. 6111 passed the Senate.

The House and Senate met in conference in July and issued a conference report July 27 recommending substitute language for H.R. 6111. The major issues before the conference included deinstitutionalization, use of funds for planning, and the matching requirements, and are discussed in detail below in a separate section. The House and Senate resolved their differences in other areas as follows.

The House version of H.R. 6111 reauthorized the title II programs for three years at the level of $125 million for the first year, fiscal year 1978, and "such sums as are necessary" for the following two fiscal years. Other significant provisions of the bill reduced the amount of funding allocated for the special emphasis (discretionary) program from the previous 25 to 50 percent to 20 percent or less. The legislation also reauthorized title III, Runaway Youth, for three years at the level of $25 million for the first year and "such sums as are necessary" for the following two years. Major new amendments authorized the President, after January 1, 1978, to transfer the runaway youth program from the Department of Health, Education and Welfare to the volunteer agency ACTION.

The funding levels and term authorized by the Senate version of H.R. 6111 for title II programs were similar to those established in the House legislation. It also reauthorized title II activities for three years at the level of $150 million for the first year, fiscal year 1978, $175 million for the second and $200 million

for fiscal year 1980. Major amendments in this legislation clarified the role of the Associate Administrator (renamed from the 1974 legislation) vis a vis the Administrator of LEAA, adding language affirming the Associate Administrator's responsibilities in administering the act's programs as well as all juvenile delinquency programming in LEAA. In addition, the scope of representation and the role of the national and State advisory committees was significantly expanded in this legislation. The requirement that a State make two-thirds of its formula grant available to local governments was extended to include private agencies and organizations as eligible recipients of this money. The bill also consolidated the two annual reports previously required of the Office of Juvenile Justice into one.

The conference version accepted the authorizations established in the Senate bill for both the title II programs and title III. Major amendments included reducing the allocation for special emphasis (discretionary) grants to 25 percent of the total allocation for assistance; authorizing the transfer of the runaway youth program to ACTION or to the Office of Juvenile Justice after April 30, 1978; making private agencies eligible for pass through funds and increasing the minimum share of special emphasis monies available for private agencies; adding new areas for special emphasis and, prohibiting the use of formula grants to match other LEAA funds. A number of provisions relating to the authority of the Associate Administrator were included in the bill, and the responsibility of advisory groups for participation in the Federal effort was broadened. Finally, the new legislation amended title I of the Omnibus Crime Control and Safe Streets Act to require State planning agency boards to include the Chairman and at least two members of the State juvenile justice advisory committee.

The conference report was agreed to by the Senate on July 28, but was not agreed to by the House until September 23, after the intervening August recess of Congress. The bill was signed by President Carter on October 3, 1977, and became Public Law 95-115.

C. Major Issues Relating to the 1977 Reauthorization

There were several major issues relating to provisions of the Juvenile Justice Act that arose during its first reauthorization, among them: deinstitutionalization, use of funds for planning, and matching requirements. Both the House and Senate versions of H.R. 6111 addressed these issues and made other significant changes in other aspects of the title II programs.

Deinstitutionalization

Deinstitutionalization was established as a national priority in the 1974 act. Section 223(a)(12) required States participating in the formula grant program to remove juvenile "status" offenders from detention and correctional facilities and place them in shelter homes. Generally, a "status" offender is one whose offense is a function of the juvenile's status as a minor -- an offense that would not be criminal if the individual were an adult. States apparently had encountered difficulty in complying with the deinstitutionalization requirement due to budgetary problems and/or insufficient time allowance. Both the House and Senate versions of H.R. 6111 reaffirmed the requirement as a condition for receiving the block grants. However, both extended the time period for compliance from two to three years and provided certain administrative alternatives to preclude fund termination if compliance were not achieved. Under both bills, allowance was made for "substantial compliance" within the three years, defined as 75 percent deinstitutionalization with evidence that the State would achieve full compliance within two more

years, as indicated by appropriate legislative or executive action. Both bills also amended section 223(a)(12) to include such nonoffenders as dependent and neglected children to be among those who must be deinstitutionalized.

Under the final version of H.R. 6111, the period for compliance with the deinstitutionalization requirement was extended to three years from the initial (Senate language) submission of the plan. This language would act to prevent States from resubmitting plans at intervals to avoid the requirement. The total "three years" would apply to those States which had submitted a plan but had been forced to drop out of the program prior to fiscal year 1978. There had been different language in the House and Senate bills over the subsequent placement of the deinstitutionalized juveniles. The conference language required States to explain in annual reports the placement of the status offenders and deinstitutionalized nonoffenders, using as the goals of such placement the community based treatment and services described in the House bill.

Use of Funds for Planning

Under the 1974 act, up to 15 percent of a State's formula grant could be used for the development and administration of the State juvenile justice plan. The plan is developed and administered by the State criminal justice planning agency established to administer the comprehensive plan under title I of the Omnibus Crime Control and Safe Streets Act. In conjunction with changes made in matching requirements (see below), the House bill eliminated the use of any Juvenile Justice Act funds for planning and administrative costs. According to the House report, it was believed that these funds, as provided in the Juvenile Justice Act, were "excessive and undesirable", and that they could be "contributed by State and local governments or through funds received under Part B of title I of the Omnibus Crime Control and

Safe Streets Act. (House Report No. 95-313, p. 40.) The latter are block grants received by each State to operate the State planning agency. The House Education and Labor Committee stated that it was hopeful that this would result in more funds reaching the service delivery system.

The Senate bill made no change in the provision for the use of funds for developing and administering the juvenile justice plan. It further provided new funds for assisting the State advisory committee amounting to between 5 and 10 percent of the State's minimum annual allotment. To provide for these new funds, the bill increased the minimum formula grant allocation from $200,000 to $225,000 with a proportional increase for territories.

There was a compromise between the two versions on the issues of planning and administrative costs. Starting in fiscal year 1979, States may use only up to 7 1/2 percent of their formula grants for such purposes to be matched on a dollar for dollar basis by State and local funds (until fiscal year 1979 the 15 percent for planning would apply). The Senate provision for increasing the minimum formula allotment to provide funds for advisory groups was accepted, but the percentage of the allocation for this purpose was limited to 5 percent.

Matching Requirements

The question of matching requirements was prominent during consideration of the amendments largely because there was apparent consensus that "in-kind" or non-cash matching permitted for formula grants under the 1974 act was unworkable. Under the original legislation, formula grants could be only up to 90 percent of the costs of the project with the other portion being in cash or kind; matching for other types of title II grants was not specified but all amounts were to be determined by LEAA.

Matching is an important issue to grantees, especially when a number of them are private non-profit agencies which is the case under the Juvenile Justice Act programs. These groups have great difficulties in raising such extra funds, and therefore the "in-kind" match made it easier for them to have grants.

The House bill eliminated all matching requirements, with the belief that this, and the release of funds previously devoted to planning, would encourage the increased expenditure of funds for the service delivery programs. Also, these two provisions would "balance out" as far as the relative costs to State and local governments were concerned. The Senate version of H.R. 6111 permitted formula grants to be up to 100 percent of the costs of the program or project receiving the grant, any non-Federal share to be no more than 10 percent. Under the Senate bill, the authority for determining the extent of the non-Federal share of a formula grant was left to the States, but the committee reported its intent that private non-profit agencies, organizations and institutions should be given preference in considering 100 percent funding. Any other matching requirements for title II programs would be left to LEAA's discretion.

The provision for no match for any formula grant was adopted in the final version of H.R. 6111, and the no match was extended to apply to special emphasis grants (discretionary grants). However, the provision would not apply until fiscal year 1979, the same time the reduction in planning funds would take effect.

III. SUMMARY OF PROVISIONS

The Juvenile Justice and Delinquency Prevention Act of 1974, as amended establishes a framework for Federal programs in the area of juvenile delinquency.

Its four titles basically provide Federal assistance for prevention and treatment programs and for programs relating to runaway youth; create a mechanism for the coordination of all Federal programs relating to delinquency; establish a national center for training and research in the field of juvenile justice and a similar center in the area of corrections; and amend certain Federal criminal statutes pertaining to juveniles.

Title I -- Findings and Declaration of Purpose

Congress finds that "juveniles account for almost half the arrests for serious crimes in the United States, " and that the juvenile justice system deals inadequately with this problem. Particular areas of concern are drug abuse and keeping elementary and secondary students in school. States and localities lack technical expertise and resources to cope with the problem, and Federal assistance programs have not provided the necessary "direction, coordination, resources and leadership." As juvenile delinquency constitutes a "growing threat to the national welfare," Federal action is required for its reduction and prevention.

Among the stated purposes of the act are to provide technical assistance, training, and research for juvenile delinquency programs; to evaluate federally assisted juvenile delinquency programs; to develop and encourage the implementation of national standards in the field of juvenile justice; to provide Federal assistance for programs to deal with runaway youth; and to provide the necessary "resources, leadership and coordination" for the development of effective methods and programs for the prevention, reduction and control of juvenile delinquency; for the diversion of youth from the juvenile justice system; for alternatives to the incarceration of juveniles; and for the improvement of the quality of juvenile justice in the United States.

A "juvenile delinquency program" is defined to include programs and activities related to juvenile delinquency in the areas of "prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs." Also included are programs to improve the juvenile justice system and any programs for other youth to help prevent juvenile delinquency.

Title II -- Juvenile Justice and Delinquency Prevention

Part A -- Juvenile Justice and Delinquency Prevention Office

This title establishes the Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration (LEAA) of the U.S. Department of Justice to administer provisions of the act and programs pursuant to the act unless otherwise specified. The Office is headed by an Associate Administrator of LEAA who is nominated by the President with the advice and consent of the Senate. The Associate Administrator is responsible, subject to the direction of the Administrator of LEAA, for administering grants and contracts under parts B and C of title II including awarding, modifying, extending, terminating, monitoring, evaluating, rejecting or denying such grants and contracts. Also, the Administrator may delegate his authority to the Associate Administrator for administering grants and contracts under part A of title II or juvenile justice grants and contracts under title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

The Administrator of LEAA appoints two Deputy Assistant Administrators for the Office, one of whom directs the National Institute for Juvenile Justice and Delinquency Prevention (see page CRS-26).

The Administrator of LEAA implements the overall policy, and develops objectives and priorities for all Federal juvenile delinquency programs in consultation with the Coordinating Council and National Advisory Committee for Juvenile Justice and Delinquency Prevention established under the act (see below). With the assistance of the Associate Administrator, the Administrator is responsible for:

--advising the President regarding all matters relating to Federal juvenile delinquency policies and programs;

--assisting Federal agencies responsible for juvenile delinquency prevention and treatment with regard to regulations, guidelines and budgets;

--conducting and supporting evaluations and studies of Federal juvenile delinquency programs;

--implementing Federal juvenile delinquency programs and activities among Federal juvenile delinquency agencies and between Federal juvenile delinquency agencies and other agencies with related responsibilities;

--developing an annual report to be submitted to the President and Congress by December 31, each year consisting of an analysis and evaluation of Federal juvenile delinquency programs and recommendations for change;

--providing technical assistance to Federal, State and local governments, courts, public and private agencies regarding juvenile delinquency programs and activities.

In carrying out his responsibilities, the Administrator may require other Federal agencies to provide him with any necessary information, may delegate any of his functions to another employee of LEAA, may use services and facilities of any Federal agency, may transfer title II funds to other Federal agencies, and may make grants to and enter into contracts with any public or private agency, organization, institution or individual. Also, the Administrator must require each Federal agency administering a juvenile delinquency program to submit a "development statement"

annually to the Coordinating Council. This statement, with comments by the Administrator, must be included in major legislative requests by Federal agencies which relate to juvenile delinquency programming.

Two advisory bodies are established at the Federal level for juvenile delinquency program development. The Coordinating Council on Juvenile Justice and Delinquency Prevention is an independent organization within the executive branch of the Government which has a membership of Cabinet officers and other officials involved in juvenile delinquency programs including: the Attorney General, the Secretary of Health, Education and Welfare, the Secretary of Labor, the Director of the Office of Drug Abuse Policy, the Commissioner of Education, the Director of ACTION, the Secretary of Housing and Urban Development, or their designees, the Associate Administrator, the Deputy Associate Administrator of the Institute, and any others as the President chooses. The Attorney General acts as Chairman, and the Associate Administrator as Vice Chairman. The function of this council is to coordinate all Federal juvenile delinquency programs. In this capacity, it is authorized to review the programs and practices of Federal agencies with regard to their consistency with the mandates of deinstitutionalization and the separation of juvenile from adult offenders as described in sections 223(a)(12) and (13) of title II.

A National Advisory Committee on Juvenile Justice and Delinquency Prevention is also established to make recommendations on policy, priorities, operations and management of Federal programs to the Administrator of LEAA, the President and Congress. It consists of twenty-one persons appointed by the President who are particularly knowledgeable in the field of juvenile delinquency such as juvenile court judges; probation correctional or law enforcement personnel; representatives

of private organizations or community-based programs; those involved in youth alternative programs; persons knowledgeable with the problem of school violence; and those experienced with the problem of learning disabilities. At least seven of the appointees must be under age twenty-six, at least three of whom are or have been under the jurisdiction of the juvenile justice system. At least five members of the Committee are chosen to serve as an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention; five others are chosen to serve as an Advisory Committee to the Administrator on Standards for Juvenile Justice.

Part B -- Federal Assistance for State and Local Programs

Part B of title II authorizes a Federal assistance program for activities relating to juvenile delinquency. The major portion of assistance is available through formula or "block" grants to the States, but there is also provision for direct "special emphasis" grants for individual programs.

Formula grants are authorized to be made directly to States and local governments or through grants and contracts with public and private agencies, to assist them in the planning, operation, coordination and evaluation of programs related to juvenile delinquency in the areas of education, training, research, prevention, diversion and rehabilitation and of programs to improve the juvenile justice system. Appropriated funds for these grants are allocated annually among the States and U.S. territories and possessions according to their relative populations under 18 years of age. The act stipulates that no such amount for any State be under $225,000; no eligible territory may receive less than $56,250. Until fiscal year 1979, the State is restricted from using more than 15 percent of its allocation for the development and administration of its State plan (see below); after October 1, 1978, this

percent drops to 7 1/2 percent with any monies so used being matched on a dollar for dollar basis with State and local funds. Also, until October 1, 1978 a non-Federal share of 10 percent is required for programs assisted with formula grants; after this date no matching is required. The 1977 amendments to the act provided that 5 percent of the State's minimum formula grant must be made available for the use of the State advisory group established under section 223(a)(3) of the act. (Sec. 222)

In order for a State to receive its formula grant allocation, it must submit a State plan according to certain criteria specified in section 223(a) of the act. Among the major criteria are that:

--the State planning agency established to administer the LEAA program under title I of the Omnibus Crime Control and Safe Streets Act of 1968 be designated to supervise the preparation of the juvenile justice plan and be provided with the appropriate authority to implement the plan;

--an advisory group be appointed by the Governor to participate in the development and review of the State plan and to (1) act as an advisory body to the State planning agency and, on request, to the Governor and legislature; (2) review and comment on juvenile justice grant applications; (3) participate in monitoring the State's compliance with certain requirements under the act. Such an advisory group must consist of between 21 and 33 persons with special knowledge of juvenile delinquency prevention or treatment including representatives of public and private agencies, organizations and institutions that are specified in the act (Sec. 223(a)(3)). The majority of the advisory group may not be government employees; one third of the group must be under 26 years old, at least three of whom are or have been under the jurisdiction of the juvenile justice system;

--local governments and private agencies participate in the development of the plan and that a local agency be designated to develop and administer the local government part of the State plan;

--at least two thirds of the formula funds received by the State be spent in local government programs or those of local private agencies (unless this requirement is waived by the Administrator because juvenile delinquency services are primarily organized in a statewide basis);

--at least seventy-five percent of the formula funds be expended for "advanced techniques" defined to include (1) community-based programs and services for the prevention and treatment of juvenile delinquency and those aimed at strengthening the family unit; (2) community-based programs such as youth service bureaus to divert youth from the juvenile court; (3) programs of youth advocacy to improve services for and protect the rights of youth having contact with the juvenile justice system; (4) programs and services designed to keep delinquents or other youth in schools; (5) expanded use of probation and recruitment and training of professional, paraprofessional and volunteer personnel to work with youth; (6) youth initiated and youth outreach programs; (7) probation subsidies to discourage the placement of youth in juvenile facilities and to encourage the use of nonsecure facilities; (8) programs adopting standards based on the recommendations of the National Advisory Committee;

--a research, training and evaluation capacity be provided for;

--within 3 years from the initial submission of the plan, all status offenders (juveniles charged with or having committed offenses that would not be criminal if committed by an adult), dependent and neglected children be removed from correctional and detention facilities, or "deinstitutionalized". States must further issue annual reports as to the progress in achieving deinstitutionalization and in placing such offenders in facilities that (1) are the least restrictive alternative, (2) are in reasonable proximity to the family, (3) provide for specific services as described in section 103(1) of the act (Sec. 223(a)(12));

--juveniles including delinquents, status offenders, dependent and neglected children not be placed in detention or confinement with adult offenders (Sec. 223(a)(13));

--monitoring be provided for compliance with the deinstitutionalization (Sec. 223(a)(12)) and separation (Sec. 223(a)(13)) requirements;

--provision be made for assistance to be available on an equitable basis benefiting disadvantaged and handicapped youth;

--provision be made for procedures to protect the rights of recipients of services including the right to privacy regarding records;

--provision be made to protect the interest of employees affected by assistance under the act;

--provision be made for appropriate fiscal control and accounting procedures;

--provision be made that the funds be used to supplement rather than supplant funding that might otherwise be available for funded projects;

--the State planning agency review the juvenile justice plan annually and submit an analysis of the effectiveness of the funded activities and any necessary modifications.

The State planning agency, after considering the recommendations of the advisory group, is responsible for approving the juvenile justice plan prior to its being submitted to the Administrator. The Administrator may choose to have the juvenile justice plan be incorporated into the State's comprehensive criminal justice plan which the State must submit to receive block grant funding under the Omnibus Crime Control and Safe Streets Act.

The Administrator of LEAA has the ultimate authority for approving the State's juvenile justice plan if it meets the criteria in the act. If there is failure to meet the deinstitutionalization requirement, the State's eligibility for funding is terminated unless the Administrator determines that there is "substantial compliance" defined as 75 percent deinstitutionalization with assurances of unequivocal commitment to achieving full compliance within two additional years. If for any reason a State is not eligible for its formula grant allocation, these monies become available for public and private agencies under the special emphasis program (see below), with preferential consideration given to applications from States not receiving special emphasis money for alternatives to incarceration or from States having achieved deinstitutionalization.

Under section 224 of the act, the LEAA Administrator is also authorized to make direct grants to or enter into contracts with public and private agencies, organizations, institutions or individuals for certain special emphasis programs described in the act such as:

--programs to develop and implement new methods and techniques;

--alternatives to incarceration;

--diversion programs including restitution activities;

--programs to improve the capabilities of agencies serving delinquent youth and to prevent juvenile delinquency;

--activities to keep students in school preventing unwarranted and arbitrary suspensions or expulsions;

--programs adopting recommendations of the Advisory Committee or the Institute;

--programs stressing advocacy activities to improve services available to youth having contact with the juvenile justice system;

--business and industry programs for youth employment;

--programs to bring the juvenile justice system into conformity with the standards of due process;

--programs to enable State legislatures to participate in furthering the purposes of the act;

--programs relating to learning disabilities and delinquency.

Twenty-five percent of the funds appropriated for part B are available for the special emphasis grants; at least 30 percent of these direct grants must be made available for private nonprofit youth agencies. The act specifies the required components of the applications for special emphasis grants, as well as criteria which will be used as a basis for the approval of such applications.

Assistance funds provided under title II programs are restricted from being used for construction, with the exception that they may be used for up to 50 percent of construction costs of community-based facilities for less than 20 persons.

Title II funds are expected to be available on a continuing basis, subject to a satisfactory annual evaluation of the funded activity. Up to 25 percent of a State's formula allotment may be used as matching for a Federal juvenile delinquency program other than one of the Law Enforcement Assistance Administration if assistance under such program is deemed essential. The Administrator of LEAA may require the recipient of a grant under part A (Juvenile Justice and Delinquency Prevention Office) or part C (National Institute for Juvenile Justice and Delinquency Prevention) to contribute money, facilities or services. However, financial assistance extended under title II is 100 percent of the approved costs of the program or activity funded. Unused funds are reallocated under the special emphasis program.

Under the 1977 amendments, a special provision was added protecting the confidentiality of program records gathered pursuant to the title, and prohibiting the use of actual names of juveniles in reports or papers for public dissemination.

Part C -- National Institute for Juvenile Justice and Delinquency Prevention

Part C creates the National Institute for Juvenile Justice and Delinquency Prevention within the Office of Juvenile Justice and Delinquency Prevention to serve as the national information clearinghouse and training center. The Institute is headed by the Deputy Associate Administrator of the Office.

In its capacity as an information clearinghouse, the Institute collects data and research materials covering all aspects of juvenile crime and is charged with the preparation, publication and dissemination of this information. The Institute

is also authorized to conduct, encourage, and coordinate research into any aspect of juvenile delinquency and to evaluate the effectiveness of programs assisted under the act or any other Federal, State or local juvenile delinquency programs. In cooperation with educational institutions or other agencies or individuals, the Institute may prepare special studies related to juvenile delinquency prevention and treatment. The 1977 amendments specified certain areas for such studies including assessments of the role of family violence, sexual abuse or exploitation, and media violence in delinquency, improper handling of transferred delinquents, the ameliorating role of the arts or recreation, and the differential treatment of youth on the basis of sex.

The Institute also has broad authority under its function as a training center. It may develop, conduct or provide both for training programs for persons who are preparing to work with juveniles or juvenile offenders, and for seminars and workshops for Federal, State or local government personnel who are working in the juvenile justice field. Under the 1977 amendments, the Institute is authorized to assist advisory groups, through training, in the accomplishment of their objectives. The Institute is also required to conduct its own program of short-term instruction in "the latest proven-effective methods of prevention, control and the treatment of juvenile delinquency" for professional and lay personnel involved with programs related to delinquency. Additionally, the Institute may develop training teams to assist the States and localities to establish their own training programs.

Another responsibility of the Institute is to assist in the development of juvenile justice standards through reviewing data and information in this regard

for the Advisory Committee. Within one year from the passage of the 1974 act, the Advisory Committee was to submit its recommendations to the President and Congress. After this submission, the Advisory Committee works on the refinement of the standards and assists State and local governments in implementing them. The Institute is responsible for developing model legislation according to the standards.

Part D -- Administrative Provisions

Appropriations authorized for the purposes of title II are $150 million for fiscal year 1978, $175 million for fiscal year 1979, and $200 million for fiscal year 1980. Under provisions of the Crime Control Act of 1976 (P.L. 94-503, Act of October 15, 1976; 90 Stat. 2407), it is stipulated that in addition to any of these funds appropriated, LEAA must maintain a level of 19.15 percent of its title I monies for juvenile delinquency-related programs and activities. This provision was an amendment to a similar provision in the original Juvenile Justice Act.

Title III -- Runaway Youth

The program described in this title is called the "Runaway Youth Act". As established in the act, Congress recognizes the increasing incidence of runaway youth and "in view of the interstate nature of the problem," recognizes a Federal responsibility to develop accurate reporting of the problem nationally and to establish temporary shelters for these young people.

Part A -- Grants Program

Part A provides that the Secretary of Health, Education and Welfare is authorized to make grants, provide technical assistance and short term training to States, localities and nonprofit private agencies for the development of local facilities to serve the needs of runaway youth or otherwise homeless youth outside

the juvenile justice system. Priority will be given to applicants for such assistance who have had experience in dealing with runaway youth.

In applying for funds under the act, applicants must submit a plan meeting certain requirements as provided in section 312(b). Priority is to be given to grants under $100,000 and to programs with total budgets under $150,000. There is a requirement for a 10 percent non-Federal share of the yearly operating costs which may be in cash or in kind. The Secretary must submit an annual report to Congress on the funded facilities and their accomplishments.

Part B -- Records

Any records containing the identity of youth which were collected pursuant to the act may not be disclosed or transferred to any individual, public or private agency.

Part C -- Reorganization

Part C was added by the 1977 amendments to the Juvenile Justice Act. It provides that after April 30, 1978, the President may submit a plan to Congress transferring the authority for the administration of the Runaway Youth Act to an Office of Youth Assistance within either the Office of Juvenile Justice and Delinquency Prevention or the ACTION agency.

Part D -- Authorizations of Appropriations

Appropriations authorized to carry out the purposes of part A are $25 million each for fiscal years 1978, 1979, and 1980.

Title IV -- Miscellaneous and Conforming Amendments

Part A -- Amendments to the Federal Juvenile Delinquency Act

Part A of this title amends the Federal Juvenile Delinquency Act (Title 18, U.S.C., Secs. 5031-5042) with the general purpose of guaranteeing certain rights

to juveniles who come within Federal jurisdiction, and of bringing Federal procedures up to standards set by State law and recent Supreme Court decisions.

There are major amendments to the following sections of title 18 of the U.S. Code:

Sec. 5031. Definitions.

A "juvenile" is defined as a person who has not reached his eighteenth birthday, or for purposes of juvenile proceedings and disposition, a person who has not reached his twenty-first birthday. "Juvenile delinquency" is the violation of a Federal law by a person prior to his eighteenth birthday which would be criminal if committed by an adult.

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

Juveniles in violation of Federal law are referred to the appropriate legal authorities of the appropriate State unless the Attorney General makes an affirmative finding that (1) the State refuses to accept the jurisdiction or for some reason has no jurisdiction or (2) the State does not have adequate programs and services to meet the needs of juveniles. If the juvenile is not referred to the authorities of a State or the District of Columbia, any proceedings against him are in a district court of the United States.

If the juvenile is not surrendered to State authorities he may be proceeded against as an adult upon his request or under certain other conditions as specified in the act. In any case, transfer to adult court must be undertaken only after there has been a determination of it being in the "interest of justice" after a transfer hearing in which the juvenile shall be represented by counsel.

Sec. 5033. Custody prior to appearance before magistrate.

When a juvenile is taken into custody for an alleged act of delinquency he must be made award of his legal rights. He must be taken before a magistrate within a reasonable time.

Sec. 5034. Duties of magistrate.

The magistrate is responsible for seeing that the juvenile is represented by counsel, that he be appointed a guardian ad litem if a parent or guardian is not present, and that he be released to the custody of a parent, guardian or other responsible party after initial appearance before the magistrate if the juvenile had not previously been discharged. The juvenile may be detained in a shelter care facility if the court determines that detention is required to assure a subsequent court appearance or for the juvenile's safety or the safety of others.

Sec. 5035. Detention.

A juvenile may only be detained in a juvenile facility or in some other suitable place, but may not be detained in any institution in which the juvenile has regular contact with adult offenders. Alleged delinquents should in all possible cases be kept separate from adjudicated delinquents.

Sec. 5036. Speedy trial.

If an alleged delinquent who is in detention is not brought to trial within thirty days from the start of his detention his case may be dismissed unless the delay was due to certain factors.

Sec. 5037. Dispositional hearing.

After a juvenile is adjudicated delinquent, a dispositional hearing must be held within 20 days. Both the attorneys for the juvenile and the Government must be provided copies of the presentence report.

The court has three disposition alternatives: suspension of the adjudication, probation, or commitment fo the custody of the Attorney General. Probation or commitment of any kind may not extend beyond the juvenile's twenty-first birthday or the maximum term for an adult who committed the same offense, whichever is sooner.

The juvenile may be committed for observation and study by an appropriate agency prior to or after his being adjudicated delinquent. This generally should be done on an outpatient basis and the results of such study must be presented to the court within thirty days.

Sec. 5038. Use of juvenile records.

Records of the juvenile delinquency proceedings must be kept from disclosure during the proceeding and sealed thereafter. Records may only be released if the inquiry is from a court of law, an agency preparing a presentence report, law enforcement agencies if the inquiry relates to the investigation of a crime or to employment in the agency, the juvenile's place of commitment, an agency considering the individual for a position affecting national security, or from the victim of the delinquency or family of the victim, if the inquiry relates to the final disposition of the individual. Information on the juvenile's record may not be released when the request is related to employment other than under the circumstances described above.

Unless the juvenile is prosecuted as an adult, neither fingerprints nor a photograph may be taken without the written consent of the judge. Neither the name or a picture of a juvenile may be released to the news media in relation to the delinquency proceeding.

Sec. 5039. Commitment.

There is a prohibition against juveniles under the custody of the Attorney General being detained or incarcerated in an adult jail or correctional institution in which the juvenile has regular contact with adult offenders. Whenever possible the juvenile should be committed to a foster home or community-based facility near his home.

Sec. 5040. Support.

The Attorney General may contract for the observation, study and custody and care of juveniles under his custody.

Sec. 5041. Parole.

The juvenile may be released on parole as soon as the Parole Commission is satisfied that he is likely to remain at liberty without violating the law and that the release would be in the best interests of justice.

Sec. 4051. Revocation of parole or probation.

The juvenile must have a hearing with counsel before his probation or parole may be revoked.

Part B -- National Institute of Corrections

Part B establishes a National Institute of Corrections within the Bureau of Prisons of the U.S. Department of Justice. This Institute is to serve as an information and training center in the field of corrections for adults and juveniles. It has the authority to make grants and enter into contracts with Federal, State and local governments to collect, prepare and disseminate information and data; to act as a consultant; to offer technical assistance; to provide training programs in various geographical locations for professionals and lay persons working in juvenile and adult correctional programs; to conduct research; and, to evaluate innovative programs and their effectiveness.

The Institute is under the general supervision of an advisory board with a membership consisting of Federal officials involved in corrections, and appointees

of the Attorney General including practitioners in corrections and persons from the private sector who have a demonstrated interest in corrections. The daily operations of the Institute are under the supervision of a director who is appointed by the Attorney General. The Institute must submit a report annually on its activities to the President and Congress.

Part C -- Conforming Amendments

Various provisions of the Omnibus Crime Control and Safe Streets Act of 1968 are amended or added by the Juvenile Justice Act for purposes of conformity. The "Declaration and Purpose" section of the 1968 act is expanded to include significant new language relating to the Federal policy of providing assistance for juvenile delinquency programs. Other major amendments alter the composition of the State planning agency to include representatives of public and private agencies concerned with delinquency prevention and control. The 1977 amendments to the Juvenile Justice Act provide that the Chairman and at least two additional members of the State advisory group be included as members of the State planning agency.

IV. APPROPRIATIONS HISTORY FOR TITLES II AND III OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT, AS AMENDED, FISCAL YEARS 1975-1978
(in thousands of dollars)

	Authorization [1]		Budget Request [2]		Appropriation [3]	
	Title II	Title III	Title II	Title III	Title II	Title III
FISCAL YEAR						
1975	$ 75,000	$10,500	$ 0 [4]	$5,000 [4]	$ 25,000 [5]	$ 5,000 [6]
1976	125,000	10,000	0	5,000	40,000	7,000
1977	150,000	10,000	10,000 [7]	5,000	75,000	8,000
1978	150,000	25,000	75,000	8,000	100,000	11,000 [8]

1/ Authorizations for fiscal years 1975-1977 are found in sections 261(a) and 331 of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415; 88 Stat. 1129 and 88 Stat. 1132); authorizations for fiscal year 1978 are found in the Juvenile Justice Amendments of 1977, amending sections 261(a) and 331(a) of the Juvenile Justice Act (P.L. 95-115; 91 Stat. 1048).

2/ Requests for fiscal years 1975, 1976, and 1977 are those of the Ford administration. The request for fiscal year 1978 is that of the Carter administration.

3/ Appropriations for title II are included in the budget for the Law Enforcement Assistance Administration found in the annual appropriations for the Department of Justice. The appropriations for title III are included in the budget for the Office of Youth Development in the Office of the Assistant Secretary for Human Development at the Department of Health, Education and Welfare and are found in HEW's annual appropriations.

4/ The enabling legislation was not passed until after the submission of President Ford's 1975 budget so this budget contained no reference to the title II or title III program. However, when the President signed the Juvenile Justice Act, he expressed his intent not to seek funding for activities under the act until the need to reduce Federal spending abated. Subsequently the administration supported a $5 million supplemental appropriation for the title III program so this has been considered the fiscal year 1975 "budget request"; no such request was given for funding title II activities.

5/ The fiscal year 1975 appropriation was passed in the Second Supplemental Appropriation Act of 1975 on June 12, 1975 (P.L. 94-32). Of the $25 million, $15 million was a direct appropriation of new monies and, because it was late in the fiscal year, these monies were made available for expenditure until August 31, 1975. The other $10 million was reappropriated from previously unexpended LEAA appropriations to be made available until December 31, 1975.

6/ The fiscal year 1975 appropriation was passed in the Supplemental Appropriations Act, 1975 on December 27, 1974 (P.L. 94-554).

7/ The Ford administration requested this amount ($10,000,000) anticipating a deferral of $15 million from fiscal year 1976 funds subsequently to be made available for fiscal year 1977; as a result, funding for both fiscal years 1976 and 1977 would have been $25 million. Congress rejected the request for deferral of these funds in later action.

8/ Amount agreed to by both the House and Senate after Conference on H.R. 7555 (95th Congress).

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