

NOMINATION OF MILTON L. LUGER PURSUANT TO  
PUBLIC LAW 93-415, THE JUVENILE JUSTICE AND  
DELINQUENCY PREVENTION ACT OF 1974

HEARING

BEFORE THE

*Senate* AD HOC SUBCOMMITTEE

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-FOURTH CONGRESS

FIRST SESSION

(Pursuant to S. Res. 72)

ON

THE NOMINATION OF

LUGER TO BE ASSISTANT ADMINISTRATOR OF  
ENFORCEMENT ASSISTANCE ADMINISTRATION,  
DEPARTMENT OF JUSTICE

OCTOBER 30, 1975

for the use of the Committee on the Judiciary

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(III)

**NOMINATION OF MILTON L. LUGER PURSUANT TO  
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THURSDAY, OCTOBER 30, 1975

U.S. SENATE,  
AD HOC SUBCOMMITTEE  
OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee (composed of Senators Bayh, McClellan, and Hruska) met, pursuant to notice, at 11:35 a.m., in room 2228, Dirksen Senate Office Building, Senator Birch Bayh, chairman.

Present: Senators Bayh and Hruska.

Also present: John M. Rector, staff director and chief counsel; Mary Kaaren Jolly, editorial director and chief clerk; Kevin O. Foley, assistant counsel; Kathy Williams, Janelle Sherfy, Vicki Smith, staff assistants; and Eric Hultman, minority counsel.

Senator BAYH. The subcommittee will come to order.

This hearing is on the nomination of Milton L. Luger of New York, the Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention of the Law Enforcement Assistance Administration. Notice of the hearing appeared in the Congressional Record on October 9, 1975. Both Senators of his State have formally approved the nomination, and there are no objections which have been received to the nomination.

Before asking the nominee to join us, I would like to make a brief opening observation. I will try to sum up the significance of this hearing, which I trust will be brief and will successfully bring out the qualifications of the nominee.

**OPENING STATEMENT OF SENATOR BIRCH BAYH, CHAIRMAN**

Senator BAYH. The prevention of juvenile crime and delinquency should be a top national priority. More than a year ago, in August of 1974, the Congress sent to the White House the Juvenile Justice and Delinquency Prevention Act of 1974—Public Law 93-415.<sup>1</sup> It was developed and supported by bipartisan groups of citizens throughout the country. The bipartisan nature of the act, a product of a 4-year effort, in which many others had been involved and I was proud to lead, was clearly reflected by the strong majorities of 88 to 1 in the Senate, and 329 to 20 in the House.

I would personally like to express my appreciation to the distinguished Senator from Nebraska—the ranking minority member of the full Committee on the Judiciary—with whom, while not agree-

<sup>1</sup> See appendix, p. 17.

ing totally with me and I not with him, we were able to iron out our differences; and, as a result, move S. 821 forward. Without his cooperation, this would not have been done. Our colleague on the Subcommittee To Investigate Juvenile Delinquency, Senator Mathias—the ranking minority member on the subcommittee—played an active role and was also extremely helpful and cooperative as we moved this legislation forward.

Also, I think the committee owes a debt of gratitude to the numerous private agencies who were more actively involved in assisting us with this piece of legislation than any other legislation with which I have been involved. If there ever has been a citizens' measure, it was this one. We had more than 50 organizations—across-the-board philosophically and across the country—and without their help we could not have drafted the provisions, tested the provisions, and developed the necessary support for them.

I would like to thank one of those who was helpful, who is with us today, Mrs. Mildred Wurf. She is one of those who was actively involved, and without whose help we could not have been successful.

This act is designed to prevent young people from entering our failing juvenile justice system, and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system.

Who can dispute the need for its implementation? The Comptroller General of the United States concluded that funding the act was essential to any strategy to reduce the Nation's crime.

Unfortunately, the President eliminated the funding for the Office of Juvenile Justice and Delinquency Prevention from his 1976 budget and despite double digit escalation of crime, the President opposed the expenditure of \$1, including even existing moneys that could have been used to implement this crime fighting program. In spite of active opposition by the White House—and I will say it is a result of help from colleagues from both sides of the aisle—we were able to secure \$25 million for the act last year and \$40 million for fiscal year 1976.

The White House, unfortunately, did not totally ignore the act. In fact, President Ford's Crime Control Act of 1976—S. 2212<sup>1</sup>—would repeal important provisions which require that LEAA and the States allocate a minimal portion of their crime budgets for the purpose of curbing and preventing juvenile crime.

I think it is important that we recognize that this is one area in fighting crime and fighting juvenile delinquency where just spending more money is not going to meet with more success. Last year we spent \$14.5 billion and we watched the crime rate go up 17 percent. We have to do a better job of expending funds. Hopefully the program, which we are now in the process of implementing, is going to deal with these problems at a stage when we have a better chance of success.

The need for adequate implementation of this legislation is all too obvious for those concerned with the rising tide of crime in America; a frightening phenomenon that is largely the result of a rapidly escalating crime level among our young people.

While youths between the ages of 10 and 17 make up 16 percent of our population they account for fully 45 percent of all persons arrested for serious crime. Fifty-one percent of those arrested for property

<sup>1</sup> See appendix, p. 51.

crimes and 23 percent for violent crimes had not yet reached their 18th birthday. That part of our population under 22 years old account for 61 percent of the total criminal arrests in this country.

The recidivism rate among youthful offenders under 20 is the highest among all groups; it has been estimated at between 75 to 85 percent in testimony before the Subcommittee To Investigate Juvenile Delinquency.

The act recognizes that our present system of juvenile justice is failing miserably. It is based on our findings that the present system is geared primarily to react to youth offenders rather than to prevent the youthful offense. It is, likewise, predicated on conclusive evidence that the system fails at the crucial point when a youngster first gets into trouble.

Tragically, almost 40 percent of all children involved in the juvenile justice system today are status offenders, those who have not done anything which would constitute a violation of criminal law. Yet these youngsters—70 percent are young women—often end up in institutions with hardened juvenile offenders and adult criminals. The act is clearly based on the growing consensus that incarceration masquerading as rehabilitation serves only to increase our already critical crime rate by providing new students for what have become institutionalized schools of crime. The act prohibits the incarceration of status offenders and requires the separation of juvenile and adult offenders.

Some youthful offenders must be removed from their communities for society's sake as well as their own. But the incarceration should be reserved for those youths who cannot be handled by other alternatives.

Obviously, past Federal efforts to provide alternatives have been inadequate and have not recognized that the best way to combat juvenile delinquency is to prevent it. The act represents a Federal commitment to provide leadership, coordination and a framework for using the Nation's resources to assist State and local agencies, both public and private, to deal more effectively with juvenile crime and delinquency prevention.

Although the President has actively opposed the implementation of the act, I am pleased that once it became clear that his efforts to stifle its implementation were not successful, he finally acted sensibly and nominated a person of the caliber and experience of Milton L. Luger, of New York, to be Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Department of Justice.

I think that my committee working with him, and with his insight to this problem, ought to get this program off the ground and we ought to move quickly to recognize the dramatic impact that the young people have in the crime problem.

Half of the crimes are committed by young people under the age of 18, and yet our society's response has been too often to respond only to the older offender. What we did in this act is to reestablish that adage—on which most of us try to base our personal and professional life—that an ounce of prevention is worth more than a pound of cure.

This act is by no means a panacea. We have not suggested that it is; nor did we during the Senate debate. But it is based on the realization that our present juvenile system has not been working properly. The act does not propose the Federal Government as a final determinant or the repository of a final solution; but rather we provided some funding

and a reordering of the way existing dollars are spent. And it does provide a Federal leadership and guidance which is sadly lacking.

But, in the final analysis, I think it contains within its provisions recognition that we are not going to deal with the problem of crime or delinquency in Washington. It is going to be dealt with at home by professionals, paraprofessionals, and concerned volunteer citizens who together rise up and implement this program and make it work as it is designed to work.

Would our distinguished colleague from Nebraska care to add his thoughts? We are always glad to have them.

Senator HRUSKA. I should like to defer them until I return from the Chamber where our presence is necessary to cast a vote, and, no longer being as fleet afoot as I used to be, and the distance is great, I suggest that we suspend here for a little while, Mr. Chairman, and return when we take care of our duty there.

Senator BAYH. I think that suggestion is well taken.

[A brief recess was taken.]

Senator BAYH. Mr. Luger, we have your biographical résumé. Would you care to check it to determine if any corrections or additions are necessary?

#### TESTIMONY OF MILTON L. LUGER

Mr. LUGER. Just two minor ones, Senator. Two telephone numbers are incorrect. That is all.

Senator BAYH. Your telephone number, or someone else's?

Mr. LUGER. Both the agency number and my own personal telephone number are incorrect.

Senator BAYH. I do not think that imperfection will disqualify you from holding office.

Are you now, or have you ever been, related to the mayor of Indianapolis? [Laughter.]

Mr. LUGER. No sir, but I constantly have my name misspelled because he spells his differently from mine.

Senator BAYH. If that answer had been in the affirmative, I do not believe it would have disqualified you; but it is of passing interest to some of us in Indiana. [Laughter.]

Mr. Luger, let me ask you a couple of questions and then ask that you would answer the rest of them for our record, since we have another vote.

The act provides, in section 527, that all LEAA programs concerned with juvenile justice shall be administered or subject to the policy direction of the office to which you have been nominated. I think it is important to know how you see the relationship between the Juvenile Justice Act and Safe Streets and Crime Control Act, since you have responsibility under both acts. Do you see a single, integrated approach for administering the provisions pertaining to the criminal justice and delinquency prevention statutes?

Mr. LUGER. Senator, I certainly feel confident that the program thrust that will be energized through my participation in the Office of Juvenile Justice and Delinquency Prevention will be in consonance with the efforts under the Crime Control Act. I will be working very closely with the Administrator to try to bring this about. It would be tragic if there were different program philosophies. Although I have

not yet had extensive contact with the LEAA personnel, I do not perceive any differences at this point.

Senator BAYH. I would hope not, but if you note such developments, I would also hope that you would let my committee know, so that we could assist in helping you weed out those differences if you cannot weed them out yourself. An important part of debate on the measure was included in section 223(a)(17), which provided for the fair and equitable arrangements to be made to protect the interest of employees. There was agreement in conference that LEAA would work closely with the Secretary of Labor to assure these objectives.

Has LEAA done anything to date on this? What do you think that you can and will do on this?

Mr. LUGER. Senator, I am presently unable to respond to that question. I do not know what LEAA has done at this time.

Senator BAYH. Frankly, if you know everything that they had done, the answer would still be the same. Since the act was signed, I think you should know that the staff advises me that nothing has been done. I think more significant, however, is how you intend to approach this in the future.

Mr. LUGER. Could you clarify the issue?

Senator BAYH. One of the forces, let us say, that has not been negative, but a bit apprehensive, understandably so, have been those people who are employed in institutions which may be modified or eliminated. It seemed to me, and indeed in the Conference, it seemed to us, that this concern should not be a stumbling block. You should be able to sit down and work with the Secretary of Labor and find a way in the process of deinstitutionalization to assure that the rights of affected employees would be protected. That, I think, is a worthwhile goal.

Mr. LUGER. Yes. I am sympathetic to that suggestion. I can best respond based on my own experience, Senator, rather than the policy of LEAA.

When we initiated a deinstitutionalization program in the New York State Division for Youth and actually closed some institutions, we worked very hard with the Department of Civil Service to make sure that people were not hurt, that they got on preferred lists, received new assignments, and were offered other jobs, where they could use their skills instead of just being put out of work. I hope those who have the skills and could make contributions to the new program will be encouraged to continue their efforts.

Senator BAYH. Again, I hope that you review that carefully. I will be watching, myself. If we have problems, I hope that we can discuss them, because I think that it is important that we not, in a cold insensitive manner, impose hardships on people when we are trying to help others. I think we can meet both objectives.

One of the important provisions of the act, section 261, established a minimum level of funding—a maintenance level—at least at the fiscal year 1972 level of delinquency funding under LEAA. How do you assess the significance of this section? Have you had a chance to determine the 1972 level of funding?

Mr. LUGER. No, sir. I have not made any firm determination as yet. I do feel that I will become much more competent and knowledgeable as I get out to the various regions. My first order of business

will be to go to the various State planning agencies, to visit the various units in the field, and to meet with the staff of the regional offices. I hope to get a good sense of their directions and a perception of their needs, because they are closer to the problem than anybody sitting in Washington. In this way, I will try to ascertain what needs to be done in order to attack the problem.

Senator BAYH. The question is not what needs to be done, but what is being done. Have you discussed with Mr. Velde the implementation of the act?

Mr. LUGER. Only in very general terms, Senator. I have not been working there full time. I hope to receive intense orientation in the near future.

Senator BAYH. Mr. Velde told us in 1973 that the total was \$140 million. Yet, in our oversight hearing this year, he revised it to the \$112 million level. My subcommittee is looking very carefully at these representations. I am of the opinion that one of the reasons the President has been less than anxious to implement this act is that there are forces in the country that want to continue the status quo, regarding the fight against crime and delinquency. As a result of pressure from the subcommittee, and others, to try to increase the percentage of Federal dollars invested in delinquency preventatives, I fear that, perhaps, instead of wheeling in dollars, we may have been misled by exaggerated figures about what exactly had been the policy. We are going to take a hard look at these figures. Rather than solely obtaining appropriate new dollars, we want to be able to take some of those old dollars from LEAA and reprogram them into the more rational prevention programs. We are going to count on you to be in there scrapping; to see that that level is not lowered. When we provide new money, we want to assure that existing and old dollars are not used elsewhere. Can we count on you to do that?

Mr. LUGER. You can certainly count on me, Senator, not to merely go along with old ideas, but to be aggressive in a new philosophy on how to treat youngsters, rather than just locking them up and "burying" them. I think that kind of fresh approach is something that I would be very comfortable with. You certainly have my support in those areas, sir.

Senator BAYH. We want to get a larger percentage of LEAA dollars into prevention services. I am not trying to deprecate the job that people in the other parts of LEAA are doing because we need the comprehensive approach; but we need to direct more of our resources at preventing delinquency.

I am going to have to vote again. I will ask Mr. Rector, my chief counsel, if he would proceed. I want to make certain that we have an understanding of the important roles that should be played by young people, by private agencies, and by the private sector. What we are trying to do is assure a more comprehensive program—a more all-inclusive program so that private services are not competing or duplicating those of the public agencies, but rather to increase more appropriate community involvement and responses across the country. This is a new, innovative feature of this act.

I must leave now for the vote. After concluding questions from Mr. Rector, we can adjourn the hearing unless our distinguished colleague from Nebraska intends to return.

Mr. Luger, again I would like to congratulate you and wish you every success in this new and challenging office. Please feel free to discuss any future mutual concerns with myself or my staff. I know that Fred Nader and his crew, who have worked in such a dedicated fashion under difficult circumstances during these many trying months have and will make this task an easier one.

Again, congratulations.

Mr. Rector. Mr. Luger, the act, as you are familiar, is permeated with sections mandating the involvement of the private nonprofit sector as well as young people as consumers with services to be provided under the modified block grant program (subpart I) and the special emphasis grant program (subpart II).

What we are particularly interested in is what LEAA has done to date and what you would do in regard to a number of the requirements in the State plan as provided for in the new act. For example, the requirements that the State planning agencies and the regional planning units include citizens groups directly related to delinquency prevention—section 542.

We have an interest in learning what LEAA has done to date, as well as what kind of assurances you can provide the committee, with regard to your commitment or lack thereof on these important requirements which mandates a clear change of policy.

Mr. LUGER. Mr. Rector, I came from an agency—the New York State Division of Youth—that had a program to disburse State dollars to localities for the use in the area of delinquency prevention. In that program we disbursed some \$20 million in the State. Much of that money was subcontracted to private, voluntary, and not-for-profit organizations so that they could become deeply enmeshed in the area of delinquency, and the work of delinquency prevention. I am a strong advocate of this involvement. I do not think the public sector itself can resolve the problem. I think that lay citizens and the field itself needs not only involvement, but a very strong constituency of people who are interested in troubled youngsters and want to deal with them, rather than just trying to bury them or get them out of neighborhoods.

I would be a strong supporter of fiscal and technical assistance and programmatic relationships with the private sector as far as the LEAA program is concerned. I might add that even if the public and the private sector get together, if the kids are not involved, we are going to lose. You cannot impose things on young people, especially the adolescents in their state of rebellion. What you have got to do is get them involved in their own fate. I have always tried to do this in the past and will continue to support and encourage youth participation in their own programs and in setting their own policies.

Now, I do know that there has been strong movement regarding the establishment of advisory committees to the State Planning Agencies, encouraged by LEAA. On those advisory committees, there are representatives of private and not-for-profit organizations. The statute, even for our own National Advisory Committee, calls for one-third of the members to be young people. This proportion assures that young people will help make the important decisions affecting their lives.

Although I do not know all the details of how far this has been implemented, I certainly will be looking into it. I am pleased that this was a stipulation included in the program.

Mr. RECTOR. We are very encouraged to hear that. I am certain that you are aware that the primary impetus for the new Juvenile Justice Act was to address a concern that many in the nonpublic sector had with regard to the Safe Streets Act or, at least, the current interpretation of the Safe Streets Act. Namely the impact of LEAA policy that required a young person must be enmeshed within the juvenile justice system before people addressing the needs of children in trouble could qualify for Federal LEAA assistance.

It was a major thrust of S. 821 to, once and for all, eliminate the need for a nexus of involvement with the juvenile or criminal justice systems before Federal money would be available to address their needs. The new act's focus is strongly on prevention and quite consistent with the remarks you have just expressed.

Mr. LUGER. Mr. Rector, I also understand that the administration has suggested an amendment which would even bring closer to realization the elimination of that kind of distinction between pre-involvement of the juvenile in the criminal and juvenile justice systems and the availability of LEAA funds. It has been recommended that funds under the Crime Control Act be meshed in with the thrust of the new Juvenile Justice Act. This amendment would help to achieve this.

Mr. RECTOR. I believe that the section you are referring to is contained in the President's Crime Bill, S. 2212, which also contains a repealer of the maintenance of effort provisions of section 261, P.L. 93-415. And as Senator Bayh has clearly indicated, we will not be supportive of the repeal of this important section. However, we would be supportive of opening up the Safe Streets Act's moneys to fund the kind of programs to which you have referred.

You made mention of the advisory groups that the statute mandates should be established in each of the States that are participating in the modified formula grant program—section 223(a)(3). I understand that some 41 or 43 States have agreed to participate in this program. We are wondering, at this date, how many advisory groups have been established? We had heard that merely a handful of advisory groups had been established. A related concern is what posture LEAA and what posture you will take if these States fail to establish advisory groups, fail to make the requisite changes in the State planning agency or regional planning unit composition or other changes in policy mandated by the act?

Mr. LUGER. Mr. Rector, I believe that it is obligatory on those who implement the legislative intent to be quite forceful. You must make sure that compliance takes place and a good faith effort is made. This is a new act. A lot of work has been done very, very quickly. The staff has done a remarkable job considering the load. I am sure that the States, localities, and counties participating in this program are shifting gears to try to get on board and get involved with this act as well. One of the purposes, frankly, of the trips that I will be making, after my confirmation, will be to try to learn firsthand what the problem is. If there is, in fact, a lack of organized advisory groups in each area, I will encourage their establishment. That kind of citizen participation is vital.

Mr. RECTOR. We had noted that Commissioner Frank Rogers, State division of criminal justice services, in New York, with whom I am sure you are familiar, agreed to hold public hearings regarding the New York State plan, the advisory group and the other matters we are discussing. In this new position, as Assistant Administrator for the Office, would you encourage either through guidelines or other methods, similar kinds of public hearings in participating States on these and other provisions?

Mr. LUGER. I am not that familiar with the details of what is obligatory under the law as far as localities are concerned. However, I do know that the crime control meetings in New York State were always open to the public. We had members of the public there listening to all of the debate, and as a general principle I think this is fine. It should be encouraged. There should be no secret deliberations. I would be in total agreement with the suggestion.

Mr. RECTOR. One very basic question relates to the criteria that you would suggest that Senator Bayh and members of the subcommittee employ to assess the Office efforts to implement the act. One year from now, for example, what areas would you recommend we study as we assess whether there has been any measure of compliance or progress?

Mr. LUGER. There have been four or five program initiatives that the staff and LEAA advisory groups have focused upon to date. Most of them, of course, grow out of the language of the act. These include such areas as deinstitutionalization of status offenders, diversion programs, focusing upon violent youngsters, delinquency prevention in general, and the setting of standards so that there may be some uniformity in what localities are doing. I think it would be helpful for us to share with you the kind of research that will be undertaken through the National Institute of Juvenile Justice and Delinquency Prevention, because we want to undertake hard, objective inquiries into how effective special initiative programs are. We will be asking such questions as whether youngsters are really being diverted from the system, or are we actually just casting a wider net and gathering more youngsters into the system.

We will also be interested in what really will take place as far as reducing the number of youngsters in correctional institutions and separating them from adults in detention. I think a lot of this data, which will be gathered through research projects, will be available to you, and I think that they will be very helpful to you in determining whether we have been moving toward a direction as the legislation mandates.

Mr. RECTOR. Your comment raises several essential aspects of congressional intent embodied in the act. There are two very important sections of the modified block grant program. Sections 223(a)(12) and 223(a)(13) which would, within a 2-year period, require the participating States to: First, prevent the comingling of adjudicated adults and those awaiting adjudication with juveniles; and, second, prohibit the incarceration of those young people accused of or who have engaged in acts that would not be crimes, if they were of majority age—commonly called status offenders.

How do you view these two particular thrusts of the act?

Are these important mandates?

Are they marginal?

How do you place them in order of priority?

Mr. LUGER. I certainly think that both of those directives are long overdue and should be strenuously supported.

Let me add one thing, Mr. Rector. I think there is a lot of naivete in the field. We will have to dig in to make sure that we are trying to implement and trying to achieve what we say we want, rather than talking globally.

For example, in the area of status offenders, removing them from correctional facilities where they are in contact with delinquent youngsters is fine in principle. I think that those who are incorrigibles, those who are truant, those who cannot get along with their parents but have committed no crime, should not be mixed in with delinquent youngsters where they can learn a great deal more about how to commit crimes.

On the other side of the coin, however, I think we have to be careful not to be naïve enough to feel that all those who are labeled as status offenders are simply incorrigible youngsters, or simply school truants. We have got to keep our eye on the games that certain people play for their own purposes by labeling certain youngsters as status offender and then saying, "I am doing the right thing to keep them away from a delinquent youngster."

I participated in a survey in one State in which, despite the act committed by the youngster, all white youngsters were status offenders and most of the black youngsters were adjudicated delinquents. Therefore, you started to get segregated institutions.

I think you have to probe beyond these legal labels to see what the youngster really is, to make sure that those games are not being played and that the youngster is being treated as far as his needs are concerned, rather than because somebody put a label on him for the wrong reason.

Thus, while I would be in general agreement with the thrust, I believe with a lot of probing behind the genus of the act is necessary.

Mr. Rector. Yours is a very significant observation. In our Senate-House conference meetings, there was an extended discussion of the importance of the nondiscrimination provisions of the act—section 262. In regard to the deinstitutionalization effort, for which \$8.5 million has already been allocated, and with other program funding, it would be expected that the kind of invidious discrimination on the basis of sex, race, creed, or national origin would be very consciously avoided. In the area of delinquents, the designation of a joy ride versus a car theft on such basis would be a good example. Similar discrimination in the areas of promiscuous conduct or other socially unapproved conduct on the basis of sex is equally abhorrent.

Hopefully, the Office will give special significance to these concerns and do whatever possible to assure that programs funded by the agency are not programs that encourage or are guilty of such practices.

Under provisions of section 224(b) of the act, 25 percent of the total moneys appropriated for the act must be allocated for special emphasis. There is discretion, however, that would permit the allocations of up to 50 percent for these programs. This has special significance for those in the nonprofit sector because, of these special emphasis dollars, one-fifth or 20 percent of the money must be allocated to the private nonprofit groups—section 224(c).

Do you view the 25 percent as a minimum or a ceiling for special emphasis grants?

Mr. LUGER. I will be able to answer that question, Mr. Rector, much more intelligently 5 or 6 months from now, because to date the work has been done by other people.

May I just respond now by saying that I think the private sector is an important ingredient in the thrust in order for us to do something in the field. I would not be willing in any way to minimize, through some gimmick, their involvement. I certainly want to be full partners.

Mr. Rector. In the conference report, No. 93-1103,<sup>1</sup> on the act you will notice that there was language regarding the congressional desire to limit moneys to be allocated for the institute. The language, on page 102, reads that there should be less than 10 percent of the total appropriation provided for the institute.

Frankly, that was an expression on the part of the conferees from both Houses, that they wanted to see as much money allocated to what Senator Bayh would describe as the area where the rubber hits the road as opposed to unnecessary esoteric research. That is not to minimize in any respect the need for careful research and the need, as the act stresses, for careful evaluation for programs that are funded. Or, of course, the setting up a clearinghouse that would help to facilitate information about programs so that if someone in Terre Haute or San Jose or wherever has an inquiry about something they are about to engage in, they can touch base with the institute and find out whether there is any efficacy in it or if it has been tried elsewhere with any success.

A very strong concern was expressed by the conferees that this money not be dribbled away in the area of research.

Careful note should be taken of this congressional enjoiner that the institute be allotted less than 10 percent.

Mr. LUGER. It will be noted, Mr. Rector. However, I must say that a lot of things that have gone on in past research have simply been shoddy puff pieces for the agencies involved all across the country. I certainly hope that the kind of research we will be involved in will be characterized by integrity and objectivity, so as to introduce the kind of quality control that has been present in some private agencies.

The idea may be that you are going to do something, and you have beautiful plans to do it. But rarely do you implement the program as promised or as funded. Hopefully, no dollars will be wasted.

Mr. Rector. You mentioned the several priority areas that the new Office is pursuing: the status offender project; the diversion project; the serious juvenile offender projects; and, playing caboose, is the area of prevention.

Senator Bayh is interested to learn more as to why prevention came fourth in that series of priorities—not that he would in any way dispute the need to focus on the other areas—since it was the major theme of the legislation.

He would be interested in your view as to what role prevention should play. Is it a significant concern? Is it a backburner kind of concern for dealing with juvenile crime and delinquency in your perspective? Where do you place prevention?

<sup>1</sup> See appendix, p. 59.

Mr. LUGER. Mr. Rector, I would not characterize the current status of LEAA's interest in prevention as being less important than the others, even though it is listed, perhaps fourth.

I would say that the reality of being able to organize a program and get it off the ground rapidly was more possible in the area of deinstitutionalization. That does not make that level more important than prevention. However, when we get into the area of prevention, it is not as clear how to effectively focus Federal involvement, Federal dollars.

As a matter of fact, the staff has been working very hard in this area. Regarding the concentration of Federal effort, prevention is talked about very, very much. Who in the Federal Government is putting money into juvenile delinquency prevention and treatment is being carefully studied.

Some of the reports that have come out vary. The amount of dollars involved ranges from something like \$92 million to \$20 billion for juvenile delinquency prevention. Then the question must be asked, what is really meant by prevention? Is it a recreational program? Is that delinquency prevention? Is it summer employment programs?

Thus, we have a lot of conceptualizing and a lot of definitional work to be done in the area of prevention in order to assure that Federal dollars will have an impact. It is not less important, but it is much more difficult to get the handle on, to know that when we move something forward, it is going to be delinquency prevention, rather than saying it affects the quality of life of youngsters and, hopefully, will be connected with delinquency prevention.

Mr. RECTOR. We are especially familiar with the "estimates" in the \$15-\$20 billion area, and those kinds of estimates have been proffered year after year after year by representatives of LEAA, HEW, Labor and elsewhere. The GAO report<sup>1</sup> raised serious questions as to the credibility of these figures.

But the prevention we are talking about is of a more specific nature. It relates to the concern expressed earlier that funding not be dependent on a nexus with the juvenile justice system in order to address the problems of young people who have troubles, but have not necessarily come to the attention of the courts or been "busted." So the Senator's area of concern is this more specific and long ignored one as contrasted with the inflated \$20 billion figure, which when we last looked included transportation programs and the "kitchen sink." If the Police Athletic League in a particular community spent several hours a month helping youngsters, one could allocate their entire budget to prevention. They have clearly "jacked up" the \$20 billion figure. You could probably do better than \$20 billion, if you devoted your attention to that kind of thing, as, unfortunately, a lot of bureaucrats in this area have in recent years.

But Senator Bayh's concern in this regard is very specific. I am sure you are personally familiar with his concern. We felt, however, that it was important to reiterate and focus on this since it goes to the primary impetus of the act.

Senator Bayh asked a question regarding the maintenance of effort provisions—Public Law 93-415, section 261—and you replied that you would do whatever possible, within your limits, to act consistent with a mandate of the law. Yet, as you know, the President's LEAA

<sup>1</sup> Report to the Congress by the Comptroller General of the United States, "How Federal Efforts To Coordinate Programs To Mitigate Juvenile Delinquency Proved Ineffective," April 21, 1975.

bill—S. 2212—would repeal these sections. We will be discussing this topic again in the not too distant future. Perhaps it will be your first real test on implementing the act.

Senator Bayh would like to stress, however, his willingness, personally and that of other members of the committee and staff, to work with you to try to see that anything we can do to help to facilitate your implementing the act is done. We will be working with the General Accounting Office and others to help us in our job, which, in turn, will hopefully help you in your job.

Is there anyone in the room who would like to testify for or against this nominee?

[No response.]

As none have signified, the hearing will recess, subject to the call of the Chair.

[Whereupon, at 12:35 p.m., the ad hoc subcommittee recessed, subject to the call of the Chair.]

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APPENDIX

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Relevant to the Nomination of Milton L. Luger

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Public Law 93-415  
93rd Congress, S. 821  
September 7, 1974

## An Act

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

*Be it 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".*

Juvenile Justice  
and Delinquency  
Prevention Act  
of 1974.  
42 USC 5601  
note.

### TITLE I—FINDINGS AND DECLARATION 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;

88 STAT. 1109

(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;

88 STAT. 1110

(6) States and local communities which experience 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

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

42 USC 5602.

(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 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 delinquency prevention.

88 STAT. 1110  
88 STAT. 1111

#### DEFINITIONS

##### SEC. 103. For purposes of this Act—

(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;

(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;

(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 apprehend 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

42 USC 3711.

88 STAT. 1111  
88 STAT. 1112

42 USC 5611.

September 7, 1974

Administration.

Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office").

88 STAT. 1112

88 STAT. 1113

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

(c) There shall be at the head of the Office an Assistant Administrator who shall be nominated by the President by and with the advice and consent of the Senate.

(d) The Assistant Administrator shall exercise all necessary powers, subject to the direction of the Administrator of the Law Enforcement Assistance Administration.

(e) There shall be in the Office a Deputy Assistant Administrator who shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The Deputy Assistant Administrator shall perform such functions as the Assistant Administrator from time to time assigns or delegates, and shall act as Assistant Administrator during the absence or disability of the Assistant Administrator or in the event of a vacancy in the Office of the Assistant Administrator.

(f) There shall be established in the Office a Deputy Assistant 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".

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

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.

(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 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 5 of the United States Code.

#### VOLUNTARY SERVICE

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

SEC. 204. (a) The Administrator shall implement overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training,

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88 STAT. 1114

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 shall—

(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;

(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 effort;

(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

(7) 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.

(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.

Studies.

Annual analysis and evaluation, submittal to President and Congress.

Annual comprehensive plan, submittal to President and Congress.

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 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) shall contain, in addition to the comprehensive plan required by subsection (b) (6), 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, 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, 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.

(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 finds to be exceptionally effective or for which he finds there exists exceptional need.

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

(k) All functions of the Administrator under this part 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.).

(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 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).

Federal Govern-  
ment services  
and facilities,  
utilization.

Transfer of  
funds.

Grants and  
contracts.

Coordination  
with HEW.

Development  
statement, sub-  
mittal 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.

(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.

Juvenile de-  
linquency de-  
velopment  
statement,  
review.

#### JOINT FUNDING

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, institution, 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. 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.

42 USC 5615.

Non-Federal  
share require-  
ment.  
Establishment.

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

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

Establishment.  
42 USC 5616.

Membership.

(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 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.

Functions.

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Meetings.

(d) The Council shall meet a minimum of six 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.

Ante, p. 1114.

(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 may, with the approval of the Council, appoint such personnel 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.

Appropriation.

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

## ADVISORY COMMITTEE

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

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.

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

(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. 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.

(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.

## DUTIES OF THE ADVISORY COMMITTEE

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

(b) The Advisory Committee shall make recommendations to the Administrator 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 Administration.

Meetings. 42 USC 5618. Recommendations to Administrator.

September 7, 1974

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(d) The Chairman shall designate a subcommittee of 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 five members of the Committee to serve as an Advisory Committee to the 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.

Post, p. 1127.

## 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 5619.

(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 travel time 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 to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through 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.

42 USC 5631.

## 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 \$200,000, 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.

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.

Reallocation of funds.

(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 governments 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.

Financial assistance, limitation.

Post, p. 1129.

STATE PLANS

42 USC 5633.

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), and (15) 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 3733. Requirements.

42 USC 3723.

(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;

(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 (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; 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;

Consultation with local governments.

(4) provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;

(5) provide that at least 66% 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;

Ante, p. 1118.

(6) provide that the chief executive officer of the 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 (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;

Study.

(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;

(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;

(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 divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correctional facilities. That advanced techniques include—

Advanced techniques.

(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, 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;

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

- (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 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—
- (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;
- (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;
- (13) provide that juveniles alleged to be or found to be delinquent 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;
- (14) provide for an adequate system of monitoring jails, detention facilities, and correctional facilities to insure that the requirements of section 223 (12) and (13) are met, and for annual reporting of the results of such monitoring to the 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 or 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 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 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.

(b) The State planning agency designated pursuant to section 223(a), after consultation with 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.

(d) In the event that any State 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.

(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

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—

42 USC 3733.

Arts, p. 1119.

State plan, approval.

42 USC 3757-3759.

Arts, p. 1118.

Supra.

Grants and contracts, 42 USC 5634.

(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;

(4) improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent;

(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 model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions.

(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.

(c) At least 20 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.

#### 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.

(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;

(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;

(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—

Post, p. 1127.

42 USC 5635.

Reports.

Fiscal control  
and fund ac-  
counting.

(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;

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

(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.

Ante, p. 1119.

Post, p. 1127.

#### 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—

(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.

42 USC 5636.

##### USE OF FUNDS

Sec. 227. (a) Funds paid pursuant to this title to any State, public or private agency, institution, or individual (whether directly or through a State or local 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.

(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) may be used for construction.

42 USC 5637.

Limitations.

##### 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.

(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, the State may utilize 25 per centum of the formula

42 USC 5638.

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.

(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.

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.

(b) The National Institute for Juvenile Justice and Delinquency Prevention shall be under the supervision and direction of the Assistant Administrator, and shall be headed by a Deputy Assistant 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) 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, connected with the treatment and control of juvenile offenders.

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

(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) 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

Establishment,  
42 USC 5651.

Ante, p. 1112.

Data collection.

Training.

Additional  
powers.

Code and while away from home, or regular place of business, 5 USC 5332 they may be allowed travel expenses, including per diem in lieu note of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently.

(b) Any Federal agency which receives a request from the Institute under subsection (g) (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

SEC. 242. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to— 42 USC 5652.

(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;

(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. Information clearinghouse.

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 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;

(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

42 USC 5654.

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

(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, 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) 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 5655.

Ante, p. 1117.

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.

## ANNUAL REPORT

42 USC 5656.

SEC. 246. The Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the 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 to new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs. The 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.  
Ante, p. 1113.

## DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

42 USC 5657.

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.

(b) Not later than one year after the passage of this section, the Report to Presidential 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—

(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.

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.

Records, disclosure or transfer, restriction.  
42 USC 5658.

## ESTABLISHMENT OF TRAINING PROGRAM

SEC. 249. (a) The Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency. In carrying out this program the 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) connected with the prevention and treatment of juvenile delinquency.

## CURRICULUM FOR TRAINING PROGRAM

SEC. 250. The Administrator shall design and supervise a curriculum for the training program established by section 249 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

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

(b) The Administrator shall make the final determination with respect to the admittance of any person to the training program. The 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(b).

(c) While studying at the Institute and while traveling in connection with his study (including authorized field trips), each person enrolled in the Institute shall be allowed travel expenses and a per

Application.  
42 USC 5661.

Travel expenses.

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

42 USC 5671. 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 June 30, 1977.

Additional funds. (b) In addition to the funds appropriated under this section, the Administration shall maintain 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 assisted by the Law Enforcement Assistance Administration during fiscal year 1972.

#### NONDISCRIMINATION PROVISIONS

42 USC 5672. 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.

42 USC 2000a-2. (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.

#### EFFECTIVE CLAUSE

42 USC 5601 note. Sec. 263. (a) Except as provided by subsection (b), the foregoing provisions of this Act shall take effect on the date of enactment of this Act.

Ante, p. 1113. (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.

### TITLE III—RUNAWAY YOUTH

#### SHORT TITLE

Runaway Youth Act. 42 USC 5701 note. 42 USC 5701. Sec. 301. This title may be cited as the "Runaway Youth Act".

#### FINDINGS

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 to localities and nonprofit private 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 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 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. Localities and nonprofit agencies, 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 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 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);
- Budget estimate. (8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;
- (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 nonprofit 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. In considering grant applications under this part, priority shall be given to any applicant whose program budget is smaller than \$100,000.

## GRANTS TO PRIVATE AGENCIES, STAFFING

- 42 USC 5713. 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

- Report to Congress. 42 USC 5715. 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—
- (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 installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments. Payments.

## PART B—STATISTICAL SURVEY

## 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. 42 USC 5731. Report to Congress.

## 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. Disclosure or transfer, restriction. 42 USC 5732.

## PART C—AUTHORIZATION OF APPROPRIATIONS

- SEC. 331. (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. 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.

## TITLE IV—EXTENSION AND AMENDMENT OF THE JUVENILE DELINQUENCY PREVENTION 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: 42 USC 3811. 42 USC 3812-3814.

## PART B—DEMONSTRATIONS IN YOUTH DEVELOPMENT

Grants.  
42 USC 3821.

"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.

Limitation.

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

## CONSULTATION

42 USC 3888.

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.

42 USC 3701  
note.Repeal.  
42 USC 3889.

(b) Section 409 is repealed.

## REPEAL OF MINIMUM STATE ALLOTMENTS

42 USC 3883.

Sec. 403. Section 403 (b) of such Act is repealed, and section 403 (a) of such Act is redesignated section 403.

## EXTENSION OF PROGRAM

42 USC 3882.

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, 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, 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

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, is amended to read as follows:

## "§ 5034. Duties of magistrate.

Representation  
by counsel.

"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.

Appointment  
by guardian.

"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.

"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

18 USC 5035.

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

## "§ 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

SEC. 506. Section 5036 of this title is amended to read as follows: 18 USC 5036.

## "§ 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 reinstated."

## DISPOSITION

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

18 USC 5037.

## "§ 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, avail-  
ability 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

Committal to  
Attorney Gen-  
eral.

Study.

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."

## JUVENILE RECORDS

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

## "§ 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:

- "(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.

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.

"(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."

18 USC 5038.

Disclosure safe-guard.

Sealed records, release, exceptions.

## COMMITMENT

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

## "§ 5039. Commitment

18 USC 5039.

"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

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

## "§ 5040. Support

18 USC 5040.

"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 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."

Contract authority.

Regulations.

## PAROLE

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

## "§ 5041. Parole

18 USC 5041.

"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:

## "§ 5042. Revocation of parole or probation

18 USC 5042.

"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

Establishment.  
18 USC 4351.

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

Membership.

"(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 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.

"(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 of 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

"(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.

"(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.

"(c) Each recipient of assistance under this 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 an effective audit.

"(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.

"(e) The provision 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."

Contracts.

Experts and consultants.

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

Recordkeeping.

Audit.

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:

"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."

(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."

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."

SEC. 543. Section 303(a) of title I of the Omnibus Crime Control 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."

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:

"(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."

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:

Ante, p. 1119.

42 USC 3768.

Ante, p. 1129.

42 USC 3751.

88 STAT. 1143 Pub. Law 93-415 - 34 - September 7, 1974

42 USC 3772. "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 3773. "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.

Ante, p. 1112.  
42 USC 3774. "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 functions vested in him and to prescribe their functions.

"(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 5332 of such title 5."

5 USC 5332  
note.

Approved September 7, 1974.

LEGISLATIVE HISTORY:

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.

94TH CONGRESS  
1ST SESSION

# S. 2212

IN THE SENATE OF THE UNITED STATES

JULY 29, 1975

Mr. HRUSKA (for himself and Mr. McCLELLAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That this Act may be cited as the "Crime Control Act of  
4 1975".

5 SEC. 2. Section 101 (a) of title I of the Omnibus Crime  
6 Control and Safe Streets Act of 1968, as amended, is  
7 amended by adding after the word "authority" the words  
8 "and policy direction".

9 SEC. 3. Section 205 of such Act is amended by inserting  
10 the following new sentence at the end thereof: "Any unused

1 funds reverting to the Administration shall be available for  
2 reallocation among the States as determined by the Adminis-  
3 tration.”.

4 PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

5 SEC. 4. Part C of such Act is amended as follows:

6 (1) Section 301 (b) is amended by inserting after  
7 paragraph (10), the following new paragraph:

8 “(11) The development, demonstration, evaluation,  
9 implementation, and purchase of methods, devices, personnel,  
10 facilities, equipment, and supplies designed to strengthen  
11 courts and improve the availability and quality of justice  
12 including court planning.”.

13 (2) Section 303 (a) (13) is amended by deleting the  
14 words “for Law Enforcement and Criminal” and inserting  
15 the words “of Law and”.

16 (3) Section 306 (a) (2) is amended by inserting, after  
17 the words “to the grant of any State,” the following “plus  
18 any additional amounts that may be authorized to provide  
19 funding to areas characterized by both high crime incidence  
20 and high law enforcement and criminal justice activity.”.

21 (4) The unnumbered paragraph in section 306 (a) is  
22 amended by inserting the following between the present  
23 third and fourth sentences: “Where a State does not have an  
24 adequate forum to enforce grant provisions imposing liabil-  
25 ity on Indian tribes, the Administration is authorized to

1 waive State liability and may pursue such legal remedies  
2 as are necessary.”.

3 (5) Subsection (b) of section 306 is amended by strik-  
4 ing “(1)” and inserting in lieu thereof “(2)”.

5 PART D—TRAINING, EDUCATION, RESEARCH

6 DEMONSTRATION, AND SPECIAL GRANTS

7 SEC. 5. Part D of such Act is amended as follows:

8 (1) Section 402 (a) is amended by deleting the words  
9 “Enforcement” and “Criminal” in the first sentence thereof.

10 (2) Section 402 (a) is further amended by deleting the  
11 word “Administrator” in the third sentence and adding the  
12 words “Attorney General”.

13 (3) At the end of paragraph (7) in section 402 (b)  
14 delete the word “and”.

15 (4) At the end of paragraph (8) in section 402 (b)  
16 replace the period with a semicolon.

17 (5) Immediately after paragraph (8) in section 402  
18 (b) insert the following new paragraphs:

19 “(9) to make grants to, or enter into contracts  
20 with, public agencies, institutions of higher education,  
21 or private organizations to conduct research, demon-  
22 strations, or special projects pertaining to the civil jus-  
23 tice system, including the development of new or  
24 improved approaches, techniques, and systems; and

25 “(10) the Institute is authorized to conduct such

1 research, demonstrations, or special projects pertaining  
 2 to new or improved approaches, techniques, systems,  
 3 equipment, and devices to improve and strengthen such  
 4 Federal law enforcement and criminal justice activities  
 5 as the Attorney General may direct.”.

6 PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS  
 7 AND FACILITIES

8 SEC. 6. Part E of such Act is amended as follows:

9 (1) By inserting in section 455 (a) (2) after the sec-  
 10 ond occurrence of the word “units,” and before the word  
 11 “according” the words “or nonprofit organizations,”.

12 (2) By further amending section 455 (a) by inserting  
 13 at the end of the unnumbered paragraph thereof the fol-  
 14 lowing new sentence: “In the case of a grant to an Indian  
 15 tribe or other aboriginal group, if the Administration deter-  
 16 mines that the tribe or group does not have sufficient funds  
 17 available to meet the local share of the costs of any pro-  
 18 gram or project to be funded under the grant, the Admin-  
 19 istration may increase the Federal share of the cost thereof  
 20 to the extent it deems necessary. Where a State does not  
 21 have an adequate forum to enforce grant provisions impos-  
 22 ing liability on Indian tribes, the Administration is author-  
 23 ized to waive State liability and may pursue such legal rem-  
 24 edies as are necessary.”.

1 PART F—ADMINISTRATIVE PROVISIONS

2 SEC. 7. Part F of such Act is amended as follows:

3 (1) Section 512 is amended by striking the words:  
 4 “June 30, 1974, and the two succeeding fiscal years.” and  
 5 insert in lieu thereof; “July 1, 1976, through fiscal year  
 6 1981.”.

7 (2) Section 517 is amended by adding a new subsec-  
 8 tion (c) as follows:

9 “(c) The Attorney General is authorized to establish  
 10 an Advisory Board to the Administration to review pro-  
 11 grams for grants under sections 306 (a) (2), 402 (b), and  
 12 455 (a) (2). Members of the Advisory Board shall be chosen  
 13 from among persons who by reason of their knowledge and  
 14 expertise in the area of law enforcement and criminal jus-  
 15 tice and related fields are well qualified to serve on the  
 16 Advisory Board.”.

17 (3) Section 520 is amended by striking all of sub-  
 18 section (a) and (b) and inserting in lieu thereof the  
 19 following:

20 “(a) There are authorized to be appropriated such sums  
 21 as are necessary for the purposes of each part of this title, but  
 22 such sums in the aggregate shall not exceed \$325,000,000 for  
 23 the period July 1, 1976, through September 30, 1976,  
 24 \$1,300,000,000 for the fiscal year ending September 30,

1 1977, \$1,300,000,000 for the fiscal year ending September  
2 30, 1978, \$1,300,000,000 for the fiscal year ending Septem-  
3 ber 30, 1979, \$1,300,000,000 for the fiscal year ending  
4 September 30 1980, and \$1,300,000,000 for the fiscal year  
5 ending September 30, 1981. From the amount appropriated  
6 in the aggregate for the purposes of this title such sums shall  
7 be allocated as are necessary for the purposes of providing  
8 funding to areas characterized by both high crime incidence  
9 and high law enforcement and criminal justice activities, but  
10 such sums shall not exceed \$12,500,000 for the period July  
11 1, 1976, through September 30, 1976, and \$50,000,000 for  
12 each of the fiscal years enumerated above and shall be in  
13 addition to funds made available for these purposes from  
14 other sources. Funds appropriated for any fiscal year may  
15 remain available for obligation until expended. Beginning  
16 in the fiscal year ending June 30, 1972, and in each fiscal  
17 year thereafter there shall be allocated for the purpose of  
18 part E an amount equal to not less than 20 per centum of  
19 the amount allocated for the purposes of part C.

20 "(b) Funds appropriated under this title may be used  
21 for the purposes of the Juvenile Justice and Delinquency  
22 Prevention Act of 1974."

23 SEC. 8. The Juvenile and Delinquency Prevention Act  
24 of 1974 is amended as follows:

1 (1) Section 241 (c) is amended by deleting the words  
2 "Enforcement" and "Criminal".

3 (2) Section 261 is amended by deleting subsection (b).

4 (3) Section 544 is deleted.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION  
ACT OF 1974

AUGUST 16, 1974.—Ordered to be printed

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

CONFERENCE REPORT

[To accompany S. 821]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 821) to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

*That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Act of 1974".*

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

Sec. 101. (a) *The Congress hereby finds that—*

- (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 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

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 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 delinquency prevention.

#### DEFINITIONS

SEC. 103. For purposes of this Act—

(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;

(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;

(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;

(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 apprehend 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").

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

(c) There shall be at the head of the Office an Assistant Administrator who shall be nominated by the President by and with the advice and consent of the Senate.

(d) The Assistant Administrator shall exercise all necessary powers, subject to the direction of the Administrator of the Law Enforcement Assistance Administration.

(e) There shall be in the Office a Deputy Assistant Administrator who shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The Deputy Assistant Administrator shall perform such functions as the Assistant Administrator from time to

time assigns or delegates, and shall act as Assistant Administrator during the absence or disability of the Assistant Administrator in the event of a vacancy in the Office of the Assistant Administrator.

(f) There shall be established in the Office a Deputy Assistant 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".

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

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.

(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 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 1 of the United States Code.

#### VOLUNTARY SERVICE

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

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

(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, require-

ments, 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;

(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 effort;

(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

(7) 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.

(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.

(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 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) shall contain, in addition to the comprehensive plan required by subsection (b) (6), 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 (4)(D). 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, 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, 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 rehabilitation programs which the Assistant Administrator finds to be

(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 finds to be exceptionally effective or for which he finds there exists exceptional need.

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

(k) All functions of the Administrator under this part 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.).

(l) (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 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).

(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 state-

ment conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to him under subsection ("V"). 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

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, institution, 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. 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.

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

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 Secretary of Housing and Urban Development, or their respective designees, the Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Assistant 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 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.

(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.

(d) The Council shall meet a minimum of six 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.

(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 may, with the approval of the Council, appoint such personnel 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.

#### 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.

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

(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. 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.

(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 member 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.

#### DUTIES OF THE ADVISORY COMMITTEE

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

(b) The Advisory Committee shall make recommendations to the Administrator at least annually with respect to planning, policy, pri-

orities, 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 Administration.

(d) The Chairman shall designate a subcommittee of 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 five members of the Committee to serve as an Advisory Committee to the 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.

#### 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.

(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.

#### 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 to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through 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

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, 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.

(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 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 governments 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.

#### 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), and (15) 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—

(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;

(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;

(3) provide for an advisory group appointed by the chief executive of the State to advise the State planning agency and its supervisory board (A) which shall consist of not less than twenty-one and not more than thirty-three persons who have training, experience, or a 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; 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;

(4) provide for the active consultation with and participation of local governments in the development of a State plan which adequately takes into account the needs and requests of local governments;

(5) provide that at least 66 $\frac{2}{3}$  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;

(6) provide that the chief executive officer of the 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 (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;

(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;

(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 divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correctional facilities. That 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,

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;

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

(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 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—

(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;

(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;

(13) provide that juveniles alleged to be or found to be delinquent 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;

(14) provide for an adequate system of monitoring jails, detention facilities, and correctional facilities to insure that the re-

quirements of section 223 (12) and (13) are met, and for annual reporting of the results of such monitoring to the 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 or 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 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 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.

(b) The State planning agency designated pursuant to section 223(a), after consultation with 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.

(d) In the event that any State 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.

(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

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;

(4) improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent;

(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 model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions.

(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.

(c) At least 20 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.

#### 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.

(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 223;

(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;

(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;

(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;

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

(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.

#### 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—

(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 State public or private agency, institution, or individual (whether directly or through a State or local 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.

(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) 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.

(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, 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.

(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.

#### 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.

(b) The National Institute for Juvenile Justice and Delinquency Prevention shall be under the supervision and direction of the Assistant Administrator, and shall be headed by a Deputy Assistant 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) 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, connected with the treatment and control of juvenile offenders.

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

(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) 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 employment intermittently.

(b) Any Federal agency which receives a request from the Institute under subsection (g) (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

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;

(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—

(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 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;

(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—

(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, of short-term instruc-

tion 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) 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

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.

#### ANNUAL REPORT

Sec. 246. The Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the 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 to new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs. The Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 204(b) (5).

#### 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 system in the United States.

(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—

(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 informa-

tion as the Committee deems necessary to carry out its functions under this section.

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. (a) The Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency. In carrying out this program the 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) connected with the prevention and treatment of juvenile delinquency.

#### CURRICULUM FOR TRAINING PROGRAM

Sec. 250. The Administrator shall design and supervise a curriculum for the training program established by section 249 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

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

(b) The Administrator shall make the final determination with respect to the admittance of any person to the training program. The 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(b).

(c) While studying at the Institute and while traveling in connection with his 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

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 June 30, 1977.

(b) In addition to the funds appropriated under this section, the Administration shall maintain 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 assisted by the Law Enforcement Assistance Administration during fiscal year 1972.

#### 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.

#### EFFECTIVE CLAUSE

SEC. 263. (a) Except as provided by subsection (b), the foregoing provision 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.

### TITLE III—RUNAWAY YOUTH

#### SHORT TITLE

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

#### FINDINGS

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.

#### PART A—GRANTS PROGRAM

##### PURPOSES OF GRANT PROGRAM

SEC. 311. The Secretary is authorized to make grants and to provide technical assistance to localities and nonprofit private 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 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 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.

##### 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.

(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;

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

(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 aftercare services will be provided to those children who are returned beyond the State in which the runaway house is located;

(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 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;

(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;

(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

SEC. 313. An application by a State, locality, or nonprofit 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. In considering grant applications under this part, priority shall be given to any applicant whose program budget is smaller than \$100,000.

#### GRANTS TO PRIVATE AGENCIES, STAFFING

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—

(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.

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

#### PART B—STATISTICAL SURVEY

##### 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.

#### PART C—AUTHORIZATION OF APPROPRIATIONS

SEC. 331. (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.

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

#### TITLE IV—EXTENSION AND AMENDMENT OF THE JUVENILE DELINQUENCY PREVENTION 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 the following new part:

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

**Sec. 405. (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 Street 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" following: "and such sums as may be necessary for fiscal year 1975".

**TITLE V—MISCELLANEOUS AND CONFORMING  
ADMENTS**

**PARTS A—AMENDMENTS TO THE FEDERAL JUVENILE  
DELINQUENCY ACT**

**Sec. 501.** Section 5031 of title 18, United States Code, 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 delin-

quency, 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, 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 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 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

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, 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.

"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.

"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:

#### "§ 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

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 reinstated.

#### DISPOSITION

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.

"(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.

"(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."

#### JUVENILE RECORDS

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

##### "§ 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:

"(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.

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.

"(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 in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall 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

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

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 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:

##### "§ 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."

## REVOCAATION

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

“§ 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.”

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.

“(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 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 ten remaining 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.

“(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.

“(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.

“(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.

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

“(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—

"(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 of the assistance, services, records, and facilities of State and local governments or other public or private agencies, organizations, or individuals;

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## 1 OF 2

"(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 of 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

"(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.

"(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.

"(c) Each recipient of assistance under this 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 an effective audit.

"(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.

"(e) The provision 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."

#### 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:

"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."

(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."

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."

Sec. 543. Section 303(a) of title I of the Omnibus Crime Control 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."

Sec. 544. Section 520 or 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:

"(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."

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)).

"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.

"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 functions vested in him and to prescribe their functions.

"(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 5332 of such title 5."

And the House agree to the same.

BIRCH BAYH,  
 JAMES O. EASTLAND,  
 JOHN L. MCCLELLAN,  
 PHILIP A. HART,  
 QUENTIN N. BURDICK,  
 ROMAN HRUSKA,  
 HUGH SCOTT,  
 MARLOW W. COOK,  
 CHARLES MCC. MATHIAS, JR.,  
*Managers on the Part of the Senate.*  
 CARL D. PERKINS,  
 AUGUSTUS F. HAWKINS,  
 SHIRLEY CHISHOLM,  
 ALBERT H. QUIE,  
*Managers on the Part of the House.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 821) to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate bill amended Title I of the Omnibus Crime Control and Safe Streets Act as amended while the House amendment established an independent bill. The conference substitute is an independent Act. It is not part of the Omnibus Crime Control and Safe Streets Act. It changes such Act to bring it into conformity with the Juvenile Justice and Delinquency Prevention Act. These conforming amendments represent no substantive changes from the Senate bill.

The Senate bill provides for the creation of an Office of Juvenile Justice and Delinquency Prevention within the Department of Justice, Law Enforcement Assistance Administration, to be directed by an Assistant Administrator appointed by the President with the advice and consent of the Senate. The House amendment created a Juvenile Delinquency Prevention Administration with the Department of Health, Education, and Welfare, to be directed by a Director appointed by the Secretary. The conference substitute adopts the Senate provision.

The House amendment provided for a Federal assistance program for services to runaway youth and their families to be administered by the Department of Health, Education, and Welfare. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill amended the Federal Juvenile Delinquency Act which provides certain rights to juveniles within Federal jurisdictions. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill contained an amendment which permitted Federal surplus property to be contributed to States for use in their criminal justice programs. There was no comparable House provision. The conference substitute does not contain the Senate language. In deleting the Senate provision, it is noted that the House Committee on Government Operations is taking up a general revision of the subject of excess and surplus property disposition. It is hoped that the needs of Law Enforcement Agencies will receive due consideration for suitable priority and entitlement to eligibility. In the meantime, it is hoped that the General Services Administration will liberally construe the new regulations to best meet the needs of Law Enforcement Agencies.

The House amendment defined "construction" to exclude the erection of new structures. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment included alcohol abuse programs in the definition of "community based" programs. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment included alcohol abuse in the definition of "juvenile delinquency" programs. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill required that the Administrator coordinate all Federal juvenile delinquency programs and policies. The House amendment provided that the Secretary shall establish overall Federal juvenile delinquency policies and programs. The conference substitute adopts the Senate provision.

The Senate bill authorized the Assistant Administrator of LEAA to appoint three GS-18 officers on appointment and to obtain other GS-18 officers on detail from other Federal agencies. The House amendment authorized the Secretary to appoint such officers as he deemed necessary. The conference substitute adopts the Senate provision.

The Senate bill authorized the Administrator to "implement" Federal juvenile delinquency programs and policies. The House amendment authorized the Secretary to "coordinate" all Federal juvenile delinquency programs and activities. The conference substitute adopts the Senate provision.

The Senate bill required annual evaluation and analysis of all Federal juvenile delinquency programs one year after the enactment of this bill. The House amendment required that the first annual report be submitted by September 30th. The conference substitute adopts the Senate provision.

The House amendment provided that, upon receipt of each annual report, the President must report to the Congress on actions taken or anticipated with respect to the recommendations of the Secretary; that the first annual report identify the characteristics of Federal juvenile delinquency programs; the second report identify all Federal juvenile delinquency programs with budgetary information; and the third report detail the procedures to be followed by all Federal agencies in submitting juvenile delinquency development statements. There was no comparable Senate provision. The conference substitute adopts the House provision with reporting to be made through the Attorney General.

The Senate bill authorized the Administrator to "request" information from other Federal agencies. The House amendment authorized the Secretary to "require" information from other Federal agencies. The conference substitute authorizes the administrator to "require" through appropriate authority such information.

The Senate bill required the Administrator to coordinate all juvenile delinquency functions with the Department of Health, Education, and Welfare. There was no comparable House provision. The conference substitute adopts the Senate provision.

The House amendment required that each Federal agency conducting a juvenile delinquency program submit to the Secretary a development statement analyzing the extent to which the program conforms with and furthers Federal juvenile delinquency prevention

and treatment goals and policies. This statement, accompanied by the Secretary's response, shall accompany the legislative request of each Department. There was no comparable Senate provision. The conference substitute adopts the House provision with reporting to be made through the Attorney General.

The Senate bill authorized the Administrator to "request" that one Federal agency act for several in a joint funding situation. The House amendment authorized the Secretary to "designate" a Federal agency to act for several in a joint funding situation. The conference substitute adopts the Senate provision.

The Senate bill provided for the creation of an Interdepartmental Council on Juvenile Delinquency. There was no comparable House provision. The conference substitute does not contain the Senate language.

The Senate bill provided for the creation of a National Advisory Committee for Juvenile Justice and Delinquency Prevention. There was no comparable House provision. The conference substitute adopts the Senate provision.

The House amendment provided for a Coordinating Council on Delinquency Prevention which was independent, had a separate budget and public members. There was no comparable Senate provision. The conference substitute adopts the House provision with an amendment eliminating public members from the Council.

The Senate bill provided a minimum allocation of \$200,000 to each State. The House amendment provided a minimum allocation of \$150,000 to each State. The conference substitute adopts the Senate provision.

The House amendment included the Trust Territory of the Pacific Islands among the territories, for which a minimum allocation of \$50,000 shall be made available from formula grants. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment provided for a 10% matching share requirement in cash for State and local programs. There was no comparable Senate provision. The conference substitute adopts the House provision with an amendment that financial assistance shall provide a 10% matching requirement which may be in cash or in kind.

The Senate bill provided for a State advisory body to advise the State Planning Agency. The House amendment provided for a State Supervisory Board to monitor implementation of the State plan. The conference substitute adopts the Senate provision.

The House amendment required that at least two members of the State Supervisory Board have been in the juvenile justice system. There was no comparable Senate provision. The conference substitute does not contain the House language. In deleting this provision the conferees note that the appointment of such persons to the State advisory board is to be encouraged, by virtue of their invaluable and unique experiences which could broaden the perspective of State Planning Agencies.

The Senate bill provided that 50% of the funds to State and local governments be spent through local governments. The House amendment provided that 75% of the funds be spent through local govern-

ments. The conference substitute provides that 66 $\frac{2}{3}$ % of the funds to State and local governments be spent through local governments.

The House amendment required that the local chief executive provide for the supervision of local programs by designating a local supervisory board. The Senate bill required that the local chief executive must provide for the supervision of local programs. The conference substitute adopts the Senate provision.

The House amendment provided that applications for special emphasis grants and applications shall indicate the response of the State and local agency to the request for review and comment. There was no comparable Senate provision. The conference substitute adopts the House provision. The conferees emphasize that the provision listed under *State Plans*, Section 223(a)(19) which provides that any funds available under that part will be used to supplement and increase (but not supplant) the level of state, local and other non-federal funds that would be used in the absence of federal funds shall apply not only to the State Plan provisions but for *all of the programs authorized under this Act*. The maintenance of effort requirements will cover all activities presently conducted by any public or private agency or organization which might receive funding under any of the programs authorized under this legislation.

The Senate bill defined advanced techniques in the treatment and prevention of Juvenile Delinquency. The House amendment contained similar, but more general definitions of advanced techniques. The conference substitute adopts the Senate provision.

The House amendment, in its definitions of advanced techniques, included the prevention of alcohol abuse and the retention of youth in elementary and secondary schools. There was no comparable Senate provision. The conference substitute contains the House provision.

The Senate bill "requires" that within two years of enactment, juvenile status offenders be placed in shelter facilities; that delinquents not be detained or incarcerated with adults; and that a monitoring system be developed to ensure compliance with these provisions. The House amendment "encourages" such activities. The conference substitute adopts the Senate provision.

The Senate bill "provides" for the development of State research capacity. The House amendment "encourages" the development of State research capacity. The conference substitute adopts the Senate provision.

The House amendment included the physically handicapped among groups to whom assistance should be made available on an equitable basis. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill provided for specific protection to be afforded employees affected by this Act. The House amendment provided for "fair and equitable treatment" to be afforded employees affected by this Act. The conference substitute adopts the Senate provision with an amendment deleting the phrase "as determined by the Secretary of Labor" and providing that arrangements for the protection of employees shall be to the maximum extent feasible. It is the intent of the conferees that the Administrator of LEAA consult with the Secretary of Labor, in order to utilize his expertise, before establishing guidelines for implementation of fair and equitable arrangements

to protect the interests of employees affected by assistance under this Act. It is the further intent of the conferees that problems concerning employee protection arrangements shall be resolved by the Administrator in consultation with the Secretary of Labor where necessary.

The Senate bill provided for the involvement and participation of private agencies and the maximum utilization and coordination of existing juvenile delinquency programs in the development of the State plan. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill required the reallocation of the State formula allotment to public and private agencies when a state plan is deliberately not prepared or modified. The funds reallocated will be utilized for special emphasis prevention and treatment programs within such State. The House bill contained a similar provision but makes no distinction regarding intentions. The conference substitute adopts the Senate provision.

The Senate bill provided that should no State plan be submitted due to neglect or oversight, the Administrator shall "endeavor" to make that State's allotment available to public and private agencies under the special emphasis program. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill prohibited the use of potentially dangerous behavior modification treatment modalities on non-adjudicated youth without parental consent. There was no comparable House provision. The conference substitute contains no provision for the Senate language.

The House amendment provided for programs to retain youth in elementary and secondary schools and to prevent alcohol abuse among its special emphasis programs and grants. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill provided a ceiling of 50% for assistance in Special Emphasis grants and programs. There was no comparable House provision. The conference substitute adopts the Senate provision.

The House amendment provided that priority for Special Emphasis grants and contracts be given to public and private nonprofits groups which have had experience in dealing with youth. There was no comparable Senate provision. The conference substitute does not contain the House language.

The Senate bill contains an application procedure for Special Emphasis grants related to the State Planning Agency. The House application for special emphasis grants and contracts was similar but did not specifically relate to the State Planning Agency. The conference substitute adopts the Senate provision.

The Senate bill provided that the purpose of the special emphasis program was to implement the recommendations of the Advisory Committee. The House amendment provided that the purpose of the special emphasis program is to implement the recommendations of the Institute. The conference substitute provides that the purpose of the special emphasis program is to implement the recommendations of the Advisory Committee and the Institute.

The House amendment limited the use of funds for construction purposes to 50% for community-based facilities. There was no com-

parable Senate provision. The conference substitute adopts the House provision.

The House amendment limited to 25% the amount that a recipient may be required to contribute to the total cost of services. There was no comparable Senate provision. The conference substitute does not contain the House provision.

The Senate bill authorized the Administrator to utilize up to 25% of the formula grant funds to meet the non-Federal matching requirement of other Federal juvenile delinquency programs. The House amendment provided up to 25% of all funds to be utilized for this purpose. The conference substitute adopts the Senate provision.

The Senate bill established a National Institute for Juvenile Justice. The House amendment established an Institute for the Continence Studies of the Prevention of Juvenile Delinquency. The conference substitute combines both provisions and establishes a National Institute for Delinquency Prevention and Juvenile Justice.

The House amendment specified the purposes of the Institute. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment included among the functions of the Institute, the dissemination of data, the preparation of a study on delinquency prevention and the development of technical training teams. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill included seminars and workshops among the functions of the Institute. The House amendment included similar language among the functions of the Institute. The conference substitute adopts the Senate provision.

The Senate bill included training among the functions of the Institute. The House amendment included specific aspects of training among the functions of the Institute. The conference substitute adopts the House provision.

The House amendment provided that the functions, powers and duties of the Institute may not be transferred elsewhere without specific Congressional consent. There was no comparable Senate provision. The conference substitute does not contain the House language.

The House amendment provided for the specific powers of the Institute. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment provided for the specific powers and responsibilities of the Institute staff. The Senate bill contained similar but more general language. The conference substitute adopts the House provision.

The House amendment provided for the establishment of the training program, the curriculum of the training program, and the enrollment of participants in the training program of the Institute. There was no comparable Senate provision. The conference substitute adopts the House provision.

The Senate bill provided that the annual report of the Institute shall be submitted to the Administrator who, in turn, shall include a summary of this report and recommendations in his report to the President and the Congress. The House amendment provided that the Institute shall submit an annual report to the President and to the Congress. The conference substitute adopts the Senate provision.

The Senate bill provided for the development of standards for juvenile justice by the submission of an Advisory Committee report to the President and the Congress as well as by other means. The House amendment provided for the development of standards for juvenile justice by the submission of a report to the President and to Congress as well as by other means. The conference substitute adopts the Senate provision.

The House amendment authorized the Institute to make budgetary recommendations concerning the Federal budget. The Senate bill contained no such provision. The conference substitute adopts the Senate provision.

The Senate bill prohibited revealing individual identities, gathered for the purposes of the Institute, to any "other agency, public or private". The House amendment prohibited the disclosure of such information to "any public or private agency". The conference substitute adopts the Senate provision.

The House amendment authorized an appropriation for the Institute of not more than 10% of the total appropriation authorized for this Act. There was no comparable Senate provision. The conference substitute does not contain the House language. The conferees were in disagreement about what the appropriate level of funding should be for the Institute. In deleting this provision, however, the conference agreed that the level of funding for the Institute should be less than 10% of the total appropriation for this Act.

The House amendment provided for the effective dates of this Act. There was no comparable Senate provision. The conference substitute adopts the House provision.

The House amendment provided that the powers, functions and policies of the Institute shall not be transferred elsewhere without Congressional consent. There was no comparable Senate provision. The conference substitute does not contain the House language.

The House amendment provided that the Institute, in developing standards for juvenile justice, shall recommend Federal budgetary actions among its recommendations. There was no comparable Senate provision. The conference substitute does not contain the House language. The Senate bill established a National Institute of Corrections within the Department of Justice, Bureau of Prisons. There was no comparable House provision. The conference substitute adopts the Senate provision.

The Senate bill provides a two year authorization of \$75,000,000 and \$150,000,000. The House amendment provides a four year authorization of \$75,000,000, \$75,000,000, \$125,000,000 and \$175,000,000. The conference substitute provides a three year authorization of \$75,000,000, \$125,000,000 and \$150,000,000.

Sections 512 and 520 of the Omnibus Crime Control and Safe Streets Act, as amended provide for LEAA's authorization through June 30, 1976. Section 261(a) of the conference substitute provides authorization for the juvenile delinquency programs through June 30, 1977. It is anticipated that LEAA's basic authorization will be continued and the agency will continue to administer these programs through June 30, 1977.

The conferees agreed to including a provision from the Senate bill which requires LEAA to maintain its current levels of funding for juvenile delinquency programs and not to decrease it as a result of

the new authorizations under this Act. It is the further intention of the conferees that current levels of funding for juvenile delinquency programs in other Federal agencies not be decreased as a direct result of new funding under this Act.

The House amendment contains a specific non-discrimination provision. There is no specific provision in the Senate bill. The conference bill adopts a modification of the House provision. This modification complements and parallels the requirements of Section 518(c) of the Omnibus Crime Control and Safe Streets Act of 1968 and Title VI of the Civil Rights Act of 1964.

BIRCH BAYH,  
 JAMES O. EASTLAND,  
 JOHN L. McCLELLAN,  
 PHILIP A. HART,  
 QUENTIN N. BURDICK,  
 ROMAN HRUSKA,  
 HUGH SCOTT,  
 MARLOW W. COOK,  
 CHARLES McC MATHIAS, JR.,  
*Managers on the Part of the Senate.*

CARL D. PERKINS,  
 AUGUSTUS F. HAWKINS,  
 SHIRLEY CHISHOLM,  
 ALBERT H. QUIE,  
*Managers on the Part of the House.*

[From Presidential Documents, Gerald R. Ford, 1975]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

*Announcement of intention to nominate Milton L. Luger to be Assistant Administrator of Law Enforcement. September 23, 1975*

The President today announced his intention to nominate Milton L. Luger, of Albany, N.Y., to be Assistant Administrator of Law Enforcement. In this capacity he will head the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Department of Justice. This is a new position created by Public Law 93-415 of September 7, 1974.

In 1960, he became deputy director of the New York Division of Youth, and in 1966 he became the director, serving until 1970. During 1971, he was chairman of the New York State Narcotic Addiction Control Commission before returning to the New York State Division of Youth as director.

Mr. Luger was born on October 22, 1924, in Brooklyn, N.Y. He served in the U.S. Army Air Force from 1943 to 1946. He received his B.S. degree in 1950 and his M.A. degree in 1951 from New York University. He was a teacher at J. L. Mott Junior High School from 1950 to 1954 and was with the New York City Department of Corrections from 1954 to 1960.

Mr. Luger resides in Albany, N.Y.

SEPTEMBER 24, 1975.

*To the Senate of the United States:*

I nominate Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance. (New position, Public Law 93-415, September 7, 1974)

GERALD R. FORD.

THE WHITE HOUSE, WASHINGTON, D.C.

(105)

United States Senate  
COMMITTEE ON THE JUDICIARY

September 25, 1975

Dear Senator:

Will you kindly give me, for the use of the Committee, your opinion and information concerning the nomination of

Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance (new position, Public Law 93-415, September 7, 1974)

Under a rule of the Committee, unless a reply is received from you within a week from this date, it will be assumed that you have no objection to this nomination.

Respectfully,

*James O. Eastland*

Chairman.

To Hon. Jacob K. Javits  
U.S. Senate

REPLY

*J. K. Javits*

United States Senate  
COMMITTEE ON THE JUDICIARY

September 25, 1975

Dear Senator:

Will you kindly give me, for the use of the Committee, your opinion and information concerning the nomination of

Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance (new position, Public Law 93-415, September 7, 1974)

Under a rule of the Committee, unless a reply is received from you within a week from this date, it will be assumed that you have no objection to this nomination.

Respectfully,

*James O. Eastland*

Chairman.

To Hon. James L. Buckley  
U.S. Senate

REPLY

*(92)*

*James L. Buckley*

United States Senate  
COMMITTEE ON THE JUDICIARY

October 14, 1975

Dear Senator:

The Committee has received the nomination of Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance (new position, Public Law 93-415, Sept. 7, 1974)

The following subcommittee has been appointed by the Chairman to consider the same:

Mr. Bayh \_\_\_\_\_, Chairman of Subcommittee

Mr. McClellan \_\_\_\_\_

Mr. Bruske \_\_\_\_\_

Mr. \_\_\_\_\_

Mr. \_\_\_\_\_

Respectfully,

\_\_\_\_\_  
Chairman.

To Hon. \_\_\_\_\_ U.S. Senate.

RÉSUMÉ OF MILTON L. LUGER

Mr. Milton L. Luger, nominee for the position of Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Department of Justice.

In 1960, Mr. Luger became the deputy director of the New York State Division for Youth until his appointment to director in 1966, serving until 1970. During 1970-71 he was chairman of the New York State Narcotic Control Commission: Narcotic Control, Prevention and Treatment, before returning to the New York State Division for Youth: State Delinquency Prevention and Treatment Administration as director (until his resignation this August).

From 1954-1960 Mr. Luger served as director of rehabilitation of the New York City Department of Corrections and director of corrections, academy for staff training. During the years 1950-54, Mr. Luger taught junior high school English and was also a counselor for the New York City Board of Education.

In 1973, Mr. Luger won the National Council on Crime and Delinquency's top award for work in delinquency treatment, "Roscoe Pound Award."

*Affiliations*

Past president, National Association of State Juvenile Delinquency Program Administrators.

Member: New York State Crime Control Planning Board.

Member: Governor's Special Committee on Offenders.

Faculty: National College for Juvenile Judges.

Fellow: National Center for Juvenile Justice.

Chairman: New York State Interdepartmental Committee on Youth.

*Education.*—1946-49—New York University, B.S., English education. 1950—New York University, M.A., education administration.

*Armed Services.*—1943-46—U.S. Army Air Force.

*Birthdate.*—October 22, 1924.—Brooklyn, N. Y.

*Experience*

N. Y. City Board of Education, teacher, J. L. Mott Jr. High School, 1950-54.

N. Y. City Department of Correction; entered as provisional correctional officer and resigned as director of treatment and rehabilitation, 1954-60.

N. Y. State Division of Youth, deputy director, 1960-66.

N. Y. State Division of Youth, director, 1966-70.

Chairman, N. Y. State Narcotic Addiction Control Commission (presently Drug Abuse Control Commission), 1971.

Director, N. Y. State Division of Youth, Albany, N. Y., 1971 to present.

*Office.*—N. Y. State Division of Youth, 2 University Place, Albany, N. Y.

*Home*—1032 Central Avenue, Albany, N. Y.

(109)

## EXCERPTS FROM THE CONGRESSIONAL RECORD

SEPTEMBER 24, 1975

### NOMINATIONS

Executive nominations received by the Senate September 24, 1975:

\* \* \* \* \*

#### LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance (new position, Public Law 93-415, September 7, 1974).

OCTOBER 9, 1975

### NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, October 30, 1975, at 11 a.m., in room 2228, Dirksen Senate Office Building, on the following nomination:

Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance (new position, Public Law 93-415, September 7, 1974).

Any persons desiring to offer testimony in regard to this nomination shall, not later than 24 hours prior to such hearing, file in writing, with the committee a request to be heard and a statement of their proposed testimony.

The subcommittee will consist of the Senator from Indiana (Mr. Bayh), chairman; the Senator from Arkansas (Mr. McClellan), and the Senator from Nebraska (Mr. Hruska).

OCTOBER 23, 1975

*Committee on the Judiciary:* October 30, subcommittee, to hold hearings on the nomination of Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance, 11 a.m., 2228 Dirksen Office Building.

OCTOBER 30, 1975

*Committee on the Judiciary:* Subcommittee approved for full committee consideration the nomination of Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance. Prior to this action, subcommittee held hearings on this nomination, where the nominee testified and answered questions on his own behalf.

NOVEMBER 6, 1975

*Committee on the Judiciary:* Committee, in closed session, ordered favorably reported S. 408 and H.R. 6971, to repeal exemptions in the antitrust laws relating to fair trade laws (amended); and the nominations of Eugene E. Siler, Jr., to be U.S. District Judge for the eastern and western districts of Kentucky; Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance; and Peter R. Taft, of California, to be an Assistant Attorney General.

NOVEMBER 10, 1975

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. Eastland, from the Committee on the Judiciary:  
Peter R. Taft, of California, to be an Assistant Attorney General.  
Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

NOVEMBER 11, 1975

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

\* \* \* \* \*

## DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of Peter R. Taft, of California, to be an Assistant Attorney General; and Milton L. Luger, of New York, to be Assistant Administrator of Law Enforcement Assistance.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed.

## NEWSPAPER ARTICLES

[From the Detroit Free Press, Jan. 15, 1975]

## APPLYING THE OPTIONS IN JUVENILE JUSTICE

(By Judith Serrin)

No one involved in the juvenile justice system—the youngsters, the officials nor the community—comes into it with a clean slate, according to the New York director of juvenile corrections.

And, said the director, Milton Luger, it is those things that have happened before the youngster comes into the system that makes the task of juvenile corrections so hard.

"The bulk of the youngsters in the juvenile justice system have really had more terrible things done to them than they ever do to anybody else," Luger said.

But, Luger emphasized, "I'm not saying it's all right to mug somebody because you're deprived . . .

"We believe strongly in confrontation of youngsters because they have got to be held accountable for their own actions. But what we also believe in balancing this confrontation with supporting services as well."

Luger explained his ideas on juvenile corrections Tuesday at a joint meeting of the Greater Detroit Section of the National Council of Jewish Women and the Junior League of Birmingham. Both groups have been involved in juvenile justice projects.

The supporting services offered in New York state include family therapy, after-care counseling, community workers and recreation programs.

"What we try to do is to institutionalize young people as little as possible," he said. "Any time you remove them from the real world, it is a separation from the problems they have to solve.

"There's a lot of naivete in the field that says, close all institutions and treat everybody in group homes," he said. "And there's a lot of brutality in the field that says put them all in bastilles."

Luger said, "I'm not naive enough to believe that all youngsters can be treated in their own community . . . There is a hard core that is volatile. There is a hard core that would gladly split your throat and laugh at it."

But, as a whole, he added, the youngsters caught in the juvenile justice system are more annoying than dangerous. They are also, he said, easily distracted, have a low tolerance for planning for the future, and have an enormous feeling of self-hatred within them.

In a New York state system, Luger said, the facilities for placing a youngster include small group homes, forestry camps, training schools, drug- and alcohol-abuse centers, and special centers for emotionally disturbed children. In the entire system, he said, two facilities have locked front doors.

One of the big problems in juvenile justice, as well as adult justice, Luger said, is seeing that these options are applied equally.

"Many, many kids commit delinquent acts," Luger said. "The system works out that generally we imprison the poor, and the more affluent kids get the psychiatrist. Don't think that the black, the minority kids, don't understand it."

Luger said that the reason was not necessarily deliberate bigotry, but rather the lack of options for poor children.

A judge considering a case, Luger said, should consider all possibilities before training school. If the parents can afford to pay for counseling or for treatment, the judge generally will agree. But for poor children with no family backing, the options are cut drastically.

Likewise, Luger said, Catholic and Jewish organizations in New York operate as a buffer between the youngsters and the court, admitting the youth in trouble to a private program.

Other minority groups, Luger said, "haven't organized themselves enough to say we'll take care of our own." Once they do, he said, "I think we'll see fewer black kids in public institutions."

Luger has been director of juvenile corrections for New York since 1971. Before that, he was chairman of the narcotics control commission and director of the state Division for Youth. In 1973 he won the National Council on Crime and Delinquency's top award for work in delinquency treatment.

In examining his records, Luger said statistics show that after three years, 31 percent of the youngsters who had been through New York public training schools have been reinstitutionalized.

"Is that good or bad?" he asked. "When I read the life stories of these kids, I don't think that's bad."

One of the frustrations of staff members of juvenile justice, he said, is that in a few months they are expected to be miracle workers, to make up for all that's wrong with the youth. So many things are out of the staff's control, Luger said, poor housing, poor schools, social immorality and racial discrimination.

"As a result," he said, "We tend to be frustrated."

Luger said he did not deny there was a hard core of brutes and sadists among juvenile corrections people. But, he said, "most of them are well-intentioned, decent people, hard-working, frustrated." Because little training is provided, he said, "the people in the field have a sense of inadequacy, and that's so sad."

As a result, he said, "most of them have settled for a quiet duty, eight hours without problems." Those who work with juvenile offenders use crutches, he said, like isolation, medication and fear, which "keep the kids in conformity."

[From the New York Times, Apr. 12, 1975]

#### REACTIONS AGAINST YOUTH CRIME DECRIED

(By Charlayne Hunter)

Most juvenile offenders "are more annoying than dangerous," but the common attitude is that they are dangerous and should be locked up, Milton Luger, director of the New York State Division for Youth, said yesterday.

This situation, Mr. Luger told New York City Family Court judges during a training seminar at the Gramercy Park Hotel, is a result of "back-stabbing" within the system, where the courts, the probation department, the police and others are "all shifting the blame" rather than working together to provide needed educational and other treatment.

Mr. Luger said 70 to 75 per cent of the young people in state training schools are black or Puerto Rican. Ninety-six per cent of them, he added, are "as much as three grades below their grade levels in reading and math." The Division for Youth, which has jurisdiction over the training schools, provides for placement and services for juveniles with problems, including delinquency.

"The liberals, through their silence, have joined with the rednecks who are always saying 'Lock 'em up. Look at those black smirking rapists. Let's make the streets safe.'"

"The rich kids get sent to psychiatrists, the poor kids get sent to training schools," Mr. Luger went on. "They know it, and that's why their older brothers who are in jail are talking about being political prisoners. There's a certain amount of truth to that."

Mr. Luger said that he did not mean to suggest that there was not a "hard core" of juveniles who are dangerous and to whom some serious attention ought to be paid.

But he said, the various bills before state legislatures, including New York's, which propose reducing to 13 or 14 the age at which a juvenile can be tried in criminal court—where sentences tend to be harsher—is the wrong direction in any event.

#### DISPUTES LOWERING AGE

"They're saying that we've got to waive the 14 and 15-year-olds because they're coming out in too short a time and committing heinous crimes. But that's not so."

The Family Court handles cases of children up to the age of 16. A maximum of 18 months is the limit on sentences imposed by this court. Release may occur anytime within that period.

In defense of his position, Mr. Luger cited a newly completed study of 5,340 children under age 16 who had committed crimes of violence, in which only 77 had ever been in a training school.

The study was done by Sheridan Faber, of the Office of Children's Services, and was conducted by studying police files for the period between July, 1973, and June, 1974.

"This is part of the backstabbing," Mr. Luger said. "Many are saying that the training schools are training centers for future criminals. And the movement toward alternative community facilities for these kids is being stifled because of the whole emphasis on violent kids."

Mr. Luger's presentation was part of a week-long in-service training program for Family Court judges and court officials from New York City and surrounding suburban areas which ends today. It was sponsored by the Office of Court Administration, in cooperation with the National College of Juvenile Court Judges.

[From the New York Post, July 26, 1975]

#### THE YOUNGEST CRIMINALS

(By Robert Garrett)

Can anything be done to reduce the ever-increasing number of juvenile delinquents?

Most authorities believe so, but differ in the methods they would employ to keep children out of trouble, or to help them return to non-criminal lives after they become involved in a pattern of criminality.

Some experts believe the threat of certain punishment would keep many kids away from gangs, and in schools or at home.

Others say the psychological problems which make delinquents must be attacked at their roots—by helping the child understand the causes of his fears, confusion and errors through analysis. Punishment, say those who support this approach, does little to stop delinquent behavior.

Still others believe that if delinquent children are removed from their surroundings—neighborhoods and families alike—and placed in a new environment of love and understanding, they would become less aggressive and eventually give up their violent ways.

A small group even believes that pacifying drugs should be constantly administered to violent youngsters, so that society can be protected from their actions.

Brooklyn Police Sgt. James Hargrove, who heads that borough's gang intelligence unit, is one who believes delinquents would be checked if harsher punishments were imposed. "They realize the system is not really geared to deal with them," said Sgt. Hargrove, "and they capitalize on it. They know the maximum term is 18 months whatever they do. Not long ago a kid was shot by another kid, and we caught the perpetrator trying to run away. The other kids asked him: 'Why the hell are you running away?' They have total contempt for the system, because it can't hurt them."

Dr. Robert Martinson, co-author with Douglas Lipton and Judith Wilks of "Effectiveness of Correctional Treatment"—which relies on their eight years of study of correctional treatment—agrees. "The certainty of punishment," according to Dr. Martinson, would do more than rehabilitation to deter youngsters bent on committing crimes.

According to the Board of Education's former security chief, Sydney Cooper, a "couple of hundred thousands kids" are permanently truant from school, "roaming the streets, the subways, committing crimes against old men and ladies." If the youngsters could "at least" be returned to schools, he said, "they might get some care."

"There are some damn good programs" available for problem children, he added. "There are guidance counselors, addict programs, highly trained people assigned to identify problem kids and help with remedial work. I guess we don't have enough, though."

Family Court Administrative Judge Joseph Williams said of the thousands of youngsters brought to court each year: "We know they respond to love, attention, care. Some respond to structure. But there are others who do not respond; we don't know why."

"Society has got to determine" what to do about delinquent children, he added. "Right now there are not any sure answers."

Roy Curylo, in charge of the Spofford Juvenile Center in the Bronx, says the children entering his facility are usually "creative, bright, street-wise and managing to function in the toughest neighborhoods in the city." But, claims Curylo, "somewhere along the line our institutions have failed these kids.

"For example, most kids we get are four or five years below the reading level for their age, sometimes six years behind; they don't know how to read or write. Most parents rely heavily on the institution of education; the parents give the kid to the schools. But the schools, for whatever reasons, give up on the kids, and they're left to their own devices."

Intensive programs are available, Curylo points out, "to raise the reading levels of kids three grades. Educational tools are so sophisticated now they could raise the levels in virtually every area. But it would cost money, so the tools are not used as they should be."

In a similar way, says Curylo, the family social service agencies and other institutions fail. Methods are available to help delinquents, he says, but are not used.

According to Milton Luger, director of the Division for Youth and, as such, in charge of juvenile training centers, camps and other facilities throughout the state, most delinquent children are "filled with self-hatred and despair." A major function of his agency, said Luger, is to "help them feel they're not a----. They need hope and skills—such as learning to read—and to relate to somebody in a trusting way.

"So many of them have been abused themselves as children, physically and sexually. Our response can't be to pound them; they've had that all their lives."

Besides dealing directly with delinquent children, says Luger, "we need basic things done about the way we function as people. We have to care more than we do, improve neighborhoods physically, give more people hope through jobs. The public gets involved [with juvenile crime] when they're mugged; otherwise they would like some expert 'over there' to take care of the problem children."

Charles Schinitzky, who heads the Legal Aid Society's Juvenile Rights Division, representing 90 per cent of the children brought to Family Court, agrees that delinquent children can be helped "only if the public is concerned enough. And if you give up hope for an 11, 12, 13, or 14-year-old youngster, where are you? They have to be worked with at an early age, and that takes time.

"We have to have the time to sit down in court and decide what he needs, what's wrong with him, to discuss the child for two or three hours, kick things around and decide what this kid needs. Then we need the kind of facilities that meet what he needs."

Prevention of juvenile delinquency and crime rather than custodial treatment or punishment must be the emphasis in government policy, the Temporary State Commission on Child Welfare said in a 108-page preliminary report issued this May after conducting a dozen hearings around the state from October, 1974, to February, 1975. The 13-member commission is headed by State Senator Joseph R. Pisano (R-Westchester).

The commission proposed preventive services which, Pisano said, would cost far less than the present system of keeping delinquent children in custody, and would alert existing community agencies to such early signs of trouble as trauancy, family problems, etc.

"Most delinquents have parents who are dying for help," according to Bernard Henriksen, director of Phoenix School, 333 W. 86th St. "They want as much help as they can get. If you think the kids are confused, the parents are even more so."

What is needed as a "first step," said Henriksen, is a "central clearing house for services," an organization or even a listing that would provide to every agency involved in child care the names and services of every other agency.

In addition, says Henriksen, whose school for delinquent youths operates under the auspices of the Jewish Board of Guardians, an effort must be made to "identify and treat the violent adolescent. Often he is identified in school, or in Family Court, and nothing happens. The situation gets worse," he said, until there is "the rampant lawlessness all up and down the age group."

Henriksen believes some youngsters who become delinquent "should not go back to school to get their diplomas. Between 14 and 16, they need job training programs, many of them, with equivalency diplomas later.

"But I've been in the field for eight years, and I don't know one single job training program that is available to the severely delinquent kids we get here."

From the juvenile delinquents themselves come several alternatives, some realistic, others fanciful.

"If I could get a job I wouldn't get into trouble again," promised a 12-year-old living near Avenue C and 10th St. in Manhattan. "I tried a job taking out groceries. The store only needed help a little bit, though. I had a job for awhile, last summer. Sweeping and cleaning in another store. I don't go to school; I'm always playing hockey. I tried getting a job this year too, but nobody was hiring nobody.

"If I don't get a job I'm gonna get into trouble again; I gotta have some money." A Hispanic youngster living in East Harlem's Jefferson Houses said, "I know I'm messed up, but nothin' I can do about that. Nobody gonna help me." At 15 Domingo has almost given up on life. "What I need is a place, my own apartment, cause I can't live at home no more."

But, he added, "how can I find a place with no job or anything? No money. Look at this place [he swept his arm around the 116th St. and 3d Avenue corner where he was talking] and you tell me you could live here. No way. If they put up some nice houses that my mother and father could pay for that's something, but nobody gonna build up new houses. Up in the Bronx they just burn them all down, they'll get the new houses."

Mickey, a 12-year-old in Mott Haven: "School was bad, real bad. So I skipped. I was always goin' in the parks and doing bad things. . . . Sure, I'd go back to school. If it wasn't so bad. I felt like an animal in a cage, 'Do this, do that.' All the windows had these heavy screens on them. In the bathroom guys was shootin' up and drinkin' I done it too. The teachers didn't do nothin' but holler at you if you was just two minutes late. They fix up the school, I'll go back."

Alan, an 11-year-old in St. Albans: "My father and mother are always drinking liquor. That's why I run away. Three times. I got an older brother in jail. That's where he got away.

"I got took to court one time. They said I should go back home and I did for a while. My mother oughta see a doctor, that's what I think. Maybe if things was better at home I'd go back."

A Brooklyn gang member who refused to give his age: "I ain't done nothin' wrong. The man takes from us and we take it all back, that's all, man. Nothin' wrong in that. He should just give it to us, that way we don't have to steal it."

[From the Criminal Justice Newsletter, Sept. 29, 1975]

#### LUGER NAMED TO HEAD LEAA JUVENILE OFFICE

Milton L. Luger, 51, was nominated by Pres. Ford on Sept. 23 to head the new Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration.

Luger's nomination is expected to win easy confirmation in the Senate. His appointment has been rumored for several weeks, and was viewed as even more likely after the recent withdrawal of the other major candidate for the position, Judge Maurice B. Cohill of Pittsburgh.

In his new post, Luger will become the first permanent director of the office which oversees LEAA programs authorized under the Juvenile Justice and Delinquency Prevention Act of 1974. Frederick P. Nader has filled the slot on an acting basis for the past several months.

Luger was named Director of the New York State Division for Youth by then-Gov. Nelson Rockefeller in 1966, a post he held until last month. He was deputy director of that same agency from 1960-1966, prior to which time he held several New York City corrections posts. In his state position Luger won wide acclaim for his pioneering programs to move juveniles away from institutions and camps into community-based home programs.

Luger has served as president of the National Association of State Juvenile Delinquency Program Administrators. He is a member of the Board of Directors of the National Council on Crime and Delinquency the Board of Fellows of the National Center for Juvenile Justice, and numerous other professional organizations. In 1973 he received NCCD's Roscoe Pound Award for outstanding achievement in the control and prevention of crime and delinquency.

[From the Kansas City (Mo.) Times, Oct. 4, 1975]

### STATE JUVENILE OFFICERS CRITICIZE SYSTEM

(By James J. Fisher)

A group of 850 Missouri juvenile officers was sharply critical yesterday of the state's system for handling youthful offenders and recommended, among other alternatives, youth authority police, direct court intervention into the juvenile offender's home and a readjustment of services to black youths who the officers said were ill-served.

The officers, meeting at the Missouri Juvenile Justice Conference at the Hotel Muehlebach, made specific recommendations for improving the state's juvenile system, including creation of a Missouri state office of public information about juvenile justice.

The recommendations were adopted at the end of a 2-day conference in which the officers had participated in 29 separate seminar groups, each dealing with particular problems of the system. Among the recommendations:

Revision of the Missouri juvenile code, specifically in the areas of child abuse and neglect; children in need of supervision, and criminal offenders.

Creation of an educational program for judges, lawyers and juvenile officers directed toward the child's right to treatment.

Co-ordination of youth services by city and county governments through referral, placement, follow-up, job development and counseling.

Concentration of federal funds in a limited number of areas to demonstrate the total correctional package that brings the best of programs proved elsewhere.

Statewide selection of juvenile court judges by the Missouri Supreme Court. Establishment of minimum standards for detention facilities and away from adult offenders.

Statewide review of practices of suspension and expulsion from school; specially trained teachers for juvenile offenders, and early identification of learning problems.

Creation of a task force drawn from the courts, police departments, schools and social service agencies to meet once a month to work on areas of prevention.

In accepting the recommendations of the juvenile officers Judge Paul E. Varde-man of the Jackson County circuit court said it is up to the juvenile office officers to see the recommendations to the citizens of the state.

"We talk about the same things every year at these conferences," Judge Varde-man said. "If in a year we're still talking about them, well, we have only ourselves to blame."

Earlier, Milton Luger, director of the New York State Division of Youth services and administrator-designate of juvenile justice and delinquency under the 1974 federal law, reviewed the pros and cons of abolishing the "status offender" designation for youths who come into the juvenile justice system, but not usually the courts, for offenses an adult would not be bothered with—truancy, associating with youths of bad character or being disrespectful to parents.

"Another definition is a child in need of supervision, the kid, for instance, who is living in a burnt-out apartment because he can't get along with his parents," Luger said.

The status offender controversy is the witches' brew among juvenile officers, Luger said. Some advocates of abolishing the term and bringing such youths before the juvenile courts say that they need the court's coercion; those of the opposite viewpoint say coercion rarely works with youth. What is needed they add is encouragement and support, not being locked up among a bunch of juvenile delinquents where they can quickly learn about stealing cars, burglary and other crimes against property or person.

"The status offender is a youth in despair with himself," Luger said. "He is not a delinquent although he can quickly become one."

Luger recommended that institutionalization of such a youth should be a last resort. He added that more research needs to be done in the field.

"Just as an aside," Luger said, "I might mention that a lot of status offenders are abused children. A recent study we did in New York state showed that 98 per cent of all child killers are abused children."

Luger, who said his remarks are personally opinions and do not reflect the official policy of the state of New York or the federal government, advocated aggressive judges, ones that would demand social service agencies serve the needs of the child.

Luger added that he personally favors direct intervention into a home situation responsible for the child coming to the attention of the juvenile system. "When the father is an alcoholic then the judge should have a right to go in there and demand that the man get treated himself," Luger said.

[From the Niagara (N.Y.) Gazette, Oct. 16, 1975]

### TRUST, RESPECT SEEN AS KEY IN JUVENILE JUSTICE SYSTEM

(By Shirley Hanford)

NIAGARA FALLS.—Milton Luger, recently nominated by President Gerald Ford to head the new federal Office of Juvenile Justice and Delinquency Prevention, told more than 800 youth service delegates Wednesday that the most important part they can play in the juvenile justice system is "to keep kids out of it."

Addressing the first National Conference on Delinquency Prevention, in the Convention Center ballroom, Mr. Luger stressed the importance of trust and mutual respect.

"The various elements of the system have to trust one another and know where they're going," he said. "We also have to trust kids and help them feel better about themselves."

Though youth agencies try to mesh their forces, Mr. Luger admitted that "we often put each other down and pass the buck."

Youth service bureaus and government agencies are getting ambivalent signals from the public, he admonished his audience.

"On the one hand, they want care and treatment for youth," he said, "but on the other, they expect you to get them out of sight, remove them, they're obnoxious."

Right now, the new federal administrator asserted, "the public considers you the darlings because they think you're going to keep those kids out of those institutions where they'll be brutalized and sodomized."

He advised the convention delegates not to threaten kids and not to think "your job is the only one." He warned against promoting any one "panacea" or "fad" and feeling that "all the others are no good."

"I think it's abominable for anyone to say: 'I have the perfect deterrent plan to prevent delinquency.'"

Stating that the institutions end up with "the kids we can't handle," Mr. Luger asserted that "some kids have to be removed from the community or they'll kill us."

"They need to be removed for their own sakes, so they don't end up in the Atticas, the institutions that are forced to accept our failures."

He stressed the need for experiment and careful research that asks relevant questions.

"If we can work with the most violent of the youngsters, the rest of our work can be more open," he concluded.

Following his speech, Mr. Luger was presented with the New York State distinguished service award as past director of the New York State Division for Youth.

The award was presented by Joseph A. Miorana, president of the New York State Association of Youth Bureaus who said that Mr. Luger embodied all the gifts of the Wizard of Oz, "a great brain, big heart and a lot of courage."

Chuck Stout, Advocacy Committee chairman for the Conference, invited delegates to attend two scheduled meetings on advocacy issues to formulate position papers for endorsement by Conference participants at the closing session on Friday.

He said it was time that the youth service bureaus took a leadership role on issues, rather than merely accept guidelines from others. "It is time we identified what is wrong and how we think it should be changed."

Conference Chairman Henry L. Kuykendall presided at the general session and introduced the speakers. Four separate panel discussions followed. In the afternoon, delegates had a choice of 14 workshops dealing with key issues in youth development and delinquency prevention.

[From the American Psychology Assn. Monitor, January 1976]

#### JUVENILE JUSTICE CHIEF SWORN IN

The Office of Juvenile Justice and Delinquency Prevention, officially set up under the Law Enforcement Assistance Administration in late June to tie together all federal juvenile crime and delinquency activities, finally has its first permanent chief. Milton Luger, former director of youth services in New York State, was sworn in as assistant administrator of the new juvenile agency in late November by Attorney General Edward Levi.

The fledgling agency has been beset by organizational and budgetary problems since Congress mandated its creation more than a year ago in the Juvenile Justice and Delinquency Prevention Act, the first comprehensive federal law aimed at dealing with juvenile crime. Despite surging public concern over the nation's staggering crime rates, reportedly half of which are committed by juveniles, the new office has been at the bottom of the Ford Administration's priority list. Along with the delay in actually establishing the office and naming an administrator, the White House reluctantly handed over a meager \$25 million last year, only a third of the law's authorization level.

The Administration's wisest move seems to be its selection of Luger, who is highly regarded among professionals in the youth and social services field. Involved with youth services in New York State for the past 14 years, he has served as chairman of the New York State Narcotics Control Commission and is former rehabilitation director for the New York City Department of Corrections. Luger has also collaborated actively at the federal level as a consultant to NIMH's Crime and Delinquency Center and as advisor to the Center's chief, psychologist Saleem Shah.

As top federal juvenile justice administrator, Luger will also have control over the National Institute for Juvenile Justice Delinquency Prevention which was set up last June to bring together research efforts in the juvenile delinquency area, evaluate delinquency prevention programs and develop training programs for professionals and paraprofessionals from various fields connected with the treatment and control of juvenile offenders.

Luger, whose jurisdictional range covers all Justice Department juvenile programs, has not yet announced any major organizational plans for the juvenile agency. However, in his role as youth services head in New York, Luger, emphasized the strong need for effective programs keyed to preventing and treating juvenile delinquency problems and greater use of community-based resources for juvenile-status offenders.

In an April *New York Times* article, Luger was quoted as seriously concerned over the common attitude that juvenile offenders are all dangerous and need to be locked up. The common practice of incarcerating juveniles is a result of "backstabbing" within the system, stressed Luger, where the courts, the probation departments, the police and others are "all shifting the blame" rather than working together to provide needed educational opportunities and treatment.

"The liberals, through their silence," charged Luger, "have joined with the red-necks who are always saying 'Lock 'em up. . . . Let's make the streets safe.'" As a result, he maintained, "the rich kids get sent to psychiatrist and the poor kids are sent to training schools." This is not to say that there is not a "hard core" of juveniles who are dangerous and to whom some serious attention ought to be paid, noted Luger. But, unfortunately, the movement toward alternative community facilities for kids who have committed lesser crimes is being stifled because of too much emphasis on violent kids.

# END