ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

5666 HOUSE HEALTH, EDUCATION & SOCIAL SERVICES 70

reports or other documents based on such statistical records shall not disclose the identity of individual runaway and homeless youth;

[See main volume for text of (7) to (10)]

(As amended Pub.L. 98–473, Title II, § 652, Oct. 12, 1984, 98 Stat. 2123; Pub.L. 100–690, Title VII, § 7271(c)(1)–(3), Nov. 18, 1988, 102 Stat. 4463.)

1984 Amendment. Subsec. (b)(2). Pub.L. 98–473, § 652(1), substituted "proportion" for "portion" before "to assure".

Subsec. (b)(3). Pub.L. 98–473, § 652(2), struck out "(if such action is required by State law)" before "and assuring".

Subsec. (b)(4). Pub.L. 98–473 added "school system personnel" after "social service personnel,".

Subsec. (b)(5). Pub.L. 98–473, § 652(4), substituted "families" for "parents" before "within the State".

Subsec. (b)(6). Pub.L. 98–473, § 652(5), substituted "family members" for "parents" before "which it serves".

Effective Date of 1988 Amendment. Amendment of this section by Pub.L. 100–690 effective Oct. 1, 1988, pursuant to section 7296(a) of Pub.L. 100–690, set out as a note under section 5601 of this title.

Effective Date of 1984 Amendment. Amendment by Pub.L. 98–473 effective Oct. 12, 1984, see section 670(a) of Pub.L. 98–473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 98–473, see 1984 U.S. Code Cong. and Adm. News, p. 3182. See, also, Pub.L. 100–690, 1988 U.S. Code Cong. and Adm. News, p. 5937.

§ 5712a. Grants for a national communication system

(a) With funds reserved under subsection (b) of this section, the Secretary shall make grants for a national communication system to assist runaway and homeless youth in communicating with their families and with service providers.

(b) From funds appropriated to carry out this part and after making the allocation required by section 5751(a)(2) of this title, the Secretary shall reserve—

(1) for fiscal year 1989 not less than $500,000;

(2) for fiscal year 1990 not less than $600,000; and

(3) for each of the fiscal years 1991 and 1992 not less than $750,000;

to carry out subsection (a) of this section.

(Pub.L. 93–415, Title III, § 313, as added Pub.L. 100–690, Title VII, § 7275(b), Nov. 18, 1988, 102 Stat. 4457.)

Effective Date. Section effective Oct. 1, 1988, pursuant to section 7296(a) of Pub.L. 100–690, set out as a note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 100–690, see 1988 U.S. Code Cong. and Adm. News, p. 5937.

§ 5712b. Grants for technical assistance and training

The Secretary may make grants to statewide and regional nonprofit organizations (and combinations of such organizations) to provide technical assistance and training to public and private entities (and combinations of such entities) that are eligible to receive grants under section 5711(a) of this title, for the purpose of assisting such entities to establish and operate runaway and homeless youth centers.

(Pub.L. 93–415, Title III, § 314, as added Pub.L. 100–690, Title VII, § 7276, Nov. 18, 1988, 102 Stat. 4457.)

Effective Date. Section effective Oct. 1, 1988, pursuant to section 7296(a) of Pub.L. 100–690, set out as a note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 100–690, see 1988 U.S. Code Cong. and Adm. News, p. 5937.

§ 5712c. Authority to make grants for research, demonstration, and service projects

(a) In general

The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway and homeless youth.

(b) Special consideration to certain proposed projects

In selecting among applications for grants under subsection (a) of this section, the Secretary shall give special consideration to proposed projects relating to—

(1) juveniles who repeatedly leave and remain away from their homes;

(2) outreach to runaway and homeless youth;

(3) transportation of runaway and homeless youth in connection with services authorized to be provided under this part;

(4) the special needs of runaway and homeless youth programs in rural areas;

(5) the special needs of foster care home programs for runaway and homeless youth;

(6) transitional living programs for runaway and homeless youth; and

(7) innovative methods of developing resources that enhance the establishment or operation of runaway and homeless youth centers.

(c) Priority to applicants who provide services directly

In selecting among applicants for grants under subsection (a) of this section, the Secretary shall give priority to applicants who provide services directly to runaway and homeless youth.

(Pub.L. 93–415, Title III, § 315, as added Pub.L. 100–690, Title VII, § 7277, Nov. 18, 1988, 102 Stat. 4458.)

Effective Date. Section effective Oct. 1, 1988, pursuant to section 7296(a) of Pub.L. 100–690, set out as a note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 100–690, see 1988 U.S. Code Cong. and Adm. News, p. 5937.

§ 5713. Approval of application by Secretary; priority

An application by a State, locality, or private entity for a grant under section 5711(a) of this title may be approved by the Secretary only if it is consistent with the applicable provisions of section 5711(a) of this title and meets the requirements set forth in section 5712 of this title. Priority shall be given to grants smaller than $150,000. In considering grant applications under section 5711(a) of this title, priority shall be given to organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families.

(Pub.L. 93–415, Title III, § 316, formerly § 313, Sept. 7, 1974, 88 Stat. 1131; Pub.L. 95–115, § 7(a)(4), Oct. 3, 1977, 91 Stat. 1058; Pub.L. 96–509, § 18(e), Dec. 8, 1980, 94 Stat. 2762; Pub.L. 98–473, Title II, § 653, Oct. 12, 1984, 98 Stat. 2123; renumbered § 316 and amended Pub.L. 100–690, Title VII, §§ 7271(c)(1), 7278(a), Nov. 18, 1988, 102 Stat. 4463, 4457.)

1984 Amendment. Pub.L. 98–473 substituted "private entity" for "nonprofit private agency" before "for a grant".

Effective Date of 1988 Amendment. Amendment of this section by Pub.L. 100–690 effective Oct. 1, 1988, pursuant to section 7296(a) of Pub.L. 100–690, set out as a note under section 5601 of this title.

Effective Date of 1984 Amendment. Amendment by Pub.L. 98–473 effective Oct. 12, 1984, see section 670(a) of Pub.L. 98–473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 98–473, see 1984 U.S. Code Cong. and Adm. News, p. 3182. See, also, Pub.L. 100–690, 1988 U.S. Code Cong. and Adm. News, p. 5937.

§ 5714. Grants to private entities; staffing

Nothing in this part shall be construed to deny grants to private entities 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 and homeless youth center. Nothing in this part shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds.

(Pub.L. 93–415, Title III, § 317, formerly § 314, Sept. 7, 1974, 88 Stat. 1131; Pub.L. 98–473, Title II, § 654(2), Oct. 12, 1984, 98 Stat. 2123; renumbered § 317 and amended Pub.L. 100–690, Title VII, §§ 7271(c)(1), 7278(a), Nov. 18, 1988, 102 Stat. 4453, 4457.)

1984 Amendment. Pub.L. 98–473, § 654(2)(A), substituted "private entities" for "nonprofit private agencies" before "which are fully controlled".

Pub.L. 98–473, § 654(2)(B), substituted "center" for "house" after "runaway".

Effective Date of 1988 Amendment. Amendment of this section by Pub.L. 100–690 effective Oct. 1, 1988, pursuant to section 7296(a) of Pub.L. 100–690, set out as a note under section 5601 of this title.

Effective Date of 1984 Amendment. Amendment by Pub L. 98-473 effective Oct 12, 1984, see section 670(a) of Pub L. 98-473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title

Legislative History. For legislative history and purpose of Pub L. 98-473, see 1984 U.S. Code Cong. and Adm. News, p. 3182. See, also, Pub L. 100-690, 1988 U.S. Code Cong. and Adm. News, p. 5937.

Part B—Transitional Living Grant Program

§ 5714-1. Purpose and authority for program

(a) The Secretary is authorized to make grants and to provide technical assistance to public and nonprofit private entities to establish and operate transitional living youth projects for homeless youth.

(b) For purposes of this part—

(1) the term "homeless youth" means any individual—

(A) who is not less than 16 years of age and not more than 21 years of age;

(B) for whom it is not possible to live in a safe environment with a relative; and

(C) who has no other safe alternative living arrangement; and

(2) the term "transitional living youth project" means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

(Pub L. 93-415, Title III, § 321, as added Pub L. 100-690, Title VII, § 7273(f), Nov. 18, 1988, 102 Stat. 4455.)

Effective Date. Section effective Oct. 1, 1988, pursuant to section 7296(a) of Pub L. 100-690, set out as a note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub L. 100-690, see 1988 U.S. Code Cong. and Adm. News, p. 5937.

§ 5714-2. Eligibility

(a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund a transitional living youth project for homeless youth and shall submit to the Secretary a plan in which such applicant agrees, as part of such project—

(1) to provide directly or indirectly, shelter (such as group homes, host family homes, and supervised apartments) and services (including information and counseling services in basic life skills, interpersonal skill building, educational advancement, job attainment skills, and mental and physical health care) to homeless youth;

(2) to provide such shelter and such services to individual homeless youth throughout a continuous period not to exceed 540 days;

(3) to provide, directly or indirectly, on-site supervision at each shelter facility that is not a family home;

(4) that such shelter facility used to carry out such project shall have the capacity to accommodate not more than 20 individuals (excluding staff);

(5) to provide a number of staff sufficient to ensure that all homeless youth participating in such project receive adequate supervision and services;

(6) to provide a written transitional living plan to each youth based on an assessment of such youth's needs, designed to help the transition from supervised participation in such project to independent living or another appropriate living arrangement;

(7) to develop an adequate plan to ensure proper referral of homeless youth to social service, law enforcement, educational, vocational, training, welfare, legal service, and health care programs and to help integrate and coordinate such services for youths;

(8) to provide for the establishment of outreach programs designed to attract individuals who are eligible to participate in the project;

(9) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds under this part, the achievements of the project under this part carried out by the applicant and statistical

summaries describing the number and the characteristics of the homeless youth who participate in such project in the year for which the report is submitted;

(10) to implement such accounting procedures and fiscal control devices as the Secretary may require;

(11) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under this part;

(12) to keep adequate statistical records profiling homeless youth which it serves and not to disclose the identity of individual homeless youth in reports or other documents based on such statistical records;

(13) not to disclose records maintained on individual homeless youth without the consent of the individual youth and parent or legal guardian to anyone other than an agency compiling statistical records or a government agency involved in the disposition of criminal charges against youth; and

(14) to provide to the Secretary such other information as the Secretary may reasonably require.

(b) In selecting eligible applicants to receive grants under this part, the Secretary shall give priority to entities that have experience in providing to homeless youth shelter and services of the types described in subsection (a)(1) of this section.

(Pub L. 93-415, Title III, § 322, as added Pub L. 100-690, Title VII, § 7273(f), Nov. 18, 1988, 102 Stat. 4456.)

Effective Date. Section effective Oct. 1, 1988, pursuant to section 7296(a) of Pub L. 100-690, set out as a note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub L. 100-690, see 1988 U.S. Code Cong. and Adm. News, p. 5937.

Part C—General Provisions

§ 5714a. Assistance to potential grantees

The Secretary shall provide informational assistance to potential grantees interested in establishing runaway and homeless youth centers and transitional living youth projects. Such assistance shall consist of information on—

(1) steps necessary to establish a runaway and homeless youth center or transitional living youth project, including information on securing space for such center or such project, obtaining insurance, staffing, and establishing operating procedures;

(2) securing local private or public financial support for the operation of such center or such project, including information on procedures utilized by grantees under this subchapter; and

(3) the need for the establishment of additional runaway and homeless youth centers in the geographical area identified by the potential grantee involved.

(Pub L. 93-415, Title III, § 341, formerly § 316, as added Pub L. 98-473, Title II, § 656(2), Oct. 12, 1984, 98 Stat. 2[illegible]; renumbered § 341 and amended, Pub L. 100-690, Title VII, § 7273(a), (e)(2), Nov. 18, 1988, 102 Stat. 4454, 4456.)

Effective Date of 1988 Amendment. Amendment of this section by Pub L. 100-690 effective Oct. 1, 1988, pursuant to section 7296(a) of Pub L. 100-690, set out as a note under section 5601 of this title.

Effective Date. Section effective Oct. 12, 1984, see section 670(a) of Pub L. 98-473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub L. 98-473, see 1984 U.S. Code Cong. and Adm. News, p. 3182. See, also, Pub L. 100-690, 1988 U.S. Code Cong. and Adm. News, p. 5937.

§ 5714b. Lease of surplus Federal facilities for use as runaway and homeless youth centers or as transitional living youth shelter facilities

(a) Conditions of lease arrangements

The Secretary may enter into cooperative lease arrangements with States, localities, and nonprofit private agencies to provide for the use of appropriate surplus Federal facilities transferred by the General Services Administration to the Depart-

ment of Health and Human Services for use as runaway and homeless youth centers or as transitional living youth shelter facilities if the Secretary determines that—

(1) the applicant involved has suitable financial support necessary to operate a runaway and homeless youth center or transitional living youth project, as the case may be, under this subchapter;

(2) the applicant is able to demonstrate the program expertise required to operate such center in compliance with this subchapter, whether or not the applicant is receiving a grant under this part; and

(3) the applicant has consulted with and obtained the approval of the chief executive officer of the unit of general local government in which the facility is located.

(b) Period of availability; rent-free use; structural changes; Federal ownership and consent

(1) Each facility made available under this section shall be made available for a period of not less than 2 years, and no rent or fee shall be charged to the applicant in connection with use of such facility.

(2) Any structural modifications or additions to facilities made available under this section shall become the property of the United States. All such modifications or additions may be made only after receiving the prior written consent of the Secretary or other appropriate officer of the Department of Health and Human Services.

(Pub L. 93-415, Title III, § 342, formerly § 316, as added Pub L. 98-473, Title II, § 655(2), Oct. 12, 1984, 98 Stat. 2124, renumbered § 342 and amended, Pub L. 100-690, Title VII, § 7273(b), (e)(2), Nov. 18, 1988, 102 Stat. 4454, 4455.)

Effective Date of 1988 Amendment. Amendment of this section by Pub L. 100-690 effective Oct. 1, 1988, pursuant to section 7296(a) of Pub L. 100-690, set out as a note under section 5601 of this title.

Effective Date. Section effective Oct. 12, 1984, see section 670(a) of Pub L. 98-473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub L. 98-473, see 1984 U.S. Code Cong. and Adm. News, p. 3182. See, also, Pub L. 100-690, 1988 U.S. Code Cong. and Adm. News, p. 5937.

PART D—ADMINISTRATIVE PROVISIONS

§ 5715. Annual report to Congress

(a) Not later than 180 days after the end of each fiscal year, the Secretary shall report to the Congress on the status and accomplishments of the runaway and homeless youth centers which are funded under part A of this subchapter, with particular attention to—

(1) their effectiveness in alleviating the problems of runaway and homeless 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.

(b) The Secretary shall annually report to the Congress on the status and accomplishments of the transitional living youth projects which are funded under part B of this subchapter, with particular attention to—

(1) the number and characteristics of homeless youth served by such projects;

(2) describing the types of activities carried out under such projects;

(3) the effectiveness of such projects in alleviating the immediate problems of homeless youth;

(4) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

(5) the effectiveness of such projects in helping youth decide upon future education, employment, and independent living; and

(6) the ability of such projects to strengthen family relationships, and encourage the resolution of intra-family problems through counseling and the development of self-sufficient living skills.

(Pub L. 93-415, Title III, § 361, formerly § 315, Sept. 7, 1974, 88 Stat. 1131; Pub L. 96-509, § 18(f), Dec. 8, 1980, 94 Stat. 2762; renumbered § 317 Pub L. 98-473, Title II, § 655(1), Oct. 12, 1984, 98 Stat. 2124; renumbered § 361 and amended Pub L. 100-690, Title VII, §§ 7271(c)(5), 7273(c), (e)(2), 7274, Nov. 18, 1988, 102 Stat. 4453 to 4455, 4457.)

Effective Date of 1988 Amendment. Amendment of this section by Pub L. 100-690 effective Oct. 1, 1988, pursuant to section 7296(a) of Pub L. 100-690, set out as a note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub L. 100-690, see 1988 U.S. Code Cong. and Adm. News, p. 5937.

§ 5716. Federal and non-Federal share; methods of payment

(a) The Federal share for the 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.

[See main volume for text of (b)]

(Pub L. 93-415, Title III, § 362, formerly § 316, Sept. 7, 1974, 88 Stat. 1132; renumbered § 318 Pub L. 98-473, Title II, § 655(1), Oct. 12, 1984, 98 Stat. 2124, and amended Pub L. 100-690, Title VII, § 7271(c)(6), Nov. 18, 1988, 102 Stat. 4454; renumbered § 362 Pub L. 100-690, Title VII, § 7273(e)(2), Nov. 18, 1988, 102 Stat. 4455.)

Effective Date of 1988 Amendment. Amendment of this section by Pub L. 100-690 effective Oct. 1, 1988, pursuant to section 7296(a) of Pub L. 100-690, set out as a note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub L. 100-690, see 1988 U.S. Code Cong. and Adm. News, p. 5937.

§ 5731. Restrictions on disclosure and transfer

[See main volume for text of section]

(Pub L. 93-415, Title III, § 363, formerly § 321, Sept. 7, 1974, 88 Stat. 1132; Pub L. 95-115, § 7(b), Oct. 3, 1977, 91 Stat. 1058; renumbered § 363 Pub L. 100-690, Title VII, § 7273(e)(2), Nov. 18, 1988, 102 Stat. 4455.)

Code of Federal Regulations

Confidentiality, research and statistics, see 28 CFR 22.1 et seq.

§ 5732. Annual program priorities

(a) The Secretary shall develop for each fiscal year, and publish annually in the Federal Register for public comment a proposed plan specifying the subject priorities the Secretary will follow in making grants under this subchapter for such fiscal year.

(b) Taking into consideration comments received in the 45-day period beginning on the date the proposed plan is published, the Secretary shall develop and publish, before December 31 of such fiscal year, a final plan specifying the priorities referred to in subsection (a) of this section.

(Pub L. 93-415, Title III, § 364, as added Pub L. 100-690, Title VII, § 7278, Nov. 18, 1988, 102 Stat. 4458.)

Prior Provisions. A prior section 5732, Pub L. 93-415, Title III, § 322, Sept. 7, 1974, 88 Stat. 1132, set forth restrictions on disclosure and transfer of records, and was repealed by Pub L. 95-115, § 7(b), Oct. 3, 1977, 91 Stat. 1058.

Effective Date; Applicability. Section effective Oct. 1, 1988, and inapplicable with respect to fiscal year 1989, pursuant to section 7296(a), (b)(2) of Pub L. 100-690, set out as a note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub L. 100-690, see 1988 U.S. Code Cong. and Adm. News, p. 5937.

§ 5733. Coordination with activities

With respect to matters relating to communicable diseases, the Secretary shall coordinate the activities of health agencies in the Department of Health and Human Services with the activities of the entities that are eligible to receive grants under this subchapter.

(Pub.L. 93–415, Title III, § 365, as added Pub.L. 100–690, Title VII, § 7279, Nov. 18, 1988, 102 Stat. 4458.)

Effective Date. Section effective Oct. 1, 1988, pursuant to section 7296(a) of Pub.L. 100-690, set out as a note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 100-690, see 1988 U.S.Code Cong. and Adm.News, p. 5937.

§ 5741. Repealed. Pub.L. 98–473, Title II, § 656, Oct. 12, 1984, 98 Stat. 2124

Section, Pub. L. 93-415, Title III, § 331, as added Pub. L. 95-115, § 7(c), Oct. 3, 1977, 91 Stat. 1059, and amended Pub. L. 96-88, Title V, § 509(b), Oct. 17, 1979, 93 Stat. 695, authorized the President to submit to the Congress after April 30, 1978, a reorganization plan for establishment of an Office of Youth Assistance, subject to Congressional resolution of disapproval.

Effective Date of Repeal. Section repealed effective Oct. 12, 1984, see section 670(a) of Pub. L. 98-473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title.

§ 5751. Authorization of appropriations

(a) Part A of this subchapter

(1) To carry out the purposes of part A of this subchapter there is authorized to be appropriated such sums as may be necessary for fiscal years 1989, 1990, 1991, and 1992.

(2) Not less than 90 percent of the funds appropriated under paragraph (1) for a fiscal year shall be available to carry out section 5711(a) of this title in such fiscal year.

(b) Part B of this subchapter

(1) Subject to paragraph (2), to carry out the purposes of part B of this subchapter, there are authorized to be appropriated $5,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.

(2) No funds may be appropriated to carry out part B of this subchapter for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out part A of this subchapter exceeds $26,900,000.

(c) Consultative and coordinating requirements

The Secretary (through the Office of Youth Development which shall administer this subchapter) shall consult with the Attorney General (through the Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this subchapter with those related programs and activities funded under subchapter II of this chapter and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended [42 U.S.C.A. § 3701 et seq.].

(d) Conditions for use of funds

No funds appropriated to carry out the purposes of this subchapter—

(1) may be used for any program or activity which is not specifically authorized by this subchapter; or

(2) may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant or a single discretionary payment unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this subchapter.

(Pub.L. 93–415, Title III, § 366, formerly § 341, Sept. 7, 1974, 88 Stat. 1132; Pub.L. 94-273, § 32(c), Apr. 21, 1976, 90 Stat. 380, renumbered § 341, and amended Pub.L. 95-115, § 7(c), (d), Oct. 3, 1977, 91 Stat. 1059, 1060; Pub.L. 96-509, § 2(b), Dec. 8, 1980, 94 Stat. 2750; renumbered § 331, and amended Pub.L. 98–473, Title II, § 657(b)–(d), (f), Oct. 12, 1984, 98 Stat. 2125; renumbered § 366 and amended Pub.L. 100–690, Title VII, §§ 7273(d), (e)(2), 7280, Nov. 18, 1988, 102 Stat. 4455, 4459.)

1984 Amendment. Subsec. (a). Pub. L. 98–473, § 657(b), substituted "such sums as may be necessary for fiscal years 1985, 1986, 1987, and 1988." for "for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984 the sum of $25,000,000."

Subsec. (b). Pub. L. 98–473, § 657(c), struck out "Associate" before "Administrator".

Subsec. (c). Pub. L. 98–473, § 657(d), added subsec. (c).

Effective Date of 1988 Amendment. Amendment of this section by Pub.L. 100–690 effective Oct. 1, 1988, pursuant to section 7296(a) of Pub. L. 100–690, set out as a note under section 5601 of this title.

Effective Date of 1984 Amendment. Amendment by Pub. L. 98–473 effective Oct. 12, 1984, except that enactment of subsec. (c)(2) by Pub. L. 98–473 shall not apply with respect to any grant or payment made before Oct. 12, 1984, see section 670 of Pub. L. 98–473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub. L. 98–473, see 1984 U.S. Code Cong. and Adm. News, p. 3182. See, also, Pub.L. 100–690, 1988 U.S.Code Cong. and Adm. News, p. 5937.

SUBCHAPTER IV—MISSING CHILDREN

§ 5771. Congressional findings

The Congress hereby finds that—

(1) each year thousands of children are abducted or removed from the control of a parent having legal custody without such parent's consent, under circumstances which immediately place them in grave danger;

(2) many of these children are never reunited with their families;

(3) often there are no clues to the whereabouts of these children;

(4) many missing children are at great risk of both physical harm and sexual exploitation;

(5) in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;

(6) abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of local, State, and Federal law enforcement efforts;

(7) on frequent occasions, law enforcement authorities quickly exhaust all leads in missing children cases, and require assistance from distant communities where the child may be located; and

(8) Federal assistance is urgently needed to coordinate and assist in this interstate problem.

(Pub. L. 93–415, Title IV, § 402, as added Pub. L. 98–473, Title II, § 660, Oct. 12, 1984, 98 Stat. 2125.)

Effective Date. Section effective Oct. 12, 1984, see section 670(a) of Pub. L. 98–473, set out as an Effective Date of 1984 Amendment note under section 5601 of this title.

Short Title. For short title of Title IV of Pub. L. 93–415, which enacted this subchapter, as the "Missing Children's Assistance Act", see section 401 of Pub. L. 98–473, set out as a Short Title note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub. L. 98–473, see 1984 U.S. Code Cong. and Adm. News, p. 3182.

§ 5772. Definitions

For the purpose of this subchapter—

(1) the term "missing child" means any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian if—

(A) the circumstances surrounding such individual's disappearance indicate that such individual may possibly have been removed by another from the control of such individual's legal custodian without such custodian's consent; or

(B) the circumstances of the case strongly indicate that such individual is likely to be abused or sexually exploited; and

(2) the term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(Pub. L. 93–415, Title IV, § 403, as added Pub. L. 98–473, Title II, § 660, Oct. 12, 1984, 98 Stat. 2126.)

Historical Note

References in Text. The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (c), is Pub.L. 90-351, June 19, 1968, 82 Stat. 197, as amended. Part D of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is classified generally to subchapter IV (section 3741 et seq.) of chapter 46 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of this title and Tables volume.

1980 Amendment. Subsec. (a). Pub.L. 96-509, § 2(a), substituted provisions authorizing appropriations of $200,000,000 for each of the fiscal years ending Sept. 30, 1981, Sept. 30, 1982, Sept. 30, 1983, and Sept. 30, 1984, for provisions that had authorized appropriations of $150,000,000 for the fiscal year ending Sept. 30, 1978, $175,000,000 for the fiscal year ending Sept. 30, 1979, and $200,000,000 for the fiscal year ending Sept. 30, 1980.

Subsec. (c). Pub.L. 96-509, § 15, added subsec. (c).

1977 Amendment. Subsec. (a). Pub.L. 95-115 substituted provisions setting forth authorization of appropriations for the fiscal year ending Sept. 30, 1978, through the fiscal year ending Sept. 30, 1980, and authorization of availability of funds until expended, for provisions setting forth authorization of appropriations for the fiscal year ending June 30, 1975, through the fiscal year ending Sept. 30, 1977.

1976 Amendments. Subsec. (a). Pub.L. 94-273 substituted "September 30, 1977" for "June 30, 1977".

Subsec. (b). Pub.L. 94-503 substituted "subsection (a) of this section" for "this section" and "the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile delinquency programs" for "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".

Effective Date of 1977 Amendment. Amendment by Pub.L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub.L. 93-415, as added by Pub.L. 95-115, set out as an Effective Date of 1977 Amendment note under section 5601 of this title.

Effective Date. Section effective Sept. 7, 1974, see section 263(a) and (b) of Pub.L. 93-415, set out as an Effective Date note under section 5601 of this title.

Limitations on Authorization of Appropriations to Carry Out This Subchapter for Fiscal Years 1982, 1983, and 1984. Pub.L. 97-35, Title XV, § 1503, Aug. 13, 1981, 95 Stat. 750, provided that: "The total amount of appropriations to carry out Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 [this subchapter] shall not exceed $77,000,000 for fiscal year 1982; $77,500,000 for fiscal year 1983; and $74,900,000 for fiscal year 1984."

Legislative History. For legislative history and purpose of Pub.L. 93-415, see 1974 U.S. Code Cong. and Adm.News, p. 5283. See, also, Pub.L. 94-273, 1976 U.S.Code Cong. and Adm.News, p. 690; Pub.L. 94-503, 1976 U.S.Code Cong. and Adm.News, p. 5374; Pub.L. 95-115, 1977 U.S.Code Cong. and Adm.News, p. 2556; Pub.L. 96-509, 1980 U.S.Code Cong. and Adm.News, p. 6098.

Cross References

Appropriations of funds for juvenile delinquency programs, see section 3793a of this title.

Library References

Infants ⇨13, 16, 17.

C.J.S. Infants §§ 11 et seq., 17, 18, 93 et seq.

§ 5672. Applicability of other administrative provisions

(a) The administrative provisions of sections 3782(a), 3782(c), 3783, 3784, 3785, 3786, 3787, 3788, 3789a, 3789b, 3789c(a), 3789d(c), 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b), and 3789g(d) of this title are incorporated in this chapter as administrative provisions applicable to this chapter. References in the cited sections authorizing action by the Director of the

Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics also shall be construed as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same action.

(b) The Office of Justice Assistance, Research and Statistics shall directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 3781(b) of this title.

(Pub.L. 93-415, Title II, § 262, Sept. 7, 1974, 88 Stat. 1129; Pub.L. 95-115, § 6(c), Oct. 3, 1977, 91 Stat. 1058; Pub.L. 96-509, § 16, Dec. 8, 1980, 94 Stat. 2761.)

Historical Note

References in Text. This chapter, referred to in subsec. (a), in the original read "this Act" meaning Pub.L. 93-415, Sept. 7, 1974, 88 Stat. 1109, which enacted this chapter and sections 3772 to 3774 and 3821 of this title and sections 4351 to 4353 and 5038 to 5042 of Title 18, Crimes and Criminal Procedure, amended sections 3701, 3723, 3733, 3768, 3811 to 3814, 3882, and 3883 to 3888 of this title, section 5108 of Title 5, Government Organization and Employees, and sections 5031 to 5037 of Title 18, and repealed section 3889 of this title.

1980 Amendment. Pub.L. 96-509 brought relevant applicable administrative provisions of the Omnibus Crime Control and Safe Streets Act of 1968 into conformance subsequent to the Justice System Improvement Amendments of 1979 and provided that the Office of Justice Assistance, Research, and Statistics provide staff support to, and coordinate the activities of the Office in the same manner as it does for the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 3781(b) of this title.

1977 Amendment. Pub.L. 95-115 substituted provisions setting forth applicability of specified statutory requirements, for provisions setting forth prohibitions against discrimination and required terms in grants, contracts, and agreements and enforcement procedures thereof.

Effective Date of 1977 Amendment. Amendment by Pub.L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub.L. 93-415, as added by Pub.L. 95-115, set out as an Effective Date of 1977 Amendment note under section 5601 of this title.

Effective Date. Section effective Sept. 7, 1974, see section 263(a) and (b) of Pub.L. 93-415, set out as an Effective Date note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 93-415, see 1974 U.S. Code Cong. and Adm.News, p. 5283. See, also, Pub.L. 95-115, 1977 U.S.Code Cong. and Adm.News, p. 2556; Pub.L. 96-509, 1980 U.S.Code Cong. and Adm.News, p. 6098.

Library References

Civil Rights ⇨9.5.

C.J.S. Civil Rights §§ 56 to 58.

SUBCHAPTER III—RUNAWAY AND HOMELESS YOUTH

§ 5701. Congressional statement of findings

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 inun-

localities and nonprofit private agencies in", "needs of runaway youth or otherwise homeless youth in" for "needs of runaway youth in", and "such youth" for "runaway youth" in two places

Effective Date of 1977 Amendment. Amendment by Pub.L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub.L. 93-415, as added by Pub.L. 95-115, set out as an Effective Date of 1977 Amendment note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 93-415, see 1974 U.S. Code Cong. and Adm.News, p. 5283. See, also, Pub.L. 95-115, 1977 U.S.Code Cong. and Adm.News, p. 2556; Pub.L. 96-509, 1980 U.S.Code Cong. and Adm.News, p. 6098.

Code of Federal Regulations

Runaway Youth grants, see 40 CFR 1351.1 et seq.

Library References

United States ⇐82(2). C.J.S. United States § 122.

§ 5712. Eligibility; plan requirements

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

(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 center—

(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 center and for providing for other appropriate alternative living arrangements;

(4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, social service personnel, and welfare 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 center 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 center 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 the consent of the individual youth and parent or legal guardian to anyone other than another

agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway youths;

(7) shall submit annual reports to the Secretary detailing how the center 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 center under this subsection; and

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

(Pub.L. 93-415, Title III, § 312, Sept. 7, 1974, 88 Stat. 1130; Pub.L. 95-115, § 7(a)(2), (3), Oct. 3, 1977, 91 Stat. 1058; Pub.L. 96-509, § 18(d), Dec. 8, 1980, 94 Stat. 2762.)

Historical Note

1980 Amendment. Subsec. (a). Pub.L. 96-509, § 18(d)(1), substituted "center" for "house" and inserted "or to other homeless juveniles" following "parents or guardians".

Subsec. (b). Pub.L. 96-509, § 18(d)(2), substituted "center" for "house" wherever appearing and in par. (4) inserted reference to social service personnel and welfare personnel.

1977 Amendment. Subsec. (b). Pub.L. 95-115 in par. (5) substituted "aftercare services" for "aftercase services" and in par. (6) substituted "the consent of the individual youth and parent or legal guardian" for "parental consent".

Effective Date of 1977 Amendment. Amendment by Pub.L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub.L. 93-415, as added by Pub.L. 95-115, set out as an Effective Date of 1977 Amendment note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 93-415, see 1974 U.S. Code Cong. and Adm.News, p. 5283. See, also, Pub.L. 95-115, 1977 U.S.Code Cong. and Adm.News, p. 2556; Pub.L. 96-509, 1980 U.S.Code Cong. and Adm.News, p. 6093.

§ 5713. Approval of application by Secretary; priority

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 5712 of this title. Priority shall be given to grants smaller than $150,000. In considering grant applications under this part, priority shall be given to organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families.

(Pub.L. 93-415, Title III, § 313, Sept. 7, 1974, 88 Stat. 1131; Pub.L. 95-115, § 7(a)(4), Oct. 3, 1977, 91 Stat. 1058; Pub.L. 96-509, § 18(e), Dec. 8, 1980, 94 Stat. 2762.)

Historical Note

1980 Amendment. Pub.L. 96-509 substituted "$150,000" for "$100,000" and "organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families" for "any applicant whose program budget is smaller than $150,000".

1977 Amendment. Pub.L. 95-115 substituted "$100,000" and "$150,000" for "$75,000" and "$100,000", respectively.

Effective Date of 1977 Amendment. Amendment by Pub.L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub.L. 93-415, as added by Pub.L. 95-115, set out as an Effective Date of 1977 Amendment note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 93-415, see 1974 U.S. Code Cong. and Adm.News, p. 5283. See, also, Pub.L. 95-115, 1977 U.S.Code Cong. and Adm.News, p. 2556; Pub.L. 96-509, 1980 U.S.Code Cong. and Adm.News, p. 6098.

§ 5714. Grants to nonprofit private agencies; control over staff and personnel

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.

(Pub.L. 93-415, Title III, § 314, Sept. 7, 1974, 88 Stat. 1131.)

Historical Note

Legislative History. For legislative history and purpose of Pub.L. 93-415, see 1974 U.S. Code Cong. and Adm.News, p. 5283.

§ 5715. Annual report to Congress

The Secretary shall annually report to the Congress on the status and accomplishments of the runaway centers 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.

(Pub.L. 93-415, Title III, § 315, Sept. 7, 1974, 88 Stat. 1131; Pub.L. 96-509, § 18(f), Dec. 8, 1980, 94 Stat. 2762.)

Historical Note

1980 Amendment. Pub.L. 96-509 substituted "centers" for "houses".

Legislative History. For legislative history and purpose of Pub.L. 93-415, see 1974 U.S. Code Cong. and Adm.News, p. 5283. See, also, Pub.L. 96-509, 1980 U.S.Code Cong. and Adm.News, p. 6098.

§ 5716. Federal and non-Federal share; methods of payment

(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.

(Pub.L. 93-415, Title III, § 316, Sept. 7, 1974, 88 Stat. 1132.)

Historical Note

Legislative History. For legislative history and purpose of Pub.L. 93-415, see 1974 U.S. Code Cong. and Adm.News, p. 5283.

PART B—RECORDS

§ 5731. Restrictions on disclosure and transfer

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

(Pub.L. 93-415, Title III, § 321, Sept. 7, 1974, 88 Stat. 1132; Pub.L. 95-115, § 7(b), Oct. 3, 1977, 91 Stat. 1058.)

Historical Note

References in Text. This chapter, referred to in text, in the original read "this Act" meaning Pub.L. 93-415, Sept. 7, 1974, 88 Stat. 1109, which enacted this chapter and sections 3772 to 3774 and 3821 of this title and sections 4351 to 4353 and 5038 to 5042 of Title 18, Crimes and Criminal Procedure, amended sections 3701, 3723, 3733, 3768, 3811 to 3814, 3882, and 3883 to 3888 of this title, section 5108 of Title 5, Government Organization and Employees, and sections 5031 to 5037 of Title 18, and repealed section 3889 of this title.

1977 Amendment. Pub.L. 95-115 substituted provisions relating to restrictions on disclosure and transfer of records, for provisions relating to scope, etc., of statistical report to Congress.

Effective Date of 1977 Amendment. Amendment by Pub.L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub.L. 93-415, as added by Pub.L. 95-115, set out as an Effective Date of 1977 Amendment note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 93-415, see 1974 U.S. Code Cong. and Adm. News, p. 5283. See, also, Pub.L. 95-115, 1977 U.S.Code Cong. and Adm.News, p. 2556.

Library References

Infants ⚖133.

C.J.S. Criminal Law § 2008.
C.J.S. Infants §§ 69 to 85.

§ 5732. Repealed. Pub.L. 95–115, § 7(b), Oct. 3, 1977, 91 Stat. 1058

Historical Note

Section Pub.L. 93–415, Title III, § 322, Sept. 7, 1974, 88 Stat. 1132, set forth restrictions on disclosure and transfer of records. See section 5731 of this title.

Effective Date of Repeal. Repeal by Pub. L. 95–115 effective Oct. 1, 1977, see section 26 (c) of Pub.L. 93–415, as added by Pub.L. 95–115, set out as an Effective Date of 1977 Amendment note under section 5601 of this title.

PART C—REORGANIZATION

§ 5741. Reorganization plan; submittal to Congress; required contents

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

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

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

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

(B) within the ACTION Agency;

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

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

Youth Development shall continue in effect until modified, superseded, or revoked;

(4) that all official actions taken by the Secretary of Health and Human Services, his designee, or any other person under the authority of this subchapter which are in force on the effective date of such plan, and for which there is continuing authority under the provisions of this subchapter, shall continue in full force and effect until modified, supperseded,[1] or revoked by the Associate Administrator for the office[2] of Juvenile Justice and Delinquency Prevention or by the Director of the ACTION Agency, as the case may be, as appropriate; and

(5) that references to the Office of Youth Development within the Department of Health and Human Services in any statue,[3] reorganization plan, Executive order, regulation, or other official document or proceeding shall, on and after such date, be deemed to refer to the Office of Youth Assistance within the Office of Juvenile Justice and Delinquency Prevention or within the ACTION Agency, as the case may be, as appropriate.

(Pub.L. 93–415, Title III, § 331, as added Pub.L. 95–115, § 7(c), Oct. 3, 1977, 91 Stat. 1059, and amended Pub.L. 96–88, Title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

[1] So in original. Probably should be "superseded".

[2] So in original. Probably should be "Office".

[3] So in original. Probably should be "statute".

Historical Note

Change of Name. "Department of Health and Human Services" was substituted for "Department of Health, Education, and Welfare" in subsec. (b)(3) and (5), and "Secretary of Health and Human Services" was substituted for "Secretary of Health, Eduation, and Welfare" in subsec. (b)(4), pursuant to section 509(b) of Pub.L. 96–88, which is classified to section 3508(b) of Title 20, Education.

Effective Date. Section effective Oct. 1, 1977, see section 263(c) of Pub.L. 93–415, as added by Pub.L. 95–115, set out as an Effective Date of 1977 Amendment note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 95–115, see 1977 U.S. Code Cong. and Adm.News, p. 2556.

PART D—AUTHORIZATION OF APPROPRIATIONS

Historical Note

1977 Amendment. Pub.L. 95–115 § 7(c), Oct. 3, 1977, 91 Stat. 1059, designated former part C of this subchapter as part D.

§ 5751. Amounts authorized for programs and activities; consultative and coordinating requirements

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

(b) The Secretary (through the Office of Youth Development which shall administer this subchapter) shall consult with the Attorney General

(through the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this subchapter with those related programs and activities funded under subchapter II of this chapter and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended [42 U.S.C.A. § 3701 et seq.].

(Pub.L. 93-415, Title III, § 341, formerly § 331, Sept. 7, 1974, 88 Stat. 1132; Pub. L. 94-273, § 32(c), Apr. 21, 1976, 90 Stat. 380, renumbered and amended Pub.L. 95-115, § 7(c), (d), Oct. 3, 1977, 91 Stat. 1059, 1060; Pub.L. 96-509, § 2(b), Dec. 8, 1980, 94 Stat. 2750.)

Historical Note

References in Text. The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (b), is Pub.L. 90-351, June 19, 1968, 82 Stat. 197, as amended, Title I of which is classified principally to chapter 46 (section 3701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of this title and Tables volume.

1980 Amendment. Subsec. (a). Pub.L. 96-509 substituted provisions authorizing appropriations of $25,000,000 for each of the fiscal years ending Sept. 30, 1981, 1982, 1983, and 1984, for provisions that had authorized appropriations of $10,000,000 for each of the fiscal years ending Sept. 30, 1975, 1976, and 1977, and $25,000,000 for each of the fiscal years ending Sept. 30, 1978, 1979, and 1980.

1977 Amendment. Subsec. (a). Pub.L. 95-115, § 7(d)(1), added provisions authorizing appropriations for the fiscal years ending Sept. 30, 1978, 1979, and 1980.

Subsec. (b). Pub.L. 95-115, § 7(d)(2) substituted provisions relating to consultative and coordinating requirements for funded programs and activities, for provisions relating to authorization for funding surveys under part B of this subchapter.

1976 Amendment. Subsec. (a). Pub.L. 94-273 added "and" preceding "1976" and substituted "September 30, 1977" for "1977".

Effective Date of 1977 Amendment. Amendment by Pub.L. 95-115 effective Oct. 1, 1977, see section 263(c) of Pub.L. 93-415, as added by Pub.L. 95-115, set out as an Effective Date of 1977 Amendment note under section 5601 of this title.

Legislative History. For legislative history and purpose of Pub.L. 93-415, see 1974 U.S. Code Cong. and Adm.News, p. 5283. See, also, Pub.L. 94-273, 1976 U.S. Code Cong. and Adm.News, p. 690; Pub.L. 95-115, 1977 U.S.Code Cong. and Adm.News, p. 2556; Pub.L. 96-509, 1980 U.S.Code Cong. and Adm.News, p. 6098.

Library References

United States ⟸12

C.J.S. United States § 122.

CHAPTER 73—DEVELOPMENT OF ENERGY SOURCES

Sec.

5801. Congressional declaration of policy and purpose.
- (a) Development and utilization of energy sources.
- (b) Necessity of establishing Energy Research and Development Administration.
- (c) Separation of licensing and regulatory functions of Atomic Energy Commission.
- (d) Small business participation.
- (e) Priorities.

SUBCHAPTER I—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

5811. Establishment of Energy Research and Development Administration.

5812. Officers of Administration.
- (a) Administrator; appointment.
- (b) Deputy Administrator.
- (c) Qualifications of Administrator and Deputy Administrator.
- (d) Assistant Administrators; number; appointment; qualifications.
- (e) General Counsel.
- (f) Additional officers.
- (g) Director of Military Application; functions; qualifications; compensation.
- (h) Allocation of functions; responsibility for international cooperation.
- (i) Order of succession.

5813. Responsibilities of Administrator.

5814. Abolition and transfers.
- (a) Abolition of Atomic Energy Commission.
- (b) Transfer or lapse of functions of Atomic Energy Commission.
- (c) Functions of Atomic Energy Commission transferred to Administrator.
- (d) Transfer of General Advisory Committee, Patent Compensation Board, and Divisions of Military Application and Naval Reactors to Administration.
- (e) Transfer to Administrator of certain functions of Secretary of Interior and Department of Interior; study of potential energy application of helium; report to President and Congress.
- (f) Transfer to Administrator of certain functions of National Science Foundation.

SUBCHAPTER F—THE ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES, YOUTH SERVICES PROGRAMS

PART 1351—RUNAWAY YOUTH PROGRAM

Subpart A—Definition of Terms

Sec.
1351.1 Significant terms.

Subpart B—Runaway Youth Program Grant

1351.10 What is the purpose of the Runaway Youth Program grant?
1351.11 Who is eligible to apply for a Runaway Youth Program grant?
1351.12 Who gets priority for the award of a Runaway Youth Program grant?
1351.13 What are the Federal and non-Federal participation requirements under a Runaway Youth Program grant?
1351.14 What is the period for which a grant will be awarded?
1351.15 What costs are supportable under a Runaway Youth Program grant?
1351.16 What costs are not allowable under a Runaway Youth Program grant?
1351.17 How is application made for a Runaway Youth Program grant?
1351.18 What criteria has HHS established for deciding which Runaway Youth Program grant applications to fund?
1351.19 What additional information should an applicant or grantee have about a Runaway Youth Program grant?

Subpart C—Additional Requirements

1351.20 What are the additional requirements under a Runaway Youth Program grant?

AUTHORITY: 91 Stat. 1058 (42 U.S.C. 5711).

SOURCE: 43 FR 55635, Nov. 28, 1978, unless otherwise noted.

Subpart A—Definition of Terms

§ 1351.1 Significant terms.

For the purposes of this part:

(a) "Aftercare services" means the provision of services to runaway or otherwise homeless youth and their families, following the youth's return home or placement in alternative living arrangements which assist in alleviating the problems that contributed to his or her running away or being homeless.

(b) "Area" means a specific neighborhood or section of the locality in which the runaway youth project is or will be located.

(c) "Coordinated networks of agencies" means an association of two or more nonprofit private agencies, whose purpose is to develop or strengthen services to runaway or otherwise homeless youth and their families.

(d) "Counseling services" means the provision of guidance, support and advice to runaway or otherwise homeless youth and their families designed to alleviate the problems which contributed to the youth's running away or being homeless, resolve intrafamily problems, to reunite such youth with their families, whenever appropriate, and to help them decide upon a future course of action.

(e) "Demonstrably frequented by or reachable" means located in an area in which runaway or otherwise homeless youth congregate or an area accessible to such youth by public transportation or by the provision of transportation by the runaway youth project itself.

(f) "Homeless youth" means a person under 18 years of age who is in need of services and without a place of shelter where he or she receives supervision and care.

(g) "Juvenile justice system" means agencies such as, but not limited to juvenile courts, law enforcement, probation, parole, correctional institutions, training schools, and detention facilities.

(h) "Law enforcement structure" means any police activity or agency with legal responsibility for enforcing a criminal code including, police departments and sheriffs offices.

(i) "A locality" is a unit of general government—for example, a city, county, township, town, parish, village, or a combination of such units. Federally recognized Indian tribes are eligible to apply for grants as local units of government.

(j) "A nonprofit private agency" is any agency, organization, or institution whose net earnings do not benefit any private shareholder, governing board member, or individual and which agrees to be legally responsible for the operation of a runaway youth project. It may include agencies which are fully controlled by private boards or persons. Non-Federally recognized Indian tribes and Indian organizations are eligible to apply for grants as nonprofit private agencies.

(k) "Runaway youth project" means a locally controlled human service program facility outside the law enforcement structure and the juvenile justice system providing temporary shelter, either directly or through other facilities, counseling and aftercare services to runaway or otherwise homeless youth.

(l) "Runaway youth" means a person under 18 years of age who absents himself or herself from home or place of legal residence without the permission of parents or legal guardian.

(m) "Short-term training" means the provision of local, State, or regionally based instruction to runaway or otherwise homeless youth service providers in skill areas that will directly strengthen service delivery.

(n) "A State" includes 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.

(o) "Technical assistance" means the provision of expertise or support for the purpose of strengthening the capabilities of grantee organizations to deliver services.

(p) "Temporary shelter" means the provision of short-term (maximum of 15 days) room and board and core crisis intervention services, on a 24-hour basis, by a runaway youth project.

Subpart B—Runaway Youth Program Grant

§ 1351.10 What is the purpose of the Runaway Youth Program grant?

The purpose of the Runaway Youth Program grant is to establish or strengthen existing or proposed community-based runaway youth projects to provide temporary shelter and care to runaway or otherwise homeless youth who are in need of temporary shelter, counseling and aftercare services. The Department is concerned about the increasing numbers of youth who leave, and stay away from, their homes without permission of their parents or legal guardian. There is also national concern about runaway youth who have no resources, who live on the street, and who represent law enforcement problems in the communities to which they run. The problems of runaway or otherwise homeless youth should not be the responsibility of already overburdened police departments and juvenile justice authorities. Rather, Congress intends that the responsibility for locating, assisting, and returning such youth should be placed with low-cost, community-based human service programs.

§ 1351.11 Who is eligible to apply for a Runaway Youth Program grant?

(a) States, localities, nonprofit private agencies and coordinated networks of private nonprofit agencies are eligible to apply for a Runaway Youth Program grant unless they are part of the law enforcement structure or the juvenile justice system.

§ 1351.12 Who gets priority for the award of a Runaway Youth Program grant?

In making Runaway Youth Program grants, HHS gives priority to those private agencies which have had past experience in dealing with runaway or otherwise homeless youth. HHS also gives priority to applicants whose total grant requests for services to runaway or otherwise homeless youth are less than $100,000 and whose project budgets, considering all funding sources, are smaller than $150,000. Past experience means that a major activity of the agency has been the provision of temporary shelter, counseling, and referral services to runaway or otherwise homeless youth and their families, either directly or through linkages established with other community agencies.

§ 1351.13 What are the Federal and non-Federal Financial Participation requirements under a Runaway Youth Program grant?

HHS will pay 90 percent of the costs of operating a runaway youth project for any fiscal year. Grantees must pay 10 percent of the costs of operating a runaway youth project for any fiscal year.

§ 1351.14 What is the period for which a grant will be awarded?

(a) The initial notice of grant award specifies how long HHS intends to support the project without requiring the project to recompete for funds. This period, called the project period, will not exceed three years.

(b) Generally the grant will initially be for one year. A grantee must submit a separate application to have the support continued for each subsequent year. Continuation awards within the project period will be made provided the grantee has made satisfactory progress, funds are available, and HHS determines that continued funding is in the best interest of the Government.

§ 1351.15 What costs are supportable under a Runaway Youth Program grant?

Costs which can be supported include, but are not limited to, temporary shelter, referral services, counseling services, aftercare services, and staff training. Costs for acquisition and renovation of existing structures may not normally exceed 15 percent of the grant award. HHS may waive this limitation upon written request under special circumstances based on demonstrated need.

§ 1351.16 What costs are not allowable under a Runaway Youth Program grant?

A Runaway Youth Progam grant does not cover the cost of constructing new facilities.

§ 1351.17 How is application made for a Runaway Youth Program grant?

HHS publishes annually in the FEDERAL REGISTER a program announcement of grant funds available under the Runaway Youth Program Act. The program announcement states the amount of funds available, program priorities for funding, and criteria for evaluating applications in awarding grants. The announcement also describes specific procedures for receipt and review of applications. An applicant should:

(a) Obtain a program announcement from the FEDERAL REGISTER or from one of HHS's 10 Regional Offices in Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco, and Seattle;

(b) Obtain an application package from one of HHS's Regional Offices; and

(c) Submit a completed application to the Grants Management Office at the appropriate Regional Office.

[43 FR 55635, Nov. 28, 1978, as amended at 48 FR 29202, June 24, 1983]

§ 1351.18 What criteria has HHS established for deciding which Runaway Youth Program grant applications to fund?

In reviewing applications for a Runaway Youth Program grant, HHS takes into consideration a number of factors, including:

(a) Whether the application meets one or more of the program's funding priorities; (see § 1351.12)

(b) The need for Federal support based on the number of runaway or otherwise homeless youth in the area in which the runaway youth project is or will be located;

(c) The availability of services to runaway or otherwise homeless youth in the area in which the runaway youth project is located;

(d) Whether there is a minimum residential capacity of four and a maximum residential capacity not to exceed 20 youth with a ratio of staff to youth sufficient to assure adequate supervision and treatment;

(e) Plans for meeting the best interests of the youth involving, when possible, both the youth and the parent or legal guardian. These must include contacts with parents or legal guardian. This contact should be made within 24 hours, but must be made no more than 72 hours following the time of the youth's admission into the runaway youth project. The plans must also include assuring the youth's safe return home or to local government officials or law enforcement officials and indicate efforts to provide appropriate alternative living arrangements.

(f) Plans for the delivery of aftercare or counseling services to runaway or otherwise homeless youth and their parents or legal guardians;

(g) Whether the estimated cost to the Department for the runaway youth project is reasonable considering the anticipated results;

(h) Whether the proposed personnel are well qualified and the applicant agency has adequate facilities and resources;

(i) Whether the proposed project design, if well executed, is capable of attaining program objectives;

(j) The consistency of the grant application with the provisions of the Act and these regulations.

§ 1351.19 What additional information should an applicant or grantee have about a Runaway Youth Program grant?

(a) Several other HHS rules and regulations apply to applicants for or recipients of Runaway Youth Program grants. These include:

(1) The provisions of 45 CFR Part 74 pertaining to the Administration of Grants;

(2) The provisions of 45 CFR Part 16, Departmental Grants Appeal Process, and the provisions of Informal Grant Appeal Procedures (Indirect Costs) in volume 45 CFR Part 75;

(3) The provisions of 45 CFR Part 80 and 45 CFR Part 81 pertaining to nondiscrimination under programs receiving Federal assistance, and hearing procedures;

(4) The provisions of 45 CFR Part 84 pertaining to discrimination on the basis of handicap;

(5) The provisions of 45 CFR Part 46 pertaining to protection of human subjects.

(b) Several program policies regarding confidentiality of information, treatment, conflict of interest and State protection apply to recipients of Runaway Youth Program grants. These include:

(1) *Confidential information.* All information including lists of names, addresses, photographs, and records of evaluation of individuals served by a runaway youth project shall be confidential and shall not be disclosed or transferred to any individual or to any public or private agency without written consent of the youth and parent or legal guardian. Youth served by a runaway youth project shall have the right to review their records; to correct a record or file a statement of disagreement; and to be apprised of the individuals who have reviewed their records. Procedures shall be established for the training of project staff in the protection of these rights and for the secure storage of records.

(2) *Medical, psychiatric or psychological treatment.* No youth shall be subject to medical, psychiatric or psychological treatment without the consent of the youth and parent or legal guardian unless otherwise permitted by State law.

(3) *Conflict of interest.* Employees or individuals participating in a program or project under the Act shall not use their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.

(4) *State law protection.* HHS policies regarding confidential information and experimentation and treatment shall not apply if HHS finds that State law is more protective of the rights of runaway or otherwise homeless youth.

(c) Nothing in the Runaway Youth Act or these regulations gives the Federal Government control over the staffing and personnel decisions regarding individuals hired by a runaway youth project receiving Federal funds.

Subpart C—Additional Requirements

§ 1351.20 What are the additional requirements under a Runaway Youth Program grant?

(a) To improve the administration of the Runaway Youth Program by increasing the capability of the runaway

youth service providers to deliver services. HHS will require grantees to accept technical assistance and short-term training as a condition of funding for each budget period.

(1) Technical assistance may be provided in, but not limited to, such areas as:

- Program Management,
- Fiscal Management,
- Development of coordinated networks of private nonprofit agencies to provide services, and
- Low cost community alternatives for runaway or otherwise homeless youth.

(2) Short-term training may be provided in, but not limited to, such areas as:

- Shelter facility staff development,
- Aftercare services or counseling,
- Fund raising techniques,
- Youth and Family counseling, and
- Crisis intervention techniques.

(b) Grantees will be required to coordinate their activities with the 24-hour National toll-free communication system which links runaway youth projects and other service providers with runaway or otherwise homeless youth.

(c) Grantees will also be required to submit statistical reports profiling the clients served. The statistical reporting requirements are mandated by the Act which states that "runaway youth projects shall keep adequate statistical records profiling the children and parents which it serves . . ."

SUBCHAPTER G—THE ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES, FOSTER CARE MAINTENANCE PAYMENTS, ADOPTION ASSISTANCE, CHILD WELFARE SERVICES

PART 1355—GENERAL

Sec.

1355.10 Scope.
1355.20 Definitions.
1355.21 State plan requirements for titles IV-E and IV-B.
1355.30 Other applicable regulations.

AUTHORITY: Adoption Assistance and Child Welfare Act of 1980, Pub. L. 96-272, 42 U.S.C. 670 et seq., 94 Stat. 501, 42 U.S.C. 620 et seq., 94 Stat. 516 et seq., section 1102 of the Social Security Act, as amended, 42 U.S.C. 1302.

§ 1355.10 Scope.

Part 1355 applies to State programs and contains general requirements for Federal financial participation under titles IV-E and IV-B of the Social Security Act, as amended.

[48 FR 23114, May 23, 1983]

§ 1355.20 Definitions.

(a) Unless otherwise specified, the following terms as they appear in 45 CFR Parts 1355, 1356 and 1357 of this title are defined as follows—

Act means the Social Security Act, as amended.

ACYF means Administration for Children, Youth and Families, Office of Human Development Services, U.S. Department of Health and Human Services.

Child abuse and neglect means the definition contained in 45 CFR Part 1340, Child Abuse and Neglect Prevention and Treatment Program.

Commissioner means the Commissioner for Children, Youth and Families (ACYF), Office of Human Development Services, U.S. Department of Health and Human Services.

Department means the United States Department of Health and Human Services.

Detention facility in the context of the definition of child care institution in section 472(c)(2) of the Act means a physically restricting facility for the care of children who require secure custody pending court adjudication, court disposition, execution of a court order or after commitment.

Foster family home means the home of an individual or family licensed or approved by the State licensing or approval authority(ies) (or with respect to foster family homes on or near Indian reservations, by the tribal licensing or approval authority(ies)), that provides 24-hour out-of-home care for children. The term may include group homes, agency operated boarding homes or other facilities licensed or approved for the purpose of providing foster care by the State agency responsible for approval or licensing of such facilities.

State means the 50 States, the District of Columbia, and, except in 45 CFR 1356.65 and 1356.70, the Commonwealth of Puerto Rico, Guam, the Virgin Islands and the Commonwealth of the Northern Mariana Islands.

State agency means the State agency administering or supervising the administration of the title IV-E and title IV-B State plans.

(b) Unless otherwise specified, the definitions contained in section 475 of the Act apply to all programs under titles IV-E and IV-B of the Act.

[48 FR 23114, May 23, 1983]

§ 1355.21 State plan requirements for titles IV-E and IV-B.

(a) The State plans for titles IV-E and IV-B must provide for safeguards on the use and disclosure of information which meet the requirements contained in section 471(a)(8) of the Act.

(b) The State plans for titles IV-E and IV-B must provide for compliance with the Department's regulations listed in 45 CFR 1355.30.

(c) The State plans and plan amendments for titles IV-E and IV-B must be made available by the State agency for public review and inspection.

[48 FR 23114, May 23, 1983]

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LEGISLATIVE HISTORY

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JUVENILE JUSTICE
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JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

P.L. 93-415, see page 1267

Senate Report (Judiciary Committee) No. 93-1011, July 16, 1974 [To accompany S. 821]

House Report (Education and Labor Committee) No. 93-1135, June 21, 1974 [To accompany H.R. 15276]

Senate Conference Report No. 93-1103, Aug. 16, 1974 [To accompany S. 821]

House Conference Report No. 93-1298, Aug. 19, 1974 [To accompany S. 821]

Cong. Record Vol. 120 (1974)

DATES OF CONSIDERATION AND PASSAGE

Senate July 25, August 19, 1974

House July 31, August 21, 1974

The Senate bill was passed in lieu of the House bill. The Senate Report and the House Conference Report are set out.

SENATE REPORT NO. 93-1011

THE Committee on the Judiciary, to which was referred the bill (S. 821) to improve the quality of juvenile justice and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, having considered the same, reports favorably thereon, with an amendment in the nature of a substitute, and recommends that the bill as amended do pass.

Purpose

The Committee bill, as amended, provides for Federal leadership and coordination of the resources necessary to develop and implement at the State and local community level effective programs for the prevention and treatment of juvenile delinquency. Towards this end, it establishes a new Juvenile Justice and Delinquency Prevention program within the Department of Justice, Law Enforcement Assistance Administration, to provide comprehensive national leadership for attacking the problems of junevile delinquency and to insure coordination of all delinquency activities of the Federal government.

The bill also authorizes substantial grants to States, local governments, and public and private agencies through existing mechanisms of the Law Enforcement Assistance Administration to encourage the development of comprehensive programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to traditional

detention and correctional facilities used for the confinement of juveniles.

The bill creates a National Institute for Juvenile Justice within the LEAA's National Institute of Law Enforcement and Criminal Justice to serve as a center for national efforts in juvenile delinquency evaluation, data collection and dissemination, research and training. The Institute through an Advisory Committee on Standards for Juvenile Justice, will be charged with developing recommendations on Federal action to facilitate adoption of standards for the administration of juvenile justice.

The bill also amends the Federal Juvenile Delinquency Act, virtually unchanged for the past thirty-five years, to provide basic procedural rights for juveniles who come under Federal jurisdiction and to bring Federal procedures up to the standards set by various model acts, many state codes and court decisions.

The bill also creates a National Institute of Corrections to serve as a center of correctional knowledge for federal, state and local correctional agencies and programs to develop national policies, educational and training programs and provide research, evaluation and technical assistance.

Legislative History

92d Congress

On February 8, 1972, Senator Birch Bayh introduced S. 3148, entitled the "Juvenile Justice and Delinquency Prevention Act of 1972." The bill was referred to the Committee after which it was referred to the Subcommittee to Investigate Juvenile Delinquency. Hearings were conducted on May 15, 16, and June 27, 28, 1972, in Washington, D.C. A total of 34 witnesses presented testimony on S. 3148 and the related issues of the adequacy of the response of the Federal Government to the juvenile delinquency problem. The cosponsors of this legislation include Senators Humphrey, Hart, Kennedy, Moss, Bible, Ribicoff, Montoya, McGovern, Eagleton, Inouye, Muskie, Williams, Pastore, McGee, Mondale and Cranston.

93d Congress

On February 8, 1973, Senator Birch Bayh and Senator Marlow W. Cook reintroduced S. 3148, with modifications, as S. 821. S. 821 was referred to the Committee after which it was referred to the Subcommittee to Investigate Juvenile Delinquency. Hearings were conducted on February 22, March 26, 27, and June 26, 27, 1973, in Washington, D.C. A total of 36 witnesses presented testimony on S. 821 and the related issues of the adequacy of the response of the Federal Government in the prevention and control of juvenile delinquency. The cosponsors of this legislation in addition to Senator Cook include Senators Abourezk, Bible, Brock, Burdick, Case, Church, Cranston, Domenici, Fong, Gravel, Hart, Humphrey, Inouye, Kennedy, Mathias, McGee, McGovern, Mondale, Montoya, Moss, Pastore, Randolph, Ribicoff, Tunney and Williams.

Subcommittee action

After the conclusion of these hearings, the Subcommittee to Investigate Juvenile Delinquency met in executive session on March 5, 1974, to consider the bill. Members of the Subcommittee present were: Senators Bayh, Burdick, Hart, Kennedy and Mathias. The Subcommittee unanimously reported to the Committee S. 821, as amended, by Senator Birch Bayh.

Committee action

The Committee met on May 8, 1974, to consider S. 821. Senator Hruska offered an amendment in the nature of a substitute, incorporating an amendment of Senator Burdick which was accepted by an 8-5 vote. Members voting in favor of the amendment were: Senators McClellan, Burdick, Hruska, Fong, Scott, Thurmond, Gurney and Eastland. Members voting against the amendment were: Senators Bayh, Hart, Kennedy, Tunney and Mathias. The Committee, on a motion by Senator Bayh, favorably reported S. 821, as amended.

Statement of the Problem

The problem of juvenile delinquency must be dealt with in an effective and meaningful manner if we are to reduce the ever increasing levels of crime and improve the quality of life in America.

The National Advisory Commission on Criminal Justice Standards and Goals after an exhaustive study of the problem of crime in America and of the solutions to the crime problem found that the first priority in reducing crime should be given to preventing juvenile delinquency. In its report, "A National Strategy to Reduce Crime," the Commission said:

* * * * * * *

> The highest attention must be given to preventing juvenile delinquency, to minimizing the involvement of young offenders in the juvenile and criminal justice system and to reintegrating delinquents and young offenders into the community.[1]

* * * * * * *

The Commission's position was taken because juvenile delinquency continues to present a most difficult challenge to the nation. Juveniles under 18 are responsible for 51 percent of the total arrests for property crimes, 23 percent for violent crimes, and 45 percent for all serious crime. From 1960 to the present, arrests of juveniles under 18 for violent crimes, such as murder, rape, and robbery, increased 216 percent. During the same period, arrests of juveniles for property crimes, such as burglary and auto theft, increased 91 percent. Between 1960 and 1970, total juvenile arrests (under 18) increased almost seven times faster than total adult arrests, and juvenile arrests for violent crimes increased almost three times faster than adult arrests. Recidivism rates for juvenile offenders are estimated to range from 60 to 75 percent and higher. For example, the FBI found that 74 percent of the offenders under 20 released in 1965 were rearrested by the end of 1968.

These data indicate three major aspects of juvenile delinquency which merit special attention: (1) the juvenile contribution to the total crime problem, (2) the rate of increase of juvenile crimes, and (3) the high rate of recidivism among juvenile offenders.

With regard to the increasing rate of juvenile crime, recent crime data indicate that serious juvenile crime is increasing at a lower rate; however, the problem remains largely intractable.

[1] National Advisory Commission on Criminal Justice Standards and Goals, "A National Strategy to Reduce Crime," p. 23 (1973).

While it is essentially a State and local problem which must be dealt with by the State and local governments, Federal assistance is very necessary to provide needed financial assistance and resources.

Congress over the years has attempted to provide these resources, but the work of the Senate Judiciary Committee Subcommittee to Investigate Juvenile Delinquency in the United States found in three years of investigation that greater Federal efforts and coordination were necessary.

The testimony of both the governmental and non-governmental witnesses disclosed that various Federal delinquency programs were spread among numbers of different agencies with frequently overlapping and duplicative functions. The report on the hearings concluded that there was no central responsibility within the Federal government for juvenile delinquency programs. The report found that there was no centralized leadership, no accepted national priorities, and no bureaucratic accountability for juvenile delinquency programs at the Federal level.[2]

A major roadblock to developing effective juvenile delinquency programs has been the lack of definition of objectives for dealing with juvenile delinquency and the need to identify a focus for Federal assistance efforts.

There is no one entity or problem described by the term juvenile delinquency which can be addressed in a singular manner. The magnitude and complexity of the problem requires that a balanced multifaceted problem solving approach be taken. As Richard W. Velde, the Associate Administrator of LEAA, observed in testifying before this committee, "[j]uvenile delinquency efforts of necessity involve law enforcement, education, recreation, employment, health services, the courts and corrections and require cooperation from all agencies furnishing these services."[3]

Mr. Velde's statement calls to our attention the need to view the juvenile justice system as an entity which offers a wide range of approaches and alternatives for coping with the juvenile crime problem. The juvenile justice system must be viewed as a continuum of responses (including the utilization of resources outside the formal system of police, courts, and corrections) which are made to juvenile crime in an attempt to prevent and reduce its occurrence, the larger aim of which is to assist youth in becoming productive members of our society.

It is necessary, therefore, to provide a comprehensive and coordinated focus to the issues surrounding juvenile delinquency prevention, control, and offender rehabilitation with a balance reflected by:

> Assistance to those agencies and professions charged with the [illegible] ple, thereby reducing the likelihood of youthful criminal justice system involvement;

[2] See hearings before the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, "The Role of the Federal Government in the Area of Juvenile Delinquency" (92d Congress, 1st Session, March 31 and April 1, 1972) and Staff Report of the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate "Legislative Oversight Hearings on Federal Juvenile Delinquency Programs March 31 and April 1, 1972." 92d Congress, 1st Session, December 1971.

[3] Hearings before the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate "The Juvenile Justice and Delinquency Prevention Act—S. 3148 and S. 821." (92d Congress, 2d Session and 93d Congress, 1st Session, May 15, 16 and June 27, 29, 1972; February 22, March 26, 27 and June 26, 27, 1973), p. 686. [Hereinafter cited as Hearings.]

> Assistance in the development of State and local mechanisms designed to channel juveniles, for whom the criminal justice system is inappropriate, away from and out of the system into human problem-solving agencies and professions;
>
> Assistance to police, courts, and correctional agencies, together with community resources, in their efforts to control and reduce crimes committed by juveniles, to improve the quality of justice for juveniles, and to deal effectively and humanely with offenders.

This approach is dictated by two related sets of factors. The first set focuses on the needs and problems of juvenile offenders and youth in general. The second set focuses on major problems surrounding juvenile justice systems which render them less effective in responding to the juvenile delinquency problem.

With regard to the needs and problems of juvenile offenders and youth in general, several factors must be considered. First, most children and youth mature and develop into positive and productive members of society. However, those children and youth who have had no contact with the criminal justice system are still of concern both as this country's greatest resource and as the pool of people out of which the next group of juveniles who commit criminal acts will emerge.

Systems must be designed and developed to help all children and youth achieve their positive potential and to prevent or reduce the likelihood of their involvement in the criminal justice system.

Thus, the National Advisory Commission on Criminal Justice Standards and Goals in its report "A National Strategy to Reduce Crime" after listing the prevention and control of juvenile delinquency as a first priority called next for a high national priority to be placed on improving the Delivery of Social Services and observed that:

* * * * * * *

> There is abundant evidence that crime occurs with greater frequency where there are poverty, illiteracy, and unemployment, and where medical, recreational, and mental health resources are inadequate. When unemployment rates among youths in poverty areas of central cities are almost 40 percent and crime is prevalent, it is impossible not to draw conclusions about the relationship between jobs and crime. The Commission believes that effective and responsive delivery of public services that promote individual and economic well-being will contribute to a reduction in crime.[4]

* * * * * * *

Second, it is well documented that youths whose behavior is non criminal—although certainly problematic and troublesome—have inordinately preoccupied the attention and resources of the juvenile justice system. Nearly 40 percent (one-half million per year) of the children brought to the attention of the juvenile justice system have committed no criminal act, in adult terms, and are involved simply because they are juveniles.[5] These juveniles status offenders generally are inappropriate clients for the formal police courts and corrections process of the juvenile justice system. These children and youth should be channeled to those agencies and professions which are mandated

[4] "A National Strategy to Reduce Crime," supra note 1, at 23.
[5] Id.

and in fact purport to deal with the substantive human and social issues involved in these areas.

Recent priorities have focused on developing and providing viable diversion mechanisms for dealing with these youths outside of the formal police, courts and corrections process. Youth Service Bureaus, as initially advocated by the 1967 Crime Commission,[6] are widely used to provide community referral services. The essential problem is one of delivering needed services or attention in such a way and at a time that may be crucial in preventing the development of a criminal career. The incidence of juvenile status offenses is so high as to warrant major innovations in coping with this pre-delinquent or potentially delinquent behavior.

In testimony before the Subcommittee the President of the National Association of State Juvenile Delinquency Program Administrators on February 22, 1973, said in part:

* * * * * * *

> The structural and procedural system has two built-in patterns that tend to be self-defeating. First, the youth in need of trouble is identified and labeled. As he is labeled, certain sanctions are imposed and certain critical stances assumed. The sanctions and the stance tend to convince the individual that he is deviant, that he is different, and to confirm any doubts he may have had about his capacity to function in the manner of the majority.
>
> Second, as the label is more securely affixed, society's agencies (police, schools, etc.), lower their level of tolerance of any further deviance: the curfew violator who is an identified parolee or probationer may go into detention; the non-labeled offender will frequently go home; and the misbehaving probationer will be remanded to the vice-principal's office faster than his non-probation fellow. As these discriminations are made, the youth is further convinced of the difference and of society's discrimination.
>
> If the unacceptable behavior continues and the youngster penetrates further into the justice and correctional apparatus, he is subjected to an increasing degree of segregation from others of his kind—from special schools to detention to state correctional school—each step invites a greater identification with the subculture of the delinquent, and so, again, his anti-adult-antisocial-peer-oriented values are reinforced and confirmed, and the socializing conformity-producing influence of the majority society are removed further from him.
>
> Thus, as the state's "treatment" is intensified, so too is the rejection, both covert, and overt, and as we try harder to socialize the deviant, we remove him further from the normal socializing processes.
>
> Our objective must be, therefore, to minimize the youngster's penetration into all negative labeling, institutional processes. To this end, we must exploit all of the available alternatives at each decision point, i.e., suspension, expulsion, arrest, detention, court wardship, commitments, parole revocation.

[6] President's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a *Free Society*" (1967).

> At each critical step, we should exhaust the less rejecting, the less stigmatizing recourses before taking the next expulsive step.[7]

Third, if the status offender were diverted into the social service delivery network, the remaining juveniles would be those who have committed acts which, under any circumstances, would be considered criminal. It is essential that greater attention be given to serious youth crime, which has increased significantly in recent years. These children and youth are appropriate clients for the formal process of the juvenile justice system. A mugging victim does not care about the age of his or her assailant. The victim believes that it should not have happened and that something must be done. Juveniles constitute nearly half of the people arrested for the serious crime in this country, and the rate of increase outstrips that of adult arrests. The cost to the community is high in many ways. The amounts of money, time, life, property, resources, plus the emotional costs of fear, anger, confusion, and alienation are compelling reasons for the control of crimes committed by juveniles being a priority.

With regard to major problems surrounding juvenile justice system operations, the following factors must be considered. First, juvenile justice systems tend to be fragmented, bifurcated, and localized in their institutional responses to delinquency. Many witnesses before the Committee testified that often the choice for decision-makers is only one of incarceration versus release. Often, the special needs and problems of youthful offenders can only be met by agencies who do not have jurisdiction over the youth. Often, the juvenile justice processing agencies are not tied in to the larger social service and human resources networks of the State. The hearings on S. 821 make clear the need to assess the needs and problems of delinquent and non-delinquent youths with respect to the broader capabilities of the social service and human resources agencies of the State.

Second, the need is present to comprehensively assess the effectiveness of traditional institutional procedures for dealing with certain juvenile offenders. There is evidence that traditional procedures (e.g., probation, adjudication) work effectively when applied to certain offenders, yet our body of knowledge in this area lacks precision. Systematic knowledge must be developed regarding where and how the traditional system effectively works to prevent, reduce, and control juvenile crime. Such knowledge will lead to revision and improvement of the system in areas where it is workable as well as development of alternative mechanisms for meeting the needs of youths in areas where the system is ineffective.

Third, the search for alternatives to institutionalization of juvenile offenders must be continued. Juvenile justice officials are increasingly recognizing the need for alternative forms of treatment for serious youthful offenders which are community-based. Custodial incarceration in large statewide institutions has proven to be ineffective as a treatment method; however, evaluation of community-based alternatives has indicated some initial successes but as yet has not been conclusive.

Fourth, in large measure, the agencies and institutions of the juvenile justice system have not been held accountable, and have not been

[7] Hearings, supra note 3, at 420.

well monitored. The accountability issue occurs on three levels: (a) Accountability to the victim: all procedures to deal with the juvenile offender should in some way satisfy the grievance of the victim. (b) Accountability to the offender: incarceration of youthful offenders has sometimes been physically and mentally injurious to the offender, and there often has been little recourse available for rectifying these abuses. (c) Accountability to the community: the public is entitled to an accounting of the services that are being provided by the criminal justice system for the cost that is levied. The criminal justice system, as with other social service networks, should accept its obligations to hold itself accountable in these three areas.

An unknown number of children and youth present a threat to the community and need the type of social control afforded by the formal procedures of the juvenile justice system, and numerous witnesses before the Subcommittee testified that the current capabilities to both control crime committed by juveniles and to deal effectively with offenders are inadequate and need support.

The problem was clearly stated by the National Advisory Commission on Criminal Justice Standards and Goals in its "Report on Corrections:"

* * * * * * *

> The United States has a long tradition of dealing differently with juveniles than with adults who are in difficulty with the law, in the hope that juveniles can be rechannelled into becoming law abiding citizens. However, many of the methods of dealing with juveniles in this country have come to be viewed either as counterproductive or as violations of the rights of children. Thus there is a pressing need for national standards to improve the quality of juvenile contacts with the justice system.[8]

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Assistance must be given to police, courts, and correctional agencies, together with community resources, in their efforts to control and reduce crimes committed by juveniles, to improve the quality of justice for juveniles, and to deal effectively with offenders.

Need for Federal coordination

In 1971 the Committee began its review of Federal juvenile delinquency programs and found that there was duplication and a lack of coordinated direction in the Federal efforts to prevent and control juvenile delinquency. The Committee in reporting a bill to amend the Juvenile Delinquency Prevention and Control Act of 1968 cited the 1971 annual report of the Youth Development and Delinquency Prevention Administration which concluded that there was:

> Little coherent national planning or established priority structure among the major programs dealing with the problems of youth development and delinquency prevention . . . The present array of programs demonstrates the lack of priorities, emphasis and direction in the Federal Government's efforts to combat delinquency.[9]

[8] National Advisory Commission on Criminal Justice Standards and Goals, Corrections, at 247 (1973).

[9] S. Rept. No. 92-220, 92d Congress, 1st Session, June 17, 1971. To accompany S. 1732, the "Juvenile Delinquency Prevention and Control Act Amendments of 1971."

The significance of this statement and the need for a fully coordinated Federal effort is clear when one considers that the Bureau of Census reported in April 1974 that there were 116 separate Federal programs in the juvenile delinquency and related youth development area.[10] By way of illustration the following are examples of programs identified by the Census Bureau and the Departments together with the agencies administering the program:

The Department of Agriculture:
- Youth Conservation Corps
- Special Interest Groups—4-H Youth Development Programs

The Department of Health, Education and Welfare:
- School Dropout Prevention Program
- Drug Abuse Prevention Education Program
- Youth Development and Delinquency Prevention Program

The Department of the Interior:
- Bureau of Indian Affairs—Program for Detention Facilities—Institutions Operated for Delinquents
- Youth Conservation Corps

The Department of Justice:
- Law Enforcement Assistance Administration-Program for crime and delinquency prevention and reduction
- Bureau of Prisons—Operation of juvenile and youth institutions and related programs

The Department of Labor: Manpower Revenue Sharing—Comprehensive Employment Training Act—Special Emphasis Programs for Youth and Youthful Offenders

The Department of Transportation: National Highway Traffic Safety Administration—Youth Organizations United Toward Highway Safety Program

The Civil Service Commission: Federal Employment for Disadvantaged Youth Program

Under these and similar programs the Census Bureau estimated that the Federal Government made approximately 120,000 different grants in fiscal year 1972 and the sheer size of the Federal effort alone makes clear the need for a coordinated approach to the problems of juvenile delinquency.

In testifying before the Juvenile Delinquency Subcommittee during oversight hearings in 1971 and hearings on S. 821 in 1972 and 1973 many witnesses also testified as to the lack of coordination of Federal juvenile delinquency programs. Mr. Milton Rector, President of the National Council on Crime and Delinquency observed in 1971, for example, that:

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> In fact a major weakness [in Federal efforts] is the lack of a structure at present where Federal juvenile and criminal justice planning can be coordinated with other human resources agencies. Such a structural linkage is recommended as essential if the Federal Government is to help prevent as well as to help control crime and delinquency.[11]

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[10] The Report of the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs, Fiscal Year 1973, at A-2.

[11] Hearings, supra note 2, at 196.

Legislative initiatives

The first effort by Congress in recent years to deal with the juvenile delinquency problem came in 1961 with the enactment of the Juvenile Delinquency and Youth Offenses Control Act of 1961 (Public Law 87-274). This measure authorized a three year, ten million dollar per annum grant program to demonstrate new methods of delinquency prevention and control. (Of this $30 million authorization it is interesting to note that only $19.2 million was actually appropriated.)

The congressional intent was to assist State and local agencies and to coordinate existing Federal, State, and local programs. The program was placed in the Department of Health, Education and Welfare and the Act required consultation by the Secretary of HEW with the Attorney General and the Secretary of Labor on matters of policy and procedure arising out of the Administration of the Act.

The Juvenile Delinquency and Youth Offenses Control Act of 1961 expired at the end of its three years of funding and the next congressional attempt to deal with the problem of juvenile delinquency came with the enactment of the Omnibus Crime Control and Safe Streets Act of 1968 and the passage of the Juvenile Delinquency Prevention and Control Act of 1968.

In enacting the Juvenile Delinquency Prevention and Control Act of 1968, Congress assigned to HEW responsibility for national leadership in developing new approaches to the problems of juvenile delinquency. As the report accompanying the act clearly sets forth, Congress intended that the programs administered under this act served to coordinate governmental efforts in the area of juvenile delinquency. Under the 1968 Act, HEW was expected to help States and local communities strengthen their juvenile justice programs. This assistance was to be broad in scope including courts, correctional systems, police agencies, law enforcement and other agencies which deal with children and was to include a broad spectrum of preventive and rehabilitative services to delinquent and pre-delinquent youth. The Act also provided for the training of personnel, employed or about to be employed in the area of juvenile delinquency prevention and control, and for the development of improved techniques and information services in the field of juvenile delinquency.

Under the Juvenile Delinquency Prevention and Control Act of 1968, HEW was intended to provide assistance to States in preparing and implementing comprehensive State juvenile delinquency plans. Prior to receiving funds this Act, the States were required to submit a satisfactory plan for use of the funds. HEW was chosen to administer the Act because the Department was expected to utilize its particular expertise in dealing with the preventive and treatment aspects of delinquency in assisting States in the development of plans. It was hoped that the placement of this program in HEW would lead to a major commitment on the part of HEW to find solutions to the problem of juvenile delinquency.

The hopes for accomplishment under the 1968 Act were not fulfilled for a number of different reasons including (1) dominance of LEAA in criminal justice planning; (2) weakness in administration; and (3) inadequacies in appropriations.

The first three years of the administration of the Juvenile Delinquency Prevention and Control Act of 1968 were marked by delay and

inefficiency in implementing its broad legislative mandate. More than a year and a half elapsed before a Director was appointed for the Youth Development and Delinquency Prevention Administration (YDDPA), the agency within HEW charged with administering the Act. In its first annual report, YDDPA conceded its own failure to implement the goals of the 1968 Act.[12] With the exception of the portion of the YDDPA budget spent on State comprehensive juvenile delinquency planning, funds were spread throughout the country in a series of underfunded, scattered and unrelated projects.

Further, of the amounts authorized by Congress for 1968 to 1971, only $19.2 million was requested for the operation of the Act out of a total authorized amount of $150 million, and then YDDPA did not expend those resources appropriated. From 1968 to 1971, out of the amount appropriated, only half was actually expended. This limited view of the role of HEW in developing a program commensurate with the delinquency program made fulfillment of the original purposes of the 1968 Act difficult.

In 1971, Congress passed a one year extension of the Juvenile Delinquency Prevention and Control Act of 1968.[13] The Committee noted in its report on the Juvenile Delinquency Prevention and Control Act Amendments of 1971 that further extension of the Act could not be justified unless HEW showed a marked improvement in its efforts to provide national leadership in dealing with the problems of juvenile delinquency. The 1971 amendments gave YDDPA an additional year to prove a strategy which would efficiently deploy the limited resources of HEW. While the 1971 Amendments authorized $75 million for the fiscal year ending in June of 1972, only $10 million for that fiscal year was requested. The year's extension was also viewed as an opportunity for Congress to complete its overview of the programs under that Act and to assess the roles of HEW and LEAA in the delinquency field. The concern of Congress about the lack of coordination of the total Federal effort led to the addition in the 1971 Amendments of a structured coordinating mechanism. The amendments created an Interdepartmental Council consisting of representative of Federal agencies involved in the area of juvenile delinquency which were supposed to meet on a regular basis to review Federal delinquency programs and to coordinate the overall Federal effort.

In 1972, the Juvenile Delinquency Prevention and Control Act was extended for two years under the name "Juvenile Delinquency Prevention Act." [14] This Act at the request of HEW clearly limited the scope of the activities to be undertaken by HEW in the delinquency field. The Committee made clear in its report [15] that HEW in its administration of this Act was to fund preventive programs which are outside the traditional juvenile justice system (which encompasses the police, the courts, correctional institutions, detention homes, and probation and parole authorities). In defining the Department's role in preventing juvenile delinquency more clearly, HEW has specifically concentrated its work on the development of systems which provide coordinated youth services as well as funds for initiation of

[12] Youth Development and Delinquency Prevention Administration, "Report for Fiscal Year 1969" at 9.

[13] Public Law 92-31; 85 Stat. 84.

[14] Public Law No. 92-381, 86 Stat. 532.

[15] S. Rept. No. 92-1003, 92d Cong., 2d Sess. To accompany H.R. 15635 (1972).

needed services which are otherwise not available. The Committee report recognized that efforts to combat delinquency within the juvenile justice system were to be assisted by the Department of Justice through its administration of the Omnibus Crime Control and Safe Streets Act. In extending the Act for two years, a majority of the Committee made clear that the extension was no substitute for vigorous national leadership, coordinating authority and the substantial resources necessary to find an effective answer to the delinquency problem.[16]

Over the years since 1968, LEAA with its larger resources has funded millions of dollars in programs in delinquency prevention and juvenile justice. The Committee has noted in earlier reports that LEAA viewed its role in juvenile delinquency prevention and control as a very limited one.

This was because of the limited role given by the Congress to LEAA in the juvenile delinquency area [juvenile delinquency was never mentioned in the Omnibus Crime Control and Safe Streets Act of 1968] and because of the role of HEW under the Juvenile Delinquency Prevention and Control Act of 1968. However, LEAA was interested in dealing with delinquency and by the end of 1970, for example, over 40 of the LEAA State planning agencies created under the Safe Streets Act to administer the LEAA program in the State were also administering the Juvenile Delinquency and Control Act Program, although since 1972 state planning agencies have not administered any programs under this Act. The impetus for this came in part from a joint letter issued by the Attorney General and the Secretary of Health, Education and Welfare [Appendix A].

In 1971 amendment to the Omnibus Crime Control and Safe Streets Act [17] were enacted into law which expressed congressional intent that the LEAA should focus greater attention on the juvenile delinquency program. Specifically, a new definition of law enforcement was added to the Safe Streets Act to mention juvenile delinquency and provide in pertinent part as follows:

* * * * * * *

> "Law enforcement" means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal laws, including but not limited to . . . programs relating to the prevention, control, or reduction of juvenile delinquency . . . .[18]

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The Congress also amended the Safe Streets Act to authorize grants to States for:

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> The development and operation of community-based delinquent prevention and correctional programs, emphasizing halfway houses and other community-based rehabilitation centers for initial preconviction or post-conviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders.[19]

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[16] Id.
[17] Public Law No. 91-644, 84 Stat. 1880.
[18] Id. § 9.

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Furthermore, Congress added a new Part E corrections program to the Safe Streets Act and required as a condition of receipt of funds an application which:

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> provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees; [20]

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Senator Bayh in commenting on these amendments in 1971 during the Juvenile Delinquency Subcommittee hearings noted that:

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> . . . [O]ne of the reasons that certain language was used in the 1970 amendments to the Omnibus Crime Control and Safe Streets Act was that Congress was concerned that adequate emphasis was not being placed in certain areas. So, we wrote into the act the provision for the prevention and control of juvenile delinquency.[21]

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This, together with the failure of HEW to fully implement the Juvenile Delinquency Prevention and Control Act Program, led to an increased emphasis on juvenile delinquency under the LEAA program. LEAA has estimated that almost $140 million dollars in its fiscal year 1972 funds had been allocated for juvenile delinquency programs [see Appendices C and D].

Finally, Congress in the Crime Control Act of 1973 required LEAA to place an ever greater emphasis on juvenile delinquency. The act made a number of changes in the Omnibus Crime Control and Safe Streets Act relative to juvenile delinquency. In the Declaration and Purpose section of the Safe Streets Act made the following statement for the first time:

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> To reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified and made more effective at all levels of government.[22]

The Crime Control Act of 1973 also required for the first time that each State specifically deal with juvenile delinquency in the compre-

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[19] Id. § 4(2).
[20] Id. § 6.
[21] Hearings supra note 2 at 20.
[22] Public Law No. 93-83, 87 Stat. 197, § 2 (1973).

hensive State plans which must be submitted by the States as a condition for receiving LEAA funds. The Act now requires that:

> No State plan shall be approved as comprehensivel, unless it includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice.[23]

As a result of the 1973 amendments a number of new initintives have been undertaken by LEAA. These have included the establishment of juvenile justice divisions in its Office of National Priority Programs and National Institute of Law Enforcement and Criminal Justice and most significantly the establishment of a juvenile delinquency initiative as one of the major new thrusts of LEAA in fiscal years 1974, 1975, and 1976.[24]

LEAA: The appropriate mechanism

The Committee's amendment in the nature of a substitute places the major responsibilities for coordinating, directing, and funding the Federal juvenile delinquency effort in the Law Enforcement Assistance Administration, and there are compelling reasons for this position.

In recent years LEAA has emerged as the lead agency in Federal juvenile delinquency prevention and control efforts. It already has—as shown above—a substantial legislative mandate to deal with this problem, and it has the program elements necessary for implementing S. 821.

In the juvenile delinquency prevention and control area LEAA presently has a network of 50 State planning agencies that are undertaking crime and delinquency-oriented analyses necessary to develop a truly comprehensive approach to preventing and reducing crime and delinquency. These analyses were mandated by the Crime Control Act of 1973. Under LEAA guidelines every State by 1976 will have been expected to complete a detailed analysis of the problems of crime and delinquency within its State to establish detailed goals, standards, and priorities for reducing crime and delinquency within that State. These same States for the past five years have planned, developed, and funded a significant number of juvenile delinquency programs; and given the high incidence of reported juvenile crime in America it is apparent that these States will be concentrating more and more funding efforts in juvenile delinquency.

If the program is created in another agency, it could seriously hamper the efforts of LEAA and its State planning agencies to develop truly comprehensive plans for dealing with law enforcement within the States.

Stephen T. Porter, Executive Director of the Louisville and Jefferson County Crime Commission, in testifying on S. 821 in support of this position called on Congress to place the juvenile delinquency program in LEAA and to enact a new part F to the Omnibus Crime Control and Safe Streets Act in order to:

> . . . [a]void duplication of effort, not only at the federal level but at the state level as well. Many states have developed very sophisticated criminal justice planning capabilities. New funds should not be brought into those states in such a manner that might allow duplication and conflict at the state level.[25]

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[23] Id., § 303(a).

[24] See statement of Richard W. Velde, hearings, supra note 3, at 636-700.

It should be understood that this legislation does not merely call for the creation of a new program. It could cast aside five years of experience by LEAA in establishing meaningful juvenile justice programs by creating a new agency in HEW to compete with the LEAA program.

HEW in recent years has not been involved in juvenile justice programs, and they will have to go through the learning process that LEAA went through in its first five years of operation before they can develop an effective program for dealing with juvenile justice.

This was emphasized during the hearings on S. 821 when a witness from the Department of Health, Education, and Welfare, in testifying on their juvenile delinquency programs, noted that the Law Enforcement Assistance Administration is the lead Federal agency in juvenile justice and corrections. The witness stated that major support is available from LEAA on juvenile delinquency treatment programs on a continuing basis and that HEW's juvenile delinquency programs are merely demonstration-types with planned phase-out of individual programs.[26]

It is the Committee's view that the creation of the program in HEW would only further fragment and divide the Federal juvenile delinquency effort and delay the development of needed programs. What is needed now is more coordination and less confusion.

LEAA through its programs is the only agency able to provide the leadership and funding for the continuum of responses which must be made to deal with juvenile crime. Efforts must be made to prevent juveniles from committing crime; the non-serious juvenile offender must be diverted from the justice system to the social service and human resource networks; and a strong focus is needed on dealing with the problem of the serious juvenile offender. These goals can only be achieved by tying in juvenile and criminal justice efforts with the larger social service and human resource networks of the States and units of local government.

LEAA is actively pursuing these goals. It has already funded many programs in delinquency prevention, diversion, and control. Stanley Thomas, Acting Assistant Secretary for Health, Education, and Welfare, testifying before the Juvenile Delinquency Subcommittee in 1973 observed, for example, that LEAA's legislative authority in delinquency prevention was "generally equivalent to HEW's" and that "LEAA grants in juvenile delinquency prevention are also grants at a high funding level."

The Youth Service Bureaus are an excellent example of LEAA's work in prevention and diversion [See Appendix B]. Earlier in this report, it was noted that Youth Service Bureaus were an extremely important part of the strategy for preventing juvenile delinquency and for diverting out of the formal juvenile justice process those juveniles for whom formal processing was inappropriate. The National Ad-

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[25] Hearings, supra note 3, at 301.

[26] Statement of Stanley B. Thomas, Acting Assistant Secretary for Human Development, Department of Health, Education, and Welfare, hearings, supra note 3 at 740.

visory Commission on Criminal Justice Standards and Goals described the role of Youth Service Bureaus as follows:

> Youth Service Bureaus should be established to focus on the special problems of youth in the community. The goals may include diversion of juveniles from the justice system: provision of a wide range of services to youth through advocacy and brokerage, offering crisis intervention as needed; modification of the system through program coordination and advocacy; and youth development.[27]

The California Department of Youth Authority's 1971-72 national survey of youth service bureaus identified approximately 170 youth service bureaus then in operation and found that over 85 percent of those studied were supported at least in part by Law Enforcement Assistance Administration funds.[28]

In understanding why the Committee placed the juvenile delinquency program in LEAA, it is useful to see how LEAA expends its funds on juvenile delinquency prevention and control. LEAA's allocations for juvenile delinquency in fiscal year 1972 are illustrative of the attention given by LEAA to juvenile delinquency and to prevention and diversion activities.

On June 27, 1973, LEAA Associate Administrator, Richard W. Velde, reported to the Senate Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency that:

> During fiscal 1972, LEAA awarded nearly $140 million on a wide-ranging juvenile delinquency program. More than $21 million, or 15 percent, was for prevention; nearly $16 million, or 12 percent, was for diversion; almost $41 million or 30 percent went for rehabilitation; $33 million, or 24 percent, was spent to upgrade resources; $17 million, or 13 percent, went for drug abuse programs; and $8 million, or 6 percent, financed the comprehensive juvenile delinquency component of the High Impact Anti-Crime Program.[29]

The dollar amount was determined from a thorough review of all the individual State plans, approved by LEAA, for that year, plus discretionary grants representing additional awards to States from LEAA, including "the High Impact Anti-Crime Program." It is important to understand that this amount had not as yet been subgranted by the States to respective units of government for implementation. These funds represented, in the main, block grant awards to States based on State plans containing juvenile delinquency components. They also represent what the States felt, at that time, were programs and fund allocations in the best interest of the community.

Appendix C includes a series of tables that show the actual breakdown of the "nearly 140 million" figure which in reality was actually $136,213,334. A breakdown is also included to show how much was expended for services and how much was expended for "hardware" or equipment and the figures show that only 7 percent of the juvenile delinquency funds went for hardware. A further breakdown is included in Appendix D which sets forth a brief description of each and every LEAA program included in the approximately $21 million in prevention and approximately $16 million in diversion program areas.

[27] National Advisory Commission on Criminal Justice Standards and Goals, Community Crime Prevention at 70 (1973).
[28] Department of California Youth Authority, National Study of Youth Services Bureaus, U.S. Department of Health, Education, and Welfare, at 34, 67 (1972).
[29] Hearings, supra note 3, at 636, 663.

An examination of the programs in Appendix D shows that LEAA has funded a sweeping range of juvenile delinquency prevention and diversion programs. Prevention efforts have included alternate educational programs at the secondary school level, parental training programs for parents of delinquent or potentially delinquent children, work study and summer employment programs for juveniles, drug education in primary and secondary schools, police/juvenile relations units, and police/juvenile recreation programs.

Diversion efforts have included youth service bureaus, juvenile court intake and diversion units, drug abuse treatment programs, pre-trial diversion units, vocational education and manpower training for juveniles diverted from the juvenile justice system, counseling services, and community-based neighborhood centers for juveniles diverted from the justice system.

The need for placing the program in LEAA is even clearer when the focus is placed on the serious offender. The social control of the juvenile and criminal justice system must be applied in dealing with this offender, and LEAA is the only Federal agency providing substantial assistance to the police, the courts, and the corrections agencies in their efforts to deal with juvenile crime.

Dr. Jerome Miller, Commissioner of Youth Services for Massachusetts, emphasized this point in testifying before the Juvenile Delinquency Subcommittee in 1972:

> I am of the opinion that the primary and most crucial need, if we are to deal effectively with serious delinquency in contemporary American society, is to reform and restructure, at most basic levels, the juvenile correctional system. Although there can be little question that ultimately, delinquency prevention and diversion programs will be the backbone of a reconstituted juvenile justice system, such programs will not be effective until such time as we have provided alternatives for those youngsters who are most deeply involved in the juvenile justice system . . .[30]

Dr. Miller in following the goals set forth in his statement urged the closing of major juvenile institutions in Massachusetts. This action was ultimately approved by the Governor and a series of community-based homes were opened throughout Massachusetts for juveniles who were previously incarcerated in State institutions. This action was accomplished through the use of over $3.5 million in LEAA funds and would not have been possible without the LEAA funds. LEAA has also committed over $500,000 to evaluate the effectiveness of the program and the initial findings indicate that it has been successful in reducing recidivism by serious offenders.

Since 1971 when Congress enacted the new Part E corrections program for LEAA and gave LEAA specific authorization to fund community-based corrections programs for juveniles, LEAA has funded an impressive array of innovative community-based rehabilitation programs for juveniles. Over $40 million was allocated in fiscal year 1972

[30] Id. at 61.

for juvenile corrections programs and over $30 million of this money as seen in Appendix C, Table II went for community-based programs.

It is extremely important to phase this Juvenile Delinquency effort into an ongoing program. From a practical standpoint, at least three years would pass before any results could be expected from this legislation if it were not placed within LEAA.

The point at which funds are obligated for actual input on the problems which this legislation attempts to address is tied to a number of activities which must occur as a pre-condition to the actual expenditure of funds.

For example, Federal Guidelines and regulations must be developed. This can take place only after the Federal organization is in place. State and local planning and administrative organizations must likewise be established. Local plans and State plans must be developed. State and local budget processes must be involved as well as local policy makers. Federal review of plans must be completed and the funding mechanism established. States must begin to approve State agency, private and local applications and this must be accomplished within an established grant system. The grant recipient must then begin the hir[illegible] ess and implementation stages. Often, the stages which all req[illegible] onths to complete, add up to years before any implementation. Placement in the LEAA program system is not only philosophically right, it is the best possible way to minimize time lag and duplication.

In the LEAA system, annual matching block grants are made to each of the States for planning and implementing programs to improve law enforcement and criminal justice. The grants are called block grants because the grant funds are required by the Act to be allocated in lump sums among the States, on the basis of population, for distribution and expenditure by the State and cities according to criteria and priorities determined by the States and cities themselves.

Block planning grants are utilized by the States to establish and maintain State planning agencies. The State planning agency is created or designated by the Chief Executives of the States and are subject to their jurisdiction. Each State planning agency determines needs and priorities for the improvement of law enforcement throughout the entire State. The State planning agency then defines, develops and correlates programs to improve and strengthen law enforcement for its State and all the units of local government within the State. All of this material and information is incorporated into a comprehensive Statewide plan for the improvement of law enforcement and criminal justice throughout the State which is annually submitted to LEAA for review and approval.

When a State's plan has been reviewed and approved, the State is eligible to receive its allocated block action grant for the fiscal year. LEAA is required by statute to make block grants if the SPA has an approved comprehensive plan which conforms with the purposes and requirements of the Act and with rules, regulations, and procedures established by LEAA consistent with the Act. This system is currently in full operation in every jurisdiction.

In a programmatic sense, it is to be noted that this bill is most compatable with the broad system approach embodied in LEAA's legislation.

The purpose of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3701, et seq., as amended by the Crime Control Act of 1973, Pub. L. 93-83, 87 Stat. 197 (Aug. 6, 1973) (Act) was never simply to assist States and local governments to improve police activities. Inherent throughout the Act is the emphasis upon all aspects of criminal justice.

Section 601(a) states:

> "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.

The statute also requires that the plan be comprehensive. In Section 601, comprehensive is defined as:

> The term "comprehensive" means that the plan must be a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State; goals, priorities, and standards must be established in the plan and the plan must address methods, organization, and operation performance, physical and human resources necessary to accomplish crime prevention, identification detection, and apprehension of suspects; adjudication; custodial treatment of suspects and offenders, and institutional and noninstitutional rehabilitative measures.

It is clear that to tab LEAA as a police oriented program is not consistent with either the LEAA legislation or its implementation.

There are numerous other reasons why the Committee felt that LEAA should be the focal point for the Federal juvenile delinquency efforts. The explanation of the Committee Amendment that follows sets these reasons out in detail.

Explanation of Committee Amendment

The Committee approves the Juvenile Justice and Delinquency Prevention Act of 1974, S. 821, with an amendment in the nature of a substitute.

The major thrust of the Committee Amendment is to meet the need for strong accountable Federal leadership capable of coordinating and directing Federal delinquency programs. S. 821, as amended, creates a Juvenile Justice Delinquency Prevention Office within the Law Enforcement Assistance Administration of the Department of Justice. It will provide the long needed centralized Federal delinquency response and the much needed grant funding programs to States and public and private agencies.

The Committee Amendment recognizes that the Federal Government supplying coordination and national leadership by the strengthening of the existing Interdepartmental Council on Juvenile Delinquency, through the authorizing of staff for the Council, and by the creation

of a National Advisory Committee for Juvenile Justice and Delinquency Prevention. The Committee feels that the need is not only for a strong Federal organizational commitment, but for the added impact which can come from a commitment of resources which is commensurate with the nature and extent of the problem.

S. 821, as amended, provides for $600 million over three years so that extensive resources will be available in a coordinated fashion at the Federal, State, and local level for developing and implementing delinquency prevention, diversion, and treatment programs and providing for the necessary planning, research, training, and evaluation.

The Committee Amendment recognizes that the Federal Government needs to provide leadership and resources, but that the State government must be the focal point for juvenile justice planning and program implementation at the State and local level. For this reason, it was desirable to place this function in an existing agency which has the experience, the relevance, and the organizational structure at the State and local level to take maximum advantage of the increased Federal commitment. LEAA has just such a structure.

LEAA legislation, compared in detail below to the Committee Amendment to S. 821, shows that the planning input and administrative process already exists from the local level to the State level and through to the Federal level. Moreover it is ideally suited to the supplemental effort in the juvenile delinquency area because, with little modification, the existing structure can go into action immediately. LEAA has a local planning structure. East State has a substantial State planning and administrative structure. All of these organizations are already doing work in the juvenile delinquency area. Coordination, which has been such an overused term, becomes automatic under the Committee Amendment. When the additional juvenile delinquency funds are appropriated they will find the Federal and State authority, the structure, the data, and the needs spelled out and ready for the action necessary to achieve our intended results. The recognized soundness of this approach is reflected in a resolution of the Governor's Conference where "expanded juvenile jurisdiction and funding by LEAA" was recommended. [See Appendix E.]

On February 13, 1969, the Attorney General and the Secretary of Health, Education, and Welfare recognized this fact in their joint letter to the Governors. They stated as follows:

> In the interest of effective coordination, it is desirable to have a single State planning agency and policy board, which would submit a single comprehensive plan.

The addition of the Advisory Committee for Juvenile Justice and Delinquency Prevention and the strengthening of the Interdepartmental Council on Juvenile Delinquency will complete the mechanism at the Federal level. LEAA has been serving the needs of this Council and has recently added five professional staff members to begin a more intensive effort along with their newly begun juvenile justice priority programs.

The following charts show the ease and consistency with which this legislation can be integrated into LEAA:

Planning and Informational Input Process From State and Local Governments and Private Agencies

Current LEAA legislation

1. States have established State planning agencies (SPA's) to participate in grant programs § *302*.

2. The State plan, to be comprehensive, must provide for adequate assistance to high crime areas, and must include comprehensive plans for improvement of juvenile justice § *303(a)*.

3. The State plans have provided for administration of grants by SPA's § *303(a)(1)*. Other requirements specified that the plan must adequately take into account the needs and requests of local governments § *303(a)(3)*; incorporate innovations and advanced techniques § *303(a)(5)*; provide for effective utilization of existing facilities § *303(a)(6)*; provide for nonsupplanting § *303(a)(11)*; provide eased administrative procedures to major local governments § *303(a)(14)*; provide for approval of applications within ninety days of submission § *303(a)(15)*.

4. Part E correctional system assurances and statutory areas of emphasis § *453* are built into the overall plan and subject to specific approval.

5. Substantial funds for local planning (40%) are required and currently support a large regional—local planning structure § *203(c)*.

6. Meetings are all public and records are open § *203(d)*.

7. The plan must be updated annually, § *303(a)*.

S. 821

1. State plan to be submitted to LEAA before State can receive formula funds § *482(a)*.

2. Advisory board shall approve the State plan and any modification of the state plan before submission to LEAA § *482(a)(3) and (b)*.

3. The State plan must set forth a detailed study of State needs for effective, comprehensive approach to juvenile delinquency prevention and improvement of juvenile justice system, including the costs § *482(a)(8)*.

Must provide for local government participation in the formulation of the State plan § *482(a)(4)*.

The mayor of each city shall designate the local government agency best qualified to carry out the city's role § *482(a)(6)*.

Must provide for the participation of private agencies in the development and execution of the State plan § *482(a)(9)*.

Must provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this Act. § *482(a)(18)*.

4. The LEAA Administrator shall approve State plans that meet statutory requirements § *482(c)*.

5. The SPA shall make an annual review of the State plan, evaluation of the effectiveness of programs, and modification, if any, of the plan, and send it to the Administrator § *482(a)(21)*.

The following summary depicts the provisions of the Council and Advisory Committee as they will affect the Federal level effort:

Interdepartmental Council

1. Attorney General serves as Chairman, § *476(b)* and the Secretaries of HEW, Labor, HUD, Director SAODAP, and other agency representatives appointed by the President § *476(a)* comprise the Council.

2. Chairman appoints one executive secretary and other necessary employees § *476(c)* to serve as staff.

3. The Council coordinates all Federal juvenile delinquency programs § *476(e)*.

4. The Council meets a minimum of six times a year § *476(d)*.

National Advisory Committee for Juvenile Justice and Delinquency Prevention

1. Interdepartmental Committee members are ex officio members § *477(b)* building in additional coordination.

2. There are 21 members with special knowledge in prevention and treatment of juvenile delinquency or administration of juvenile justice § *477(c)* providing expertise from the field through annual recommendations to Administrator for planning, policy, priorities, operations, management of all Federal juvenile delinquency programs § *478(b)*.

3. For special problems, the Chairman may appoint a subcommittee to advise the Administrator on particular functions or aspects of LEAA work § *478(c)*.

4. Chairman designates a subcommittee to advise Administrator on standards for the administration of juvenile justice § *478(e)*.

5. Chairman designates a subcommittee as an Advisory Committee to the National Institute for Juvenile Justice § *478(d)*.

The most important and vital comparison of current LEAA authority and the new authority anticipated by the Committee Amendment to S. 821 relates to the expansion of LEAA authority to fund programmatic efforts in the juvenile delinquency area. LEAA's current Part C authority provides LEAA with a degree of funding authority in the juvenile delinquency area. In addition, treatment, recruitment, community-based facilities, and drug programs relating to coordination efforts have all been funded. This authority will remain intact and anticipated funding from Part C in the juvenile area will remain at the same or increased levels.

LEAA's Part E authority for funding in the correctional area was added in 1971 in recognition of the need for increased emphasis and Federal funding for correctional activities. While this authority does not go to juvenile delinquency prevention efforts, considerable funds have been awarded for community-based facilities, drug related programs, and diversion efforts. It is vital to understand that the new Part F authority greatly expands LEAA's ability to support pre-delinquent diversion efforts and all activities related to shelter, care, diagnostic treatment, and other programs related to youths who have not had contact with the criminal justice system. The need for the supplemental funds is great. The bill provides that Part F money may only be used for Part F purposes. To the extent Part F purposes overlap with Part E or Part C purposes, both sources of funds may be used to fund a single project. Indeed, the Part F funds may even be used to meet the Part C or Part E matching requirements. Impact on crime can certainly be expected from the greatly increased appropriations specified for exclusive use in the juvenile delinquency area.

While LEAA has gone a long way within the limits of its current authority, it is fully expected that this new Part F will fill the need which has concerned the Federal Agencies and the Congress for such a long time. A summary of current and proposed legislation as it relates to funding authority specific to the juvenile area follows:

General Programmatic Areas of Funding Authority
(Not Including Research)

Current LEAA legislation

1. Public protection including demonstration, evaluation, implementation, purchase of facilities, equipment, methods to improve law enforcement § *301(b)(1)*.

2. Recruiting and training of personnel in law enforcement (police, probation, corrections) § *301(b)(2) and* § *453(8)*.

3. Public education re crime prevention including educational programs in schools § *301(b)(3)*. Construction of facilities including treatment centers § *301(b)(4) and* § *453(1)*.

4. Recruiting, training, education, of community service officers to improve: police-community relations, community patrol activities, encouragement of neighborhood participation in crime prevention § *301(b)(7)*.

5. Development and operation of community-based delinquency and correctional programs; expanded probationary programs, paraprofessional, volunteer participation; community service centers for potential repeat youthful offenders § *301(b)(9) and* § *453(4)*.

6. Development and operation of narcotic and alcoholism treatment programs in correctional facilities and probation and other supervisory release programs § *453(9)*.

7. Accurate and complete monitoring of progress and improvement of correctional system § *455(11)*.

S. 821

1. Planning, establishing, operating, coordinating and evaluating projects for the development of more effective—

(1) education,
(2) training,
(3) research,
(4) prevention,
(5) diversion,
(6) treatment, and
(7) rehabilitation in areas of juvenile delinquency § *480*.

2. Community-based programs and services (foster-care, shelter care, group, halfway houses, homemaker and home health services, or other diagnostic, treatment, or rehabilitative service) § *482(a)(10)(A)*.

3. Community-based programs to strengthen the family unit § *482(a)(10)(B)*.

4. Youth service bureaus to divert youth from juvenile court § *482(a)(10)(C)*.

5. Drug abuse education, prevention, treatment, and rehabilitation § *482(a)(10)(D)*.

6. Education programs to keep delinquents/pre-delinquents in school or alternative learning situations § *482(a)(10)(E)*.

7. Recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers § *482(a)(10)(F)*.

8. Monitoring jails, detention and correctional facilities § *483(a)(15)*.

9. Develop new approaches, techniques, methods § *483(a)(1)*.

The importance of the Federal administrative function is often understated in consideration of new legislation. We have heard time and time again, following the enactment of new legislation, that "the Agency is still new" or the "Agency is just getting started." Often for four or five years this excuse for inactivity is put forth and at times for good reason.

Creating, staffing, and mobilizing the resources available to a Federal Agency is a difficult task that requires great reservoirs of talent and expertise. Simple grants of administrative authority are buttressed by many other Federal statutes and regulations which affect the utilization of such authority. Placement of the new Part F, juvenile delinquency effort, in LEAA is expected to result in immediate action. A summary of current LEAA authorities and proposed authorities relating to administrative matters follows. These, of course, are supplemented by a Federal and State administrative structure with experience in implementation in the context of Federal statutes such as the National Environmental Policy Act, the Civil Rights Act, EEO regulations, and State and local statutes and regulations. As can be seen, many of the provisions are already in existence.

Federal Administrative Mechanism

Current LEAA legislation

1. The Administration is authorized to establish such rules, regulations and procedures as are necessary § *501*.

2. The Administration may delegate to any officer or official of the Administration such functions as it deems appropriate. § *502*.

3. The functions, powers and duties set out in the Crime Control Act shall not be transferred from the Administration without specific authorization from Congress § *503*.

4. The Administration or any hearing officer so assigned shall have the power to hold hearings, issue subpoenas and take testimony § *504*.

5. The Administration is authorized to hire the necessary employees and officers subject to civil service and classification laws § *506*.

6. The Administration is authorized to use available services, equipment and personnel of other federal agencies (except the CIA) and of State and local government agencies § *508*.

7. The Administration is authorized to conduct compliance hearings whenever it appears that a recipient has failed to comply with the Crime Control Act provisions or with any rules and regulations of the Administration, or whenever an applicant has been denied a grant §§ *509–511*.

8. The Administration is authorized to request such data, statistics and program reports from other Federal agencies as are necessary to assure that Federal assistance to State and local governments under the Crime Control Act is carried out in a coordinated manner. § *513*.

9. The Administration is authorized to reimburse other Federal departments for the performance of any of its functions under the Crime Control Act § *514*.

10. Payments may be made in advance or by way of reimbursement as may be determined by the Administration. § *516*.

11. The Administration may employ such experts and consultants as necessary and may appoint technical and other advisory committees as is necessary § *517*.

12. All recipients of assistance shall keep such records as the Administration shall prescribe, and make them available to the Administration or the Comptroller General for the purposes of audit and examination § *521*.

13. The security and privacy of criminal history information shall be adequately provided for by the Administration, and by recipients of assistance § *524*.

14. No person shall be denied assistance because of race, color, national origin or sex § *518*.

S. 821

1. The Administrator is authorized to select and employ such officers and employees as are necessary § *472(a)*.

2. The Administrator is authorized to select and employ a maximum of three officers at salary not to exceed that of GS-18 § *472(b)*.

3. All Federal agencies are authorized to detail personnel to LEAA to carry out purposes of the Act § *472(c)*.

4. The Administrator is authorized to procure services of experts and consultants as necessary § *472(d)*.

5. The Administrator is authorized to accept and employ voluntary services § *473*.

6. The Administrator may request agencies and departments involved in Federal juvenile delinquency programs to provide him with such data, and conduct such studies and surveys as he may deem necessary § *474(c)*.

7. The Administrator may delegate any of h[illegible]unctions, except rule making to any employee of the Administration [illegible]*74(d)*.

8. The Administrator is authorized to utilize the services and facilities of other Federal agencies or any public agency and to pay for such services § *474(e)*.

9. The Administrator is authorized to transfer funds appropriated under this Act to any Federal agency to develop or demonstrate juvenile delinquency programs § *474(f)*.

10. The Administrator is authorized to make grants to or enter into contracts with any public or private agency, institution or individual § *474(g)*.

11. All functions of the Administrator shall be coordinated with the functions of HEW under the Juvenile Delinquency Prevention Act § *474(h)*.

12. Juvenile delinquency projects may be funded jointly by several federal agencies § *475*.

13. The Administrator shall initiate a compliance hearing whenever he finds, that a funded project has been changed and no longer complies with the provisions of this title, or whenever he finds that in the operation of a funded program there is a failure to substantially comply with any such provision § *485*.

14. Payments pursuant to a grant or contract may be made in advance or by way of reimbursement § *487(d)*.

15. Records containing the identity of any juvenile gathered for purposes pursuant to this title may not be disclosed or transferred to

any individual or agency, public or private, under any circumstances § 116.

The formula or block grant program of LEAA is identical in operation to that set up by Part F. While the percentages for calculating the initial allocation of Part C, Part E and Part F money are different, once a block allocation has been calculated the application can all be incorporated and the LEAA award can be based on a single comprehensive Statewide plan. LEAA has successfully accomplished this beginning in 1971 with the merger of the new Part E into previous Part C comprehensive plan award. It is anticipated that Part F can be immediately implemented in concert with Part C and Part E. It is noteworthy that the current Part F reflects the strongest possible national concern with the juvenile delinquency effort. In 1971 the same concern was shown for the vastly underfunded and neglected State and local correctional systems. Both Parts E and F reflect this special concern and are thus singled out for additional, supplemental funding.

A vital provision of the Committee bill requires that 75 percent of funds available to the States as formula grants be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to establish probation subsidy programs, and to provide community-based alternatives to juvenile detention and correctional facilities. Numerous witnesses before the Subcommittee have strongly advocated treatment techniques such as foster care, shelter care, youth service bureaus and counseling and other services supportive of home, school, recreational and employment opportunities for youth which would fall under this provision. Studies of such programs show that they are at least as successful as traditional programs, usually more so and usually cost considerably less.

While the current Part E of LEAA's Act does not provide a fixed percentage for advanced practices and techniques, it requires adherence to the same kinds of improvement oriented statutory specifications. Such requirements are being built into each State's planning structure and plan and are a prerequisite to award of Part E funds. It is anticipated that Part F will be similarly handled.

Tie-In of Formula Grants

Current LEAA Legislation

1. Part C "block" allocations are apportioned among the States according to respective populations § 306(a)(1).

2. Part E correctional program allocations (50%) are available for grants to State planning agencies § 455(a)(1), and LEAA has awarded them according to a population formula.

3. Part B funds are allocated to States according to population after provision for a $200,000 minimum § 205.

S. 821

Part F funds are allocated among the States on basis of relative population of people under age eighteen and no allotment to any State shall be less than $[illegible] § 401(a).

Another example of the ease and compatibility of integrating LEAA legislation with the Committee Amendment lies in the area of

direct categorical program grants. Both Parts C and E have provision for such grants. Part F likewise has this provision. Its implementation can be readily merged into the operations of LEAA's National Priority Programs and Regional Operations.

Some differences of emphasis exist in the Parts C, E and F provisions. It is most important to work cooperatively with and provide direct funding for programs operated by private as well as public agencies in Part F. Many witnesses before the Subcommittee testified that private agencies are in the forefront in developing and maintaining innovative prevention, diversion and community-based alternatives to traditional programs of institutionalization. Representatives of private youth-serving agencies testified that they have resources, facilities, and volunteers ready to join in a national coordinated effort between the private sector and the government to prevent delinquency. To encourage private involvement the bill provides for direct special emphasis and treatment grants to both public and private agencies to develop and implement new methods of delinquency prevention, treatment and rehabilitation.

TIE-IN OF CATEGORICAL GRANTS

Current LEAA legislation

1. 15 percent of Part C funds are allocated by the Administration to to State, local or private agencies at the agency's discretion § 306(a)(2).

With special emphasis to programs in areas of high crime incidence and high law enforcement and criminal justice activity § 301(a).

Funding incentives to units of general local government that coordinate or combine law enforcement and criminal justice activities § 301(b)(11), as well as National Priority Programs.

2. 50 percent of Part E funds are allocated by the Administration at the agency's discretion § [illegible](a)(2).

S. 821

At least 25 percent of funds must be used for Special Emphasis Prevention and Treatment. The Administration is authorized to make grants and enter into contracts with public and private agencies, organizations, institutions with priority given to those agencies and institutions who have had experience dealing with youth § 224(b).

In recognition of the importance of a research, training, and evaluation component in any comprehensive program to combat juvenile delinquency, the Committee Amendment creates a National Institute for Juvenile Justice within LEAA. The Subcommittee has heard testimony on a similar, though more limited, concept in the Institute for Continuing Studies of Juvenile Justice, which has support from many of our colleagues in both the Senate and the House. The Committee finds it vitally important that an analysis of all federally assisted programs be conducted on a systematic and continuing basis. Thus, the Committee bill requires that the Institute, which would be a significant component of the current LEAA Institute, evaluate all programs funded under the Act. In concert with the States, who are required to include adequate evaluation in their plans, the Institute will help to insure that the successes and failures of others will be used to improve programs generally. Current LEAA Institute activities in the juvenile

delinquency area will be given additional funding and additional emphasis of a separate organizational identity.

Clearinghouse, statistics, and data gathering activities, and ongoing research efforts will all merge smoothly into the new organization. Technical assistance and training activities which are already ongoing will provide the nucleus for expanded and focused juvenile delinquency efforts. It can readily be seen from the following charts that such activities are currently taking place and can smoothly be increased.

Tie-In Research, Information, Training and Data Activities

Current LEAA legislation

1. Block subgrants can be made for training projects § *301(b)(1)*.
2. The State plan must provide for research and development § *303(a)(7)*.
3. Institute purpose is to provide for and encourage training, research and development to improve law enforcement § *401*.
4. The Institute has authorization to fund or conduct research § *402(b)(1)*; to make studies, conduct research in approaches, techniques, systems equipment and devices § *402(b)(2)*; conduct behavioral research § *402(b)(4)*; grant research fellowships § 402(b)(5); assist in local or regional training programs of State and local law enforcement personnel § *402(b)(6)*.
5. The Institute can collect and disseminate information gathered from projects under this title § *402(b)(7)*.
6. The Institute is a national and international clearinghouse of information with respect to improving law enforcement and criminal justice § *402(c)*.
7. Part E State plan must include assurances that the State is conducting projects to improve training of corrections personnel § *453(8)*.
8. The Administration may fund or provide technical assistance § *515(c)*.
9. The Administration collects and disseminates statistical and other information § *515(b)*.

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S. 821

1. LEAA authorized to make formula grants to states for education, training and research programs § [illegible].
2. State plans must provide for adequate research, training and evaluation capacity § *482(a)(12)*.
3. Special Emphasis Programs for development of new approaches, techniques and methods in juvenile delinquency programs § *483(a)(1)*.
4. NIJJ is an information bank of research data § *409(1)*.
5. NIJJ is a clearinghouse for publication and dissemination of all information regarding juvenile delinquency § *409(2)*.
6. NIJJ authorized to conduct, encourage, coordinate juvenile delinquency research § *410(1)*; encourage development of demonstration projects § *410(2)*; develop, conduct, provide training programs for personnel in juvenile delinquency § *411(1)*; seminars, workshops and training programs in delinquency prevention and treatment § *411(2)*.
7. The NILECJ evaluates programs carried out under this title, will survey before June 30, 1976 the personnel needs in law enforcement and criminal justice and the adequacy of Federal, State, and local programs to meet the needs; reports annually to the President, the Congress, SPA's and local governments on the research and development projects conducted by the Institute, grantees and contractors § *402(c)*.
8. LEAA conducts evaluation studies of programs assisted under this title, and evaluates statistics and information relating to law enforcement § *515*.
4. LEAA makes an annual report to the President and to the Congress on the activities pursuant to this title § *519*.
5. LEAA makes an annual report by Attorney General to the President and to the Congress, a report of Federal law enforcement and criminal justice assistance activities, programs conducted, results, and problems discovered § *670*.
6. Part E grant recipients monitor the progress and improvement of the correctional system § *453(11)*; States and local governments submit such annual reports as LEAA shall require § *453(12)*.
7. State plans provide for submission of such reports as NILECJ shall require to evaluate funded projects § *303(a)(13)*.
8. LEAA has compiled with assistance from other Departments, the reports for the Interdepartmental Council to coordinate all Federal juvenile delinquency programs.

S. 821

1. LEAA establishes overall policy for all Federal juvenile delinquency programs relating to prevention, diversion, treatment and improvement of the juvenile justice system in the U.S. § *474(a)*.
2. LEAA is to evaluate the performance and results of Federal juvenile delinquency programs, and the potential of alternative programs § *474(b)(3)*.
3. LEAA will file an annual report to the President and the Congress evaluating Federal juvenile delinquency programs, and recommending modifications to increase their effectiveness § *474(b)(5)*.
4. LEAA will provide the President and the Congress, a comprehensive plan for Federal juvenile delinquency programs § *474(b)(6)*.
5. State formula grants can be used for evaluation projects § *480*.
6. The State plan must: Include a detailed study of State needs for juvenile delinquency and juvenile justice programs § *482(a)(8)*; provide for the development of evaluation capacity within the State § *482(a)(12)*; provide for a system of monitoring jails and institutions, with an annual report for LEAA, to insure juveniles are not detained with adults and juveniles charged with crimes are not placed in detention facilities § *482(a)(15)*; provide for annual report to LEAA and evaluation of the effectiveness of programs § *482(a)(21)*.
7. Applications for special emphasis program grants shall: Provide for regular evaluation of the program § *484(b)(4)*; contain SPA comments in review of the application § *484(b)(5)*; provide that regular reports will be sent to both the SPA and LEAA § *484*(b)(*6*).
8. The NIJJ is authorized to: Conduct, encourage, coordinate evaluation of any aspect of juvenile delinquency especially new programs § *410(1)*; provide for evaluation of all programs assisted under this title § *410(3)*; provide for the evaluation of any other Federal, State, or local juvenile delinquency program upon the request of LEAA § *410(4)*; disseminate the results of such evaluation § *410(5)*.

9. The NIJJ shall submit an annual report on research, demonstration, training and evaluation programs funded under this title, including an evaluation of the programs and recommendations for future programs § *413*.

10. The Advisory Committee on Standards for Juvenile Justice shall within one year of the passage of the Act submit a report to the President and the Congress which (1) recommends Federal action to aid in the adoption of recommended standards for the administration of juvenile justice; and (2) recommends State and local action to facilitate this adoption at the State and local level § *414(b)*.

Finally, it is necessary to amend the Federal Juvenile Delinquency Act to guarantee certain basic procedural and constitutional protections to juveniles under Federal jurisdiction. The Committee believes that the Act should provide for the unique characteristics of a juvenile proceeding and the constitutional safeguards fundamental to our system of justice. Six years after the Supreme Court in *In Re Gault*,[31] decried the lack of certain due process protections in juvenile proceedings, the Federal Juvenile Delinquency Act has not been changed to reflect those due process rights. The Federal law also needs to be brought up-to-date to incorporate the rehabilitative concept of a juvenile proceeding as promulgated in model juvenile court acts.

Although less than 700 juveniles are annually processed through Federal court,[32] the Federal Juvenile Delinquency Act assumes additional importance since the Federal code is often considered a model for state statutes. At a time when many states have already or are re-examining their own juvenile codes, it is essential that the Act be a model code for juveniles, combining the unique benefits of the juvenile system with virtually all the constitutional rights guaranteed an adult in a criminal prosecution. Perhaps the Federal Juvenile Delinquency Act can exercise an important influence on state and local progress towards a higher standard of juvenile justice."[33a]

National Institute of Corrections

In Committee, Senator Burdick introduced an amendment for establishment of a National Institute of Corrections within the Bureau of Prisons.[33] This amendment was subsequently incorporated into the amendment in the nature of a substitute offered by Senator Hruska and adopted by the Committee.

The idea of a National Institute of Corrections has been discussed in correctional circles for many years, and bills to establish such an institute or academy have been introduced in the Congress in several previous sessions over the past twenty years. More recently a firm proposal for the establishment of an Institute was recommended by the National Conference on Corrections held at Williamsburg, Virginia, in December 1971, and attended by a cross-section of some 350 correctional practitioners and educators from all parts of the nation. The proposal was strongly endorsed by the National Advisory Commission on Criminal Justice Standards and Goals in its 1973 Corrections report.[34]

[31] 387 U.S. 1 (1967).

[32] Administrative Office of the United States Courts, Federal Juvenile Offenders, Washington, D.C.

[33a] Senator McClellan, on behalf of himself and others, wishes to be on record to the effect that he has reached substantial agreement with the manager of S. 821 regarding certain amendments to title II which would have been added in Committee but for a procedural complication. Senator McClellan would call attention to the fact that Title II falls within the purview of the criminal codification effort currently underway by the Subcommittee on Criminal Laws and Procedures.

[33] This amendment paralleled S. 3949 introduced by Senator Hruska on Sept. 5, 1972 (see Congressional Record, Sept. 5, 1972 (daily edition) at p. S 14039) but placed the proposed Institute within the Executive Office of the President rather than the Bureau of Prisons.

The need for a National Institute of Corrections has become acute. The field of Corrections has traditionally lacked adequate budgetary support, and this neglect has resulted in many deficiencies and a general lack of effectiveness among the various components of Corrections. Most persons convicted of or arrested for criminal or delinquent acts have previously been clients of the Correctional system one or more times.

The National Institute of Corrections can result in a coordination of effort and direction. There are more than fifty prison systems in the United States, and a comparable number of juvenile institutional systems. Within the individual jurisdictions the correctional systems lack unification or consistent philosophies and approaches in dealing with criminal and delinquent behavior among their clients. There are literally thousands of separate probation departments, and thousands of jails, all working in relative isolation. The recent proliferation of community-based corrections projects and the increasing participation of private agencies in corrections, as desirable as this trend has been, has added to the general picture of fragmentation and confusion of objectives and practice.

Personnel deficiencies in the field are deplorable. Correctional agencies are typically understaffed, and the personnel lacking in educational preparation and training. Salary levels in most correctional agencies are gravely unsatisfactory, and performance standards either absent or unable to be met.

There are wide variations in the use of correctional alternatives. Some jurisdictions rely heavily on prisons and jails, the most expensive and least effective component of corrections. In other jurisdictions, the trend toward the use of the community-based resources and programs proceeds uncertainly, often lacking adequate funding and public and official understanding.

Although the social sciences are producing a great bank of knowledge and insight concerning human behavior, the application of these findings to corrections has been painfully slow. Correctional agencies typically are equipped only to provide the barest of traditional services. Research efforts have been sporadic, uncoordinated and inadequately funded. The field has not even been able to develop common definitions and methods for recidivism studies; as a result, the effectiveness of individual correctional programs cannot be determined with accuracy, and comparisons in the relative effectiveness of various types of programs and techniques cannot be made. In this confusion, many correctional agencies have given up any attempt at measuring the results of their work in reducing crime and delinquency.

There is no commonly accepted national policy for corrections, and efforts to establish realistic goals and standards have only recently been initiated, with the work of the National Advisory Commission on handicapped by the general lack of coordination and communication in the Corrections field.

The Federal government since 1969 has been engaged in the national drive to reduce the incidence of crime and delinquency, which has

[34] Supra note 8, at 603-4.

reached a level which cannot be accepted or tolerated by a civilized society. Of all the components of the criminal justice system, Corrections is recognized as the weakest and has frequently been characterized as the "step-sister." Under the Omnibus Crime Control and Safe Streets Act of 1968 substantial funds have been made available for the improvement of Corrections, and the states and localities have been budgeting for Corrections about a third of the annual block grants appropriations.

The provision for a National Institute of Corrections in this bill is intended to establish a center in the nation to which the multitude of correctional agencies and programs of the states and localities can look for the many different kinds of assistance that they require. The Institute would serve as a center of correctional knowledge. It would identify and study the many problems that beset the Correction field. With the advice and active participation of state and local correctional personnel it would develop national policies for the guidance and coordination of correctional agencies. It would evaluate correctional programs and practices. It would work with colleges, universities and correctional agencies to develop educational and training programs for correctional personnel. It would develop a research strategy through which bodies of knowledge in related fields can be applied to Corrections. It would provide highly qualified technical assistance which state and local agencies can draw upon as their needs dictate.

The National Institute of Corrections would fill a need which is now being only partially and inadequately met. It would be an instantly available and highly qualified resource for correctional agencies, which now must choose among a welter of "experts" and correctional literature with frequently conflicting points of view founded upon inadequate or totally absent study, research, and evaluation.

A beginning has already been made. Following the National Conference on Corrections in December 1971, the Department of Justice administratively initiated the development of a National Institute of Corrections. The Department convened a panel of state correctional administrators and other practitioners in the field in April 1972 to develop the general concept of a National Institute, and shortly thereafter a more permanent policymaking Advisory Panel of fourteen members was formed. The Panel was composed of Federal and state correctional practitioners, educators with a special interest in corrections, judges, and laymen. A small staff was contributed by the Bureau of Prisons, in which the Institute was housed, and the Law Enforcement Assistance Administration contributed funds for the support of pilot programs, $1.7 million the first year and $2.3 million the second year.

Under the auspices of the National Institute of Corrections a number of projects have already been undertaken:

Three criminal justice executive institutes—each involving 40 top-level administrators (state correctional directors, wardens, chief probation officers, parole board members, judges, and chiefs of police)—were held at the University of Chicago, California State University at Long Beach, and the University of Southern California. The thrust of the institutes was the development of management capabilities among these administrators to bring about improvements within their respective agencies.

Thirty-three middle management institutes each involving 40 associate wardens, institutional department heads, assistant chief probation officers, and line supervisors—were conducted by the Western Interstate Commission on Higher Education. The emphasis in these institutes was on the improvement of the management process in their agencies.

The Western Interstate Commission on Higher Education conducted on-site the implementation of organizational development concepts at the Arizona state department of corrections; the Boulder, Colorado, sheriff's office and jail; and the Utah state penitentiary. This effort involved the entire administrative staff of these agencies.

The University of Georgia trained 45 representatives of various state correctional institutions systems in techniques which would enable them to train their own personnel in counselling methods to assist offenders in solving their problems.

The California Youth Authority conducted 5 seminars, involving 125 classroom trainers and managerial trainers of state correctional systems, in training techniques designed to bring about desired change in their respective correctional agencies.

Incident to the training of 120 personnel, from line personnel to agency head, of the South Carolina Department of Corrections, in "management by objectives" techniques, the National Institute of Corrections conducted an evaluation of management performance of the Department before, during, and after the training program. A notable improvement in management performance was observed.

Six other projects involving new concepts in corrections have been developed and are scheduled for early funding. In addition, the National Institute has been providing technical assistance to state and local correctional agencies as an outgrowth of the projects that have been completed so far, although it has been unable to keep up with such requests due to limitations of staff and resources.

State and local correctional agencies have shown a high interest in the various seminars, institutes, and training programs conducted by the National Institute, and application to participate from these agencies have vastly exceeded available spaces. The National Institute has also conducted follow-up evaluation to determine whether or not participation in these programs has had the intended results, in terms of bringing about improvements in correctional agencies. The Institute found that the participants have carried through in accomplishing in their respective agencies the changes and improvements to which they had committed themselves during the course of their Institute training.

These pilot programs, although necessarily limited in objective, have given promise that a more intensified effort, involving greater numbers of state and local correctional personnel and a wider scope of National Institute activities, can achieve a significant transformation of the Corrections field in the United States. It is the intent of this bill therefore to provide for the National Institute a statutory base and structure, an expanded role, and a more permanent and prominent status, in keeping with its potential importance in helping the Corrections field to become a truly effective agent in the reduction of crime and delinquency.

Section 701 of the bill amends title 18 U.S.C. and would establish the National Institute of Corrections in the Bureau of Prisons. The committee is aware of traditional objections to the placement of an

activity of this kind in a single operating correctional agency, particularly one heavily involved with institutions at a time when the majority of offenders are being placed on probation or in various types of community-based programs. The committee has also considered the pros and cons of placing in a Federal correctional agency an activity intended primarily to serve state and local agencies on a voluntary basis. However, these objections would appear to be overcome by other provisions of this bill as set forth below. Also, the Administration through policy and the Congress through heavily increased appropriations in recent years are engaged in developing the Federal correctional system into a model which the states might emulate. The placement of the National Institute in the Bureau of Prisons would facilitate that effort, by bringing to the Bureau a wealth of fresh ideas in corrections and enabling it to serve as a laboratory in experimentation and demonstration programs from which the states and localities can be expected to receive great benefits.

Section 4351(b) amending title 18 U.S.C. provides that the Institute would be under the general supervision and direction of a Board consisting of fifteen members: five Federal officials, five practitioners in corrections, and five individuals from the private sector who have demonstrated an active interest in the field. The five Federal members would be the Director of the Federal Bureau of Prisons or his designee, the Administrator of the Law Enforcement Assistance Administration or his designee, the Chairman of the United States Parole Board or his designee, the Director of the Federal Judicial Center or his designee, and the Assistant Secretary for Human Development of the department of Health, Education, and Welfare or his designee. The Board would elect its own Chairman and Vice Chairman and establish its governing rules of procedure.

Under section 4351 (h) amending title 18 U.S.C. the Institute would be under the supervision of a Director appointed by the Attorney General after consultation with the Board. It is expected that the Board would canvass the entire nation to identify among the various correctional agencies and educational institutions the best qualified candidates for presentation to the Attorney General. This process would be one factor in minimizing possible objections to the placement of the Institute in an operating Federal correctional agency.

Section 4351(h) amending title 18 U.S.C. further provides that 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 civil service and classification laws, as are necessary to the functioning of the Institute. It is expected that the staff, faculty and other personnel of the Institute will be selected to represent as widely as possible a range of educational institutions and state and local correctional agencies, in order to avoid the development of an in-house Federal character to the Institute, which might handicap the credibility or acceptance of the Institute services to its state and local clientele. This principle would also apply to the authorization in this section for the Director to appoint such technical or other council's comprised of consultants to guide and advise the Institute.

Section 4351(h) amending title 18 U.S.C., in addition, authorizes the Director to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the

Institute. This provision will enable the Institute to benefit from the contributions of the many private foundations and private individuals who are interested in helping to support the objective correctional improvement.

Subsection (1) of section 4352(a) amending title 18 U.S.C. would authorize the Institute to receive from or make grants to and enter into contracts with Federal, State and local departments and agencies, private organizations, and individuals to carry out the purposes of the Act. This would enable the Institute to benefit from the resources and expertise of such agencies as the Department of Health, Education, and Welfare, the Department of Labor, the Administrative Office of the U.S. Courts, and others, as well as comparable state and local agencies and private organizations who have been active in supporting correctional reform efforts. It would also broaden the base of participation in Institute activities and further avoid any possible tendency toward parochialism.

Succeeding subsections would authorize the Institute to—

(1) serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on corrections, probation, and parole;

(2) assist and serve in a consulting capacity to Federal, State, and local courts, departments and agencies;

(3) encourage and assist Federal, State and local government and private agencies, institutions, and organizations in their efforts to develop and implement corrections, probation, and parole programs;

(4) devise and conduct in various geographical locations, seminars, workshops, and training programs for criminal justice personnel and other persons, including ex-offenders and paraprofessional personnel, connected with the treatment and reintegration of criminal and juvenile offenders;

(5) 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 departments and agencies which work with prisoners, probationers, parolees, and other offenders;

(6) conduct, encourage, and coordinate research;

(7) formulate and disseminate correctional policies, goals, and standards recommendations for Federal, State, and local departments and agencies, private organizations, and individuals; and

(8) conduct evaluation programs which study the effectiveness of new approaches, techniques, systems, and programs, employed to improve corrections, probation and parole.

The projected scope of activities, covering both adult and juvenile offenders and the full range of correctional problems, programs, and needs—with due emphasis on community corrections as opposed to institutional corrections—would establish the Institute as the focal point for a long-belated national drive to bring about vitally needed improvements and reform in corrections. At present such efforts are scattered, uncoordinated, and carried out in a largely piece-meal and token fashion. The Institute would help immeasurably in bringing organization, direction, and public and official recognition and support to such efforts. Its coordinating role would also assist in eliminating the duplication and waste of public and private funds that

now often attends correctional reform, particularly in the area of research.

Further subsections would authorize the Institute to—

(1) 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;

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

(3) confer with and avail itself of the assistance, records, and facilities of State and local departments or agencies, private organizations, or individuals;

(4) enter into contracts with State and local departments and agencies, private organizations, or individuals for the performance of any of the duties of the Institute; and

(5) procure the services of experts and consultants.

These provisions will further augment the resources available to the National Institute and insure a broader base of participation by interested Federal agencies as well as State and local agencies.

Further sections provide for annual reports to the President and to the Congress, records to be kept by recipients of assistance under this bill, the auditing of grants by the Institute and the Comptroller General of the United States, and the appropriation of such sums as may be necessary to carry out the activities of the Institute.

The current state of relative ineffectiveness of the Corrections field, the lack of confidence in the field by the public and other criminal justice agencies, and the still-rising rate of crime and delinquency dictate the development of a nationally coordinated effort to transform Corrections into a system that is capable of performing the functions that it is supposed to. The National Institute of Corrections, as conceived in this bill, can provide the needed coordination, stimulus, and leadership. It can do this without contributing to the needless proliferation of "Institutes." A National Institute of Corrections fits within the sphere of Federal influence because of the total and complete recognition that the State of Correctional activities in the United States amounts to a national problem of such moment that only this course can yield the results which we hope to achieve.

CONCLUSION

The Committee believes that this nation has reached a turning point in the way we handle children in trouble. It is imperative that this nation devote its resources and talents to resolving the legal and social issues involved in the prevention and control of delinquency. We can continue upon the same paths, locking children up in institutions, often for acts which are not crimes, where the only "rehabilitation" is brutalization or, at best, alienation. Alternatively, we can seize upon a unique opportunity—the chance to develop new methods of redirecting behavior that endangers society, unhampered by the forms and restrictions of our traditional juvenile correctional system. Many states and localities have already embarked upon this new direction, but are finding that it requires new resources, resources that are unavailable at the state and local level.

The Committee is firmly convinced that the Federal government must supply the needed resources to combat delinquency. Yet the

Committee has found that present Federal efforts are limited, and that lack of leadership and coordination further disperses the assistance available. The Committee believes that S. 821, as amended, can produce the desperately needed national leadership in the fight against delinquency. Passage of S. 821, as amended, will provide both the authority and resources that have so long been needed to make a concerted, effective national attack on the prevention and treatment of juvenile delinquency.

COST ESTIMATES PURSUANT TO SECTION 252(a) OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

Pursuant to Section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510), the Committee estimates the cost that would be incurred in carrying out this legislation, titles I-V, is as follows:

For Fiscal Year 1974, $100,000,000.
For Fiscal Year 1975, $200,000,000.
For Fiscal Year 1976, $300,000,000.

To carry out title VII, such sums as may be necessary.

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to Sections 133(b) and (d) of the Legislative Reorganization Act of 1946, as amended by Public Law 91-510, the following is a tabulation of votes in Committee:

1. Amendment offered by Senator Hruska to delete all references to HEW Administration and establish a new Part F in the LEAA legislation entitled, "Juvenile Delinquency Prevention and Control," and other changes, and modified by Senator Burdick's amendment which would establish a National Institute of Corrections in the Bureau of Prisons. Adopted: 8 yeas; 5 nays.[1]

YEAS—8

McClellan — Scott
Burdick — Thurmond
Hruska — Gurney
Fong — Eastland

NAYS—5

Hart — Tunney
Kennedy — Mathias
Bayh

2. Motion by Senator Bayh to order reported S. 821, as amended. Adopted: unanimously.

SECTION-BY-SECTION ANALYSIS OF S. 821

TITLE I

Title I states the findings and declaration of purpose of the legislation and defines certain terms.

[1] Although he was absent on business from the May 8 Executive Session of the Committee, Senator Ervin has requested that he be associated with the views set forth herein indicating support for LEAA, as opposed to HEW, as the responsible agency under S. 821.

Section 101 contains eight specific findings of the Congress regarding juvenile crime and delinquency, existing juvenile facilities, institutions and programs, and the need for action by the Federal Government.

Section 102 enumerates nine purposes of the act.

Section 103 amends Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by adding at the end of that section definitions of the terms "community-based" facility, program or service, "Federal juvenile delinquency program," and "juvenile delinquency program."

TITLE II—AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

Section 201 amends 18 U.S.C. § 5031 to include within the definition of juveniles those persons over 18 years of age who are alleged to have committed an act of juvenile delinquency prior to their eighteenth birthdays, and to include capital crimes within the definition of "juvenile delinquency".

Section 202 amends 18 U.S.C. § 5032 in the following manner: A juvenile shall not be proceeded against in Federal court unless the State courts refuse jurisdiction, or do not have adequate services available. If a juvenile is proceeded against in Federal court, he or she shall be proceeded against as a juvenile unless he or she requests, with advice of counsel, to be treated as an adult, or unless he or she is over sixteen years old, is allegedly to have committed a felony, and after a hearing upon motion of the Attorney General at which the juvenile is accorded all due process rights, is found by the court to have no reasonable prospects for rehabilitation before his or her twenty-first birthday. Specific criteria are listed by which the court shall assess the prospects for rehabilitation, and findings are required with regard to each criterion. Subsequent proceedings on the basis of the alleged act are barred in any court after a plea has been entered in one court. Statements made prior to a transfer to criminal prosecution are made inadmissable for the purposes of any criminal prosecution. In present law, the choice of juvenile or adult trial is with the discretion of the Attorney General.

Section 203 amends 18 U.S.C. § 5033 to provide that a juvenile when taken into custody, must be advised of his or her rights, in a manner consonant with his or her age, and taken to a magistrate forthwith. Notice of the apprehension, nature of the alleged offense, and rights of the juvenile must also be given to parents, guardians and custodians.

Section 204 amends 18 U.S.C. § 5034 to provide that when a juvenile appears before the magistrate, he or she must be represented by counsel, at court expense if necessary. Following the appearance, the juvenile must be released to the custody of parents, guardian, custodian or other responsible adult, unless the court affirmatively finds, after a hearing, that detention is necessary to secure the juvenile's timely appearance before the court or to insure the safety of the juvenile or others. The new section establishes a presumption for release of the juvenile.

Section 205 amends 18 U.S.C. § 5035 to provide as follows: If the magistrate orders the juvenile detained, such detention must be in as non-restrictive an environment as possible. In no circumstances may

a juvenile be detained in an institution in which adult persons convicted of, or alleged to have committed a crime, are detained. Alleged and adjudicated delinquents must be separated. In all forms of detention, a juvenile must be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological or other treatment.

Section 206 amends 18 U.S.C. § 5036 to provide that a delinquent must be brought to trial within 30 days of arrest. The remedy for a failure to comply is a dismissal of the information with prejudice. Exceptions are made for unavoidable or consensual delay, except that due to court calendar congestion.

Section 207 amends 18 U.S.C. § 5037 to provide that a juvenile is entitled to all rights that would be accorded an adult in a criminal prosecution, except the right to a grand jury indictment. The right to a public trial is limited by permitting access only by the press, and only under the condition that information that could identify the juvenile not be disclosed. Violation of the condition is made punishable as contempt of court.

Section 208 amends Title 18, U.S.C. by adding a new section 5038 to provide as follows: Following an adjudication of delinquency the court may order further study or hold a separate dispositional hearing. The dispositional hearing must be held within 20 days, and attorneys for both the juvenile and the government must receive copies of the presentence report at least three days prior to the hearing. At the hearing, the court may suspend the adjudication of delinquency with conditions as it deems proper; or it may place the juvenile on probation or commit the juvenile to the custody of the Attorney General for a period not to extend beyond the juvenile's twenty-first birthday, or the maximum term for which a sentence could have been imposed on an adult convicted of the same offense, whichever comes first. If the court orders further study, or desires such study prior to adjudication, it may commit the juvenile after notice and hearing. Such study must be conducted on an out-patient basis, unless the court determines that in-patient study is essential. Results of the study must be reported within thirty days, unless the court grants additional time.

Section 209 amends Title 18, U.S.C. by adding a new section 5039, subsection (a) of which would provide that the files and records of any delinquency proceeding are to be sealed after completion of the proceeding, and released only to courts of law, persons preparing reports for courts of law, law enforcement agencies investigating a crime or position within the agency, the director of a facility to which the juvenile is committed, or government personnel for national security reasons. When an inquiry is related to employment, license, bonding, or any civil right or privilege, the information may not be released, and the response may not differ from responses about persons not involved in delinquency proceedings.

Subsection 5039(b) would provide for the destruction of all records of proceedings in which an adjudication of delinquency was not entered.

Subsection 5039(c) would provide that District courts must inform the juvenile and his or her parents or guardian of rights regarding the confidentiality of records, in language comprehensible to those persons.

Subsection 5039(d) provides that records prepared by governmental employees in the course of juvenile proceedings are subject to the same disclosure restrictions as court records.

Subsection 5039(e) provides that a juvenile shall not be photographed or fingerprinted, except by court order, unless he or she is transferred for criminal prosecution under § 5032, and that neither the name nor picture of the juvenile may be made public.

Section 210 amends Title 18 U.S.C. by adding a new section 5040 to provide that a juvenile committed to the Attorney General has a right to treatment, and that conditions of confinement must reflect as nearly as possible an adequate home environment, including but not limited to, adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education and medical care, including necessary psychiatric, psychological, or other care. Juveniles may not be confined in adult jails or correctional institutions. There is a presumption in favor of commitment to a nonrestrictive foster home or community-based facility wherever possible.

Section 211 amends Title 18 U.S.C. by adding a new section 5041 to authorize the Attorney General to contract with public and private entities for the provision of services for juveniles in his custody, and to promulgate such regulations and expend appropriations as are necessary for this purpose.

Section 212 amends Title 18 U.S.C. by adding a new section 5042 to provide for release of juveniles on conditions deemed necessary by the Board of Parole, as soon as the Board is satisfied that the juvenile is not likely to violate the law.

Section 213 amends Title 18 U.S.C. by adding a new section 5043 to provide for notice and hearing with counsel before a juvenile may have his probation or parole revoked.

Section 214 amends the table of sections of chapter 403 of Title 18 U.S.C. in accordance with the above amendments.

TITLE III

Title III further amends the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to add a new Part F dealing with juvenile delinquency prevention and control to Title I of that Act.

Section 301 is the operative provision of the Title. Nine new sections are included in the new Part F, as follows:

Section 471 creates within the Department of Justice, Law Enforcement Assistance Administration (LEAA) an Office of Juvenile Justice and Delinquency Prevention (Office), to be headed by a Director who is subject to the direction of the Administrator of LEAA. A Deputy Director is also provided for. An Assistant Director is to supervise and direct the National Institute for Juvenile Justice established under section 501 of the Act.

Section 472 authorizes the Administrator to select, employ and fix the compensation of officers and employees of the Office. Three officers may be appointed at a rate not above that prescribed for government grade GS-18. Provision is also made for use of experts and consultants and the detailing of employees from other Federal agencies.

Section 473 permits the acceptance of voluntary and uncompensated services, notwithstanding the provisions of 41 U.S.C. 665(b).

Section 474 requires the Administrator to establish overall policy and develop objectives and priorities for all Federal juvenile delinquency, juvenile justice and related programs and activities. The Administrator shall consult in this effort with the Interdepartmental Council on Juvenile Delinquency and the National Advisory Committee for Juvenile Justice and Delinquency Prevention. To carry out the purposes of the Act, the Administrator is authorized and directed to undertake a number of responsibilities. These include advising the President, assisting other agencies when necessary, conducting and supporting evaluations and studies of juvenile delinquency programs and activities, coordinating programs and activities among Federal departments, developing analysis and evaluation of Federal functioning under the Act, developing a comprehensive plan for Federal juvenile delinquency programs, and providing technical assistance. The Administrator may utilize the services of other Federal agencies on a reimbursable basis, and may request information and reports from the agencies as necessary. Funds may be transferred to other Federal agencies for the development of new methods or supplement existing programs in the area of juvenile delinquency prevention and rehabilitation. The Administrator is further authorized to make grants and enter into contracts to carry out the purposes of the Act, and he may delegate any functions except that of making regulations. The Administrator must coordinate his activities as necessary with the Secretary of H.E.W. as regards the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.).

Section 475 provides for unified administration of juvenile delinquency programs funded by more than one Federal agency. The Administrator may request one agency to act for all. A single non-Federal share requirement may be established, and technical requirements may be waived where inconsistent.

Section 476 establishes an Interdepartmental Council on Juvenile Delinquency consisting of the heads of various Federal agencies whose programs have a direct bearing on the problems surrounding juvenile delinquency. The Attorney General is to serve as Chairman of the Council. The Council shall meet a minimum of six times per year and shall coordinate all Federal juvenile delinquency programs. An Executive Secretary and such personnel as necessary shall be appointed by the Chairman. Provision is made for the designees of the Council members to serve in their place.

Section 477 establishes a National Advisory Committee for Juvenile Justice and Delinquency Prevention consisting of 21 members. Interdepartmental Council members or their designees are to be ex officio members of the Committee. The regular members are to be appointed by the President and are to have special knowledge or experience concerning juvenile delinquency and juvenile justice. A majority of the members, including the Chairman designated by the President, are not to be full-time employees of Federal, State or local governments. At least seven of the members must be under the age of 26 at their appointment. The members will be appointed to a four-year term, on a staggered basis.

Section 478 specifies the duties of the Advisory Committee. The Committee must meet a minimum of four times a year and will make recommendations to the Administrator regarding planning, policy, priorities, operations and management of all Federal juvenile delin-

quency programs. Subcommittees may be designated for particular purposes. One five-member subcommittee shall serve as members of an Advisory Committee for the National Institute for Juvenile Justice. Another five-member subcommittee shall serve as an Advisory Committee on Standards for Juvenile Justice.

Section 479 provides for the reimbursement of expenses of Advisory Committee members and for the compensation of members not employed by the Federal Government.

Section 302 of Title III redesignates Parts F, G, H, and I of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, as Parts G, H, I, and J, respectively.

TITLE IV

Title IV adds eight additional sections to the newly created Part F of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. These provisions establish a Federal assistance program for State and local government for juvenile justice, delinquency and related programs. Sections 480 through 482, create a formula grant program. Sections 483 and 484 provide for special emphasis prevention and treatment programs.

Section 401 is the operative provision of Title IV. The eight sections added to Part F are as follows:

Section 480 authorizes the Administrator to make grant to States and local government to assist them with programs and activities related to juvenile justice and juvenile delinquency.

Section 481 provides for allocations of funds under Part F among the States on the basis of population of people under age 18. No State is to get less than $200,000, except for certain island territories. Funds unallocated at the end of any fiscal year are to be reallocated in an equitable manner. Any reallocated amounts are in addition to the amounts already available. Not more than 15 percent of a State's allotment may be used for developing a State plan and administering the program. Local governments are to share in this planning and administration money. Such allocations are subject to regulation.

Section 482 requires that each State have a plan for carrying out the purposes of the legislation in order to get formula grants. The requirements for the State plans are set forth in twenty-two enumerated paragraphs and are as follows:

The State planning agency already established to implement the Omnibus Crime Control and Safe Streets Act is to be solely responsible for planning and administration of the plan;

The State planning agency must be shown to have authority to implement the plan;

An advisory group shall be appointed by the chief executive of the State to advise the State planning agency and its supervisory board. The make-up of the advisory group, similar to that of the National Advisory Council for Juvenile Justice and Delinquency Prevention, is specified;

Local governments must be actively consulted and local needs taken into account;

50 percent of the funds received by a State are to be expended through local government programs, unless waived by the Administrator because juvenile services are organized primarily on a statewide basis;

The chief executive officer of the local government shall designate a local agency responsible for preparation, administration and supervision of the local part of the State plan and local programs funded;

Funds received must be equitably distributed within a State;

A detailed study of State needs for an effective, comprehensive, coordinated approach to juvenile justice and delinquency prevention must be set forth. This study is to include an estimate cost for implementation;

Private agencies are to be consulted and participate in development and execution of the State plan. Existing programs are to be used where feasible;

75 percent of the funds available to a State are to be used for advanced techniques and programs for prevention of delinquency, diversion of juveniles from the juvenile justice system, use of probation subsidies, and provide community-based alternative to detention. Six examples of advanced techniques are specified;

A statewide program is to be provided for which is aimed at reducing commitments of juveniles to correctional facilities, increasing the use of community based facilities, and discouraging the use of secure detention and incarceration;

Within two years after submission of the plan, the State must assure that juveniles who have committed or been charged with offenses not criminal if committed by an adult, are placed in shelter facilities rather than correction or detention facilities.

Juveniles alleged or adjudicated to be delinquents are not to be detained or confined in any institution in which they have regular contact with alleged or adjudicated adult criminals;

The State must provide for monitoring of jails and detention and correctional facilities to assure that the requirements of the preceding two paragraphs are complied with. Findings are to be reported to the Administrator annually;

Assurance must be made that assistance will be equitably available to all youths, including those who may be handicapped or a member of a minority group;

Procedures are to be established for protecting the rights of recipients of services and assuring privacy of records regarding such services;

Arrangements are to be made to protect the interests of employees affected by assistance under the Act;

Fiscal control and fund accounting must be provided for;

Assurance must be made that Federal funds available will be used to supplement and increase, not supplant, other available State, local and non-Federal funds;

The State planning agency must review its plan at least annually and submit an analysis, evaluation and any necessary modifications to the Administrator;

The plan is to contain such other terms and conditions as the Administrator reasonably prescribes to assure program effectiveness.

The State advisory group is to approve the State plan and any modifications prior to its submission. The Administrator is to approve any plan which meets the requirements of the section. If a State does not submit a plan, or submits one which the Administrator finds, after

notice and hearings, does not meet the section's requirements, then the Administrator is to make the State's allotment otherwise available for special emphasis prevention and treatment programs, as defined in Section 483.

Section 483 authorizes the Administrator to make grants and enter into contracts for developing and implementing new approaches, tech- niques and methods for juvenile delinquency programs, for develop- ing and maintaining community-based alternatives to incarceration, for developing and implementing new means of diversion, for im- proving the capability of public and private agencies to provide serv- ices to delinquents and those in danger of becoming delinquents, and for facilitating adoption of the recommendations of the Advisory Committee on Standards for Juvenile Justice. Priority for grants is to be given to private organizations or institutions who have had ex- perience dealing with youth. No less than 25 percent of the funds appropriated each fiscal year pursuant to Part F are to be available only for special emphasis prevention and treatment programs.

Section 484 requires submission of an application for grants under Section 483 and sets forth the requirements for such application. The application must provide for supervision by the applicant, a program carrying out one of the purposes of Section 483, proper and efficient administration, regular evaluation, review by the State planning agency when appropriate, regular reports to the Administrator, and necessary fiscal control and fund accounting procedures. In determin- ing whether or not to approve applications, the Administrator must take into account cost and effectiveness of proposed programs, the ex- tent the program is new or innovative, the extent to which the pro- gram is consistent with the State's plan, the increase in capacity of the applicant to provide necessary services, the rates of youth unem- ployment, school dropout and delinquency in the community to be served, and the extent to which the program faciliitates the im- plementation of the recommendations of the Advisory Committee on Standards for Juvenile Justice.

Section 485 provides for operation of the withholding provisions of of the Act if the Administrator finds that a program or activity which was the subject of a grant has so changed that it no longer complies with the provisions of the title or operates without so complying. Such a finding will be made only after due notice and hearing.

Section 486 provides that funds paid may be used for securing, developing or operating programs carrying out the purposes of the part, or for up to 50 percent of the construction cost of innovative community-based facilities for less than 20 persons which the Ad- ministrator feels are necessary for carrying out the purposes of the part.

Section 487 sets forth the policy of Congress that programs should receive continued funding if evaluation is satisfactory. At the Ad- ministrator's discretion, a State may use 25 percent of the funds avail- able to it under the part to meet the non-Federal matching share re- quirement for any other Federal juvenile delinquency grant. There must be no other way for a necessary project to be funded. Otherwise, the Administrator may require a grant recipient to contribute money, facilities, or services.

TITLE V

Title IV further amends the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to e tablish within the existing Na- tional Institute for Law Enforcement and Criminal Justice a National Institute of Juvenile Justice and a National Institute of Corrections. Section 501 adds eight new sections creating the National Institute of Juvenile Justice. Sections 502 and 503 establish the National In- stitute of Corrections.

Section 404 establishes a National Institute for Juvenile Justice within the National Institute of Law Enforcement and Criminal Jus- tice. It is to be under the supervision and direction of the Administra- tor and headed by an Assistant Director of the National Institute of Law Enforcement and Criminal Justice.

Section 405 authorizes the National Institute for Juvenile Justice to serve as an information bank by collecting and synthesizing data concerning juvenile delinquency, and to serve as a c'earinghouse and information center for the preparation, publication and dissemination of all information regarding juvenile delinquency.

Section 406 authorizes the National Institute for Juvenile Justice to conduct, encourage and coordinate research and evaluation into any a pe t of juvenile delinquency, encourage development of demonstra- tion projects using new and innovative techniques, evaluate assisted programs, and disseminate the results of evaluations, research, and demonstration projects.

Section 407 authorizes the National Institute for Juvenile Justice to develop, conduct, and provide for training programs, seminars, and workshops for personnel engaged in work or preparing to work in areas related to juvenile delinquency.

Section 408 provides that the Advisory Committee for the National Institute for Juvenile Justice (established in Section 478) shall ad- vise, consult with, and make recommendations regarding the overall policy and operations of the Institute.

Section 409 provides that the Assistant Director is to report an- nually on the programs of the Institute to the Administrator. A sum- mary of this report shall be included in the Administrator's annual report to the President and Congress, as required by Section 474.

Section 410 requires the National Institute for Juvenile Justice, under the supervision of the Advisory Committee on Standards for Juvenile Justice, to review existing reports and data and develop standards relating to juvenile justice. Within one year of passage of the section, a report is to be made to the President and Congress recommending Federal, State, and local action to facilitate adoption of the standards developed The Advisory Committee can get informa- tion as needed from other Federal agencies.

Section 411 provides that records containing the identity of in- dividual juveniles gathered for purposes of the title may not be dis- closed or transferred to any individual other public or private agency.

Section 502 of Title V redesignates Sections 403, 404, 405, 406 and 407 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, as Sections 411, 412, 413, 414 and 415, respectively.

TITLE VI

Section 601 authorizes the appropriation of $100,000,000 for the fiscal year ending June 30, 1974, $200,000,000 for the fiscal year ending June 30, 1975, and $300,000,000 for the fiscal year ending June 30, 1976.

Section 602 specifies that no more than 15 percent of the funds appropriated annually for the purposes of the Act are to be used for Title V.

TITLE VII

Title VII creates a National Institute of Corrections within the Bureau of Prisons, by amending Title 18 U.S.C. by adding a new Chapter 319.

Section 701 is the operative provision of the Title. Three new sections are included in the new Chapter 319, as follows:

Section 4351 establishes a National Institute of Corrections within the U.S. Bureau of Prisons. A 15 member Advisory Board is to supervise the overall policy and operations of the National Institute of Corrections. Five Federal officials are designated as ex-officio members. Five members are to be qualified as a practitioner in the field of corrections, probation or parole, while five are to be from the private sector. Advisory Board members are to be appointed by the Attorney General for three-year, staggered terms. A chairman and vice-chairman are to be elected from among the Board's members. Provision is made for compensation and reimbursement for expenses.

The Advisory Board is authorized to appoint advisory and technical committees as necessary, without regard to the civil service laws, and may delegate its powers. A Director, appointed by the Attorney General after consultation with the Board, will have general supervisory powers over functioning of the Institute.

Section 4352 sets out certain powers of the National Institute of Corrections. Essentially these are as follows:

To receive or make grants and contracts with governmental and private agencies and individuals;

To serve as a clearinghouse and information center for information regarding corrections;

To assist Federal, State and local agencies in the development and maintenance of programs and facilities for offenders;

To encourage and assist improved corrections programs;

To conduct seminars, workshops and training sessions for personnel connected with the treatment and rehabilitation of offenders;

To develop technical training teams;

To conduct, encourage and coordinate research;

To formulate and disseminate correction policy, goals and standards recommendations;

To conduct evaluation programs;

To receive information and data from other Federal agencies;

To arrange reimbursement to other Federal agencies for the use of personnel, facilities and equipment;

To confer with and get assistance from governmental and private organizations and individuals;

To contract with public or private agencies, organizations or individuals for performance of Institute functions; and,

To procure services of experts and consultants.

The National Institute of Corrections must report annually to the President and Congress. Each recipient of assistance must keep complete records of his activities. Books and records pertinent to grants received shall be audited by the Institute and the Comptroller of the United States, or their authorized representatives. These provisions apply to all recipients of assistance, whether direct grantees or contractors, or subgrantees or subcontractors.

Section 4353 authorizes to be appropriated such funds as may be required to carry out the purposes of this chapter.

ADDITIONAL VIEWS OF SENATOR BAYH

The Juvenile Justice and Delinquency Prevention Act of 1974 was designed to provide for the desperately needed Federal leadership and coordination of the resources necessary to develop and implement at the state and local community level effective programs for the prevention and treatment of juvenile delinquency. S. 821 is the product of a three-year bipartisan effort to improve the quality of juvenile justice in the United States and to provide a comprehensive expanded Federal approach to the problems of juvenile delinquency.

I was gratified when on March 5, 1974, the Senate Subcommittee to Investigate Juvenile Delinquency reported S. 821 unanimously to the full Judiciary, and when on May 8, 1974, the Judiciary Committee reported the bill as amended. The Committee's action means that the possibility of enacting a comprehensive forward-looking juvenile delinquency program is closer to realization. It was clearly recognized in the Judiciary Committee meeting that there was a need to develop comprehensive services to prevent delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to traditional juvenile correctional facilities.

I have mixed feelings that S. 821 as amended and reported by the full Judiciary Committee does not place the program in the Department of Health, Education and Welfare (HEW) as envisaged by my bill. S. 821 originally proposed the creation of an Office of Juvenile Justice and Delinquency Prevention in the Executive Office of the President. The Subcommittee was concerned about the establishment of a coordinating body in the White House at a time when the Subcommittee believes there is a serious need to strengthen existing departments of government. The bill, as reported from the Subcommittee created a Juvenile Justice and Delinquency Prevention Administration in HEW to provide leadership in preventing delinquency and "minimizing" contact with the juvenile justice system. This decision was made after careful consideration by the Senate Subcommittee to Investigate Juvenile Delinquency of the best placement of this program, including possibly placement in the Law Enforcement Assistance Administration (LEAA). S. 821 was amended in the Judiciary Committee to transfer the comprehensive juvenile delinquency effort to LEAA. Such a change requires consideration of the numerous administrative and institutional implications of this program which is supposed to provide a wide-range of services for delinquents and potential delinquents. It is important to consider the consequences of this decision to the youth of this country who may have to be identified in a law enforcement context in order to receive social services.

BACKGROUND

One of the major problems in defining the Federal role in juvenile delinquency prevention and control has been the confusion in roles between the Department of Health, Education, and Welfare and the Department of Justice. The recent history of the role of the Federal government in juvenile delinquency prevention and control began with the passage of the Juvenile Delinquency Prevention and Control Act of 1968 administered by the Department of Health, Education, and Welfare and the establishment of the Law Enforcement Assistance Administration of the Department of Justice set up under the Omnibus Crime Control and Safe Streets Act of 1968.

Congress in passing the Juvenile Delinquency Prevention and Control Act of 1968 expected HEW to become the national leader in establishing innovative and effective efforts to find solutions to the problems of juvenile delinquency. HEW was assigned the responsibility for assisting states in developing comprehensive state juvenile justice plans because the Department had skills in dealing with the preventive and rehabilitative aspects of social services.

LEAA with vastly larger resources than HEW soon became dominant in the criminal justice planning field. LEAA defined its primary responsibility as adult crime control and the major focus of its state block grant programs and expenditures has accordingly been on the problems of the adult criminal population. In 1971, there was no specific juvenile delinquency unit within LEAA, nor any uniform guidelines or mechanism to monitor the content and quality of the juvenile delinquency components of state plans.[1] While LEAA was not providing leadership in juvenile delinquency planning, few states looked to HEW for assistance in this field. The failure of the White House to request more than a small portion of the amounts authorized by Congress for each fiscal year resulted in pitifully small appropriations for the HEW delinquency effort.

In an exchange of letters on May 25, 1971 [2] the Secretary of HEW and the Attorney General acknowledged the existing inadequacy in coordinating the juvenile delinquency activities of their respective agencies. The May 25 letters specified that each state should develop a single comprehensive criminal justice plan which would comply with the statutory requirements of both the Omnibus Crime Control and Safe Streets Act and the Juvenile Delinquency Prevention and Control Act. The Secretary and the Attorney General agreed that HEW was to concentrate its efforts on prevention and rehabilitation programs administered outside the traditional juvenile correctional system while LEAA was to focus its efforts on programs within the juvenile correctional system. This 1971 letter agreement clearly allocated the responsibility for prevention to HEW. Nevertheless, the narrow view of HEW's goals combined with its minimal level of funding raised questions about HEW's ability to provide national prevention leadership.

[1] See staff report of the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, "Legislative Oversight Hearings on Federal Juvenile Delinquency Programs, March 31 and April 1, 1972" (92d Congress, 1st Session, December 1971).

[2] Hearings before the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, "S. 1732, the Juvenile Delinquency Amendments of 1971," Exhibit Nos. 3 and 4, pp. 21-23 (92d Congress, 1st Session, May 20, 1971).

The Juvenile Delinquency Subcommittee recommended and Congress subsequently passed both a one-year extension [3] of the 1968 Act in 1971 and a two-year extension of this legislation now entitled the Juvenile Delinquency Prevention Act in 1972.[4] These extensions resulted in a limitation of the role of HEW in the delinquency field to preventive programs outside the juvenile justice field. Although the dimensions of the HEW program was a continuing concern to citizens and organizations and members of Congress interested in an effective Federal juvenile delinquency effort, in fiscal years 1972, 1973 and 1974, the White House has requested and HEW has received only $10 million dollars in each of those years. Due to this level of appropriations, HEW has increasingly restricted its role to the development of youth services systems, which may well be a worthwhile goal, but certainly cannot cannot begin to grapple with the delinquency problem in this country. The administration of the Act has been submerged within HEW so an outsider cannot even find the location of HEW's delinquency prevention programs.

HEW has had long experience in developing social programs and human resource plans must be coordinated with juvenile justice planning if delinquency prevention is to become a reality in this country. Moreover, HEW operates programs in related areas, particularly in education and health, which must necessarily be part of a comprehensive effective Federal delinquency effort. HEW has broad contacts with private voluntary agencies and could be expected to work out a partnership between these organizations and government essential to the successful administration of S. 821. HEW has had considerable experience in its many different education and social programs working with youth and youth involvement which are vital to an effective approach to the delinquency problem and to the creation of a nucleus of alternative services for youth. For these reasons, the Subcommittee to Investigate Juvenile Delinquency recognized the potential leadership possibilities in HEW placing the administration of S. 821 in that department.

The decision to place the administration of S. 821 in LEAA must be viewed in the context of LEAA's role in the delinquency field since its creation in 1968. Over the years since 1968, LEAA with its vast resources and administrative staff, though dominant in the criminal justice field, has never asserted the leadership in the field of juvenile justice. LEAA has consistently viewed it srole in juvenile delinquency prevention and control as a very limited one. Despite the fact that it is the primary Federal crime control agency and juveniles account for almost half of the serious crimes in the country, LEAA has never spent even a quarter of its available funds on juvenile delinquency programs and usually far less. In fiscal 1970, LEAA allocated less than 12 percent of its appropriations on juvenile delinquency programs; in fiscal 1971 it still remained under 20 percent. In fiscal 1972, according to LEAA's estimate, a possible 21 percent of its total appropriations went to juvenile delinquency.

In the past LEAA's main responsibility has been to improve and strengthen law enforcement and its concern in the delinquency field has been primarily with improvement of the functioning of the juvenile

[3] See Senate Report No. 220, the "Juvenile Delinquency Prevention and Control Act Amendments of 1971" (92d Congress, 1st Session, June 17, 1971).

[4] See Senate Report No. 1003, the "Juvenile Delinquency Prevention Act," (92d Congress, 2d Session, July 27, 1972).

justice system. LEAA has primarily devoted its programs for adjudicated delinquents and has not tended to coordinate its efforts with public and private organizations outside the juvenile justice system. LEAA has had little experience with youth or private agencies concerned with youth who are vital to a successful delinquency prevention effort. It should be pointed out that there is some question of how much legislative authority LEAA has had in this area. As a result of the 1973 amendments to the Crime Control Act, LEAA has started to take initiatives in the field of delinquency prevention and treatment which suggest that LEAA could expand its role in the director of delinquency prevention including the vital involvement of public and private human service agencies.

LEAA will have to take leadership in the prevention and treatment of juvenile delinquency in order to administer S. 821, as amended. The theory of the Omnibus Crime Control and Safe Streets Act, which created LEAA, is that the vast bulk of funds should go to the states for law enforcement and criminal justice improvement and that the states decide how to use their funds. Under S. 821 which creates a new "Part F" to the Omnibus Crime Control and Safe Streets Act, LEAA will have to push forward with new national initiatives to help reduce involvement of children in the criminal justice system. LEAA will be expected to work with human service agencies at the national and the state level to coordinate their efforts to prevent juveniles from entering the juvenile justice system. In order to administer S. 821, LEAA will also have to develop its juvenile delinquency research and vastly improve its evaluation of Federal juvenile delinquency programs.

LEAA is of course experienced in administering block grant criminal justice plans combined with discretionary funds similar to aspects of S. 821's juvenile justice plans and direct special emphasis grants. Hopefully LEAA will use this expertise with a clear mandate to prevent delinquency, such as is contained in S. 821, to produce an effective delinquency prevention rehabilitation program in LEAA. If Congress mandates the role for LEAA, I will vigilantly review LEAA's activities to assure that the strong accountable Federal response to the delinquency crisis required by S. 821 is forthcoming.

Need for This Legislation

After three years of study, I know it is vitally important to pass S. 821 as soon as possible. Juvenile delinquency is not a priority concern of any department of the Federal Government and uncoordinated juvenile delinquency programs are scattered throughout the Departments of HEW, Justice, Labor and Housing and Urban Development, and other agencies.

Unfortunately efforts at the state and local level to combat delinquency are equally uncoordinated. Federal fragmentation has resulted in lack of coordination at the state and local level and many agencies and groups crucial to the fight on delinquency do not see themselves as any part of the solution to the delinquency problem. S. 821, with its emphasis on coordination at all levels of government, can provide the long-needed focus for this problem.

In closing, I want to sum up S. 821 in one word, "prevention." The need at the present time is to prevent children from coming under the juvenile justice system or being involved with the traditional juvenile

correctional system. The juvenile justice system has proven itself incapable of turning young people away from lives of crime. The recidivism rate for persons under 20 is the highest of any age group, close to 75 percent within four years. Witnesses before the Subcommittee have repeatedly testified about the tragic failure of our juvenile justice and correctional system. Our overcrowded, understaffed juvenile courts, probation services, and training schools rarely have the time, energy, or resources to offer the individualized treatment which the juvenile justice system was designed to provide. Once a young person enters the juvenile justice system he will probably be picked up again for delinquent acts, and eventually he will graduate to a life of adult crime.

Witnesses before the Subcommittee have emphasized their frustration that in many communities there are few if any services for a youth until he becomes involved in the juvenile justice system. Equally frustrating for those involved in the juvenile justice system, is how few alternatives are available within the juvenile justice system. Frequently a juvenile judge only has the possibility of returning a juvenile to his home, putting the child on probation or in an institution. What is needed are programs in communities aimed at preventing children with a high probability of delinquent involvement from behavior leading into the juvenile justice process. At each step along the way that children seem headed for trouble, the community should be able to choose the least amount of intervention necessary to change the undesirable behavior. It is often vital that the youth be reached before becoming involved with the formal juvenile justice system. In the first instance, preventive services should be available for identifiable, highly vulnerable groups to reduce their expected or probable rate of delinquency. If children commit acts which result in juvenile court referral, then an attempt should be made to divert them from the juvenile court. When youth commit serious crimes and must clearly be subjected to the jurisdiction of the juvenile justice system, then the preferred disposition should be community-based treatment.

S. 821 is the long-needed comprehensive Federal program to provide meaningful alternatives for youth inside and outside the juvenile justice system. The development of these alternatives is vital to the well-being of our nation's youth.

Birch Bayh.

CONFERENCE REPORT NO. 93-1298

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 provison.

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 governments. The conference substitute provides that 66⅔% 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 comparable 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 Continuing 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.

Carl D. Perkins,
Augustus F. Hawkins,
Shirley Chisholm,
Albert H. Quie,
Managers on the Part of the House.

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.

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May 30, 1989

MEMORANDUM

TO: Representative Randy Phillips

FROM: Sandi Depue *Sandi*
Administrative Officer

RE: Runaway Minors: State Regulation of Length of Stay in Shelters
Research Request 89.112 (Supplemental Information)

You asked how long the states of Arizona, California and Washington allow runaway minors to remain in shelter facilities without parental consent. None of the three states has statutes specifically addressing this issue. This memorandum describes the guidelines in each state.

In Arizona, a runaway may be held in a shelter facility--whether state or privately funded--for no more than 24 hours without parental consent.

In state-funded shelters in California, runaways can be held for 72 hours without parental consent. According to Bruce Fisher, of Youth Advocates in San Francisco, California, privately-funded facilities have no standard regulation. Most private shelters will hold youths for only 72 hours without obtaining parental consent. One exception to this is in a shelter in Hollywood, California, and relates to abandoned youths--those whose parents have filed no missing persons reports, who do not have any outstanding warrants for arrest, or who truly do not know their parents. As long as the youths are working and trying to become independent citizens, the shelter will house them for 60 days.

In Washington, the expert in this field is out of the office until after the 4th of July. According to her replacement, Carol Clark, program manager, Division of Children and Family Services, if a parent or guardian cannot be immediately contacted, a court document must be filed within 24 hours requesting approval to continue sheltering the runaway.

Personnel in all three states mentioned the guideline for facilities which receive federal funding--the facilities may shelter runaways for no more than 14 days, however they must seek parent or guardian approval immediately.

I hope I have provided enough information for your use. If you have further questions, please let me know.

ALASKA STATE LEGISLATURE
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January 12, 1989

MEMORANDUM

TO: Representative Randy Phillips

ATTN: Janet Seitz

FROM: Tom McKenna TM
Legislative Analyst

RE: Runaway Minors: State Regulation of Length of Stay in Shelters
Research Request 89.112

You asked us how long other states allow runaway minors to remain in shelter facilities without parental consent. A runaway shelter may be a publicly or privately operated facility which is authorized by the state to provide services for runaway youth. Only three of ten states contacted have policies which allow minors to stay in shelters for a specific period of time without parental consent[1]. New York and Oklahoma allow for a 30-day shelter period and Wisconsin allows for a 20-day period without parental consent. In contrast, Alaska allows minors to stay for up to 45 days (AS 47.10.320; Attachment A). Although minors in Alaska may remain in a shelter for this period without the consent of a parent or guardian, contact with the parent or guardian is required to be made within 48 hours.[2]

However, all states contacted have some licensed shelter facilities that receive federal financial assistance. Under regulations set by the federal Runaway and Homeless Youth Act, these shelters may house runaways no longer than 14 days without parental consent. Approximately 350 federally assisted shelters in the country operate under these requirements.[3] A stricter state statute would supercede these federal requirements.

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[1]States contacted include: Florida, Illinois, Massachusetts, Minnesota, New Jersey, New York, Oklahoma, Oregon, Vermont and Wisconsin. States were selected on the basis of information obtained from the National Conference of State Legislatures, National Network of Runaway and Youth Services, National Resource Center for Youth Services, and Westlaw's state statute database, and with regard to a broad geographical distribution.

[2]Russ Webb, Department of Health and Social Services, Division of Family and Youth Services, personal communication, January 10, 1989.

[3]June Bucy, Director, National Network of Runaway and Youth Services, personal communication, December 28, 1988.

Table 1 summarizes the period minors may stay in shelters, the period during which parents must be contacted, and relevant information about parental consent and policy implementation in the ten states contacted. Statutes which address how long runaway minors may remain in shelters are provided for New York, Vermont and Wisconsin (Attachments B-D).

As indicated in Table 1, the regulated length of the period of shelter ranges from seven days in Vermont to 30 days in Massachusetts, New York, and Oklahoma. The majority of states contacted require parental notification to be made in a specified period-- from immediately to within 72 hours. After the shelter period expires or is extended, minors who cannot be returned to their families are generally placed in custody of the state, through the juvenile court system. Permanent placement options are then considered.

Please contact me if you have any questions.

Attachments

TABLE 1
REQUIREMENTS AND GUIDELINES FOR MINORS IN RUNAWAY SHELTERS IN SELECTED STATES

STATE	PERIOD ALLOWED IN SHELTER (Days)	PARENTAL NOTICE PERIOD* (Hours)	RELEVANT INFORMATION
Florida	Not reported	Not reported	Retention period limits for runaways are not established by the state. Policies are set by individual shelters and reviewed by the state in in the licensing process.
Illinois	21	48	If a parent or guardian cannot be contacted within this period, the case may be investigated for neglect and the custody of the child turned over to the court system. With parental consent, a minor may be kept in a shelter for 21 days. After this period a court hearing is required, which in most cases results in a 21-day extension. The child may become a ward of the state if mediation during this period is unsuccessful.
Massachusetts	30	72	After the initial 72-hour period, permission must be obtained from a minor's legal guardian or the juvenile court in conjunction with the the Department of Social Services. After permission is secured, a minor may remain in a runaway shelter for up to 30 days; an extension is possible for an additional 15 days. (Code of Massachusetts Regulations, 102 CMR 6.00)
Minnesota	Not required	Not required	The Department of Human Services and the legislature are currently considering state regulated time limits. Their goal is to provide an alternative to the 72-hour notification requirement for shelters receiving federal financial assistance.
New Jersey	Not required	Not reported	Retention limits are not established by the state. Policies are set by individual shelters.
New York	30	72	Youths may stay in an approved runaway program without parental consent. Extensions can be granted for an additional 30 days with the approval of the youth the legal guardian, and the runaway coordinator. (New York Runaway and Homeless Youth Act, 1978; Attachment B.)
Oklahoma	30	24	Although retention periods are not mandated by statute, Department of Human Services policy provides that a child can stay in a shelter facility without parental consent for up to 30 days. However, if a parent or guardian cannot be located within 24 hours, a detention hearing is required and the case is administered by the juvenile court system.

TABLE 1 (Continued)
REQUIREMENTS AND GUIDELINES FOR MINORS IN RUNAWAY SHELTERS IN SELECTED STATES

STATE	PERIOD ALLOWED IN SHELTER (Days)	PARENTAL NOTICE PERIOD* (Hours)	RELEVANT INFORMATION
Oregon	Not required	72	The state exercises minimal involvement in sheltering runaways who are not in the custody of the court--as either protective service cases (i.e., abuse or neglect victims) or delinquents.** Most standards for non-adjudicated runaways are set by the private operators of Oregon's four major shelters. However, if a parent or guardian cannot be contacted within 72 hours, custody is transferred to the juvenile court and a hearing shall be held within 24 hours to determine a placement plan.
Vermont	7	As soon as possible	Vermont allows for a seven-day family mediation period before court action is taken. Within this period, a child may be released at the request of a parent. Parental contact is usually sought immediately. If no contact is made within the seven-day period, a child enters the custody of the juvenile court system. (Vermont Statute 33.12.640a; Attachment C.)
Wisconsin	20	12	If no parental contact is made within 12 hours or contact is made and consent is not given, a juvenile court hearing must be held within 24 hours of a child's entrance into the facility. After a hearing, a child may stay in a runaway shelter for up to 20 days without parental consent before permanent placement arrangements are made. (Wisconsin Statutes 48.227.4; Attachment D.)

NOTES

* The term parent is used to refer to a parent, guardian, or legal custodian of a runaway youth.

** Oregon's Childrens Services Division, which licenses shelter and residential treatment facilities, provides no services for runaways other than transportation. The four private nonprofit shelters in Oregon receive federal financial assistance, and therefore follow the guidelines for retaining runaway minors established by the federal Runaway an[illegible]meless Youth Act.

Prepared by the House Research Agency; January 1989 (89.112)

ATTACHMENT A

Alaska Statute 47.10.320

(5) be operated with the goal of reuniting runaway minors with their families, except in cases in which reunification is clearly contrary to the best interest of the minor; and

(6) maintain adequate staffing and accommodations to ensure physical security and to provide crisis services to minors residing in a facility operated by the program; residents under 18 years of age shall be segregated from residents who are 18 years of age or older.

(d) A program for runaway minors may provide services for the protection of the health and welfare of a person under 21 years of age who is in need of the services and who is without a place of shelter in which supervision and care of the person are available. (§ 4 ch 144 SLA 1988)

Sec. 47.10.320. Residence in runaway minor program facilities. A runaway minor may maintain residency for a period not exceeding 45 days at a facility operated as part of a licensed program for runaway minors. The minor may maintain residency without the consent of the person or agency having custody of the minor, except that if the court has ordered the minor committed to the custody of the department, written consent of the department is required. The residency may be extended for an additional period of 45 days with the written consent of the person or agency having custody of the minor. A minor may not maintain residency beyond the 90th day following admission to a licensed program for runaway minors without the written consent of the person or agency having custody of the minor and the written consent of the department. (§ 4 ch 144 SLA 1988)

Sec. 47.10.330. Notice to minor's legal custodian. (a) The director of a program for runaway minors shall make a good faith effort to notify a minor's legal custodian as soon as possible, but in no event more than 48 hours after the minor is admitted to the program, unless there are compelling circumstances that justify withholding notice. The notice must describe the minor's physical and emotional condition and the circumstances surrounding the minor's admission to the program.

(b) The director of a program for runaway minors shall promptly notify a minor's legal custodian if the minor is released from the program into the custody of a person other than the legal custodian or a person representing the legal custodian. (§ 4 ch 144 SLA 1988)

Sec. 47.10.340. Confidentiality of records. Records of a licensed program for runaway minors that identify a minor who has been admitted to or has sought assistance from the program are confidential and are not subject to inspection or copying under AS 09.25.110 — 09.25.120, unless

ATTACHMENT B

New York Runaway and Homeless Youth Act of 1978

state for each category of division facility pursuant to section five hundred twenty-nine of this chapter, including the numbers of youths maintained or supervised and the per diem rates charged;

(b) expenditures made by each such social services district for care, maintenance and supervision furnished alleged and adjudicated juvenile delinquents and persons in need of supervision in facilities operated by authorized agencies for which reimbursement is approved pursuant to section five hundred twenty-nine of this chapter, including the numbers of such youths in each category of facility and the per diem rates charged; and

(c) expenditures made by each such social services district for the care, maintenance and supervision of youths in secure and non-secure detention for which reimbursement is approved pursuant to section five hundred thirty of this chapter, or for which reimbursement is due to the state pursuant to subdivision seven of such section, including the numbers of such youths in each category of detention facility and the per diem rates charged.

2. Copies of such report shall be sent to the commissioner of each social services district, the chief executive officer of the locality responsible for such expenditures, the director of such locality's probation department, and the director of such locality's youth bureau, or if no such bureau exists, the chairman of such locality's youth board.

HISTORY:

Add, L 1978, ch 43, eff April 4, 1978.

ARTICLE 19-H

Runaway and Homeless Youth Act of Nineteen Hundred Seventy-Eight

§ 532. Short title
§ 532-a. Definitions
§ 532-b. Powers and duties of approved runaway program
§ 532-c. Notice to parent; return of runaway youth to parent; alternative living arrangements
§ 532-d. Powers and duties of the division for youth

HISTORY:

Article 19-H, consisting of §§ 532–532-d, add, L 1978, ch 722, eff Sept 6, 1978.

NOTE:

Former Article 19-H, consisting of §§ 512-520, add, L 1963, ch 837, repealed, L 1967, ch 665, § 20, eff Sept 1, 1967, concerned the State Recreation Council. The functions of the Council were assumed by the State Council of Parks.

CROSS REFERENCES:

This article referred to in §§ 420, 532-a, 532-b.

§ 532. Short title

This article shall be known and may be cited as the "runaway and homeless youth act of nineteen hundred seventy-eight".

HISTORY:

Add, L 1978, ch 722, eff Sept 6, 1978.

§ 532-a. Definitions

For the purposes of this article the term:

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"runaway and homeless

1. "Runaway youth" shall mean a person under the age of eighteen years who is absent from his legal residence without the consent of his parent, legal guardian or custodian.

2. "Homeless youth" shall mean a person under the age of eighteen who is in need of services and is without a place of shelter where supervision and care are available.

3. "Approved runaway program" shall mean any non-residential program approved by the division for youth in consultation with the county youth bureau, or any residential facility which is an authorized agency pursuant to subdivision ten of section three hundred seventy-one of the social services law, and approved by the division for youth in consultation with the county youth bureau, established and operated to provide services to runaway and homeless youth in accordance with the regulations of the state department of social services and the division for youth.

4. "Runaway coordinator" shall mean any person designated by a county whose duties shall include but not be limited to answering inquiries at any time concerning transportation, shelter and other services available to a runaway or homeless youth.

HISTORY:

Add, L 1978, ch 722, eff Sept 6, 1978.

CROSS REFERENCES:

This section referred to in § 420.
Authorized agency, definition of, CLS Soc Serv § 371.

FEDERAL ASPECTS:

Runaway and Homeless Youth Act. 42 USCS §§ 5701 et seq.

§ 532-b. Powers and duties of approved runaway program

1. Notwithstanding any other provision of law, pursuant to regulations of the division for youth an approved runaway program is authorized to and shall:

(a) provide assistance to any runaway or homeless youth as defined in this article;

(b) attempt to determine the cause for the youth's runaway or homeless status;

(c) explain to the runaway and homeless youth his legal rights and options of service or other assistance available to the youth;

(d) work towards reuniting such youth with his parent or guardian as soon as practicable in accordance with section five hundred thirty-two-c of this article;

(e) assist in arranging for necessary services for runaway or homeless youth, and where appropriate, their families, including but not limited to food, shelter, clothing, medical care, and individual and family counseling. Where the approved runaway program concludes that such runaway or homeless youth would be eligible for assistance, care or services from a local social

services district, it shall assist the youth in securing such assistance, care or services as the youth is entitled to; and

(f) immediately report to the local child protective service where it has reasonable cause to suspect that the runaway or homeless youth has been abused or neglected or when such youth maintains such to be the case.

2. The runaway youth may remain in the program on a voluntary basis for a period not to exceed thirty days from the date of admission where the filing of a petition pursuant to article ten of the family court act is not contemplated, in order that arrangements can be made for the runaway youth's return home, alternative residential placement pursuant to section three hundred ninety-eight of the social services law, or any other suitable plan. If the runaway youth and the parent, guardian or custodian agree, in writing, the runaway youth may remain in the runaway program up to sixty days without the filing of a petition pursuant to article ten of the family court act, provided that in any such case the facility shall first have obtained the approval of the county runaway coordinator, who shall notify the county youth bureau of his approval together with a statement as to the reason why such additional residential stay is necessary and a description of the efforts being made to find suitable alternative living arrangements for such youth.

HISTORY:

Add, L 1978, ch 722, eff Sept 6, 1978.

CROSS REFERENCES:

Child protective proceedings, CLS Family Ct Act Art 10, §§ 1011 et seq.

Additional powers and duties of commissioners of public welfare and certain city public welfare officers in relation to children, CLS Soc Serv § 398.

CODES, RULES AND REGULATIONS:

Runaway and homeless youth regulations. 9 NYCRR §§ 182.1 et seq.

FEDERAL ASPECTS:

Runaway and Homeless Youth Act. 42 USCS §§ 5701 et seq.

RESEARCH REFERENCES AND PRACTICE AIDS:

Law Reviews:

Runaways: a non-judicial approach. 49 NYU L Rev, p. 110, April, 1974.

§ 532-c. Notice to parent; return of runaway youth to parent; alternative living arrangements

1. The staff of the program shall, to the maximum extent possible, preferably within twenty-four hours but within no more than seventy-two hours following the youth's admission into the program, notify such runaway youth's parent, guardian or custodian of his or her physical and emotional condition, and the circumstances surrounding the runaway youth's presence at the program, unless there are compelling circumstances why the parent, guardian or custodian should not be so notified. Where such circumstances exist, the runaway program director or his designee shall either file an appropriate petition in the family court, refer the youth to the local social

services district, or in instances where abuse or neglect is suspected, report such case pursuant to title six of article six of the social services law.

2. Where custody of the youth upon leaving the approved program is assumed by a relative or other person, other than the parent or guardian, the staff of the program shall so notify the parent or guardian as soon as practicable after the release of the youth. The officers, directors or employees of an approved runaway program shall be immune from any civil or criminal liability for or arising out of the release of a runaway or homeless youth to a relative or other responsible person other than a parent or guardian.

HISTORY:

Add, L 1978, ch 722, eff Sept 6, 1978.

CROSS REFERENCES:

This section referred to in § 532-b.
Child protective services, CLS Soc Serv Art 6, Title 6, §§ 411 et seq.

FEDERAL ASPECTS:

Runaway and Homeless Youth Act. 42 USCS §§ 5701 et seq.

§ 532-d. Powers and duties of the division for youth

The division for youth with respect to approved runaway youth programs shall:

1. visit, inspect, certify to operate, and make periodic reports on the operation and adequacy of any such facility;

2. maintain a register of runaway and homeless youth programs and runaway coordinates;

3. submit to the governor and legislature an annual report detailing the numbers and characteristics of runaway and otherwise homeless youth throughout the state and their problems and service needs; and

4. develop jointly with the department of social services in consultation with county youth bureaus and organizations or programs which have had past experience dealing with runaway and homeless youth, regulations concerning the coordination and integration of services available for runaway and otherwise homeless youth and prohibiting the disclosure or transferral of any records containing the identity of individual youth receiving services pursuant to this section.

HISTORY:

Add, L 1978, ch 722, eff Sept 6, 1978.

CODES, RULES AND REGULATIONS:

Runaway and homeless youth regulations. 9 NYCRR §§ 182.1 et seq.

FEDERAL ASPECTS:

Runaway and Homeless Youth Act. 42 USCS §§ 5701 et seq.

[§§ 533, 534 have been reserved for future use.
Please check your supplement.]

ATTACHMENT C

Vermont Statute 33.12.640a

1985 (Adj. Sess.) amendment. Inserted "shelter" following "release" in the section catchline, deleted "or" following "custodian" at the end of subdiv. (1), added "or" following "custody" at the end of subdiv. (2), and added subdiv. (3).

1. Cited. Cited in Robison v. Via, 821 F.2d 913 (2d Cir. 1987).

§ 640a. Designated shelter

(a) The commissioner of social and rehabilitation services shall designate shelters throughout the state where a child taken into custody pursuant to section 639(4) of this title may be housed for a period not to exceed 7 days.

(b) Upon delivery of a child to a designated shelter program, the shelter program director or his designee, shall:

(1) notify the child's parents, guardian or custodian that the child has been taken into custody; and

(2) make reasonable efforts to mediate the differences between the parties.

(c) Upon expiration of the period referred to in subsection (a) of this section or at the request of the child or the parents:

(1) the child shall be released to his or her parents, guardian or custodian; or

(2) a law enforcement officer shall deliver the child to the juvenile court pursuant to section 640(2) of this title.

(d) During the period of time the child is at the shelter, the legal custody of the child shall remain with the parent, unless otherwise designated by the juvenile court.—Added 1985, No. 141 (Adj. Sess.), § 2.

§ 641. Criteria for detaining children; order of detention

1. Cited. Cited in In re J. R. (1986) 147 Vt. 34, 509 A.2d 1012.

§ 642. Detention; temporary care pending hearing

(a) A child taken into custody under section 639 of this title and not immediately released to his parents, guardian or custodian or delivered to a designated shelter, shall be by order of the court provided temporary shelter care or detention prior to a detention hearing on a petition held under this chapter or a hearing before a probate or other court upon a transfer thereto under section 657(b) of this title in one or more of the following places:

(1) The home of his parents, guardian, custodian, or other suitable person designated by the court, upon their undertaking to bring the child before the court at the detention hearing.

(2) A licensed foster home or home approved by the court.

(3) A facility operated by a li

(4) A detention home or cente is under the direction or supervisio ment of social and rehabilitation serv

(5) In the event that the child transferred under section 657(b) of place designated by the court; or sh child to the commissioner of social the court believes the child may be believes the child may be found in pending such detention or other heari

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(d) The official in charge of a jai used for the detention of adult offen crime shall inform the court immedia appears to be under the age of 18 ye other than pursuant to subsection (657a of this title, and shall deliver th quest of the court, or transfer the mi designated by the court by order.—A Sess.), § 3; 1987, No. 132 (Adj. Sess.), §

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1985 (Adj. Sess.) amendment. Subsection (a

2. Cited. Cited in In re J. E. G. (1984) 144 V

§ 643. Release from temporary care; de

H. Continuance. Juvenile court used up th provision of subsection (a) of this section when within seventy-two hours, and, in the face mother, did not have discretion to grant (1986) 147 Vt. 36, 509 A.2d 1017.

Appeals. Where juvenile's mother never subsection (b) of this section, stating that sh detention hearing and made no objection to th hearing or at the disposition hearing, her chal was untimely. In re J. R. (1986) 147 Vt.

Cited. Cited in In re J. E. G. (1984) 144 V) 146 Vt. 185, 499 A.2d 1155; Robison v. V

§ 645. Filing of a petition

1. Petition by state's attorney. There is no req by a parent, guardian or person acting in for the state to intervene and provide

ATTACHMENT D

Wisconsin Statute 48.227

(2) (a) Plans for the secure detention facility, juvenile portion of the county jail or shelter care facility shall be approved by the department. The department shall adopt rules establishing minimum requirements for the approval of the operation of secure detention facilities and the juvenile portion of county jails. The plans and rules shall be designed to protect the health, safety and welfare of the children in these facilities.

(b) If the department approves, the secure detention facility may be a part of a public building in which there is a jail or other facility for the detention of adults if it is so physically segregated from the jail or other facility that it may be entered without passing through areas where adults are confined and that children detained in the facility cannot communicate with or view adults confined therein.

(c) A shelter facility shall not be in the same building as a facility for the detention of adults and shall be used for the temporary care of children.

(3) (a) In counties having a population of less than 500,000, public secure detention facilities and public shelter care facilities shall be in the charge of a superintendent. The judge of the court assigned to exercise jurisdiction under this chapter with the approval of the chief judge of the judicial administrative district or, where 2 or more counties operate joint public secure detention facilities or public shelter care facilities, the committee of judges of the courts assigned to exercise jurisdiction under this chapter with the approval of the chief judge of the judicial administrative district shall appoint the superintendent and other necessary personnel for the care and education of the children in secure detention or shelter care facilities, subject to civil service regulations in counties having civil service.

(b) In counties having a population of 500,000 or more, the director of the children's court center shall be in charge of and responsible for public secure detention facilities, the secure detention section of the center and the personnel assigned to this section, including a detention supervisor or superintendent. The director of the children's court center may also serve as superintendent of detention if the county board of supervisors so determines.

(5) A county board, or 2 or more county boards jointly, may contract with privately operated shelter care facilities or home detention programs for purchase of services. The county board may delegate this authority to county social services departments.

(7) No person may establish a shelter care facility without first obtaining a license under s. 48.66.

History: 1977 c. 29, 194; 1977 c. 354 ss. 39, 52; 1977 c. 418 ss. 305, 305m, 928 (55) (c); 1977 c. 447, 449; 1979 c. 34 s. 2102 (20) (a); 1979 c. 300; 1981 c. 20, 329.

48.225 State-wide plan for detention homes. The department shall assist counties in establishing detention homes under s. 48.22 by developing and promulgating a state-wide plan for the establishment and maintenance of suitable detention facilities reasonably accessible to each court.

History: 1977 c. 354 s. 54; 1977 c. 447 s. 210.

48.227 Runaway homes. (1) Nothing contained in this section prohibits a home licensed under s. 48.48 or 48.75 from providing housing and services to a runaway child with the consent of the child and the consent of the child's parent, guardian or legal custodian, under the supervision of a county social services agency, a child welfare agency or the department. When the parent, guardian or legal custodian and the child both consent to the provision of these services and the child has not been taken into custody, no hearing as described in this section is required.

(2) Any person who operates a home under sub. (1) and licensed under s. 48.48 or 48.75, when engaged in sheltering a runaway child without the consent of the child's parent, guardian or legal custodian, shall notify the intake worker of the presence of the child in the home within 12 hours. The intake worker shall notify the parent, guardian and legal custodian as soon as possible of the child's presence in that home. A hearing shall be held under sub. (4). The child shall not be removed from the home except with the approval of the court under sub. (4). This subsection does not prohibit the parent, guardian or legal custodian from conferring with the child or the person operating the home.

(3) For runaway children who have been taken into custody and then released, the judge may, with the agreement of the persons operating the homes, designate homes licensed under ss. 48.48 and 48.75 as places for the temporary care and housing of such children. If the parent, guardian or legal custodian refuses to consent, the person taking the child into custody or the intake worker may release the child to one of the homes designated under this section, however, a hearing shall be held under sub. (4). The child shall not be removed from the home except with the approval of the court under sub. (4). This subsection does not prohibit the parent, guardian, or legal custodian from con-

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(4) (a) If the child's parent, guardian or legal custodian does not consent to the temporary care and housing of the child at the runaway home as provided under sub. (2) or (3), a hearing shall be held on the issue by the judge or juvenile court commissioner within 24 hours of the time that the child entered the runaway home, excluding Saturdays, Sundays and legal holidays. The intake worker shall notify the child and the child's parent, guardian or legal custodian of the time, place and purpose of the hearing.

(b) If, in addition to jurisdiction under par. (c), the court has jurisdiction over the child under ss. 48.12 to 48.14, excluding s. 48.14 (8), a hearing may be held under s. 48.21.

(c) For the purposes of this section, the court has jurisdiction over a runaway child only to the extent that it may hold the hearings and make the orders provided in this section.

(d) At the hearing, the child, the child's parent, guardian or legal custodian and a representative of the runaway home may present evidence, cross-examine and confront witnesses and be represented by counsel or guardian ad litem.

(e) At the conclusion of the hearing, the court may order:

1. That the child be released to his or her parent, guardian or legal custodian; or

2. That, with the consent of the child and the runaway home, the child remain in the care of the runaway home for a period of not more than 20 days. Without further proceedings, the child shall be released whenever the child indicates, either by statement or conduct, that he or she wishes to leave the home or whenever the runaway home withdraws its consent. During this time period not to exceed 20 days ordered by the court, the child's parent, guardian or legal custodian may not remove the child from the home but may confer with the child or with the person operating the home. If, at the conclusion of the time period ordered by the court the child has not left the home, and no petition concerning the child has been filed under s. 48.12 or 48.13, the child shall be released from the home. If a petition concerning the child has been filed under s. 48.12 or 48.13, the child may be held in temporary physical custody under ss. 48.20 to 48.21.

(5) No person operating an approved or licensed home in compliance with this section is subject to civil or criminal liability by virtue of false imprisonment.

History: 1977 c. 354; 1979 c. 300.

48.23 Right to counsel. (1) RIGHT OF CHILDREN TO LEGAL REPRESENTATION. Children subject to proceedings under this chapter shall be afforded legal representation as follows:

(a) Any child alleged to be delinquent under s. 48.12 or held in a secure detention facility shall be represented by counsel at all stages of the proceedings, but a child 15 years of age or older may waive counsel provided the court is satisfied such waiver is knowingly and voluntarily made and the court accepts the waiver. If the waiver is accepted, the court may not transfer legal custody of the child to the subunit of the department administering corrections for placement in a secured correctional facility or transfer jurisdiction over the child to adult court.

(b) 1. If a child is alleged to be in need of protection or services under s. 48.13, the child may be represented by counsel at the discretion of the court. Except as provided in subd. 2, a child 15 years of age or older may waive counsel if the court is satisfied such waiver is knowingly and voluntarily made and the court accepts the waiver.

2. If the petition is contested, the court may not place the child outside his or her home unless the child is represented by counsel at the fact-finding hearing and subsequent proceedings. If the petition is not contested, the court may not place the child outside his or her home unless the child is represented by counsel at the hearing at which the placement is made. For a child under 12 years of age, the judge may appoint a guardian ad litem instead of counsel.

(c) Any child subject to the jurisdiction of the court assigned to exercise jurisdiction under this chapter under s. 48.14 (5) shall be represented by counsel. No waiver of counsel may be accepted by the court.

(d) If a child is the subject of a proceeding involving a contested adoption or the involuntary termination of parental rights, the court shall appoint legal counsel or a guardian ad litem for the child.

(2) RIGHT OF PARENTS TO COUNSEL. (a) Whenever a child is alleged to be in need of protection or services under s. 48.13, or is the subject of a proceeding involving a contested adoption or the involuntary termination of parental rights, any parent under 18 years of age who appears before the court shall be represented by counsel, but no such parent may waive counsel. A minor parent petitioning for the voluntary termination of parental rights shall be represented by a guardian ad litem. If a proceeding involves a contested adoption or the involuntary termination of parental rights, any parent 18 years old or older who appears before the court shall be represented by counsel, but the parent may

STATE OF ALASKA
THE LEGISLATURE

POUCH Y · STATE CAPITOL
JUNEAU, ALASKA 99811
907·465·3800

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Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. HESS 3-15-90

HB
340

BILL NO: HB 340 | DATE: February 15, 1990

TITLE: Assault in violation of a restraining order | CONTACT: Barbara Miklos 465-4356

DEPARTMENT OF PUBLIC SAFETY

The Council on Domestic Violence and Sexual Assault supports HB 340 which makes possession of a weapon by a person who harasses or trespasses in violation of a domestic violence restraining order a Class C felony. The legislation accomplishes this by including two new provisions in the crime of misconduct involving weapons in the first degree: possessing a weapon while trespassing or harassing a person in violation of a restraining order. This change in statute is important because domestic violence situations can be very dangerous; the possession of a gun escalates the possibility of serious injury or death. Making these circumstances felony crimes reinforces the seriousness of these situations and provides greater scrutiny and control over the offender through various means, including supervised probation.

The need for this legislation is well documented. In 1988, firearms were used in 62% of the murders in Alaska. Forty-three percent of the murders in Alaska were either family members or in boyfriend-girlfriend relationships. Nationally, in 1988, firearms were used in 61% of the murders; 19% of the murders were committed by family members or a boyfriend-girlfriend. For female murder victims nationwide, 31% were slain by husband or boyfriends, and 5% of the male victims were killed by wives or girlfriends. These figures demonstrate both how frequently guns are used in murders, and how often the victims are people who are in a relationship where a domestic violence restraining order could be used.

The Council supports the passage of HB 340.

ARTHUR ENGLISH
Commissioner

HB
342

HOUSE COMMITTEE REPORT

3/16

(7)
Date Referred: May 5, 1989 FURTHER REFERRALS: FINANCE

Date of Committee Action: 3/15/90

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: HB 342

HOUSE BILL NO. 342 [GO BOND:HOSPITALS KETCHIKAN,KODIAK,SEWARD]
"An Act providing for the issuance of general obligation bonds in the amount of $41,400,000 for the purpose of paying the cost of hospital construction, reconstruction, renovation, and expansion of hospitals at Kodiak, Seward, and Ketchikan; and providing for an effective date."

RECOMMENDATIONS:
[X] be replaced with CSHB 342 (HESS) [ ] the same title [X] a new title
[ ] have attached amendment(s)
[X] do pass
[ ] do not pass
[ ] no recommendation
[ ] individual recommendations
[ ] additional referral to the ______ Committee

ADOPTS: ______ letter of intent

ATTACHES NEW FISCAL NOTE(s): (Dept)
[X] fiscal impact Rev
[ ] zero fiscal note ______
[ ] zero with analysis ______

APPROVES PREVIOUS: (Date/Dept)
[ ] fiscal note(s) ______
[ ] zero fiscal note(s) ______
[ ] zero fn/analysis ______

SIGNING DO PASS:
[signature] ELLIS
[signature] GRUENBERG
[signature] C. DAVIS
[signature] JACKO
[signature] FURNACE

SIGNING:
(Check approp. column)

	Do Not Pass	No Rec	Amend
[signature] GOLL Several of these projects have not yet qualified for certificate of need to justify borrowing these funds.		✓	

[signature]
Chairman's Signature

Amendment Number 1

Page 1, Line 7, after "of" Delete "$41,400,000"
and Insert "$44,400,000"

Page 1, Line 8, after "hospital": Insert "and medical facility"

Page 1, Line 10, before "Ketchikan": Delete "and"

Page 1, Line 10, after "Ketchikan": Insert ", and Unalaska"

Page 1, Line 14, after "hospitals": Insert " and medical facilities"

Page 1, Line 15, before "Ketchikan": Delete "and"

Page 1, line 15, after "Ketchikan": Insert ",and Unalaska"

Page 1, Line 16, after "than": Delete "$41,400,000"
and Insert "$44,400,000"

Page 2, Line 16, after "amount of": Delete "$144.900"
and Insert "$155,300"

Page 2, Line 23, Insert New Section:
"* Sec. 8. The amount of $3,000,000 is appropriated from the "1990 Hospital Construction and Renovation Fund" to the Department of Administration for payment as a grant under AS 37.05.315 to the City of Unalaska for the construction of a medical assistance facility by the City of Unalaska."

Page 2, Line 28, after "Bonds": Delete " $41,400,000"
and Insert "$44,400,000"

Page 3, Line 2, after "than": Delete "$41,400,000"
and Insert "$44,400,000"

Page 3, Line 5, before "Ketchikan": Delete "and"

Page 3, Line 5, after "Ketchikan": Insert ", and Unalaska"

Renumber Sections 8 & 9.

6-1346Ea
Utermohle

#2

AMENDMENT

OFFERED IN THE HOUSE

BY REP. BOYER

TO: HB 342

Page 1, line 7:

Delete "$41,400,000"

Insert "$52,100,000"

Page 1, line 8, after "hospital":

Insert "improvement,"

Page 1, line 10, after "Seward,":

Insert "Fairbanks,"

Page 1, line 13, after "of the":

Insert "improvement,"

Page 1, line 14, after "Seward,":

Insert "Fairbanks,"

Page 1, line 16:

Delete "$41,400,000"

Insert "$52,100,000"

Page 2, following line 14:

3/12/90

#3

6-1346Eb
Utermohle

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 342

BY REP. GRUENBERG

Page 1, line 7:

Delete "$41,400,000"

Insert "$61,437,500"

Page 1, line 8, after "hospital":

Insert "design,"

Page 1, line 10, after "Ketchikan":

Insert "and of the Alaska Psychiatric Institute"

Page 1, line 13, after "of the":

Insert "design,"

Page 1, line 15, after "Ketchikan,":

Insert "and of the Alaska Psychiatric Institute"

Page 1, line 16:

Delete "$41,400,000"

Insert "$61,437,500"

Page 2, following line 14:

3/14/90

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

02-576(2/77)

6-1346Ea
Utermohle

#2

AMENDMENT

OFFERED IN THE HOUSE

BY REP. BOYER

TO: HB 342

Page 1, line 7:

Delete "$41,400,000"

Insert "$52,100,000"

Page 1, line 8, after "hospital":

Insert "improvement,"

Page 1, line 10, after "Seward,":

Insert "Fairbanks,"

Page 1, line 13, after "of the":

Insert "improvement,"

Page 1, line 14, after "Seward,":

Insert "Fairbanks,"

Page 1, line 16:

Delete "$41,400,000"

Insert "$52,100,000"

Page 2, following line 14:

3/12/90

Insert a new bill section to read:

"* Sec. 7. The amount of $10,700,000 is appropriated from the "1990 Hospital Construction and Renovation Fund" to the Department of Administration for payment as a grant under AS 37.05.316 to the Greater Fairbanks Community Hospital Foundation for improvement and renovation of Denali Center."

Renumber the following bill sections accordingly.

Page 2, line 16:

Delete "$144,900"

Insert "$182,350"

Page 2, line 28:

Delete "$41,400,000"

Insert "$52,100,000"

Page 3, line 2:

Delete "$41,400,000"

Insert "$52,100,000"

Page 3, line 4, after "hospital":

Insert "improvement,"

Page 3, line 5, after "Seward,":

Insert "Fairbanks,"

#3

6-1346E5
Utermohle

A M E N D M E N T

OFFERED IN THE HOUSE

BY REP. GRUENBERG

TO: HB 342

Page 1, line 7:

Delete "$41,400,000"

Insert "$61,437,500"

Page 1, line 8, after "hospital":

Insert "design,"

Page 1, line 10, after "Ketchikan":

Insert "and of the Alaska Psychiatric Institute"

Page 1, line 13, after "of the":

Insert "design,"

Page 1, line 15, after "Ketchikan,":

Insert "and of the Alaska Psychiatric Institute"

Page 1, line 16:

Delete "$41,400,000"

Insert "$61,437,500"

Page 2, following line 14:

3/14/90

Insert a new bill section to read:

"* Sec. 7. The amount of $20,037,500 is appropriated from the "1990 Hospital Construction and Renovation Fund" to the Department of Transportation and Public Facilities for the design and construction of replacement facilities at the Alaska Psychiatric Institute."

Renumber the following bill sections accordingly.

Page 2, line 16:

Delete "$144,900"

Insert "$215,030"

Page 2, line 28:

Delete "$41,400,000"

Insert "$61,437,500"

Page 3, line 2:

Delete "$41,400,000"

Insert "$61,437,500"

Page 3, line 4, after "hospital":

Insert "design,"

Page 3, line 5, after "Ketchikan":

Insert "and at the Alaska Psychiatric Institute"

ALASKA PSYCHIATRIC INSTITUTE

Should $20,037,500 million above the amount in the Governor's budget for replacement of the Alaska Psychiatric Institute (API) be available, the following could be accomplished.

With appropriation of the Governor's capital request of $2,165,200.00, we anticipate completing the planning and preliminary design phase. This would include:

1. Comprehensive mental health services and associated statewide facility planning which will be completed cooperatively with the Alaska Mental Health Board (AMHB);

2. Specific planning regarding what services to offer in the hospital in consistent with plan and how many beds will be associated with each service;

3. Planning concerning how the services are to be configured within the hospital;

4. Preliminary design of the overall facility and

5. Public review and Certificate of Need processes (A.S. 18.07.031).

With an addition of $20,000,000.00 in funding this year, the full design and construction of the initial replacement services could be accomplished. This would include:

1. Detailed design and construction of approximately 3-4 inpatient care units with associated support services, such as mechanical, recreational, dietary, temporary tie-ins to existing facilities, etc.

2. Equipment for the initial construction.

This strategy assumes the need to construct, as soon as possible an alternate bed capacity for API patients should all or part of the current facility be unsuitable for continued use. The specific support services to be constructed first will represent the services most likely to become unusable in the current facility. As much as possible, existing support services will be used until they can be replaced through the course of the overall project.

This assumes that API replacement will occur on the current campus and that future phases would augment the bed capacity and complete the core services as determined through the certificate of need process.