

Public Law 92-381

August 14, 1972
[H. R. 15635]

AN ACT

To assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency, and for other purposes.

Juvenile Delinquency Prevention and Control Act of 1968, amendment.

82 Stat. 462;
85 Stat. 84.
42 USC 3801
note.
Short title.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled, "An Act to assist the courts, correctional systems, community agencies, and primary and secondary public school systems to prevent, treat, and control juvenile delinquency; to support research and training efforts in the prevention, treatment, and control of juvenile delinquency; and for other purposes", approved July 31, 1968, is amended to read as follows: "That this Act may be cited as the 'Juvenile Delinquency Prevention Act'.

"FINDINGS AND PURPOSE

"SEC. 2. The Congress finds that delinquency among youths constitutes a national problem which can best be met by providing assistance to and encouraging the coordination of efforts by public and nonprofit private agencies engaged in preventing juvenile delinquency. It is, therefore, the purpose of this Act to help States and local communities in providing community based preventive services, including diagnosis and treatment, to youths who are in danger of becoming delinquent, to provide assistance in the training of personnel employed or preparing for employment in occupations involving the provision of such services, and to provide technical assistance in such field.

"TITLE I—PREVENTIVE SERVICES

"STATEMENT OF PURPOSE

"SEC. 101. The purpose of this title is to assist States, local educational agencies, and other public and nonprofit private agencies to establish and carry out community-based programs, including programs in schools, for the prevention of delinquency in youths.

"GRANTS

"SEC. 102. (a) The Secretary is authorized to make grants to, or contracts with, public or nonprofit private agencies to meet all or part of the cost of establishing or operating, including the cost of planning, programs designed to carry out the purposes of this title.

"(b) (1) Grants and contracts under this title may be made only upon application to the Secretary by a public or nonprofit private agency, which contains or is accompanied by satisfactory assurances that—

"(A) steps have been or will be taken toward the provision, within a reasonable period of time, of a program of coordinated youth services in the area served which will make a substantial contribution toward the prevention of delinquency of youths, including the diagnosis and treatment of youths in danger of becoming delinquent;

"(B) such applicant agency will make special efforts to assure that the services provided by the program will be available for youths with the most serious behavioral problems;

"(C) (i) such applicant agency (if it is not a local educational agency) has consulted on its application with the local educational agencies and nonprofit private schools in the area to be served

and has adopted procedures to coordinate its program with related efforts being made by these agencies and schools;

“(ii) such applicant agency will provide, to the extent feasible, for coordinating, on a continuing basis, its operations with the operations of other agencies and nonprofit private organizations furnishing welfare, education, health, mental health, recreation, job training, job placement, correction, and other basic services in the community for youths;

“(D) such applicant agency will make reasonable efforts to secure or provide any services which are necessary for diagnosing and treating youths in danger of becoming delinquent and which are not otherwise being provided in the community, or if being provided are not adequate to meet its needs;

“(E) maximum use will be made under the program of other Federal, State, or local resources available for the provision of such services;

“(F) local educational agencies and other public and private agencies and organizations providing youth services in the geographic area to be served by the applicant will be consulted in the formulation by the applicant of the program, taking into account the services and expertise of such agencies and organizations, and with a view to adapting such services to the better fulfillment of the purposes of this title;

“(G) in developing coordinated youth services, youth and public or private agencies, and organizations providing youth services within the geographic area to be served by the applicant will be given the opportunity to present their views to the applicant with respect to such development; and

“(H) the applicant agency will be responsible for organizing, maintaining, and facilitating accessibility to all available youth services.

“(2) Such application shall contain such information as may be necessary to carry out the purposes of this title, including—

“(A) a description of the services for youths who are in danger of becoming delinquent and which are available in the State or community;

“(B) a statement of the method or methods of linking the agencies and organizations, public and private, providing these and other services, including local educational agencies and nonprofit private schools;

“(C) the functions and services to be included;

“(D) the procedures which will be established for protecting the rights, under Federal, State, and local law, of the recipients of youth services, and for insuring appropriate privacy with respect to records relating to such services, provided to any individual under coordinated youth services developed by the applicant;

“(E) the procedures which will be established for evaluation; and

“(F) the strategy for phasing out support under this Act and the continuance of a proven program through other means.

“USE OF FUNDS

“SEC. 103. (a) Funds paid to any agency (whether directly or through a State agency) under this title may be used for—

“(1) meeting the cost of securing or providing services designed to carry out the purposes of this title, but only to the extent and for the period reasonably necessary for the community to provide such services; and

“(2) meeting not to exceed 50 per centum of the cost of construction of community-based special purpose or innovative types of facilities which, in the judgment of the Secretary, are necessary for carrying out the purposes of this title, including community-based special purpose or innovative (A) halfway houses for youths who because of special behavioral problems have a high risk of becoming delinquent; and (B) small, residential facilities for the diagnosis and treatment of youths who are in danger of becoming delinquent. In developing plans for such facilities, due consideration shall be given to excellence of architecture and design.

“(b) No grant or contract may be made under this title with respect to any coordinated youth service system for a period of time exceeding three years, except that the Secretary may, in any case in which he determines that it would not be feasible for the coordinated youth service system to continue to function unassisted under this title, extend assistance for such additional years as he determines to be necessary.

“CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

“SEC. 104. (a) In determining whether or not to approve applications for grants or contracts under this title, the Secretary shall consider, in the State or community of the applicant—

“(1) the relative costs and effectiveness of the program in effectuating the purposes of such title;

“(2) the incidence of and rate of increase in youth offenses and juvenile delinquency;

“(3) school dropout rates;

“(4) the adequacy of existing facilities and services for carrying out the purposes of such title;

“(5) the extent of comprehensive planning in the community for carrying out the purposes of such title;

“(6) youth unemployment rates;

“(7) the extent to which proposed programs incorporate new or innovative techniques within the State or community to carry out the purposes of such title;

“(8) the extent to which the proposed programs will make effective use of the facilities and services of the appropriate local educational agencies;

“(9) the extent to which the proposed programs incorporate participation of the parents of youths who are in danger of becoming delinquent, as well as the participation of other adults who offer guidance or supervision to such youths; and

“(10) the extent to which the proposed programs will be coordinated with similar programs assisted under other Federal laws related to the purposes of this title.

“(b) The Secretary, in making grants or contracts under this title, shall give priority to applicants serving communities which exhibit to the highest degrees the factors listed in paragraphs (2), (3), and (6) of subsection (a).

“TITLE II—TRAINING

“AUTHORIZATION

“SEC. 201. The Secretary is authorized, with the concurrence of the Secretary of Labor, to make grants to, or contracts with, public or nonprofit private agencies for projects for the training of personnel employed in or preparing for employment in fields related to the diagnosis and treatment of youths who are in danger of becoming delinquent, and for the counseling or instruction of parents in the

improving of parental instruction and supervision of youths who are in danger of becoming delinquent. Such projects shall include special programs which provide youths and adults with training for career opportunities, including new types of careers, in such fields. Such projects may include, among other things, development of courses of study and of interrelated curricula in schools, colleges, and universities, establishment of short-term institutes for training at such schools, colleges, and universities, inservice training and traineeships with such stipends, including allowances for travel and subsistence expenses, as the Secretary may determine to be necessary.

“RECIPIENTS AND CONDITIONS OF GRANTS AND CONTRACTS

“SEC. 202. Such grants may be made to and such contracts may be made with any Federal, State, or local public agency or any nonprofit private agency; and to the extent he deems it appropriate, the Secretary shall require the recipient of any such grant or contract to contribute money, facilities, or services for carrying out the projects for which the grant or contract is made.

“TITLE III—TECHNICAL ASSISTANCE AND INFORMATION SERVICES

“TECHNICAL ASSISTANCE

“SEC. 301. The Secretary is authorized to cooperate with and, either directly or through grants to or contracts with any public agency or nonprofit private agency, render technical assistance to State, local, or other public or private agencies or organizations in matters relating to prevention of delinquency, and to provide short-term training and instruction of a technical nature with respect to such matters. Particular emphasis should be placed on providing technical assistance in the development of juvenile delinquency components or plans under title I.

“STATE ASSISTANCE TO LOCAL UNITS

“SEC. 302. The Secretary is authorized to make grants to any State agency which is able and willing to provide technical assistance to local public agencies and nonprofit private agencies engaged in or preparing to engage in activities for which aid may be provided under this Act. No such grant may exceed 90 per centum of the cost of the activities of the State agency with respect to which such grant is made.

“INFORMATION SERVICES

“SEC. 303. The Secretary shall collect, evaluate, publish, and disseminate information and materials relating to research and programs and projects conducted under this Act, and any other matters relating to prevention or treatment of delinquency, such information and materials to be for the general public and for agencies, organizations, and personnel engaged in programs concerning youths who are delinquent or in danger of becoming delinquent.

“TITLE IV—ADMINISTRATION

“PAYMENT PROCEDURE

“SEC. 401. Payments of any grant or any contract under this Act may be made (after necessary adjustment on account of previously made overpayments or underpayments) in installments, and in advance or by way of reimbursement, as may be determined by the Secre-

tary, and shall be made on such conditions as he finds necessary to carry out the purposes for which the grant or contract is made.

“APPROPRIATIONS

“SEC. 402. There are authorized to be appropriated for grants and contracts under this Act, to the Department of Health, Education, and Welfare, \$75,000,000 a year for the fiscal year 1973 and for the succeeding fiscal year. At least 80 per centum of the amount appropriated for each such fiscal year shall be used for funding programs under title I, of which no more than 10 per centum may be used to meet costs of construction.

“SEC. 403. (a) Payments pursuant to grants or contracts made under title I of this Act for any fiscal year with respect to activities in any one State may not exceed 12 per centum of the total of the funds available for such grants or contracts under such title for such fiscal year.

“(b) Of the funds available for grants or contracts under title I for any fiscal year—

“(1) \$25,000 each shall be reserved for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

“(2) \$100,000 shall be reserved for each other State; except that, if the Secretary determines, on the basis of the information available to him on the last day of the ninth month of any fiscal year, that any portion of such \$25,000 or \$100,000 for any State will not be required for such grants or contracts under title I of this Act for such year, such portion shall be available for grants or contracts under such title for such year with respect to activities in any other State (in the case of which such a determination has not been made).

“LABOR STANDARDS

“SEC. 404. It shall be a condition of any grant under this Act which is wholly or partially for construction that all laborers and mechanics employed by contractors or subcontractors on such construction shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to these labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 P.R. 36; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

49 Stat. 1011.

5 USC app.

63 Stat. 108;
72 Stat. 967.

“EVALUATION

“SEC. 405. (a) The Secretary shall provide for the continuing evaluation of the programs, projects, and other activities under this Act, including their effectiveness in achieving stated goals and their relationship to and impact on related Federal, State, and local activities. This evaluation shall include comparisons with proper control groups composed of persons who have not participated in programs under this Act. The results of such evaluations shall be included in the report required by section 409.

Post, p. 537.

“(b) In addition to funds otherwise available for evaluation, such portion of any appropriation under section 402 as the Secretary may determine, but not exceeding 1 per centum thereof, shall be available for evaluation by the Secretary (directly or by grants or contracts) of the activities for which such appropriation is made.

"JUDICIAL REVIEW

"SEC. 406. In the case of action taken by the Secretary terminating or refusing to continue financial assistance pursuant to a grant or contract under this Act to a grantee, such grantee may obtain judicial review of such action in accordance with chapter 7 of title 5 of the United States Code.

80 Stat. 392.
5 USC 701.

"JOINT FUNDING

"Sec. 407. Pursuant to regulations prescribed by the President, where funds are advanced for a single project by more than one Federal agency to an agency assisted under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

"COORDINATION

"SEC. 408. (a) In the administration of this Act, the Secretary shall limit assistance under this Act to programs and activities which are carried on outside of the juvenile justice system (which encompasses agencies such as the police, the courts, correctional institutions, detention homes, and probation and parole authorities).

"(b) (1) There shall be established an Interdepartmental Council on Juvenile Delinquency (hereinafter referred to as the 'Council') whose function shall be to coordinate all Federal juvenile delinquency programs.

Interdepart-
mental Council on
Juvenile Delin-
quency, estab-
lishment.

"(2) The Council shall be composed of the Attorney General, the Secretary, or their respective designees, and representatives of such other agencies as the President shall designate.

"(3) The Chairman of the Council shall be appointed by the President.

"(4) The Council shall meet a minimum of six times per year and the activities of the Council shall be included in the annual report as required by section 409 of this title.

"ANNUAL REPORT

"SEC. 409. Not later than one hundred and twenty days after the close of each fiscal year, the Interdepartmental Council, with the appropriate assistance and concurrence of other Federal agencies who are consulted and whose activities are coordinated under section 408 shall prepare and submit to the President for transmittal to the Congress a full and complete report on all Federal activities in the field of juvenile delinquency, youth development, and related fields. Such report shall include, but not be limited to—

"(1) planning, program, and project activities conducted under this Act;

"(2) the nature and results of technical assistance conducted under title III of this Act;

"(3) the number and types of training projects, number of persons trained and in training, and job placement and other followup information on trainees and former trainees assisted under title II of this Act; and

"(4) steps taken and mechanisms and methods used to coordinate and avoid duplication of Federal activities in the fields of

juvenile delinquency, youth development, and related fields and the effectiveness of such steps, mechanisms, and methods.

“GENERAL PROVISIONS

“SEC. 410. (a) Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law.

“(b) The Secretary is directed to establish appropriate procedures to insure that no child shall be the subject of any research or experimentation under this Act other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

“DEFINITIONS

“SEC. 411. For purposes of this Act—

“(1) The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

“(2) The term ‘public agency’ means a duly elected political body or a subdivision thereof and shall not be construed to include the Office of Economic Opportunity. Such term includes an Indian tribe.

“(3) The term ‘nonprofit private agency’ means any accredited institution of higher education, and any other agency, organization, or institution no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, or which is owned and operated by one or more such agencies, but only if such agency, organization, or institution was in existence at least two years before the date of an application under this Act. Such term shall not be construed to include the Office of Economic Opportunity. Participation by the Office of Economic Opportunity is expressly prohibited in administering this Act.

“(5) The term ‘Secretary’ means the Secretary of Health, Education, and Welfare.

“(6) The term ‘construction’ includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects’ fees but not the cost of acquisition of land for new buildings). For the purposes of this paragraph, the term ‘equipment’ includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them.

“(7) The term ‘youth services’ means services which assist in the prevention of juvenile delinquency, including, but not limited to: individual and group counseling, family counseling, diagnostic services, remedial education, tutoring, alternate schools (institutions which provide education to youths outside the regular or traditional school system), vocational testing and training, job development and placement, emergency shelters, halfway houses, health services, drug abuse programs, social, cultural, and recreational activities, the development of paraprofessional or volunteer programs, community awareness programs, foster care and shelter care homes, and community-based treatment facilities or services.

“(8) The term ‘coordinated youth services’ means a comprehensive service delivery system, separate from the system of juvenile justice (which encompasses agencies such as the juvenile courts, law enforcement agencies, and detention facilities) for providing youth services to an individual who is in danger of becoming delinquent and to his family in a manner designed to—

“(a) facilitate accessibility to and utilization of all appropriate youth services provided within the geographic area served by such system by any public or private agency or organization, which desires to provide such services through such system;

“(b) identify the need for youth services not currently provided in the geographic area covered by such system, and, where appropriate, provide such services through such system;

“(c) make the most effective use of youth services in meeting the needs of young people who are in danger of becoming delinquent, and their families;

“(d) use available resources efficiently and with a minimum of duplication in order to achieve the purposes of this Act; and

“(e) identify the types and profiles of individual youths who are to be served by such a comprehensive system.

“(9) The term ‘local educational agency’ means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.”

SEC. 2. The title of such Act is amended to read as follows: “An Act to assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency, and for other purposes.”

SEC. 3. The amendments made by sections 1 and 2 of this Act shall be effective July 1, 1972.

Effective date.

Approved August 14, 1972.

Public Law 92-382

AN ACT

August 14, 1972
[S. 916]

To include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 8336(c) of title 5, United States Code, is amended by inserting after “United States” the following: “or are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment”.

Federal firefighters.
Early retirement.
80 Stat. 571.

Approved August 14, 1972.