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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

[Filed 5/15/75]
THE PRESIDENT HAS SIGNED [Signature]

DECISION

MAY 5 1975

MEMORANDUM FOR THE PRESIDENT

FROM: JAMES T. LYNN

SUBJECT: Funding of the Juvenile Justice and
Delinquency Prevention Act

Issue

Should the Administration alter its position on funding the Juvenile Justice and Delinquency Prevention Act of 1974?

Background

This Act, which you signed into law in September 1974 transferred Federal policy responsibility for juvenile delinquency programs from HEW to the Department of Justice. It established a new administrative office and research institute in LEAA, provided for new grant funds to be distributed among the States on a formula basis and created several advisory bodies, one of which you appointed in March. In addition to mandating that LEAA not reduce previous spending levels for juvenile delinquency programs (approximately \$140 million annually), the Act authorized a total of \$350 million in 1975, 1976 and 1977 for these new programs. Upon signing the Act into law, you indicated your intention not to request new funding for a categorical grant program devoted to juvenile delinquency but rather to rely on currently available funds to demonstrate strong Federal support for this program. Your signing statement did endorse those provisions of the Act which called for improved planning, evaluation and coordination of existing Federal juvenile delinquency programs.

During the review of the 1976 budget you decided not to permit the Justice Department to implement the new programs authorized by this Act. This decision included denial of authority to reprogram currently available appropriations and no new funds in 1976.

Discussion

Several recent events have occurred which suggest it is timely to reconsider the Administration's position on funding this new Act.

First, we are experiencing a substantial amount of public and Congressional pressure to implement this Act and provide immediate new funding for it. Substantial disagreement has developed in the Congress over the Administration's position not to fund the new Act. This opposition has been manifested by action in the House of Representatives to add \$15 million in supplemental funds to LEAA's 1975 budget for this program. We anticipate the Senate will do the same. This is unprecedented for LEAA and it reflects, in our judgment, a high degree of support for the program in the Congress. Unless the Administration develops an acceptable alternative for initiating funding of some aspects of the Act, it will be difficult to avoid this appropriation.

Second, the Justice Department has resubmitted its request to reprogram \$10 million of currently available appropriations to implement selected aspects of the new program immediately. They have proposed a program which does not duplicate existing activities, supports those aspects of the legislation which you endorsed on signing the Juvenile Justice Act and offers some potential for improving the quality of existing Federal juvenile delinquency efforts. Their revised request does not initiate the Act's formula grant programs nor does it establish a base for large budget requests in future years.

Finally, Senator Bayh, the Act's principal author, has invited representatives of the Administration (Department of Justice, LEAA and OMB) to appear before his Senate Judiciary Subcommittee to Investigate Juvenile Delinquency to discuss the Administration's policy on implementation of the Act. It appears the purpose of the hearings is to embarrass the Administration for failing to demonstrate greater concern for this legislation and the problem it addresses.

Because of these factors, I believe it is desirable to examine alternative courses of action the Administration could follow. These are discussed below:

Alternative #1 - Continue to resist funding the new Act.

This action would require denying the current reprogramming request and sending out strong signals that the Administration will take action to avoid the Congressional addition of \$15 million for 1975.

Alternative #2 - Grant \$10 million reprogramming request as a means of resisting Congressional additions.

This action would demonstrate Administration interest in initiating some of the new Act's programs which are acceptable at modest levels and could provide some leverage in resisting Congressional additions.

Alternative #3 - Deny reprogramming request and agree to use funds added by the Congress (\$15 million in 1975).

This action would force responsibility on the Congress for funding the new Act. The bulk of the Congressional addition (\$11 million) would have to be distributed to the States under the Act's formula grant provisions. This provision of the Act has been strongly opposed by the Administration because (a) it sets in motion a new categorical program with the States which would be difficult to redirect or eliminate and (b) it would establish a base for further program increases in 1976 and later years.

Alternative #4 - Grant reprogramming request and agree to use new supplemental funds added by the Congress (\$25 million total in 1975).

This action would initiate those aspects of the new Act which the Administration endorses as well as the more undesirable formula grant provisions. It is the most positive posture the Administration could take under the circumstances and would go a long way to mute Congressional and public criticism of the Administration's juvenile delinquency program.

Recommendation

OMB recommends Alternative #2 because it demonstrates Administration interest in initiating at modest levels selected aspects of the new Act (consistent with your signing statement) and provides some bargaining leverage with the Congress.

If large Congressional increases can be avoided in 1975 and 1976, the Administration would have the flexibility to fold the juvenile delinquency program into the basic LEAA program in 1977 in connection with proposals currently being developed to reauthorize that program. Such action would minimize the categorical nature of the juvenile delinquency program and would require State and local governments to trade-off juvenile delinquency with other aspects of their criminal justice program within whatever amounts are available to the basic LEAA program.

Decision

Alternative #1

NA Alternative #2 (OMB and the Justice Department favor this alternative)

Alternative #3

Alternative #4

See me

THE WHITE HOUSE
WASHINGTON

May 15, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: JIM LYNN
FROM: JERRY H. JONES
SUBJECT: Funding of the Juvenile Justice and
Delinquency Prevention Act

Your memorandum to the President of May 5 on the above subject has been reviewed and Alternative #2 -- grant \$10 million re-programming request as a means of resisting Congressional additions -- was approved.

Please follow up with the appropriate action.

Thank you.

cc: Don Rumsfeld