ties under this section are consistent with and reflective of any similar activities or requirements under any other Federal statute, specifically including any of the several programs under other agencies and Departments involving United States international cooperation and assistance in nonnuclear energy technology, and will not duplicate activities under such programs. The plan required in subsection (a) of this section shall specifically identify all such programs and statutes and describe how the activities under this section will be consistent with such programs, will be coordinated with them, and will avoid duplication of activities under such programs.

(Pub. L. 95–590, § 11, Nov. 4, 1978, 92 Stat. 2520; Pub. L. 103–82, title IV, § 405(j), Sept. 21, 1993, 107 Stat. 922.)

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–82 struck out ''the Director of ACTION,'' after ''International Development,''.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–82 effective Apr. 4, 1994, see section 406(b) of Pub. L. 103–82, set out as a note under section 8332 of Title 5, Government Organization and Employees.

§ 5591. Participation of small business concerns

In carrying out his functions under this subchapter, the Secretary shall take steps to assure that small-business concerns will have realistic and adequate opportunities to participate in the programs under this subchapter to the maximum extent practicable, and the Secretary is directed to set aside at least 10 per centum of the funds authorized and appropriated for the participation of small business concerns.

(Pub. L. 95–590, § 12, Nov. 4, 1978, 92 Stat. 2521.)

§ 5592. Priorities

The Secretary shall set priorities, as far as possible consistent with the intent and operation of this subchapter, in accordance with the following criteria:

(1) The applications utilizing photovoltaic systems which will be part of the research, development, and demonstration program and testing and demonstration programs referred to in sections 5583, 5584, 5585, and 5586 of this title shall be located in a sufficient number of different geographic areas in the United States to assure a realistic and effective demonstration of the use of photovoltaic systems and of the applications themselves, in both rural and urban locations and under climatic conditions which vary as much as possible.

(2) The projected costs of commercial production and maintenance of the photovoltaic systems utilized in the testing and demonstration programs established under this subchapter should be taken into account.

(3) Encouragement should be given in the conduct of programs under this subchapter to those projects in which funds are appropriated by any State or political subdivision thereof for the purpose of sharing costs with the Federal Government for the purchase and installation of photovoltaic components and systems.

(Pub. L. 95–590, § 13, Nov. 4, 1978, 92 Stat. 2521.)

§ 5593. Construction with National Energy Conservation Policy Act

Nothing in this subchapter shall be construed to negate, duplicate, or otherwise affect the provisions of part C subchapter III of chapter 91 of this title, and such part C shall be exempted fully from the provisions of this subchapter and any regulations, guidelines, or criteria pursuant thereto.

(Pub. L. 95–590, § 14, Nov. 4, 1978, 92 Stat. 2521.)

REFERENCES IN TEXT

Part C (§ 8271 et seq.) of subchapter III of chapter 91 of this title, referred to in text, was in the original ''title V (Federal Initiatives), part 4 (Federal Photovoltaic Utilization), National Energy Conservation Policy Act, H.R. 5037, 95th Congress, if and when that Act becomes enacted by the Ninety-fifth Congress''. H.R. 5037 was enacted as Pub. L. 95–619, Nov. 9, 1978, 92 Stat. 3206, and is classified principally to chapter 91 (§ 8201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8201 of this title and Tables.

§ 5594. Authorization of appropriations

There is hereby authorized to be appropriated to the Secretary, for the fiscal year ending September 30, 1979, $125,000,000, inclusive of any funds otherwise authorized for photovoltaic programs, (1) to carry out the functions vested in the Secretary by this subchapter, (2) to carry out the functions in fiscal year 1979, vested in the Secretary by part C of subchapter III of chapter 91 of this title, and (3) for transfer to such other agencies of the Federal Government as may be required to enable them to carry out their respective functions under this subchapter. Funds appropriated pursuant to this section shall remain available until expended: *Provided*, That any contract or agreement entered into pursuant to this subchapter shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts. Authorizations of appropriations for fiscal years after fiscal year 1979 shall be contained in the annual authorization for the Department of Energy, except for those funds authorized for fiscal years 1980 and 1981 contained in part C of subchapter III of chapter 91 of this title.

(Pub. L. 95–590, § 15, Nov. 4, 1978, 92 Stat. 2522.)

REFERENCES IN TEXT

Part C (§ 8271 et seq.) of subchapter III of chapter 91 of this title, referred to in text, was in the original ''part 4 of title V of H.R. 5037, 95th Congress, if enacted by the 95th Congress''. H.R. 5037 was enacted as Pub. L. 95–619, Nov. 9, 1978, 92 Stat. 3206, and is classified principally to chapter 91 (§ 8201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8201 of this title and Tables.

CHAPTER 72—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

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SUBCHAPTER I—GENERALLY

§ 5601. Findings

(a) The Congress finds the following:

(1) Although the juvenile violent crime arrest rate in 1999 was the lowest in the decade,

there remains a consensus that the number of crimes and the rate of offending by juveniles nationwide is still too high.

(2) According to the Office of Juvenile Justice and Delinquency Prevention, allowing 1 youth to leave school for a life of crime and of drug abuse costs society $1,700,000 to $2,300,000 annually.

(3) One in every 6 individuals (16.2 percent) arrested for committing violent crime in 1999 was less than 18 years of age. In 1999, juveniles accounted for 9 percent of murder arrests, 17 percent of forcible rape arrests, 25 percent of robbery arrest, 14 percent of aggravated assault arrests, and 24 percent of weapons arrests.

(4) More than ½ of juvenile murder victims are killed with firearms. Of the nearly 1,800 murder victims less than 18 years of age, 17 percent of the victims less than 13 years of age were murdered with a firearm, and 81 percent of the victims 13 years of age or older were killed with a firearm.

(5) Juveniles accounted for 13 percent of all drug abuse violation arrests in 1999. Between 1990 and 1999, juvenile arrests for drug abuse violations rose 132 percent.

(6) Over the last 3 decades, youth gang problems have increased nationwide. In the 1970's, 19 States reported youth gang problems. By the late 1990's, all 50 States and the District of Columbia reported gang problems. For the same period, the number of cities reporting youth gang problems grew 843 percent, and the number of counties reporting gang problems increased more than 1,000 percent.

(7) According to a national crime survey of individuals 12 years of age or older during 1999, those 12 to 19 years old are victims of violent crime at higher rates than individuals in all other age groups. Only 30.8 percent of these violent victimizations were reported by youth to police in 1999.

(8) One-fifth of juveniles 16 years of age who had been arrested were first arrested before attaining 12 years of age. Juveniles who are known to the juvenile justice system before attaining 13 years of age are responsible for a disproportionate share of serious crimes and violence.

(9) The increase in the arrest rates for girls and young juvenile offenders has changed the composition of violent offenders entering the juvenile justice system.

(10) These problems should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

(A) quality prevention programs that—

(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

(B) programs that assist in holding juveniles accountable for their actions and in developing the competencies necessary to become responsible and productive members of their communities, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

(11) Coordinated juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter can help prevent juveniles from becoming delinquent and help delinquent youth return to a productive life.

(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts and which provide opportunities for competency development. Without true reform, the juvenile justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 18 percent between 2000 and 2030.

(Pub. L. 93–415, title I, § 101, Sept. 7, 1974, 88 Stat. 1109; Pub. L. 96–509, § 3, Dec. 8, 1980, 94 Stat. 2750; Pub. L. 98–473, title II, § 611, Oct. 12, 1984, 98 Stat. 2107; Pub. L. 102–586, § 1(a), Nov. 4, 1992, 106 Stat. 4982; Pub. L. 107–273, div. C, title II, § 12202, Nov. 2, 2002, 116 Stat. 1869.)

AMENDMENTS

2002—Pub. L. 107–273 amended heading and text generally. Prior to amendment, text read as follows:

''(a) The Congress hereby finds that—

''(1) juveniles accounted for almost half the arrests for serious crimes in the United States in 1974 and for less than one-third of such arrests in 1983;

''(2) recent trends show an upsurge in arrests of adolescents for murder, assault, and weapon use;

''(3) the small number of youth who commit the most serious and violent offenses are becoming more violent;

''(4) understaffed, overcrowded juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities and inadequately trained staff in such courts, services, and facilities are not able to provide individualized justice or effective help;

''(5) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of children, who, because of this failure to provide effective services, may become delinquents;

''(6) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse alcohol and other drugs, particularly nonopiate or polydrug abusers;

''(7) juvenile delinquency can be reduced through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;

''(8) States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency;

''(9) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency;

''(10) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation;

''(11) emphasis should be placed on preventing youth from entering the juvenile justice system to begin with; and

''(12) the incidence of juvenile delinquency can be reduced through public recreation programs and activities designed to provide youth with social skills, enhance self esteem, and encourage the constructive use of discretionary time.

''(b) Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.''

1992—Subsec. (a)(2), (3). Pub. L. 102–586, § 1(a)(2), added pars. (2) and (3). Former pars. (2) and (3) redesignated (4) and (5), respectively.

Subsec. (a)(4). Pub. L. 102–586, § 1(a)(1), (3), redesignated par. (2) as (4) and inserted ''prosecutorial and public defender offices,''. Former par. (4) redesignated (6).

Subsec. (a)(5) to (10). Pub. L. 102–586, § 1(a)(1), redesignated pars. (3) to (8) as (5) to (10), respectively.

Subsec. (a)(11), (12). Pub. L. 102–586, § 1(a)(4)–(6), added pars. (11) and (12).

1984—Subsec. (a)(1). Pub. L. 98–473, § 611(1), substituted ''accounted'' for ''account'' and ''in 1974 and for less than one-third of such arrests in 1983'' for ''today''.

Subsec. (a)(2). Pub. L. 98–473, § 611(2), inserted ''and inadequately trained staff in such courts, services, and facilities''.

Subsec. (a)(3). Pub. L. 98–473, § 611(3), struck out ''the countless, abandoned, and dependent'' before ''children, who''.

Subsec. (a)(5). Pub. L. 98–473, § 611(4), substituted ''reduced'' for ''prevented''.

1980—Subsec. (a)(4). Pub. L. 96–509, § 3(1), inserted reference to alcohol abuse.

Subsec. (a)(8). Pub. L. 96–509, § 3(2)–(4), added par. (8).

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–273, div. C, title II, § 12223, Nov. 2, 2002, 116 Stat. 1896, as amended by Pub. L. 108–7, div. B, title I, § 110(2), (3), Feb. 20, 2003, 117 Stat. 67, provided that:

''(a) EFFECTIVE DATE.—Except as provided in subsection (b), this subtitle [subtitle B (§§ 12201–12223) of title II of div. C of Pub. L. 107–273, see Short Title of 2002 Amendment note below] and the amendments made by this subtitle shall take effect on the effective date provided in section 12102(b) [set out as a note under section 3796ee of this title].

''(b) APPLICATION OF AMENDMENTS.—The amendments made by this subtitle shall apply only with respect to fiscal years beginning on or after the effective date provided in subsection (a).''

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100–690, title VII, § 7296, Nov. 18, 1988, 102 Stat. 4463, as amended by Pub. L. 101–204, title X, § 1001(d), Dec. 7, 1989, 103 Stat. 1827, provided that:

''(a) EFFECTIVE DATE.—Except as provided in subsection (b), this subtitle [subtitle F (§§ 7250–7296) of title VII of Pub. L. 100–690, see Short Title of 1988 Amendment note below] and the amendments made by this Act [probably should be subtitle] shall take effect on October 1, 1988.

''(b) APPLICATION OF AMENDMENTS.—(1) The amendments made by section 7258(a) [amending section 5633 of this title] shall not apply to a State with respect to a fiscal year beginning before the date of the enactment of this Act [Nov. 18, 1988] if the State plan is approved before such date by the Administrator for such fiscal year.

''(2) The amendments made by section 7253(b)(1) [amending section 5614 of this title] and section 7278 [enacting section 5732 of this title] shall not apply with respect to fiscal year 1989.

''(3) Notwithstanding the 180-day period provided in—

''(A) section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) [42 U.S.C. 5617], as added by section 7255;

''(B) section 361 of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) [42 U.S.C. 5715], as redesignated by section 7273(e)(2) and amended by section 7274; and

''(C) section 404(a)(5) of the Missing Children's Assistance Act (42 U.S.C. 5773(a)(5)), as amended by section 7285(a)(3);

the reports required by such sections to be submitted with respect to fiscal year 1988 shall be submitted not later than August 1, 1989.''

EFFECTIVE DATE OF 1984 AMENDMENT

Section 670 of division II (§§ 610–670) of chapter VI of title II of Pub. L. 98–473 provided that:

''(a) Except as provided in subsection (b), this division and the amendments made by this division [see Short Title of 1984 Amendment note below] shall take effect on the date of the enactment of this joint resolution [Oct. 12, 1984] or October 1, 1984, whichever occurs later.

''(b) Paragraph (2) of section 331(c) of the Runaway and Homeless Youth Act, as added by section 657(d) of this division [section 5751(c)(2) of this title], shall not apply with respect to any grant or payment made before the effective date of this joint resolution [Oct. 12, 1984].''

EFFECTIVE DATE OF 1977 AMENDMENT

Section 263(c) of Pub. L. 93–415, as added by Pub. L. 95–115, § 6(d)(2), Oct. 3, 1977, 91 Stat. 1058, which provided that except as otherwise provided by the Juvenile Justice Amendments of 1977 (see Short Title of 1977 Amendments note below), the amendments made by the Juvenile Justice Amendments of 1977 were to take effect on Oct. 1, 1977, was repealed by Pub. L. 100–690, title VII, § 7266(2), Nov. 18, 1988, 102 Stat. 4449.

EFFECTIVE DATE

Section 263(a), (b) of Pub. L. 93–415, as amended by Pub. L. 94–273, § 32(a), Apr. 21, 1976, 90 Stat. 380; Pub. L. 95–115, § 6(d)(1), Oct. 3, 1977, 91 Stat. 1058, which provided that (a) except as provided by subsections (b) and (c) (set out as an Effective Date of 1977 Amendment note above), the foregoing provisions of such Act (enacting subchapters I and II of this chapter and amending section 5108 of Title 5, Government Organization and Employees) were to take effect on Sept. 7, 1974, and that (b) section 5614(b)(5) and 5614(b)(6) of this title was to become effective at the close of the thirty-first day of the twelfth calendar month of 1974 and section 5614(*l*) of this title was to become effective at the close of the thirtieth day of the eleventh month of 1976, was repealed by Pub. L. 100–690, title VII, § 7266(2), Nov. 18, 1988, 102 Stat. 4449.

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110–378, § 1, Oct. 8, 2008, 122 Stat. 4068, provided that: ''This Act [enacting sections 5714–25 and 5732–1 of this title and amending sections 5701, 5711, 5712, 5714–2, 5714–23, 5714–41, 5732a, and 5751 of this title] may be cited as the 'Reconnecting Homeless Youth Act of 2008'.''

Pub. L. 110–240, § 1, June 3, 2008, 122 Stat. 1560, provided that: ''This Act [amending sections 5771, 5773, and 5777 of this title and repealing section 5776a of this title] may be cited as the 'Protecting Our Children Comes First Act of 2007'.''

SHORT TITLE OF 2003 AMENDMENTS

Pub. L. 108–96, § 1, Oct. 10, 2003, 117 Stat. 1167, provided that: ''This Act [enacting section 5752 of this title,

amending sections 5701, 5711, 5712, 5714–2, 5714–21, 5714–23, 5714–24, 5732a, 5751, 5771, 5773, and 5777 of this title, repealing section 5714–25 of this title, and enacting provisions set out as notes under sections 5701 and 5714–1 of this title] may be cited as the 'Runaway, Homeless, and Missing Children Protection Act'.''

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107–273, div. C, title II, § 12201, Nov. 2, 2002, 116 Stat. 1869, provided that: ''This subtitle [subtitle B (§§ 12201–12223) of title II of div. C of Pub. L. 107–273, enacting subchapter V of this chapter, parts C to E of subchapter II of this chapter, and sections 5677 to 5681 of this title, redesignating part J of subchapter II of this chapter as part F of subchapter II of this chapter, amending this section and sections 5602, 5603, 5612, 5614, 5616, 5617, 5631 to 5633, 5671, 5672, 5674, 5675, 5773, 13002, 13003, 13013, and 13023 of this title, repealing parts C to I of subchapter II of this chapter, and enacting provisions set out as notes under this section] may be cited as the 'Juvenile Justice and Delinquency Prevention Act of 2002'.''

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106–71, § 1, Oct. 12, 1999, 113 Stat. 1032, provided that: ''This Act [enacting sections 5714–25, 5714–41, 5731a, and 5732a of this title, amending sections 5701, 5711, 5712, 5713, 5714–1 to 5714–21, 5714–23, 5714–24, 5714a to 5731, 5732, 5751 to 5773, 5775, and 5777 of this title, and enacting provisions set out as a note under section 7101 of Title 20, Education] may be cited as the 'Missing, Exploited, and Runaway Children Protection Act'.''

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103–322, title XVII, § 170301, Sept. 13, 1994, 108 Stat. 2043, provided that subtitle C (§§ 170301–170303) of title XVII of Pub. L. 103–322, which enacted section 5776a of this title, amended sections 5777 and 5778 of this title, and enacted provisions set out as a note under section 5776a of this title, could be cited as the ''Morgan P. Hardiman Task Force on Missing and Exploited Children Act'', prior to repeal by Pub. L. 105–314, title VII, § 703(g), Oct. 30, 1998, 112 Stat. 2989.

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–690, title VII, § 7250(a), Nov. 18, 1988, 102 Stat. 4434, provided that: ''This subtitle [subtitle F (§§ 7250–7296) of title VII of Pub. L. 100–690, enacting sections 5617, 5662, 5665, 5665a, 5667, 5673 to 5676, 5712a to 5712c, 5714–1, 5714–2, 5732, 5733, and 5778 of this title, amending sections 5603, 5611, 5614, 5616, 5631 to 5633, 5651 to 5654, 5659 to 5661, 5671, 5672, 5711 to 5714, 5714a, 5714b, 5715, 5716, 5731, 5751, 5773, 5775, 5776, and 5777 of this title and sections 5315 and 5316 of Title 5, Government Organization and Employees, repealing sections 5634 to 5639, 5656, 5657, and 5774 of this title, enacting provisions set out as notes under this section and section 5617 of this title, and repealing provisions set out as a note under this section] may be cited as the 'Juvenile Justice and Delinquency Prevention Amendments of 1988'.''

SHORT TITLE OF 1984 AMENDMENT

Section 610 of Pub. L. 98–473 provided that: ''This Division [division II (§§ 610–670) of chapter VI of title II of Pub. L. 98–473, enacting sections 5714a, 5714b, and 5771 to 5777 of this title, amending this section and sections 5602, 5603, 5611, 5612, 5614, 5616, 5632 to 5635, 5637, 5638, 5651, 5653, 5654, 5657, 5659, 5661, 5671, 5672, 5702, 5711 to 5714, and 5751 of this title, repealing sections 5617, 5655, and 5741 of this title, and enacting provisions set out as notes under this section] may be cited as the 'Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984'.''

SHORT TITLE OF 1980 AMENDMENT

Section 1 of Pub. L. 96–509 provided that: ''This Act [enacting section 5617 of this title, amending this section and sections 5602, 5603, 5611, 5612, 5614 to 5616, 5632 to 5634, 5637, 5638, 5651, 5654 to 5656, 5659 to 5661, 5671, 5672, 5711 to 5713, 5715, and 5751 of this title, repealing former section 5617 and sections 5618 and 5619 of this title, and enacting provisions set out as notes under this section and section 5633 of this title] may be cited as the 'Juvenile Justice Amendments of 1980'.''

SHORT TITLE OF 1977 AMENDMENT

Pub. L. 95–115, § 1, Oct. 3, 1977, 91 Stat. 1048, provided that: ''This Act [enacting section 5741 of this title, amending section 5316 of Title 5, Government Organization and Employees, sections 4351 and 5038 of Title 18, Crimes and Criminal Procedure, and sections 3723, 3767, 3811 to 3814, 3821, 3882, 3883, 3888, 3889, 5603, 5611, 5612, 5614 to 5618, 5631 to 5635, 5637 to 5639, 5651, 5653 to 5657, 5659 to 5661, 5671, 5672, 5711 to 5713, 5731, and 5751 of this title, repealing sections 3821, 5658, and 5732 of this title, enacting provisions set out as notes under this section and sections 5632, 5633, and 5638 of this title, and amending provisions set out as a note under this section] may be cited as the 'Juvenile Justice Amendments of 1977'.''

SHORT TITLE

Section 1 of Pub. L. 93–415 provided: ''That this Act [enacting this chapter, sections 3772 to 3774, and 3821 of this title, and sections 4351 to 4353, 5038 to 5042 of Title 18, Crimes and Criminal Procedure, amending sections 3701, 3723, 3733, 3768, 3811 to 3814, 3882, 3883 and 3888 of this title, section 5108 of Title 5, Government Organization and Employees, and sections 5031 to 5037 of Title 18, and repealing section 3889 of this title] may be cited as the 'Juvenile Justice and Delinquency Prevention Act of 1974'.''

Section 301 of title III of Pub. L. 93–415, as amended by Pub. L. 96–509, § 18(b), Dec. 8, 1980, 94 Stat. 2762, provided that: ''This title [enacting subchapter III of this chapter] may be cited as the 'Runaway and Homeless Youth Act'.''

Section 401 of title IV of Pub. L. 93–415, as added by Pub. L. 98–473, title II, § 660, Oct. 12, 1984, 98 Stat. 2125, as amended by Pub. L. 101–204, title X, § 1004(1), Dec. 7, 1990, 103 Stat. 1828, provided that: ''This title [enacting subchapter IV of this chapter] may be cited as the 'Missing Children's Assistance Act'.''

Section 501 of title V of Pub. L. 93–415, as added by Pub. L. 107–273, div. C, title II, § 12222(a), Nov. 2, 2002, 116 Stat. 1894, provided that: ''This title [enacting subchapter V of this chapter] may be cited as the 'Incentive Grants for Local Delinquency Prevention Programs Act of 2002'.''

A prior section 501 of title V of Pub. L. 93–415, as added by Pub. L. 102–586, § 5(a), Nov. 4, 1992, 106 Stat. 5027, provided that title V (enacting subchapter V of this chapter) could be cited as the ''Incentive Grants for Local Delinquency Prevention Programs Act'', prior to the general amendment of title V of Pub. L. 93–415 by Pub. L. 107–273, § 12222(a).

Another section 501 of Pub. L. 93–415, title V, Sept. 7, 1974, 88 Stat. 1133, amended section 5031 of Title 18, Crimes and Criminal Procedure.

Pub. L. 108–21, title III, § 361, Apr. 30, 2003, 117 Stat. 665, provided that: ''This subtitle [subtitle D (§§ 361–363) of title III of Pub. L. 108–21, enacting part B of subchapter VI of this chapter] may be cited as the 'Code Adam Act of 2003'.''

§ 5602. Purposes

The purposes of this subchapter and subchapter II of this chapter are—

(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

(3) to assist State and local governments in addressing juvenile crime through the provi-

sion of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.

(Pub. L. 93–415, title I, § 102, Sept. 7, 1974, 88 Stat. 1110; Pub. L. 96–509, § 4, Dec. 8, 1980, 94 Stat. 2750; Pub. L. 98–473, title II, § 612, Oct. 12, 1984, 98 Stat. 2108; Pub. L. 102–586, § 1(b), Nov. 4, 1992, 106 Stat. 4982; Pub. L. 107–273, div. C, title II, § 12203, Nov. 2, 2002, 116 Stat. 1871.)

AMENDMENTS

2002—Pub. L. 107–273 amended heading and text generally. Prior to text, section read as follows:

''(a) It is the purpose of this chapter—

''(1) to provide for the thorough and ongoing evaluation of all federally assisted juvenile justice and delinquency prevention programs;

''(2) to provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs;

''(3) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs;

''(4) to establish a centralized research effort on the problems of juvenile delinquency, including the dissemination of the findings of such research and all data related to juvenile delinquency;

''(5) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;

''(6) to assist States and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions;

''(7) to establish a Federal assistance program to deal with the problems of runaway and homeless youth;

''(8) to strengthen families in which juvenile delinquency has been a problem;

''(9) to assist State and local governments in removing juveniles from jails and lockups for adults;

''(10) to assist State and local governments in improving the administration of justice and services for juveniles who enter the system; and

''(11) to assist States and local communities to prevent youth from entering the justice system to begin with.

''(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency, including methods with a special focus on preserving and strengthening families so that juveniles may be retained in their homes; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention; (5) to encourage parental involvement in treatment and alternative disposition programs; and (6) to provide for coordination of services between State, local, and community-based agencies and to promote interagency cooperation in providing such services.''

1992—Subsec. (a)(1). Pub. L. 102–586, § 1(b)(1)(A), substituted ''justice and delinquency prevention'' for ''delinquency''.

Subsec. (a)(2). Pub. L. 102–586, § 1(b)(1)(B), substituted ''nonprofit juvenile justice and delinquency prevention programs'' for ''agencies, institutions, and individuals in developing and implementing juvenile delinquency programs''.

Subsec. (a)(8), (9). Pub. L. 102–586, § 1(b)(1)(C)–(E), added par. (8) and redesignated former par. (8) as (9).

Subsec. (a)(10), (11). Pub. L. 102–586, § 1(b)(1)(F), (G), added pars. (10) and (11).

Subsec. (b)(1). Pub. L. 102–586, § 1(b)(2)(A), substituted ''preserving and strengthening families'' for ''maintaining and strengthening the family unit''.

Subsec. (b)(5), (6). Pub. L. 102–586, § 1(b)(2)(B), (C), added cls. (5) and (6).

1984—Subsec. (a)(1). Pub. L. 98–473, § 612(1), substituted ''ongoing'' for ''prompt''.

Subsec. (a)(4). Pub. L. 98–473, § 612(2), substituted ''the dissemination of'' for ''an information clearinghouse to disseminate''.

Subsec. (a)(7). Pub. L. 98–473, § 612(3), inserted ''and homeless''.

1980—Subsec. (a)(8). Pub. L. 96–509, § 4(a), added par. (8).

Subsec. (b)(1). Pub. L. 96–509, § 4(b), inserted reference to methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, 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 a note under section 5601 of this title.

§ 5603. Definitions

For purposes of this chapter—

(1) the term ''community based'' facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services;

(2) the term ''Federal juvenile delinquency program'' means any juvenile delinquency program which is conducted, directly, or indirectly, or is assisted by any Federal department or agency, including any program funded under this chapter;

(3) the term ''juvenile delinquency program'' means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity designed to reduce known risk factors for juvenile delinquent behavior, provides[1] activities that build on protective

[1] So in original. Probably should be ''provide''.

factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior;

(4)(A) the term ''Bureau of Justice Assistance'' means the bureau established by section 3741 of this title;

(B) the term ''Office of Justice Programs'' means the office established by section 3711 of this title;

(C) the term ''National Institute of Justice'' means the institute established by section 3722(a) of this title; and

(D) the term ''Bureau of Justice Statistics'' means the bureau established by section 3732(a) of this title;

(5) the term ''Administrator'' means the agency head designated by section 5611(b) of this title;

(6) the term ''law enforcement and criminal justice'' means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction;

(7) the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

(8) the term ''unit of local government'' means—

(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

(B) any law enforcement district or judicial enforcement district that—

(i) is established under applicable State law; and

(ii) has the authority to, in a manner independent of other State entities, establish a budget and raise revenues;

(C) an Indian Tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

(i) the District of Columbia; or

(ii) any Trust Territory of the United States;

(9) the term ''combination'' as applied to States or units of local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a juvenile justice and delinquency prevention plan;

(10) the term ''construction'' means acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings);

(11) the term ''public agency'' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

(12) the term ''secure detention facility'' means any public or private residential facility which—

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

(B) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense;

(13) the term ''secure correctional facility'' means any public or private residential facility which—

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense;

(14) the term ''serious crime'' means criminal homicide, forcible rape or other sex offenses punishable as a felony, mayhem, kidnapping, aggravated assault, drug trafficking, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony;

(15) the term ''treatment'' includes but is not limited to medical, educational, special education, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public, including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and susceptibility to addiction or use;

(16) the term ''valid court order'' means a court order given by a juvenile court judge to a juvenile—

(A) who was brought before the court and made subject to such order; and

(B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States;

(17) the term ''Council'' means the Coordinating Council on Juvenile Justice and Delinquency Prevention established in section 5616(a)(1) of this title;

(18) the term ''Indian tribe'' means—

(A) a federally recognized Indian tribe; or

(B) an Alaskan Native organization;

(19) the term ''comprehensive and coordinated system of services'' means a system that—

(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

(B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency;

(20) the term ''gender-specific services'' means services designed to address needs unique to the gender of the individual to whom such services are provided;

(21) the term ''home-based alternative services'' means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention;

(22) the term ''jail or lockup for adults'' means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

(A) pending the filing of a charge of violating a criminal law;

(B) awaiting trial on a criminal charge; or

(C) convicted of violating a criminal law;

(23) the term ''nonprofit organization'' means an organization described in section 501(c)(3) of title 26 that is exempt from taxation under section 501(a) of title 26;

(24) the term ''graduated sanctions'' means an accountability-based, graduated series of sanctions (including incentives, treatment, and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

(25) the term ''contact'' means the degree of interaction allowed between juvenile offenders in a secure custody status and incarcerated adults under section 31.303(d)(1)(i) of title 28, Code of Federal Regulations, as in effect on December 10, 1996;

(26) the term ''adult inmate'' means an individual who—

(A) has reached the age of full criminal responsibility under applicable State law; and

(B) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense;

(27) the term ''violent crime'' means—

(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

(B) aggravated assault committed with the use of a firearm;

(28) the term ''collocated facilities'' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

(29) the term ''related complex of buildings'' means 2 or more buildings that share—

(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.

(Pub. L. 93–415, title I, § 103, Sept. 7, 1974, 88 Stat. 1111; Pub. L. 95–115, § 2, Oct. 3, 1977, 91 Stat. 1048; Pub. L. 96–509, §§ 5, 19(a), Dec. 8, 1980, 94 Stat. 2751, 2762; Pub. L. 98–473, title II, § 613, Oct. 12, 1984, 98 Stat. 2108; Pub. L. 100–690, title VII, §§ 7251(a), 7252(b)(1), Nov. 18, 1988, 102 Stat. 4435, 4436; Pub. L. 102–586, § 1(c), Nov. 4, 1992, 106 Stat. 4983; Pub. L. 105–277, div. A, § 101(b) [title I, § 129(a)(1)], Oct. 21, 1998, 112 Stat. 2681–50, 2681–75; Pub. L. 107–273, div. C, title II, § 12204, Nov. 2, 2002, 116 Stat. 1871.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 93–415, Sept. 7, 1974, 88 Stat. 1109, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of this title and Tables.

AMENDMENTS

2002—Par. (3). Pub. L. 107–273, § 12204(1), substituted ''designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior'' for ''to help prevent juvenile delinquency''.

Par. (4). Pub. L. 107–273, § 12204(2), made technical amendment to references in original act which appear in text as references to sections 3741, 3711, 3722 and 3732 of this title.

Par. (7). Pub. L. 107–273, § 12204(3), struck out ''the Trust Territory of the Pacific Islands,'' after ''Puerto Rico,''.

Par. (12)(B). Pub. L. 107–273, § 12204(4), struck out '', of any nonoffender,'' after ''committed an offense''.

Par. (13)(B). Pub. L. 107–273, § 12204(5), struck out '', any nonoffender,'' after ''committed an offense''.

Par. (14). Pub. L. 107–273, § 12204(6), inserted ''drug trafficking,'' after ''aggravated assault,''.

Par. (16)(C). Pub. L. 107–273, § 12204(7), struck out subpar. (C) which read as follows: ''with respect to whom an appropriate public agency (other than a court or law enforcement agency), before the issuance of such order—

''(i) reviewed the behavior of such juvenile and the circumstances under which such juvenile was brought before the court and made subject to such order;

''(ii) determined the reasons for the behavior that caused such juvenile to be brought before the court and made subject to such order;

''(iii) determined that all dispositions (including treatment), other than placement in a secure detention facility or a secure correctional facility, have been exhausted or are clearly inappropriate; and

''(iv) submitted to the court a written report stating the results of the review conducted under clause (i) and the determinations made under clauses (ii) and (iii);''.

Par. (22). Pub. L. 107–273, § 12204(8)(A), redesignated cls. (i) to (iii) as subpars. (A) to (C), respectively.

Pars. (24) to (29). Pub. L. 107–273, § 12204(8)(B)–(10), added pars. (24) to (29).

1998—Par. (8). Pub. L. 105–277, § 101(b) [title I, § 129(a)(1)(A)], added par. (8) and struck out former par. (8) which read as follows: ''the term 'unit of general local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agency may be used to provide the non-Federal share of the cost of programs or projects funded under this subchapter;''.

Par. (9). Pub. L. 105–277, § 101(b) [title I, § 129(a)(1)(B)], substituted ''units of local government'' for ''units of general local government''.

1992—Par. (16). Pub. L. 102–586, § 1(c)(1), amended par. (16) generally. Prior to amendment, par. (16) read as follows: ''the term 'valid court order' means a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order. The use of the word 'valid' permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the Constitution of the United States;''.

Pars. (19) to (23). Pub. L. 102–586, § 1(c)(2)–(4), added pars. (19) to (23).

1988—Par. (5). Pub. L. 100–690, § 7252(b)(1), substituted ''section 5611(b)'' for ''section 5611(c)''.

Pars. (17), (18). Pub. L. 100–690, § 7251(a), added pars. (17) and (18).

1984—Par. (3). Pub. L. 98–473, § 613(1), struck out ''for neglected, abandoned, or dependent youth and other youth'' before ''to help'' and inserted ''juvenile'' after ''prevent''.

Par. (4)(A). Pub. L. 98–473, § 613(2), substituted '' 'Bureau of Justice Assistance' means the bureau established by section 3741 of this title'' for '' 'Office of Justice Assistance, Research, and Statistics' means the office established by section 3781(a) of this title''.

Par. (4)(B). Pub. L. 98–473, § 613(2), substituted '' 'Office of Justice Programs' means the office established by section 3711 of this title'' for '' 'Law Enforcement Assistance Administration' means the administration established by section 3711 of this title''.

Par. (6). Pub. L. 98–473, § 613(3), substituted ''services),'' for ''services,'' before ''activities of''.

Par. (14). Pub. L. 98–473, § 613(4)(A), inserted ''or other sex offenses punishable as a felony''.

Par. (16). Pub. L. 98–473, § 613(4)(B)–(6), added par. (16).

1980—Par. (1). Pub. L. 96–509, § 5(a), inserted reference to special education.

Par. (4). Pub. L. 96–509, § 5(b), designated existing provisions as subpar. (B) and added subpars. (A), (C), and (D).

Par. (5). Pub. L. 96–509, § 19(a), substituted ''section 5611(c) of this title'' for ''section 3711(c) of this title''.

Par. (7). Pub. L. 96–509, § 5(c), substituted ''the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands'' for ''and any territory or possession of the United States''.

Par. (9). Pub. L. 96–509, § 5(d), substituted ''juvenile justice and delinquency prevention'' for ''law enforcement''.

Par. (12). Pub. L. 96–509, § 5(e), substituted definition of ''secure detention facility'' for definition of ''correctional institution or facility''.

Pars. (13), (14). Pub. L. 96–509, § 5(f), added pars. (13) and (14). Former par. (13) redesignated (15).

Par. (15). Pub. L. 96–509, § 5(f), (g), redesignated former par. (13) as (15), inserted reference to special education, and substituted ''protect the public, including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and susceptibility to addiction or use'' for ''protect the public and benefit the addict or other user by eliminating his dependence on addicting or other drugs or by controlling his dependence, and his susceptibility to addiction or use''.

1977—Par. (3). Pub. L. 95–115 substituted ''to help prevent delinquency'' for ''who are in danger of becoming delinquent''.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–690 effective Oct. 1, 1988, see 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 a note under section 5601 of this title.

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 a note under section 5601 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SUBCHAPTER II—PROGRAMS AND OFFICES

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

§ 5611. Establishment

(a) Placement within Department of Justice under general authority of Attorney General

There is hereby established an Office of Juvenile Justice and Delinquency Prevention (hereinafter in this division[1] referred to as the ''Office'') within the Department of Justice under the general authority of the Attorney General.

(b) Administrator; head, appointment, authorities, etc.

The Office shall be headed by an Administrator (hereinafter in this subchapter referred to as the ''Administrator'') appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile justice programs. The Administrator is authorized to prescribe regulations consistent with this chapter to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under this subchapter. The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have.

[1] See References in Text note below.

(c) Deputy Administrator; appointment, functions, etc.

There shall be in the Office a Deputy Administrator who shall be appointed by the Attorney General. The Deputy Administrator shall perform such functions as the Administrator may from time to time assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.

(Pub. L. 93–415, title II, § 201(a)–(f), Sept. 7, 1974, 88 Stat. 1112, 1113; Pub. L. 95–115, § 3(a)(1)–(3)(A), (4), (5), Oct. 3, 1977, 91 Stat. 1048, 1049; Pub. L. 96–509, §§ 6, 19(b), Dec. 8, 1980, 94 Stat. 2752, 2762; Pub. L. 98–473, title II, § 620, Oct. 12, 1984, 98 Stat. 2108; Pub. L. 100–690, title VII, § 7252(a), Nov. 18, 1988, 102 Stat. 4436; Pub. L. 102–586, § 2(a), Nov. 4, 1992, 106 Stat. 4984.)

REFERENCES IN TEXT

This division, referred to in subsec. (a), probably means division II (§§ 610–670) of chapter VI of title II of Pub. L. 98–473, Oct. 12, 1984, 98 Stat. 2107, which made numerous amendments to this chapter. For complete classification of this division to the Code, see Short Title of 1984 Amendment note set out under section 5601 of this title and Tables.

This chapter, referred to in subsec. (b), was in the original ''this Act'', meaning Pub. L. 93–415, Sept. 7, 1974, 88 Stat. 1109, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of this title and Tables.

AMENDMENTS

1992—Subsec. (b). Pub. L. 102–586 amended third sentence generally, substituting ''The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have'' for ''The Administrator shall report to the Attorney General through the Assistant Attorney General who heads the Office of Justice Programs under part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968''.

1988—Subsec. (c). Pub. L. 100–690 struck out ''and whose function shall be to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention established by section 5651 of this title'' after ''Attorney General'' in first sentence and ''also'' after ''The Deputy Administrator shall'' in second sentence.

1984—Subsec. (a). Pub. L. 98–473, in amending subsec. (a) generally, substituted provisions relating to establishment of the Office of Juvenile Justice and Delinquency Prevention for former provisions which also provided for the establishment of the Office and its administration by an Administrator.

Subsec. (b). Pub. L. 98–473, in amending subsec. (b) generally, substituted provisions relating to functions and duties of the Administrator for former provisions which related to administration of the program.

Subsec. (c). Pub. L. 98–473, in amending subsec. (c) generally, substituted provisions relating to Deputy Administrator for former provisions which related to nomination of the Administrator by the President.

Subsec. (d). Pub. L. 98–473, in amending section generally, struck out subsec. (d) which related to powers of the Administrator. See subsec. (b) of this section.

Subsec. (e). Pub. L. 98–473, in amending section generally, struck out subsec. (e) which related to Deputy Administrator. See subsec. (c) of this section.

Subsec. (f). Pub. L. 98–473, in amending section generally, struck out subsec. (f) which related to supervision of the National Institute for Juvenile Justice and Delinquency Prevention.

1980—Subsec. (a). Pub. L. 96–509, § 6(a), substituted ''under the general authority of the Attorney General'' for ''Law Enforcement Assistance Administration''.

Subsec. (c). Pub. L. 96–509, § 19(b)(1), substituted ''Administrator'' for ''Associate Administrator'' as the name of the official heading the Office of Juvenile Justice and Delinquency Prevention and struck out provisions that had governed the meaning to be placed upon the use of the title ''Associate Administrator''.

Subsec. (d). Pub. L. 96–509, §§ 6(b), 19(b)(2), substituted ''Administrator'' for ''Associate Administrator'' wherever appearing, struck out provisions that had required the former Associate Administrator to report directly to the Administrator, and provided that the Administrator exercise all necessary powers under the general authority of the Attorney General rather than the Administrator of the Law Enforcement Assistance Administration, clarified that the Administrator of the Office of Juvenile Justice and Delinquency Prevention is authorized to prescribe regulations for all grants and contracts available under part B and part C of this subchapter, and provided that the Administrator of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice may delegate authority to the Administrator for all juvenile justice and delinquency prevention grants and contracts for funds made available under the Omnibus Crime Control and Safe Streets Act of 1968.

Subsec. (e). Pub. L. 96–509, §§ 6(c), 19(b)(3), substituted ''Deputy Administrator'' for ''Deputy Associate Administrator'', ''Administrator'' for ''Associate Administrator'', ''Attorney General'' for ''Administrator of the Law Enforcement Assistance Administration'', and ''office'' for ''Office''.

Subsec. (f). Pub. L. 96–509, §§ 6(d), 19(b)(4), substituted ''Deputy Administrator'' for ''Deputy Associate Administrator'' and ''Attorney General'' for ''Administrator''.

1977—Subsec. (a). Pub. L. 95–115, § 3(a)(1), inserted provisions relating to administration of provisions of this chapter.

Subsec. (c). Pub. L. 95–115, § 3(a)(2), (3)(A), inserted provisions relating to statutory references to the Associate Administrator and substituted ''an Associate'' for ''an Assistant''.

Subsec. (d). Pub. L. 95–115, § 3(a)(3)(A), (4), inserted provisions relating to powers of the Associate Administrator over grants and contracts and provisions relating to reporting requirement and substituted ''The Associate Administrator shall exercise'' for ''The Assistant Administrator shall exercise''.

Subsec. (e). Pub. L. 95–115, § 3(a)(3)(A), (5), substituted references to Deputy Associate Administrator and Associate Administrator for references to Deputy Assistant Administrator and Assistant Administrator, respectively, wherever appearing.

Subsec. (f). Pub. L. 95–115, § 3(a)(5), substituted ''Associate'' for ''Assistant''.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–690 effective Oct. 1, 1988, see 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 a note under section 5601 of this title.

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 a note under section 5601 of this title.

MENTORING MATCHES FOR YOUTH

Pub. L. 109–248, title VI, subtitle A, July 27, 2006, 120 Stat. 631, 632, provided that:

''SEC. 601. SHORT TITLE.

''This subtitle may be cited as the 'Mentoring Matches for Youth Act of 2006'.

''SEC. 602. FINDINGS.

''Congress finds the following:

''(1) Big Brothers Big Sisters of America, which was founded in 1904 and chartered by Congress in 1958, is the oldest and largest mentoring organization in the United States.

''(2) There are over 450 Big Brothers Big Sisters of America local agencies providing mentoring programs for at-risk children in over 5,000 communities throughout every State, Guam, and Puerto Rico.

''(3) Over the last decade, Big Brothers Big Sisters of America has raised a minimum of 75 percent of its annual operating budget from private sources and is continually working to grow private sources of funding to maintain this ratio of private to Federal funds.

''(4) In 2005, Big Brothers Big Sisters of America provided mentors for over 235,000 children.

''(5) Big Brothers Big Sisters of America has a goal to provide mentors for 1,000,000 children per year.

''SEC. 603. GRANT PROGRAM FOR EXPANDING BIG BROTHERS BIG SISTERS MENTORING PROGRAM.

''In each of fiscal years 2007 through 2012, the Administrator of the Office of Juvenile Justice and Delinquency Prevention (hereafter in this Act [probably should be ''subtitle''] referred to as the 'Administrator') may make grants to Big Brothers Big Sisters of America to use for expanding the capacity of and carrying out the Big Brothers Big Sisters mentoring programs for at-risk youth.

''SEC. 604. BIANNUAL REPORT.

''(a) IN GENERAL.—Big Brothers Big Sisters of America shall submit 2 reports to the Administrator in each of fiscal years 2007 through 2013. Big Brothers Big Sisters of America shall submit the first report in a fiscal year not later than April 1 of that fiscal year and the second report in a fiscal year not later than September 30 of that fiscal year.

''(b) REQUIRED CONTENT.—Each such report shall include the following:

''(1) A detailed statement of the progress made by Big Brothers Big Sisters of America in expanding the capacity of and carrying out mentoring programs for at-risk youth.

''(2) A detailed statement of how the amounts received under this Act have been used.

''(3) A detailed assessment of the effectiveness of the mentoring programs.

''(4) Recommendations for continued grants and the appropriate amounts for such grants.

''SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this Act [probably should be ''subtitle'']—

''(1) $9,000,000 for fiscal year 2007;

''(2) $10,000,000 for fiscal year 2008;

''(3) $11,500,000 for fiscal year 2009;

''(4) $13,000,000 for fiscal year 2010; and

''(5) $15,000,000 for fiscal year 2011.''

§ 5612. Personnel

(a) Selection; employment; compensation

The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in the Administrator and to prescribe their functions.

(b) Special personnel

The Administrator is authorized to select, appoint, and employ not to exceed three officers and to fix their compensation at rates not to exceed the rate now or hereafter payable under section 5376 of title 5.

(c) Personnel from other agencies

Upon the request of the Administrator, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Administrator to assist the Administrator in carrying out the functions of the Administrator under this subchapter.

(d) Experts and consultants

The Administrator may obtain services as authorized by section 3109 of title 5, at rates not to exceed the rate now or hereafter payable under section 5376 of title 5.

(Pub. L. 93–415, title II, § 202, Sept. 7, 1974, 88 Stat. 1113; Pub. L. 95–115, § 3(a)(3)(A), Oct. 3, 1977, 91 Stat. 1048; Pub. L. 96–509, § 19(c), Dec. 8, 1980, 94 Stat. 2763; Pub. L. 98–473, title II, § 621, Oct. 12, 1984, 98 Stat. 2109; Pub. L. 102–586, § 2(b), Nov. 4, 1992, 106 Stat. 4984; Pub. L. 107–273, div. C, title II, § 12221(a)(1), Nov. 2, 2002, 116 Stat. 1894.)

AMENDMENTS

2002—Subsec. (b). Pub. L. 107–273 substituted ''payable under section 5376'' for ''prescribed for GS–18 of the General Schedule by section 5332''.

1992—Subsec. (b). Pub. L. 102–586, § 2(b)(1), which directed the substitution of ''payable under section 5376'' for ''prescribes for GS–18 of the General Schedule by section 5332'', could not be executed because the phrase ''prescribes for GS–18 of the General Schedule by section 5332'' did not appear in text.

Subsec. (c). Pub. L. 102–586, § 2(b)(2), substituted ''subchapter'' for ''chapter''.

Subsec. (d). Pub. L. 102–586, § 2(b)(3), substituted ''payable under section 5376'' for ''prescribed for GS–18 of the General Schedule by section 5332''.

1984—Subsec. (a). Pub. L. 98–473, § 621(a), substituted ''the Administrator'' for ''him'' before ''and to prescribe''.

Subsec. (c). Pub. L. 98–473, § 621(b), substituted ''the Administrator'' for ''him'' before ''in carrying out'' and ''the functions of the Administrator'' for ''his functions''.

1980—Subsec. (c). Pub. L. 96–509, § 19(c)(1), substituted ''Administrator'' for ''Associate Administrator''.

Subsec. (d). Pub. L. 96–509, § 19(c)(2), substituted ''title 5'' for ''title I'' after ''section 5332 of''.

1977—Subsec. (c). Pub. L. 95–115 substituted ''Associate'' for ''Assistant''.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, 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 a note under section 5601 of this title.

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 a note under section 5601 of this title.

§ 5613. Voluntary and uncompensated services

The Administrator is authorized to accept and employ, in carrying out the provisions of this chapter, voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31.

(Pub. L. 93–415, title II, § 203, Sept. 7, 1974, 88 Stat. 1113.)

CODIFICATION

''Section 1342 of title 31'' substituted in text for ''section 3679(b) of the Revised Statutes (31 U.S.C. 665(b))''

on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

§ 5614. Concentration of Federal efforts

(a) Implementation of policy by Administrator; consultation with Council and Advisory Committee

(1) The Administrator shall develop objectives, priorities, and a long-term plan, and implement overall policy and a strategy to carry out such plan, for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out the functions of the Administrator, the Administrator shall consult with the Council.

(2)(A) The plan described in paragraph (1) shall—

(i) contain specific goals and criteria for making grants and contracts, for conducting research, and for carrying out other activities under this subchapter; and

(ii) provide for coordinating the administration programs and activities under this subchapter with the administration of all other Federal juvenile delinquency programs and activities, including proposals for joint funding to be coordinated by the Administrator.

(B) The Administrator shall review the plan described in paragraph (1) annually, revise the plan as the Administrator considers appropriate, and publish the plan in the Federal Register—

(i) not later than 240 days after November 4, 1992, in the case of the initial plan required by paragraph (1); and

(ii) except as provided in clause (i), in the 30-day period ending on October 1 of each year.

(b) Duties of Administrator

In carrying out the purposes of this chapter, the Administrator shall—

(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency;

(2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives the Administrator establishes;

(3) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities;

(4) implement Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which the Administrator determines may have an important bearing on the success of the entire Federal juvenile delinquency effort;

(5)(A) develop for each fiscal year, and publish annually in the Federal Register for public comment, a proposed comprehensive plan describing the particular activities which the Administrator intends to carry out under parts D and E of this subchapter in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts D and E of this subchapter; and

(B) taking into consideration comments received during the 45-day period beginning on the date the proposed plan is published, develop and publish a final plan, before December 31 of such fiscal year, describing the particular activities which the Administrator intends to carry out under parts D and E of this subchapter in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts D and E of this subchapter;

(6) provide for the auditing of monitoring systems required under section 5633(a)(15)[1] of this title to review the adequacy of such systems; and

(7) not later than 1 year after November 2, 2002, issue model standards for providing mental health care to incarcerated juveniles.

(c) Information, reports, studies, and surveys from other agencies

The Administrator may require, through appropriate authority, Federal departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide the Administrator with such information as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency.

(d) Delegation of functions

The Administrator shall have the sole authority to delegate any of the functions of the Administrator under this chapter.

(e) Utilization of services and facilities of other agencies; reimbursement

The Administrator is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

(f) Coordination of functions of Administrator and Secretary of Health and Human Services

All functions of the Administrator under this subchapter shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under subchapter III of this chapter.

(Pub. L. 93–415, title II, § 204, Sept. 7, 1974, 88 Stat. 1113; Pub. L. 94–273, §§ 8(3), 12(3), Apr. 21, 1976, 90 Stat. 378; Pub. L. 95–115, § 3(a)(3)(A), (b), Oct. 3, 1977, 91 Stat. 1048, 1049; Pub. L. 96–509, §§ 7, 19(d), Dec. 8, 1980, 94 Stat. 2752, 2763; Pub. L. 98–473, title II, § 622, Oct. 12, 1984, 98 Stat. 2109; Pub. L. 100–690, title VII, § 7253, Nov. 18, 1988, 102 Stat. 4436; Pub. L. 102–586, § 2(c), Nov. 4, 1992, 106 Stat. 4984; Pub. L. 107–273, div. C, title II, § 12205, Nov. 2, 2002, 116 Stat. 1872.)

[1] See References in Text note below.

REFERENCES IN TEXT

Section 5633(a)(15) of this title, referred to in subsec. (b)(6), was redesignated section 5633(a)(14) of this title by Pub. L. 107–273, div. C, title II, § 12209(1)(S), Nov. 2, 2002, 116 Stat. 1879.

CODIFICATION

November 2, 2002, referred to in subsec. (b)(7), was in the original ''the date of the enactment of this paragraph'' which was translated as meaning the date of enactment of Pub. L. 107–273, which amended par. (7) generally, to reflect the probable intent of Congress.

AMENDMENTS

2002—Subsec. (b)(3). Pub. L. 107–273, § 12205(1)(A), struck out ''and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered'' before semicolon at end.

Subsec. (b)(5). Pub. L. 107–273, § 12205(1)(B), substituted ''parts D and E'' for ''parts C and D'' wherever appearing.

Subsec. (b)(7). Pub. L. 107–273, § 12205(1)(C), amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''not later than 1 year after November 4, 1992, issue model standards for providing health care to incarcerated juveniles.''

Subsec. (c). Pub. L. 107–273, § 12205(2), substituted ''as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency'' for ''and reports, and to conduct such studies and surveys, as the Administrator may deem to be necessary to carry out the purposes of this part''.

Subsec. (d). Pub. L. 107–273, § 12205(3), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: ''The Administrator may delegate any of the functions of the Administrator under this subchapter, to any officer or employee of the Office.''

Subsecs. (f), (h). Pub. L. 107–273, § 12205(5), redesignated subsec. (h) as (f).

Subsec. (i). Pub. L. 107–273, § 12205(4), struck out subsec. (i) which read as follows:

''(1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under subsection (c) of this section.

''(2) Each juvenile delinquency development statement submitted to the Administrator under paragraph (1) shall contain such information, data, and analyses as the Administrator may require. Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

''(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to the Administrator under paragraph (1). Such development statement, together with the comments of the Administrator, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment.''

1992—Subsec. (a). Pub. L. 102–586, § 2(c)(1), designated existing provisions as par. (1), substituted ''develop objectives, priorities, and a long-term plan, and implement overall policy and a strategy to carry out such plan,'' for ''implement overall policy and develop objectives and priorities'', and added par. (2).

Subsec. (b)(7). Pub. L. 102–586, § 2(c)(2), (3), added par. (7).

Subsec. (f). Pub. L. 102–586, § 2(c)(4), struck out subsec. (f) which read as follows: ''The Administrator is authorized to transfer funds appropriated under this section to any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the Administrator finds to be exceptionally effective or for which the Administrator finds there exists exceptional need.''

Subsec. (g). Pub. L. 102–586, § 2(c)(4), struck out subsec. (g) which read as follows: ''The Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, organization, institution, or individual to carry out the purposes of this subchapter.''

1988—Subsec. (a). Pub. L. 100–690, § 7253(a), struck out ''and the National Advisory Committee for Juvenile Justice and Delinquency Prevention'' before period at end.

Subsec. (b)(5). Pub. L. 100–690, § 7253(b)(1), amended par. (5) generally. Prior to amendment, par. (5) read as follows: ''develop annually with the assistance of the Advisory Committee and the Coordinating Council and submit to the President and the Congress, after the first year following October 3, 1977, prior to December 31, an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs and a brief but precise comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system, which analysis and evaluation shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs;''.

Subsec. (b)(6), (7). Pub. L. 100–690, § 7253(b)(2), (3), redesignated par. (7) as (6) and struck out former par. (6) which read as follows: ''provide technical assistance and training assistance to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs; and''.

Subsec. (c). Pub. L. 100–690, § 7253(c)(1), (3), redesignated subsec. (f) as (c) and struck out former subsec. (c) which read as follows: ''The President shall, no later than ninety days after receiving each annual report under subsection (b)(5) of this section, submit a report to the Congress and to the Council containing a detailed statement of any action taken or anticipated with respect to recommendations made by each annual report.''

Subsec. (d). Pub. L. 100–690, § 7253(c)(1), (3), redesignated subsec. (g) as (d) and struck out former subsec. (d) which read as follows:

''(1) The first annual report submitted to the President and the Congress by the Administrator under subsection (b)(5) of this section shall contain, in addition to information required by subsection (b)(5) of this section, a detailed statement of criteria developed by the Administrator for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youths from the juvenile justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

''(2) The second such annual report shall contain, in addition to information required by subsection (b)(5) of this section, an identification of Federal programs which are related to juvenile delinquency prevention or treatment, together with a statement of the moneys expended for each such program during the most recent complete fiscal year. Such identification shall be made by the Administrator through the use of criteria developed under paragraph (1).''

Subsec. (e). Pub. L. 100–690, § 7253(c)(1), (3), redesignated subsec. (h) as (e) and struck out former subsec.

(e) which read as follows: ''The third such annual report submitted to the President and the Congress by the Administrator under subsection (b)(5) of this section shall contain, in addition to the comprehensive plan required by subsection (b)(5) of this section, a detailed statement of procedures to be used with respect to the submission of juvenile delinquency development statements to the Administrator by Federal agencies under subsection (*l*) of this section. Such statement submitted by the Administrator shall include a description of information, data, and analyses which shall be contained in each such development statement.''

Subsecs. (f) to (h). Pub. L. 100–690, §7253(c)(3), redesignated subsecs. (i) to (k) as (f) to (h), respectively. Former subsecs. (f) to (h) redesignated (c) to (e), respectively.

Subsec. (i). Pub. L. 100–690, §7253(c)(2), (3), redesignated subsec. (*l*) as (i), struck out ''which meets any criterion developed by the Administrator under subsection (d)(1) of this section'' after ''juvenile delinquency program'' and substituted ''subsection (c)'' for ''subsection (f)'' in par. (1), and struck out ''shall be submitted in accordance with procedure established by the Administrator under subsection (e) of this section and'' after ''under paragraph (1)'' and ''under subsection (e) of this section'' after ''Administrator may require'' in par. (2). Former subsec. (i) redesignated (f).

Subsecs. (j) to (*l*). Pub. L. 100–690, §7253(c)(3), redesignated subsecs. (j) to (*l*) as (g) to (i), respectively.

Subsec. (m). Pub. L. 100–690, §7253(c)(4), struck out subsec. (m) which read as follows: ''To carry out the purposes of this section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this subchapter.''

1984—Subsec. (a). Pub. L. 98–473, §622(a), substituted ''the functions of the Administrator'' for ''his functions''.

Subsec. (b)(2), (4). Pub. L. 98–473, §622(b)(1), (2), substituted ''the Administrator'' for ''he''.

Subsec. (b)(7). Pub. L. 98–473, §622(b)(3)–(5), added par. (7).

Subsec. (e). Pub. L. 98–473, §622(c), substituted ''subsection (*l*)'' for ''subsection (''*l*'')''.

Subsec. (f). Pub. L. 98–473, §622(d), substituted ''the Administrator'' for ''him'' before ''with such information'' and for ''he'' before ''may deem to be''.

Subsec. (g). Pub. L. 98–473, §622(e), substituted ''the functions of the Administrator'' for ''his functions''.

Subsec. (i). Pub. L. 98–473, §622(f), substituted ''section'' for ''subchapter'' and ''the Administrator'' for ''he'' before ''finds there exists''.

Subsec. (*l*)(1). Pub. L. 98–473, §622(g)(1), substituted ''subsection (d)(1) of this section'' for ''section 5614(d)(1) of this title'' and ''subsection (f) of this section'' for ''section 5614(f) of this title''.

Subsec. (*l*)(2). Pub. L. 98–473, §622(g)(2), substituted ''paragraph (1)'' for ''subsection (''*l*'')'' and ''subsection (e) of this section'' for ''section 5614(e) of this title'' in two places.

Subsec. (*l*)(3). Pub. L. 98–473, §622(g)(3), substituted ''the Administrator'' for ''him'' after ''transmitted to'' and ''paragraph (1)'' for ''subsection (''*l*'')''.

1980—Subsec. (b). Pub. L. 96–509, §7(a), struck out reference to the Associate Administrator in provisions preceding par. (1) and in par. (6) inserted reference to training assistance.

Subsec. (d)(1). Pub. L. 96–509, §19(d)(1), substituted ''Administrator for identifying'' for ''Associate Administrator for identifying''.

Subsec. (g). Pub. L. 96–509, §19(d)(2), substituted ''Office'' for ''Administration''.

Subsec. (i). Pub. L. 96–509, §19(d)(3), substituted ''Administrator finds'' for ''Associate Administrator finds''.

Subsec. (k). Pub. L. 96–509, §19(d)(4), substituted ''Health and Human Services'' for ''the Department of Health, Education, and Welfare''.

Subsec. (*l*)(1). Pub. L. 96–509, §19(d)(5), substituted ''developed by the Administrator'' for ''developed by the Associate Administrator''.

Subsec. (m). Pub. L. 96–509, §7(b), added subsec. (m).

1977—Subsec. (b). Pub. L. 95–115, §3(b)(1), in introductory text inserted requirement for assistance of the Associate Administrator, added par. (5), and redesignated par. (7) as (6). Former par. (5), relating to an analysis and evaluation of Federal juvenile delinquency programs, and former par. (6), relating to a comprehensive plan for Federal juvenile delinquency programs, were struck out.

Subsec. (d)(1). Pub. L. 95–115, §3(b)(2), inserted ''Associate'' before ''Administrator for''.

Subsec. (e). Pub. L. 95–115, §3(b)(3), substituted ''(5)'' for ''(6)'' in two places.

Subsec. (f). Pub. L. 95–115, §3(b)(4), inserted ''Federal'' after ''appropriate authority,''.

Subsec. (g). Pub. L. 95–115, §3(b)(5), substituted ''subchapter'' for ''part, except the making of regulations''.

Subsec. (i). Pub. L. 95–115, §3(a)(3)(A), substituted ''Associate'' for ''Assistant''.

Subsec. (j). Pub. L. 95–115, §3(b)(6), inserted ''organization,'' after ''agency,'' and substituted ''subchapter'' for ''part''.

Subsec. (k). Pub. L. 95–115, §3(b)(7), substituted ''subchapter'' for ''part'' and ''subchapter III of this chapter'' for ''the Juvenile Delinquency Prevention Act''.

Subsec. (*l*)(1). Pub. L. 95–115, §3(b)(8), inserted ''Associate'' before ''Administrator under''.

1976—Subsec. (b)(5). Pub. L. 94–273, §8(3), substituted ''December 31'' for ''September 30''.

Subsec. (b)(6). Pub. L. 94–273, §12(3), substituted ''June'' for ''March''.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–690 effective Oct. 1, 1988, but amendment by section 7253(b)(1) of Pub. L. 100–690 not applicable with respect to fiscal year 1989, see section 7296(a), (b)(2) 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 a note under section 5601 of this title.

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 a note under section 5601 of this title.

EFFECTIVE DATE

Section effective Sept. 7, 1974, except that subsec. (b)(5), (6) effective at close of thirty-first day of twelfth calendar month of 1974, and subsec. (*l*) effective at close of thirtieth day of eleventh calendar month of 1976, see section 263(a), (b) of Pub. L. 93–415, set out as a note under section 5601 of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment unless in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the end of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 5615. Joint funding; non-Federal share requirements

Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced whenever the Administrator finds the program or activity to be exceptionally effective or for which the Administrator finds exceptional need. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such agency to waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

(Pub. L. 93–415, title II, § 205, Sept. 7, 1974, 88 Stat. 1116; Pub. L. 95–115, § 3(c), Oct. 3, 1977, 91 Stat. 1049; Pub. L. 96–509, § 19(e), Dec. 8, 1980, 94 Stat. 2763.)

AMENDMENTS

1980—Pub. L. 96–509 struck out ''Associate'' before ''Administrator finds'' in two places.

1977—Pub. L. 95–115 inserted provisions relating to functions of the Associate Administrator with respect to joint funding.

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 a note under section 5601 of this title.

§ 5616. Coordinating Council on Juvenile Justice and Delinquency Prevention

(a) Establishment; membership

(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention composed of the Attorney General, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, the Commissioner of Immigration and Naturalization, such other officers of Federal agencies who hold significant decisionmaking authority as the President may designate, and individuals appointed under paragraph (2).

(2)(A) Nine members shall be appointed, without regard to political affiliation, to the Council in accordance with this paragraph from among individuals who are practitioners in the field of juvenile justice and who are not officers or employees of the United States.

(B)(i) Three members shall be appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives.

(ii) Three members shall be appointed by the majority leader of the Senate, after consultation with the minority leader of the Senate.

(iii) Three members shall be appointed by the President.

(C)(i) Of the members appointed under each of clauses (i), (ii), and (iii)—

(I) 1 shall be appointed for a term of 1 year;

(II) 1 shall be appointed for a term of 2 years; and

(III) 1 shall be appointed for a term of 3 years;

as designated at the time of appointment.

(ii) Except as provided in clause (iii), a vacancy arising during the term for which an appointment is made may be filled only for the remainder of such term.

(iii) After the expiration of the term for which a member is appointed, such member may continue to serve until a successor is appointed.

(b) Chairman and Vice Chairman

The Attorney General shall serve as Chairman of the Council. The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

(c) Functions

(1) The function of the Council shall be to coordinate all Federal juvenile delinquency programs (in cooperation with State and local juvenile justice programs) all Federal programs and activities that detain or care for unaccompanied juveniles, and all Federal programs relating to missing and exploited children. The Council shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles and shall make recommendations to the President, and to the Congress, at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities and all Federal programs and activities that detain or care for unaccompanied juveniles. The Council shall review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of paragraphs (12)(A), (13), and (14) of section 5633(a) of this title. The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council. The Council shall review the reasons why Federal agencies take juveniles into custody and shall make recommendations regarding how to improve Federal practices and facilities for holding juveniles in custody.

(2) In addition to performing their functions as members of the Council, the members appointed under subsection (a)(2) of this section shall collectively—

(A) make recommendations regarding the development of the objectives, priorities, and the long-term plan, and the implementation of overall policy and the strategy to carry out

such plan, referred to in section 5614(a)(1) of this title; and

(B) not later than 180 days after November 4, 1992, submit such recommendations to the Administrator, the Chairman of the Committee on Education and the Workforce of the House of Representatives, and the Chairman of the Committee on the Judiciary of the Senate.

(d) Meetings

The Council shall meet at least quarterly.

(e) Appointment of personnel or staff support by Administrator

The Administrator shall, with the approval of the Council, appoint such personnel or staff support as the Administrator considers necessary to carry out the purposes of this subchapter.

(f) Expenses of Council members; reimbursement

Members appointed under subsection (a)(2) of this section shall serve without compensation. Members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) Authorization of appropriations

Of sums available to carry out this part, not more than $200,000 shall be available to carry out this section.

(Pub. L. 93–415, title II, § 206, Sept. 7, 1974, 88 Stat. 1116; Pub. L. 94–237, § 4(c)(5)(D), Mar. 19, 1976, 90 Stat. 244; Pub. L. 95–115, § 3(a)(3)(A), (5), (d), Oct. 3, 1977, 91 Stat. 1048–1050; Pub. L. 96–509, §§ 8, 19(f), Dec. 8, 1980, 94 Stat. 2753, 2763; Pub. L. 98–473, title II, § 623, Oct. 12, 1984, 98 Stat. 2110; Pub. L. 100–690, title VII, §§ 7251(b), 7252(b)(2), 7254, Nov. 18, 1988, 102 Stat. 4435–4437; Pub. L. 102–586, § 2(d), Nov. 4, 1992, 106 Stat. 4985; Pub. L. 103–82, title IV, § 405(k), Sept. 21, 1993, 107 Stat. 922; Pub. L. 107–273, div. C, title II, § 12206, Nov. 2, 2002, 116 Stat. 1872.)

AMENDMENTS

2002—Subsec. (c)(2)(B). Pub. L. 107–273 substituted ''Education and the Workforce'' for ''Education and Labor''.

1993—Subsec. (a)(1). Pub. L. 103–82 substituted ''the Chief Executive Officer of the Corporation for National and Community Service'' for ''the Director of the ACTION Agency''.

1992—Subsec. (a)(1). Pub. L. 102–586, § 2(d)(1)(A), substituted ''the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Office of National Drug Control Policy, the Director of the ACTION Agency, the Commissioner of Immigration and Naturalization, such other officers of Federal agencies who hold significant decisionmaking authority as the President may designate, and individuals appointed under paragraph (2)'' for ''the Director of the Office of Community Services, the Director of the Office of Drug Abuse Policy, the Director of the ACTION Agency, the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau, or their respective designees, the Assistant Attorney General who heads the Office of Justice Programs, the Director of the Bureau of Justice Assistance, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the National Institute of Justice, and representatives of such other agencies as the President shall designate''.

Subsec. (a)(2). Pub. L. 102–586, § 2(d)(1)(B), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''Any individual designated under this section shall be selected from individuals who exercise significant decisionmaking authority in the Federal agency involved.''

Subsec. (c). Pub. L. 102–586, § 2(d)(2), designated existing provisions as par. (1), inserted ''(in cooperation with State and local juvenile justice programs) all Federal programs and activities that detain or care for unaccompanied juveniles,'', ''shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles and'' and ''and all Federal programs and activities that detain or care for unaccompanied juveniles'', and added par. (2).

Subsec. (f). Pub. L. 102–586, § 2(d)(3), inserted ''Members appointed under subsection (a)(2) of this section shall serve without compensation.'' before ''Members of the Council'' and struck out ''who are employed by the Federal Government full time'' before ''shall be''.

1988—Subsec. (a)(1). Pub. L. 100–690, §§ 7251(b), 7252(b)(2), struck out ''(hereinafter referred to as the 'Council')'' after ''Coordinating Council on Juvenile Justice and Delinquency Prevention'' and ''the Deputy Administrator of the Institute for Juvenile Justice and Delinquency Prevention,'' after ''Administrator of the Office of Juvenile Justice and Delinquency Prevention,''.

Subsec. (c). Pub. L. 100–690, § 7254(a)(1)–(3), struck out '', in consultation with the Advisory Board on Missing Children,'' after ''programs and'' in first sentence, substituted ''shall'' for ''is authorized to'' and ''paragraphs (12)(A), (13), and (14) of section 5633(a) of this title'' for ''section 5633(a)(12)(A) and (13) of this title'' in third sentence, and inserted at end ''The Council shall review the reasons why Federal agencies take juveniles into custody and shall make recommendations regarding how to improve Federal practices and facilities for holding juveniles in custody.''

Subsec. (d). Pub. L. 100–690, § 7254(b), struck out provision that annual report required by section 5614(b)(5) of this title include a description of the activities of the Council.

Subsec. (g). Pub. L. 100–690, § 7254(c), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: ''To carry out the purposes of this section there is authorized to be appropriated such sums as may be necessary, not to exceed $200,000 for each fiscal year.''

1984—Subsec. (a)(1). Pub. L. 98–473, § 623(a), substituted ''Office of Community Services'' for ''Community Services Administration'', ''Assistant Attorney General who heads the Office of Justice Programs'' for ''Director of the Office of Justice Assistance, Research, and Statistics'', and ''Director of the Bureau of Justice Assistance'' for ''Administrator of the Law Enforcement Assistance Administration''.

Subsec. (c). Pub. L. 98–473, § 623(b), substituted ''delinquency programs and, in consultation with the Advisory Board on Missing Children, all Federal programs relating to missing and exploited children'' for ''delinquency programs''.

Subsec. (e). Pub. L. 98–473, § 623(c), substituted ''the Administrator'' for ''he'' before ''considers necessary''.

Subsec. (g). Pub. L. 98–473, § 623(d), substituted ''$200,000'' for ''$500,000''.

1980—Subsec. (a)(1). Pub. L. 96–509, §§ 8(a), 19(f)(1), substituted ''the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration, the Director of the Office of Drug Abuse Policy, the Director of the ACTION Agency, the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director of the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau, or their respective designees, the Director of the Office of

Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Administrator of the Institute for Juvenile Justice and Delinquency Prevention, the Director of the National Institute of Justice, and representatives'' for ''the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Director of the Office of Drug Abuse Policy, the Commissioner of the Office of Education, the Director of the ACTION Agency, the Secretary of Housing and Urban Development, or their respective designees, the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Associate Administrator of the Institute for Juvenile Justice and Delinquency Prevention, and representatives''.

Subsec. (b). Pub. L. 96–509, § 19(f)(2), struck out ''Associate'' before ''Administrator''.

Subsec. (c). Pub. L. 96–509, § 8(b), provided that the Coordinating Council make its annual recommendations to the Congress as well as the President and that the Coordinating Council review and make recommendations with respect to any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council and struck out ''the Attorney General and''.

Subsec. (d). Pub. L. 96–509, § 8(c), substituted ''at least quarterly'' for ''a minimum of four times per year''.

Subsec. (e). Pub. L. 96–509, §§ 8(d), 19(f)(3), substituted ''The Administrator shall'' for ''The Associate Administrator may''.

Subsec. (g). Pub. L. 96–509, § 8(e), placed a limit of $500,000 for each fiscal year on the amount authorized to be appropriated to carry out the purposes of this section.

1977—Subsec. (a)(1). Pub. L. 95–115, § 3(a)(3)(A), (5), (d)(1), inserted references to the Commissioner of the Office of Education and the Director of the ACTION Agency, and substituted ''Associate'' for ''Assistant'' wherever appearing.

Subsec. (b). Pub. L. 95–115, § 3(a)(3)(A), substituted ''Associate'' for ''Assistant''.

Subsec. (c). Pub. L. 95–115, § 3(d)(2), inserted provisions relating to review functions of the Council.

Subsec. (d). Pub. L. 95–115, § 3(d)(3), substituted ''four'' for ''six''.

Subsec. (e). Pub. L. 95–115, § 3(d)(4), redesignated former par. (3) as entire subsec. (e) and, as so redesignated, inserted ''or staff support'' after ''personnel'' and substituted ''Associate Administrator'' for ''Executive Secretary''. Former pars. (1) and (2), which related to appointment and responsibilities of the Executive Secretary, respectively, were struck out.

1976—Subsec. (a)(1). Pub. L. 94–237 substituted ''Office of Drug Abuse Policy'' for ''Special Action Office for Drug Abuse Prevention''.

CHANGE OF NAME

Committee on Education and the Workforce of House of Representatives changed to Committee on Education and Labor of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–82 effective Apr. 4, 1994, see section 406(b) of Pub. L. 103–82, set out as a note under section 8332 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–690 effective Oct. 1, 1988, see 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 a note under section 5601 of this title.

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 a note under section 5601 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (c)(1) of this section relating to the Council making recommendations to Congress at least annually, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and item 1 on page 159 of House Document No. 103–7.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

§ 5617. Annual report

Not later than 180 days after the end of a fiscal year, the Administrator shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains the following with respect to such fiscal year:

(1) A detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, and the trends demonstrated by the data required by subparagraphs (A), (B), and (C). Such summary and analysis shall set out the information required by subparagraphs (A), (B), (C), and (D) separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

(A) the types of offenses with which the juveniles are charged;

(B) the race and gender of the juveniles;

(C) the ages of the juveniles;

(D) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lockups;

(E) the number of juveniles who died while in custody and the circumstances under which they died; and

(F) the educational status of juveniles, including information relating to learning disabilities, failing performance, grade retention, and dropping out of school.

(2) A description of the activities for which funds are expended under this part, including the objectives, priorities, accomplishments, and recommendations of the Council.

(3) A description, based on the most recent data available, of the extent to which each State complies with section 5633 of this title and with the plan submitted under such section by the State for such fiscal year.

(4) An evaluation of the programs funded under this subchapter and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.

(Pub. L. 93–415, title II, § 207, as added Pub. L. 100–690, title VII, § 7255, Nov. 18, 1988, 102 Stat. 4437; amended Pub. L. 102–586, § 2(e), Nov. 4, 1992, 106 Stat. 4986; Pub. L. 107–273, div. C, title II, § 12207, Nov. 2, 2002, 116 Stat. 1872.)

PRIOR PROVISIONS

A prior section 5617, Pub. L. 93–415, title II, § 207, as added Pub. L. 96–509, § 9, Dec. 8, 1980, 94 Stat. 2753, related to establishment and functions of National Advisory Committee for Juvenile Justice and Delinquency Prevention, prior to repeal eff. Oct. 12, 1984, by Pub. L. 98–473, title II, § 624, Oct. 12, 1984, 98 Stat. 2111.

Another prior section 5617, Pub. L. 93–415, title II, § 207, Sept. 7, 1974, 88 Stat. 1117; Pub. L. 95–115, § 3(e), Oct. 3, 1977, 91 Stat. 1050, related to National Advisory Committee for Juvenile Justice and Delinquency Prevention, its membership, terms of office, etc., prior to repeal by Pub. L. 96–509, § 9, Dec. 8, 1980, 94 Stat. 2753.

AMENDMENTS

2002—Pars. (4), (5). Pub. L. 107–273 added par. (4) and struck out former pars. (4) and (5) which read as follows:

''(4) A summary of each program or activity for which assistance is provided under part C or D of this subchapter, an evaluation of the results of such program or activity, and a determination of the feasibility and advisability of replicating such program or activity in other locations.

''(5) A description of selected exemplary delinquency prevention programs for which assistance is provided under this subchapter, with particular attention to community-based juvenile delinquency prevention programs that involve and assist families of juveniles.''

1992—Par. (1)(D). Pub. L. 102–586, § 2(e)(1)(A), inserted ''(including juveniles treated as adults for purposes of prosecution)''.

Par. (1)(F). Pub. L. 102–586, § 2(e)(1)(B), (2), (3), added subpar. (F).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as a note under section 5601 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1988, with the report required by this section with respect to fiscal year 1988 to be submitted not later than Aug. 1, 1989, notwithstanding the 180-day period provided in this section, see section 7296(a), (b)(3) of Pub. L. 100–690, as amended, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section relating to submittal to the Speaker of the House of Representatives and the President pro tempore of the Senate of an annual report, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and item 10 on page 177 of House Document No. 103–7.

USE OF COURT ORDERS TO PLACE JUVENILES IN SECURE FACILITIES, JAILS AND LOCKUPS FOR ADULTS; INVESTIGATION AND REPORT

Section 7295 of Pub. L. 100–690 directed Comptroller General of the United States, not later than 180 days after Nov. 18, 1988, to conduct an investigation of extent to which valid court orders and court orders other than valid court orders, used in the 5-year period ending on Dec. 31, 1988, to place juveniles in secure detention facilities, in secure correctional facilities, and in jails and lockups for adults, and submit, not later than 3 years after Nov. 18, 1988, a report to certain congressional committees of results of investigation.

§§ 5618, 5619. Repealed. Pub. L. 96–509, § 9, Dec. 8, 1980, 94 Stat. 2753

Section 5618, Pub. L. 93–415, title II, § 208, Sept. 7, 1974, 88 Stat. 1117, Pub. L. 95–115, § 3(a)(3)(B), (f), Oct. 3, 1977, 91 Stat. 1048, 1050, set out the duties and provided for the staffing of the National Advisory Committee and numerous subcommittees.

Section 5619, Pub. L. 93–415, title II, § 209, Sept. 7, 1974, 88 Stat. 1118, set out provisions for compensation and reimbursement for travel and other expenses of full and part time Federal employees serving on the Advisory Committee.

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

AMENDMENTS

1988—Pub. L. 100–690, title VII, § 7263(a)(1)(A), Nov. 18, 1988, 102 Stat. 4443, struck out subpart I heading ''Formula Grants''.

§ 5631. Authority to make grants and contracts

(a) The Administrator is authorized to make grants to States and units of local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

(b)(1) With not to exceed 2 percent of the funds available in a fiscal year to carry out this part, the Administrator shall make grants to and enter into contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local governments[1] (and combinations thereof), and local private agencies to facilitate compliance with section 5633 of this title and implementation of the State plan approved under section 5633(c) of this title.

(2) Grants and contracts may be made under paragraph (1) only to public and private agencies, organizations, and individuals that have experience in providing such technical assistance.

(Pub. L. 93–415, title II, § 221, Sept. 7, 1974, 88 Stat. 1118; Pub. L. 95–115, § 4(a), Oct. 3, 1977, 91 Stat. 1050; Pub. L. 98–473, title II, § 625(a), Oct. 12, 1984, 98 Stat. 2111; Pub. L. 100–690, title VII,

[1] So in original. Probably should be ''units of local governments''.

§ 7256, Nov. 18, 1988, 102 Stat. 4438; Pub. L. 102–586, § 2(f)(1), Nov. 4, 1992, 106 Stat. 4987; Pub. L. 105–277, div. A, § 101(b) [title I, § 129(a)(2)(A)], Oct. 21, 1998, 112 Stat. 2681–50, 2681–75; Pub. L. 107–273, div. C, title II, § 12221(a)(2), Nov. 2, 2002, 116 Stat. 1894.)

AMENDMENTS

2002—Subsec. (b)(2). Pub. L. 107–273 struck out at end ''In providing such technical assistance, the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 5671(c)(1) of this title.''

1998—Subsec. (a). Pub. L. 105–277 substituted ''units of local government'' for ''units of general local government''.

1992—Subsec. (b)(2). Pub. L. 102–586, § 2(f)(1)(A), which directed the substitution of ''experience'' for ''existence'', could not be executed because ''existence'' did not appear in text.

Pub. L. 102–586, § 2(f)(1)(B), made technical amendment to reference to section 5671 of this title to reflect renumbering of corresponding section of original act.

1988—Pub. L. 100–690 inserted ''and contracts'' after ''grants'' in section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

1984—Pub. L. 98–473 amended section catchline.

1977—Pub. L. 95–115 inserted ''grants and'' before ''contracts'' and substituted ''units of general local government or combinations thereof'' for ''local governments''.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

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

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 a note under section 5601 of this title.

§ 5632. Allocation of funds

(a) Time; basis; amounts

(1) Subject to paragraph (2) and in accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen.

(2)(A) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this subchapter is less than $75,000,000, then the amount allocated to each State for such fiscal year shall be not less than $325,000, or such greater amount up to $400,000 as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 2000, except that the amount allocated to the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be not less than $75,000, or such greater amount up to $100,000 as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 2000, each.

(B) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this subchapter equals or exceeds $75,000,000, then the amount allocated to each State for such fiscal year shall be not less than $600,000, except that the amount allocated to the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be not less than $100,000, or such greater amount up to $100,000 as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 2000, each.

(3) If, as a result of paragraph (2), the amount allocated to a State for a fiscal year would be less than the amount allocated to such State for fiscal year 2000, then the amounts allocated to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to allocate to such State for the fiscal year the amount allocated to such State for fiscal year 2000.

(b) Reallocation of unobligated funds

If any amount so allocated remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Any amount so reallocated shall be in addition to the amounts already allocated and available to the State, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands for the same period.

(c) Use of allocated funds for development, etc., of State plans; limitations; matching requirements

In accordance with regulations promulgated under this part, a portion of any allocation to any State under this part shall be available to develop a State plan or for other pre-award activities associated with such State plan, and to pay that portion of the expenditures which are necessary for efficient administration, including monitoring, evaluation, and one full-time staff position. Not more than 10 percent of the total annual allocation of such State shall be available for such purposes except that any amount expended or obligated by such State, or by units of local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State, or by such units or combinations, from State or local funds, as the case may be. The State shall make available needed funds for planning and administration to units of local government or combinations thereof within the State on an equitable basis.

(d) Minimum annual allocation for assistance of advisory group

In accordance with regulations promulgated under this part, 5 per centum of the minimum annual allocation to any State under this part shall be available to assist the advisory group established under section 5633(a)(3) of this title.

(Pub. L. 93–415, title II, § 222, Sept. 7, 1974, 88 Stat. 1118; Pub. L. 95–115, § 4(b)(1), (2)(A)–(C), (3),

(4), Oct. 3, 1977, 91 Stat. 1051; Pub. L. 96–509, § 10, Dec. 8, 1980, 94 Stat. 2755; Pub. L. 98–473, title II, § 625(b), Oct. 12, 1984, 98 Stat. 2111; Pub. L. 100–690, title VII, § 7257, Nov. 18, 1988, 102 Stat. 4438; Pub. L. 102–586, § 2(f)(2), Nov. 4, 1992, 106 Stat. 4987; Pub. L. 105–277, div. A, § 101(b) [title I, § 129(a)(2)(B)], Oct. 21, 1998, 112 Stat. 2681–50, 2681–75; Pub. L. 107–273, div. C, title II, § 12208, Nov. 2, 2002, 116 Stat. 1873.)

AMENDMENTS

2002—Subsec. (a)(2)(A). Pub. L. 107–273, § 12208(1)(A)(i), struck out ''(other than parts D and E)'' after ''carry out this subchapter'', substituted ''amount up to $400,000'' for ''amount, up to $400,000,'', ''fiscal year 2000, except'' for ''fiscal year 1992 except'', ''amount up to $100,000'' for ''amount, up to $100,000,'', and ''fiscal year 2000, each'' for ''fiscal year 1992, each'', and struck out ''the Trust Territory of the Pacific Islands,'' after ''American Samoa,''.

Subsec. (a)(2)(B). Pub. L. 107–273, § 12208(1)(A)(ii), struck out ''(other than part D)'' after ''carry out this subchapter'', substituted ''less than $600,000'' for ''less than $400,000'', ''amount up to $100,000'' for ''amount, up to $100,000,'', and ''fiscal year 2000,'' for ''fiscal year 1992'', and struck out ''or such greater amount, up to $600,000, as is available to be allocated if appropriations have been enacted and made available to carry out parts D and E of this subchapter in the full amounts authorized by section 5671(a)(1) and (3) of this title'' before ''except that'' and ''the Trust Territory of the Pacific Islands,'' after ''American Samoa,''.

Subsec. (a)(3). Pub. L. 107–273, § 12208(1)(B), substituted ''fiscal year 2000'' for ''fiscal year 1992'' in two places and ''allocate'' for ''allot''.

Subsec. (b). Pub. L. 107–273, § 12208(2), struck out ''the Trust Territory of the Pacific Islands,'' after ''Guam,''.

1998—Subsec. (c). Pub. L. 105–277 substituted ''units of local government'' for ''units of general local government'' in two places.

1992—Subsec. (a)(2)(A). Pub. L. 102–586, § 2(f)(2)(A), (B)(i), substituted ''parts D and E'' for ''part D'', substituted ''allocated'' for ''allotted'' in two places, and inserted ''or such greater amount, up to $400,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992'' and '', or such greater amount, up to $100,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992,''.

Subsec. (a)(2)(B). Pub. L. 102–586, § 2(f)(2)(A), (B)(ii), substituted ''allocated'' for ''allotted'' in two places and inserted ''or such greater amount, up to $600,000, as is available to be allocated if appropriations have been enacted and made available to carry out parts D and E of this subchapter in the full amounts authorized by section 5671(a)(1) and (3) of this title'' and '', or such greater amount, up to $100,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992''.

Subsec. (a)(3). Pub. L. 102–586, § 2(f)(2)(A), (B)(iii), substituted ''allocated'' for ''allotted'' wherever appearing and ''1992'' for ''1988'' in two places.

Subsec. (b). Pub. L. 102–586, § 2(f)(2)(A), substituted ''allocated'' for ''allotted'' in two places.

Subsec. (c). Pub. L. 102–586, § 2(f)(2)(A), (C), substituted ''allocation'' for ''allotment'' in two places, '', evaluation, and one full-time staff position'' for ''and evaluation'', and ''10 percent'' for ''7½ per centum''.

Subsec. (d). Pub. L. 102–586, § 2(f)(2)(A), substituted ''allocation'' for ''allotment''.

1988—Subsec. (a)(1). Pub. L. 100–690, § 7257(a)(1), (2), designated existing provisions as par. (1), substituted ''Subject to paragraph (2) and in'' for ''In'', and struck out at end ''No such allotment to any State shall be less than $225,000, except that for the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands no allotment shall be less than $56,250.''

Subsec. (a)(2), (3). Pub. L. 100–690, § 7257(a)(3), added pars. (2) and (3).

Subsec. (b). Pub. L. 100–690, § 7257(b), substituted ''If'' for ''Except for funds appropriated for fiscal year 1975, if'' and struck out after first sentence ''Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) of this section until June 30, 1976, after which time they may be reallocated.''

1984—Subsec. (b). Pub. L. 98–473 substituted ''the Trust Territory'' for ''and the Trust Territory'' and inserted '', and the Commonwealth of the Northern Mariana Islands'' after ''Pacific Islands''.

1980—Subsec. (a). Pub. L. 96–509 inserted reference to the Commonwealth of the Northern Mariana Islands.

1977—Subsec. (a). Pub. L. 95–115, § 4(b)(1), substituted ''$225,000'' for ''$200,000'' and ''$56,250'' for ''$50,000''.

Subsec. (c). Pub. L. 95–115, § 4(b)(2)(A), (B), (3), inserted provisions relating to pre-award activities, monitoring and evaluation payments, and matching requirements for expended or obligated amounts, and substituted ''7½'' for ''15'' and ''units of general local government or combinations thereof'' for ''local governments''.

Subsec. (d). Pub. L. 95–115, § 4(b)(2)(C), (4)(B), redesignated subsec. (e) as (d). Former subsec. (d), relating to limitations on financial assistance under this section, was struck out.

Subsec. (e). Pub. L. 95–115, § 4(b)(4)(A), (B), added subsec. (e) and redesignated former subsec. (e) as (d).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–690 effective Oct. 1, 1988, see 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 a note under section 5601 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by section 4(b)(1), (3) of 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 a note under section 5601 of this title.

Section 4(b)(2)(D) of Pub. L. 95–115 provided that: ''The amendments made by this paragraph [amending this section] shall take effect on October 1, 1978.''

Section 4(b)(4)(B) of Pub. L. 95–115 provided that the amendment made by such section 4(b)(4)(B) is effective Oct. 1, 1978.

§ 5633. State plans

(a) Requirements

In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs, projects, and activities. The State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status

of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—

(1) designate the State agency described in section 5671(c)(1) of this title as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

(3) provide for an advisory group that—

(A) shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State—

(i) which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency;

(ii) which members include—

(I) at least 1 locally elected official representing general purpose local government;

(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;

(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;

(IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

(V) volunteers who work with delinquents or potential delinquents;

(VI) youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;

(VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and

(VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;

(iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;

(iv) at least one-fifth of which members shall be under the age of 24 at the time of appointment; and

(v) at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system;

(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

(C) shall be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under paragraph (1);

(D) shall, consistent with this subchapter—

(i) advise the State agency designated under paragraph (1) and its supervisory board; and

(ii) submit to the chief executive officer and the legislature of the State at least annually recommendations regarding State compliance with the requirements of paragraphs (11), (12), and (13); and

(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

(E) may, consistent with this subchapter—

(i) advise on State supervisory board and local criminal justice advisory board composition;[1]

(ii) review progress and accomplishments of projects funded under the State plan.

(4) provide for the active consultation with and participation of units of local government or combinations thereof in the development of a State plan which adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;

(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66⅔ per centum of funds received by the State under section 5632 of this title reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding funds made available to the State advisory group under section 5632(d) of this title, shall be expended—

(A) through programs of units of local government or combinations thereof, to the extent such programs are consistent with the State plan;

(B) through programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of local government or combination thereof; and

(C) to provide funds for programs of Indian tribes that perform law enforcement func-

[1] So in original. Probably should be followed by ''and''.

tions (as determined by the Secretary of the Interior) and that agree to attempt to comply with the requirements specified in paragraphs (11), (12), and (13), applicable to the detention and confinement of juveniles, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the State population under 18 years of age,[2]

(6) provide for an equitable distribution of the assistance received under section 5632 of this title within the State, including in rural areas;

(7)(A) provide for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State; and

(B) contain—

(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services;

(ii) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

(iii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

(iv) a plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in such system who are in greatest need of such services;

(8) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;

(9) provide that not less than 75 percent of the funds available to the State under section 5632 of this title, other than funds made available to the State advisory group under section 5632(d) of this title, whether expended directly by the State, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization including—

(i) for youth who need temporary placement: crisis intervention, shelter, and after-care; and

(ii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

(B) community-based programs and services to work with—

(i) parents and other family members to strengthen families, including parent self-help groups, so that juveniles may be retained in their homes;

(ii) juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and

(iii) parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited-English speaking ability;

(C) comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;

(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

(E) educational programs or supportive services for delinquent or other juveniles—

(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and

(iii) enhance[3] coordination with the local schools that such juveniles would otherwise attend, to ensure that—

(I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

(II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

(F) expanding the use of probation officers—

(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

(ii) to ensure that juveniles follow the terms of their probation;

(G) counseling, training, and mentoring programs, which may be in support of aca-

[2] So in original. The comma probably should be a semicolon.

[3] So in original. Probably should be ''to enhance''.

demic tutoring, vocational and technical training, and drug and violence prevention counseling, that are designed to link at-risk juveniles, juvenile offenders, or juveniles who have a parent or legal guardian who is or was incarcerated in a Federal, State, or local correctional facility or who is otherwise under the jurisdiction of a Federal, State, or local criminal justice system, particularly juveniles residing in low-income and high-crime areas and juveniles experiencing educational failure, with responsible individuals (such as law enforcement officials, Department of Defense personnel, individuals working with local businesses, and individuals working with community-based and faith-based organizations and agencies) who are properly screened and trained;

(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;

(I) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

(J) programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;

(K) programs for positive youth development that assist delinquent and other at-risk youth in obtaining—

(i) a sense of safety and structure;

(ii) a sense of belonging and membership;

(iii) a sense of self-worth and social contribution;

(iv) a sense of independence and control over one's life; and

(v) a sense of closeness in interpersonal relationships;

(L) programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

(i) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

(ii) assist in the provision by the provision[4] by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

(M) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;

(N) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and other barriers that may prevent the complete treatment of such juveniles and the preservation of their families;

(O) programs designed to prevent and to reduce hate crimes committed by juveniles;

(P) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

(Q) community-based programs that provide follow-up post-placement services to adjudicated juveniles, to promote successful reintegration into the community;

(R) projects designed to develop and implement programs to protect the rights of juveniles affected by the juvenile justice system; and

(S) programs designed to provide mental health services for incarcerated juveniles suspected to be in need of such services, including assessment, development of individualized treatment plans, and discharge plans.

(10) provide for the development of an adequate research, training, and evaluation capacity within the State;

(11) shall, in accordance with rules issued by the Administrator, provide that—

(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18 or of a similar State law;

(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

(B) juveniles—

(i) who are not charged with any offense; and

(ii) who are—

(I) aliens; or

(II) alleged to be dependent, neglected, or abused;

[4] So in original. The words ''by the provision'' probably should not appear.

shall not be placed in secure detention facilities or secure correctional facilities;

(12) provide that—

(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have contact with adult inmates; and

(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles;

(13) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

(i) for processing or release;

(ii) while awaiting transfer to a juvenile facility; or

(iii) in which period such juveniles make a court appearance;

and only if such juveniles do not have contact with adult inmates and only if there is in effect in the State a policy that requires individuals who work with both such juveniles and adult inmates in collocated facilities have been trained and certified to work with juveniles;

(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

(i) in which—

(I) such juveniles do not have contact with adult inmates; and

(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and adults inmates in collocated facilities have been trained and certified to work with juveniles; and

(ii) that—

(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

(14) provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of paragraphs (11), (12), and (13) are met, and for annual reporting of the results of such monitoring to the Administrator, except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraphs (11) and (12), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;

(15) provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and disability;

(16) provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members when possible and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible);

(17) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(18) provide assurances that—

(A) any assistance provided under this chapter will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

(B) activities assisted under this chapter will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;

(19) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this subchapter;

(20) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

(21) provide that the State agency designated under paragraph (1) will—

(A) to the extent practicable give priority in funding to programs and activities that are based on rigorous, systematic, and objective research that is scientifically based;

(B) from time to time, but not less than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, that it considers necessary; and

(C) not expend funds to carry out a program if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the State agency;

(22) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;

(23) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

(C) not later than 48 hours during which such juvenile is so held—

(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

(ii) such court shall conduct a hearing to determine—

(I) whether there is reasonable cause to believe that such juvenile violated such order; and

(II) the appropriate placement of such juvenile pending disposition of the violation alleged;

(24) provide an assurance that if the State receives under section 5632 of this title for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 2000, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services;

(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 5632 of this title (other than funds made available to the State advisory group under section 5632(d) of this title) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units;

(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court;

(27) establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders; and

(28) provide assurances that juvenile offenders whose placement is funded through section 672 of this title receive the protections specified in section 671 of this title, including a case plan and case plan review as defined in section 675 of this title.

(b) Approval by State agency

The State agency designated under subsection (a)(1) of this section, after receiving and considering the advice and recommendations of the advisory group referred to in subsection (a) of this section, shall approve the State plan and any modification thereof prior to submission to the Administrator.

(c) Compliance with statutory requirements

If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a) of this section in any fiscal year beginning after September 30, 2001, then—

(1) subject to paragraph (2), the amount allocated to such State under section 5632 of this title for the subsequent fiscal year shall be reduced by not less than 20 percent for each such paragraph with respect to which the failure occurs, and

(2) the State shall be ineligible to receive any allocation under such section for such fiscal year unless—

(A) the State agrees to expend 50 percent of the amount allocated to the State for such fiscal year to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

(B) the Administrator determines that the State—

(i) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

(ii) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.

(d) Nonsubmission or nonqualification of plan; expenditure of allotted funds; availability of reallocated funds

In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 3783, 3784, and 3785[5] of this title, determines does not meet the requirements of this section, the Administrator shall endeavor to make that State's allocation under the provi-

[5] See References in Text note below.

sions of section 5632(a) of this title, excluding funds the Administrator shall make available to satisfy the requirement specified in section 5632(d) of this title, available to local public and private nonprofit agencies within such State for use in carrying out activities of the kinds described in paragraphs (11), (12), (13), and (22) of subsection (a) of this section. The Administrator shall make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds, available on an equitable basis and to those States that have achieved full compliance with the requirements under paragraphs (11), (12), (13), and (22) of subsection (a) of this section.

(e) Administrative and supervisory board membership requirements

Notwithstanding any other provision of law, the Administrator shall establish appropriate administrative and supervisory board membership requirements for a State agency designated under subsection (a)(1) of this section and permit the State advisory group appointed under subsection (a)(3) of this section to operate as the supervisory board for such agency, at the discretion of the chief executive officer of the State.

(f) Technical assistance

(1) In general

The Administrator shall provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under subsection (a)(3) of this section to assist such organization to carry out the functions specified in paragraph (2).

(2) Assistance

To be eligible to receive such assistance, such organization shall agree to carry out activities that include—

(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;

(B) disseminating information, data, standards, advanced techniques, and program models;

(C) reviewing Federal policies regarding juvenile justice and delinquency prevention;

(D) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

(E) advising the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation pertaining to juvenile justice and delinquency prevention.

(Pub. L. 93–415, title II, § 223, Sept. 7, 1974, 88 Stat. 1119; Pub. L. 94–503, title I, § 130(b), Oct. 15, 1976, 90 Stat. 2425; Pub. L. 95–115, §§ 3(a)(3)(B), 4(c)(1)–(15), Oct. 3, 1977, 91 Stat. 1048, 1051–1054; Pub. L. 96–509, §§ 11, 19(g), Dec. 8, 1980, 94 Stat. 2755, 2764; Pub. L. 98–473, title II, § 626, Oct. 12, 1984, 98 Stat. 2111; Pub. L. 100–690, title VII, §§ 7258, 7263(b)(1), Nov. 18, 1988, 102 Stat. 4439, 4447; Pub. L. 102–586, § 2(f)(3)(A), Nov. 4, 1992, 106 Stat. 4987; Pub. L. 103–322, title XI, § 110201(d), Sept. 13, 1994, 108 Stat. 2012; Pub. L. 104–294, title VI, § 604(b)(28), Oct. 11, 1996, 110 Stat. 3508; Pub. L. 105–277, div. A, § 101(b) [title I, § 129(a)(2)(C)], Oct. 21, 1998, 112 Stat. 2681–50, 2681–76; Pub. L. 106–554, § 1(a)(4) [div. B, title I, § 142], Dec. 21, 2000, 114 Stat. 2763, 2763A–235; Pub. L. 107–273, div. C, title II, § 12209, Nov. 2, 2002, 116 Stat. 1873; Pub. L. 109–162, title III, § 305, Jan. 5, 2006, 119 Stat. 3016.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(18), was in the original ''this Act'', meaning Pub. L. 93–415, Sept. 7, 1974, 88 Stat. 1109, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of this title and Tables.

Section 3785 of this title, referred to in subsec. (d), was repealed by Pub. L. 109–162, title XI, § 1155(3), Jan. 5, 2006, 119 Stat. 3114.

AMENDMENTS

2006—Subsec. (a)(7)(B)(i) to (iv). Pub. L. 109–162 added cl. (i) and redesignated former cls. (i) to (iii) as (ii) to (iv), respectively.

2002—Subsec. (a). Pub. L. 107–273, § 12209(1)(A), substituted '', projects, and activities'' for ''and challenge activities subsequent to State participation in part E of this subchapter'' in second sentence of introductory provisions.

Subsec. (a)(3). Pub. L. 107–273, § 12209(1)(B)(i), substituted ''that—'' for '', which—'' in introductory provisions.

Subsec. (a)(3)(A)(i). Pub. L. 107–273, § 12209(1)(B)(ii), substituted '', the administration of juvenile justice, or the reduction of juvenile delinquency'' for ''or the administration of juvenile justice''.

Subsec. (a)(3)(D)(i). Pub. L. 107–273, § 12209(1)(B)(iii)(I), inserted ''and'' at end.

Subsec. (a)(3)(D)(ii). Pub. L. 107–273, § 12209(1)(B)(iii)(II), substituted ''paragraphs (11), (12), and (13)'' for ''paragraphs (12), (13), and (14) and with progress relating to challenge activities carried out pursuant to part E of this subchapter''.

Subsec. (a)(5). Pub. L. 107–273, § 12209(1)(C)(i), substituted ''reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding'' for '', other than'' in introductory provisions.

Subsec. (a)(5)(C). Pub. L. 107–273, § 12209(1)(C)(ii), substituted ''paragraphs (11), (12), and (13)'' for ''paragraphs (12)(A), (13), and (14)''.

Subsec. (a)(6). Pub. L. 107–273, § 12209(1)(D), (S), redesignated par. (7) as (6) and struck out former par. (6) which read as follows: ''provide that the chief executive officer of the unit of local government shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and administration of the local government's part of the State plan, to that agency within the local government's structure or to a regional planning agency (hereinafter in this part referred to as the 'local agency') which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;''.

Subsec. (a)(7). Pub. L. 107–273, § 12209(1)(S), redesignated par. (8) as (7). Former par. (7) redesignated (6).

Pub. L. 107–273, § 12209(1)(E), inserted '', including in rural areas'' before semicolon at end.

Subsec. (a)(8). Pub. L. 107–273, § 12209(1)(S), redesignated par. (9) as (8). Former par. (8) redesignated (7).

Subsec. (a)(8)(A). Pub. L. 107–273, § 12209(1)(F)(i), substituted ''for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State'' for ''for (i) an analysis of juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency preven-

tion needs (including educational needs) within the relevant jurisdiction'' and ''of the State; and'' for ''of the jurisdiction; (ii) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (iii) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;''.

Subsec. (a)(8)(B). Pub. L. 107–273, § 12209(1)(F)(ii), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: ''contain—

''(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females; and

''(ii) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;''.

Subsec. (a)(8)(C), (D). Pub. L. 107–273, § 12209(1)(F)(iii), struck out subpars. (C) and (D) which read as follows:

''(C) contain—

''(i) an analysis of services for the prevention and treatment of juvenile delinquency in rural areas, including the need for such services, the types of such services available in rural areas, and geographically unique barriers to providing such services; and

''(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

''(D) contain—

''(i) an analysis of mental health services available to juveniles in the juvenile justice system (including an assessment of the appropriateness of the particular placements of juveniles in order to receive such services) and of barriers to access to such services; and

''(ii) a plan for providing needed mental health services to juveniles in the juvenile justice system;''.

Subsec. (a)(9). Pub. L. 107–273, § 12209(1)(S), redesignated par. (10) as (9). Former par. (9) redesignated (8).

Pub. L. 107–273, § 12209(1)(G), amended par. (9) generally. Prior to amendment, par. (9) read as follows: ''provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, special education, recreation, health, and welfare within the State;''.

Subsec. (a)(10). Pub. L. 107–273, § 12209(1)(S), redesignated par. (11) as (10). Former par. (10) redesignated (9).

Subsec. (a)(10)(A). Pub. L. 107–273, § 12209(1)(H)(i), substituted ''including'' for '', specifically'' in introductory provisions, redesignated cls. (ii) and (iii) as (i) and (ii), respectively, and struck out former cl. (i) which read as follows: ''for youth who can remain at home with assistance: home probation and programs providing professional supervised group activities or individualized mentoring relationships with adults that involve the family and provide counseling and other supportive services;''.

Subsec. (a)(10)(D). Pub. L. 107–273, § 12209(1)(H)(ii), amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: ''projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth affected by the juvenile justice system;''.

Subsec. (a)(10)(E). Pub. L. 107–273, § 12209(1)(H)(iii), substituted ''juveniles—'' for ''juveniles, provided equitably regardless of sex, race, or family income, designed to—'' in introductory provisions, added cls. (i) and (ii), redesignated former cl. (ii) as (iii), and struck out former cl. (i) which read as follows: ''encourage juveniles to remain in elementary and secondary schools or in alternative learning situations, including—

''(I) education in settings that promote experiential, individualized learning and exploration of academic and career options;

''(II) assistance in making the transition to the world of work and self-sufficiency;

''(III) alternatives to suspension and expulsion; and

''(IV) programs to counsel delinquent juveniles and other juveniles regarding the opportunities that education provides; and''.

Subsec. (a)(10)(F). Pub. L. 107–273, § 12209(1)(H)(iv), amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: ''expanded use of home probation and recruitment and training of home probation officers, other professional and paraprofessional personnel, and volunteers to work effectively to allow youth to remain at home with their families as an alternative to incarceration or institutionalization;''.

Subsec. (a)(10)(G). Pub. L. 107–273, § 12209(1)(H)(v), amended subpar. (G) generally. Prior to amendment, subpar. (G) read as follows: ''youth-initiated outreach programs designed to assist youth (including youth with limited proficiency in English) who otherwise would not be reached by traditional youth assistance programs;''.

Subsec. (a)(10)(H). Pub. L. 107–273, § 12209(1)(H)(vii), substituted ''juveniles with disabilities'' for ''handicapped youth''.

Subsec. (a)(10)(K). Pub. L. 107–273, § 12209(1)(H)(viii), (xiii), redesignated subpar. (L) as (K) and struck out former subpar. (K) which read as follows: ''law-related education programs (and projects) for delinquent and at-risk youth designed to prevent juvenile delinquency;''.

Subsec. (a)(10)(L). Pub. L. 107–273, § 12209(1)(H)(xiii), redesignated subpar. (M) as (L). Former subpar. (L) redesignated (K).

Subsec. (a)(10)(L)(vi). Pub. L. 107–273, § 12209(1)(H)(ix), struck out cl. (vi) which read as follows: ''a sense of competence and mastery including health and physical competence, personal and social competence, cognitive and creative competence, vocational competence, and citizenship competence, including ethics and participation;''.

Subsec. (a)(10)(M). Pub. L. 107–273, § 12209(1)(H)(xiii), redesignated subpar. (N) as (M). Former subpar. (M) redesignated (L).

Subsec. (a)(10)(M)(i). Pub. L. 107–273, § 12209(1)(H)(x), struck out ''boot camps'' after ''electronic monitoring,''.

Subsec. (a)(10)(N). Pub. L. 107–273, § 12209(1)(H)(xiii), redesignated subpar. (O) as (N). Former subpar. (N) redesignated (M).

Pub. L. 107–273, § 12209(1)(H)(xi), amended subpar. (N) generally. Prior to amendment, subpar. (N) read as follows: ''programs designed to prevent and reduce hate crimes committed by juveniles, including educational programs and sentencing programs designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration; and''.

Subsec. (a)(10)(O). Pub. L. 107–273, § 12209(1)(H)(xiv), added subpar. (O). Former subpar. (O) redesignated (N).

Pub. L. 107–273, § 12209(1)(H)(xii), substituted ''other barriers'' for ''cultural barriers'' and semicolon for period at end.

Subsec. (a)(10)(P) to (S). Pub. L. 107–273, § 12209(1)(H)(xiv), added subpars. (P) to (S).

Subsec. (a)(11). Pub. L. 107–273, § 12209(1)(S), redesignated par. (12) as (11). Former par. (11) redesignated (10).

Subsec. (a)(12). Pub. L. 107–273, § 12209(1)(S), redesignated par. (13) as (12). Former par. (12) redesignated (11).

Pub. L. 107–273, § 12209(1)(I), amended par. (12) generally. Prior to amendment, par. (12) read as follows:

''(A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or offenses (other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18 or a

similar State law), or alien juveniles in custody, or such nonoffenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities; and

''(B) provide that the State shall submit annual reports to the Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities which (i) are the least restrictive alternatives appropriate to the needs of the child and the community; (ii) are in reasonable proximity to the family and the home communities of such juveniles; and (iii) provide the services described in section 5603(1) of this title;''.

Subsec. (a)(13). Pub. L. 107–273, § 12209(1)(S), redesignated par. (14) as (13). Former par. (13) redesignated (12).

Pub. L. 107–273, § 12209(1)(J), amended par. (13) generally. Prior to amendment, par. (13) read as follows: ''provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults;''.

Subsec. (a)(14). Pub. L. 107–273, § 12209(1)(S), redesignated par. (15) as (14). Former par. (14) redesignated (13).

Pub. L. 107–273, § 12209(1)(K), amended par. (14) generally. Prior to amendment, par. (14) read as follows: ''provide that no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall, through 1997, promulgate regulations which make exceptions with regard to the detention of juveniles accused of nonstatus offenses who are awaiting an initial court appearance pursuant to an enforceable State law requiring such appearances within twenty-four hours (except in the case of Alaska where such time limit may be forty-eight hours in fiscal years 2000 through 2002) after being taken into custody (excluding weekends and holidays) provided that such exceptions are limited to areas that are in compliance with paragraph (13) and—

''(A)(i) are outside a Standard Metropolitan Statistical Area; and

''(ii) have no existing acceptable alternative placement available;

''(B) are located where conditions of distance to be traveled or the lack of highway, road, or other ground transportation do not allow for court appearances within 24 hours, so that a brief (not to exceed 48 hours) delay is excusable; or

''(C) are located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel;''.

Subsec. (a)(15). Pub. L. 107–273, § 12209(1)(S), redesignated par. (16) as (15). Former par. (15) redesignated (14).

Pub. L. 107–273, § 12209(1)(L), substituted ''paragraphs (11), (12), and (13)'' for ''paragraph (12)(A), paragraph (13), and paragraph (14)'' and ''paragraphs (11) and (12)'' for ''paragraph (12)(A) and paragraph (13)''.

Subsec. (a)(16). Pub. L. 107–273, § 12209(1)(S), redesignated par. (17) as (16). Former par. (16) redesignated (15).

Pub. L. 107–273, § 12209(1)(M), substituted ''disability'' for ''mentally, emotionally, or physically handicapping conditions''.

Subsec. (a)(17), (18). Pub. L. 107–273, § 12209(1)(S), redesignated pars. (18) and (19) as (17) and (18), respectively. Former par. (17) redesignated (16).

Subsec. (a)(19). Pub. L. 107–273, § 12209(1)(S), redesignated par. (20) as (19). Former par. (19) redesignated (18).

Pub. L. 107–273, § 12209(1)(N), amended par. (19) generally. Prior to amendment, par. (19) read as follows: ''provide that fair and equitable arrangements shall be made to protect the interests of employees affected by assistance under this chapter and shall provide for the terms and conditions of such protective arrangements established pursuant to this section, and such protective arrangements shall, to the maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

''(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements or otherwise;

''(B) the continuation of collective-bargaining rights;

''(C) the protection of individual employees against a worsening of their positions with respect to their employment;

''(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this chapter; and

''(E) training or retraining programs;''.

Subsec. (a)(20), (21). Pub. L. 107–273, § 12209(1)(S), redesignated pars. (21) and (22) as (20) and (21), respectively. Former par. (20) redesignated (19).

Subsec. (a)(22). Pub. L. 107–273, § 12209(1)(S), redesignated par. (23) as (22). Former par. (22) redesignated (21).

Pub. L. 107–273, § 12209(1)(O), amended par. (22) generally. Prior to amendment, par. (22) read as follows: ''provide that the State agency designated under paragraph (1) will from time to time, but not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary;''.

Subsec. (a)(23). Pub. L. 107–273, § 12209(1)(S), redesignated par. (24) as (23). Former par. (23) redesignated (22).

Pub. L. 107–273, § 12209(1)(P), amended par. (23) generally. Prior to amendment, par. (23) read as follows: ''address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population;''.

Subsec. (a)(24). Pub. L. 107–273, § 12209(1)(S), redesignated par. (25) as (24). Former par. (24) redesignated (23).

Pub. L. 107–273, § 12209(1)(Q), amended par. (24) generally. Prior to amendment, par. (24) read as follows: ''contain such other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this subchapter; and''.

Subsec. (a)(25). Pub. L. 107–273, § 12209(1)(T), added par. (25).

Pub. L. 107–273, § 12209(1)(S), redesignated par. (25) as (24).

Pub. L. 107–273, § 12209(1)(R), substituted ''fiscal year 2000'' for ''fiscal year 1992'' and a semicolon for period at end.

Subsec. (a)(26) to (28). Pub. L. 107–273, § 12209(1)(T), added pars. (26) to (28).

Subsec. (c). Pub. L. 107–273, § 12209(2), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

''(1) Subject to paragraph (2), the Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

''(2) Failure to achieve compliance with the subsection (a)(12)(A) requirement within the 3-year time limitation shall terminate any State's eligibility for funding under this part for a fiscal year beginning before January 1, 1993, unless the Administrator deter-

mines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 percent of such juveniles or through removal of 100 percent of such juveniles from secure correctional facilities, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding 2 additional years.

''(3) If a State fails to comply with the requirements of subsection (a), (12)(A), (13), (14), or (23) of this section in any fiscal year beginning after January 1, 1993—

''(A) subject to subparagraph (B), the amount allotted under section 5632 of this title to the State for that fiscal year shall be reduced by 25 percent for each such paragraph with respect to which noncompliance occurs; and

''(B) the State shall be ineligible to receive any allotment under that section for such fiscal year unless—

''(i) the State agrees to expend all the remaining funds the State receives under this part (excluding funds required to be expended to comply with section 5632(c) and (d) of this title and with subsection (a)(5)(C) of this section) for that fiscal year only to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

''(ii) the Administrator determines, in the discretion of the Administrator, that the State—

''(I) has achieved substantial compliance with each such paragraph with respect to which the State was not in compliance; and

''(II) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time.''

Subsec. (d). Pub. L. 107–273, § 12209(3), substituted ''allocation'' for ''allotment'' and substituted ''paragraphs (11), (12), (13), and (22) of subsection (a)'' for ''subsection (a)(12)(A), (13), (14) and (23)'' in two places.

Subsecs. (e), (f). Pub. L. 107–273, § 12209(4), added subsecs. (e) and (f).

2000—Subsec. (a)(14). Pub. L. 106–554 inserted ''(except in the case of Alaska where such time limit may be forty-eight hours in fiscal years 2000 through 2002)'' after ''twenty-four hours'' in introductory provisions.

1998—Subsec. (a)(4). Pub. L. 105–277, § 101(b) [title I, § 129(a)(2)(C)(i)], substituted ''units of local government'' for ''units of general local government'' after ''participation of'' and ''units of local government'' for ''local governments'' after ''requests of''.

Subsec. (a)(5). Pub. L. 105–277, § 101(b) [title I, § 129(a)(2)(C)(ii)], substituted ''units of local government'' for ''units of general local government'' in subpar. (A) and ''unit of local government'' for ''unit of general local government'' in subpar. (B).

Subsec. (a)(6). Pub. L. 105–277, § 101(b) [title I, § 129(a)(2)(C)(iii)], substituted ''unit of local government'' for ''unit of general local government''.

Subsec. (a)(10). Pub. L. 105–277, § 101(b) [title I, § 129(a)(2)(C)(iv)], substituted ''unit of local government'' for ''unit of general local government'' in introductory provisions.

1996—Subsec. (a)(12)(A). Pub. L. 104–294 substituted ''similar State law)'' for ''similar State law).''

1994—Subsec. (a)(12)(A). Pub. L. 103–322 substituted ''(other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18 or a similar State law).'' for ''which do not constitute violations of valid court orders''.

1992—Subsec. (a). Pub. L. 102–586, § 2(f)(3)(A)(i)(I), substituted ''programs and challenge activities subsequent to State participation in part E of this subchapter. The State'' for ''programs, and the State'' in introductory provisions.

Subsec. (a)(1). Pub. L. 102–586, § 2(f)(3)(A)(i)(II), made technical amendment to reference to section 5671 of this title to reflect renumbering of corresponding section of original act.

Subsec. (a)(3). Pub. L. 102–586, § 2(f)(3)(A)(i)(III), amended par. (3) generally, revising and restating as subpars. (A) to (E) provisions formerly appearing in text containing unindented subpars. (A) to (F).

Subsec. (a)(8). Pub. L. 102–586, § 2(f)(3)(A)(i)(IV), designated existing provisions as subpar. (A), redesignated former cls. (A) to (C) as (i) to (iii), respectively, inserted ''(including educational needs)'' after ''delinquency prevention needs'' in two places in cl. (i), and added subpars. (B) to (D).

Subsec. (a)(9). Pub. L. 102–586, § 2(f)(3)(A)(i)(V), inserted ''recreation,'' after ''special education,''.

Subsec. (a)(10). Pub. L. 102–586, § 2(f)(3)(A)(i)(VI), amended par. (10) generally, revising and restating as introductory provisions and subpars. (A) to (O) provisions of former introductory provisions and subpars. (A) to (L).

Subsec. (a)(12)(A). Pub. L. 102–586, § 2(f)(3)(A)(i)(VII), inserted ''or alien juveniles in custody,'' after ''court orders,''.

Subsec. (a)(13). Pub. L. 102–586, § 2(f)(3)(A)(i)(VIII), struck out ''regular'' before ''contact with'' and inserted ''or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults''.

Subsec. (a)(14). Pub. L. 102–586, § 2(f)(3)(A)(i)(IX)(bb), (cc), in introductory provisions substituted ''1997'' for ''1993'' and ''areas that are in compliance with paragraph (13) and'' for ''areas which'', added subpars. (A) to (C), and struck out former subpars. (A) to (C) which read as follows:

''(A) are outside a Standard Metropolitan Statistical Area,

''(B) have no existing acceptable alternative placement available, and

''(C) are in compliance with the provisions of paragraph (13);''.

Pub. L. 102–586, § 2(f)(3)(A)(i)(IX)(aa), which directed the amendment of par. (14) by striking out ''; beginning after the five-year period following December 8, 1980,'' was executed by striking out '', beginning after the five-year period following December 8, 1980,'' after ''provide that'' to reflect the probable intent of Congress.

Subsec. (a)(16). Pub. L. 102–586, § 2(f)(3)(A)(i)(X), amended par. (16) generally. Prior to amendment, par. (16) read as follows: ''provide assurance that assistance will be available on an equitable basis to deal with disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded and emotionally or physically handicapped youth;''.

Subsec. (a)(17). Pub. L. 102–586, § 2(f)(3)(A)(i)(XI), substituted ''the families'' for ''and maintain the family units'' and ''delinquency (which'' for ''delinquency. Such'' and inserted before semicolon ''and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible)''.

Subsec. (a)(25). Pub. L. 102–586, § 2(f)(3)(A)(i)(XII)–(XIV), added par. (25).

Subsec. (c). Pub. L. 102–586, § 2(f)(3)(A)(ii), amended subsec. (c) generally, revising and restating as pars. (1) to (3) provisions of former pars. (1) to (4).

Subsec. (d). Pub. L. 102–586, § 2(f)(3)(A)(iii), inserted '', excluding funds the Administrator shall make available to satisfy the requirement specified in section 5632(d) of this title,'' and substituted ''activities of the kinds described in subsection (a)(12)(A), (13), (14) and (23) of this section'' for ''the purposes of subsection (a)(12)(A) of this section, subsection (a)(13) of this section, or subsection (a)(14) of this section'' and ''subsection (a)(12)(A), (13), (14) and (23) of this section'' for ''subsection (a)(12)(A) of this section and subsection (a)(13) of this section''.

1988—Subsec. (a)(1). Pub. L. 100–690, § 6263(b)(1), made technical amendment to reference to section 5671 of this title to reflect renumbering of corresponding section of original act.

Subsec. (a)(5). Pub. L. 100–690, § 7258(a)(1), substituted in introductory provisions ''shall be expended'' for ''shall be expended through'', in subpar. (A) substituted ''through programs'' for ''programs'' and struck out

''and'' at end, in subpar. (B) substituted ''through programs'' for ''programs'' and inserted ''and'' after semicolon, and added subpar. (C).

Subsec. (a)(8)(A). Pub. L. 100–690, § 7258(a)(2), substituted ''relevant jurisdiction (including any geographical area in which an Indian tribe performs law enforcement functions)'' for ''relevant jurisdiction'' and ''juvenile crime problems (including the joining of gangs that commit crimes)'' for ''juvenile crime problems'' in two places.

Subsec. (a)(14). Pub. L. 100–690, § 7258(b), substituted ''1993'' for ''1989'', substituted a semicolon for the period at end of subpar. (iii), and redesignated subpars. (i) to (iii) as subpars. (A) to (C), respectively.

Subsec. (a)(23), (24). Pub. L. 100–690, § 7258(c), added par. (23) and redesignated former par. (23) as (24).

Subsec. (c)(1). Pub. L. 100–690, § 7258(d)(1)–(3), designated existing provisions as par. (1), substituted ''part'' for ''subpart'', and struck out last sentence which read as follows: ''Failure to achieve compliance with the requirements of subsection (a)(14) of this section, within the 5-year time limitation shall terminate any State's eligibility for funding under this subpart, unless the Administrator determines that (1) the State is in substantial compliance with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 3 additional years.''

Subsec. (c)(2) to (4). Pub. L. 100–690, § 7258(d)(4), added pars. (2) to (4).

1984—Subsec. (a). Pub. L. 98–473, § 626(a)(9), (10), struck out provision after numbered paragraphs which read as follows: ''such plan may at the discretion of the Associate Administrator be incorporated into the plan specified in section 3743 of this title. Such plan shall be modified by the State, as soon as practicable after December 8, 1980, in order to comply with the requirements of paragraph (14).''

Subsec. (a)(1). Pub. L. 98–473, § 626(a)(1), substituted ''agency described in section 5671(c)(1) of this title'' for ''criminal justice council established by the State under section 3742(b)(1) of this title''.

Subsec. (a)(2). Pub. L. 98–473, § 626(a)(2), struck out ''(hereafter referred to in this part as the 'State criminal justice council')'' before ''has or will have authority''.

Subsec. (a)(3)(C). Pub. L. 98–473, § 626(a)(3)(A), in amending subpar. (C) generally, designated provisions following ''representatives of private organizations'' as cl. (i) and inserted '', including those with a special focus on maintaining and strengthening the family unit'', designated provisions following ''which utilize'' as cl. (ii) and inserted ''representatives of organizations which'', added cl. (iii), designated provisions following ''business groups'' as cl. (iv), designated the remainder of subpar. (C) as cl. (v) and substituted ''family, school violence and vandalism, and learning disabilities,'' for ''school violence and vandalism and the problem of learning disabilities; and organizations which represent employees affected by this chapter,''.

Subsec. (a)(3)(F). Pub. L. 98–473, § 626(a)(3)(B)(i), substituted ''agency designated under paragraph (1)'' for ''criminal justice council'' in three places.

Subsec. (a)(3)(F)(ii). Pub. L. 98–473, § 626(a)(3)(B)(ii), substituted ''paragraphs (12), (13), and (14)'' for ''paragraph (12)(A) and paragraph (13)''.

Subsec. (a)(3)(F)(iv). Pub. L. 98–473, § 626(a)(3)(B)(iii), substituted ''paragraphs (12), (13), and (14)'' for ''paragraph (12)(A) and paragraph (13)'' and struck out ''in advising on the State's maintenance of effort under section 3793a of this title,'' before ''and in review''.

Subsec. (a)(9). Pub. L. 98–473, § 626(a)(4), inserted ''special education,''.

Subsec. (a)(10). Pub. L. 98–473, § 626(a)(5)(A), in provisions preceding subpar. (A), substituted ''programs for juveniles, including those processed in the criminal justice system,'' for ''programs for juveniles'' and ''provide for effective rehabilitation, and facilitate the coordination of services between the juvenile justice and criminal justice systems'' for ''and provide for effective rehabilitation''.

Subsec. (a)(10)(E). Pub. L. 98–473, § 626(a)(5)(B), inserted '', including programs to counsel delinquent youth and other youth regarding the opportunities which education provides''.

Subsec. (a)(10)(F). Pub. L. 98–473, § 626(a)(5)(C), inserted ''and their families''.

Subsec. (a)(10)(H)(iii). Pub. L. 98–473, § 626(a)(5)(D)(i), substituted ''National Advisory Committee for Juvenile Justice and Delinquency Prevention made before October 12, 1984, standards for the improvement of juvenile justice within the State;'' for ''Advisory Committee, standards for the improvement of juvenile justice within the State; or''.

Subsec. (a)(10)(H)(v). Pub. L. 98–473, § 626(a)(5)(D)(ii), (iii), added cl. (v).

Subsec. (a)(10)(I). Pub. L. 98–473, § 626(a)(5)(E), struck out ''and'' at end.

Subsec. (a)(10)(J). Pub. L. 98–473, § 626(a)(5)(F), struck out ''juvenile gangs and their members'' and inserted ''gangs whose membership is substantially composed of juveniles''.

Subsec. (a)(10)(K), (L). Pub. L. 98–473, § 626(a)(5)(G), added subpars. (K) and (L).

Subsec. (a)(14). Pub. L. 98–473, § 626(a)(6), in amending par. (14) generally, inserted '', through 1989,'' after ''shall'' and substituted provisions relating to exceptions for former provisions which related to the special needs of areas characterized by low population density with respect to the detention of juveniles and exceptions for temporary detention in adult facilities of juveniles accused of serious crimes against persons.

Subsec. (a)(17), (18). Pub. L. 98–473, § 626(a)(11), (12), added par. (17) and redesignated former par. (17) as (18). Former par. (18) redesignated (19).

Subsec. (a)(19). Pub. L. 98–473, § 626(a)(11), redesignated par. (18) as (19). Former par. (19) redesignated (20).

Pub. L. 98–473, § 626(a)(7), in provisions preceding (A), substituted ''shall be'' for ''are'' after ''arrangements'' and substituted ''chapter and shall provide for the terms and conditions of such protective arrangements established pursuant to this section, and such'' for ''chapter. Such'', inserted ''and'' at end of subpar. (D), substituted a semicolon for the period at end of subpar. (E), and struck out last sentence, which read as follows: ''The State plan shall provide for the terms and conditions of the protection arrangements established pursuant to this section;''.

Subsec. (a)(20), (21). Pub. L. 98–473, § 626(a)(11), redesignated pars. (19) and (20) as (20) and (21), respectively. Former par. (21) redesignated (22).

Subsec. (a)(22). Pub. L. 98–473, § 626(a)(11), redesignated par. (21) as (22). Former par. (22) redesignated (23).

Pub. L. 98–473, § 626(a)(8), substituted ''agency designated under paragraph (1)'' for ''criminal justice council''.

Subsec. (a)(23). Pub. L. 98–473, § 626(a)(11), redesignated par. (22) as (23).

Subsec. (b). Pub. L. 98–473, § 626(b), substituted ''agency designated under subsection (a)(1) of this section'' for ''criminal justice council designated pursuant to section 5633(a) of this title'' and ''subsection (a) of this section'' for ''section 5633(a) of this title''.

Subsec. (c). Pub. L. 98–473, § 626(c), substituted ''3'' for ''2'' before ''additional years''.

Subsec. (d). Pub. L. 98–473, § 626(d), made a conforming amendment to the reference to sections 3783, 3784, and 3785 of this title to reflect the renumbering of the corresponding sections of the original act.

1980—Subsec. (a). Pub. L. 96–509, § 11(a)(1), in provisions preceding par. (1), provided for 3-year, rather than annual, plans and annually submitted performance reports which describe the progress in implementing programs contained in the original plan and the status of compliance with State plan requirements.

Pub. L. 96–509, §§11(a)(15)(B), 19(g)(11), in provisions following par. (22), substituted reference to section 3743 of this title for reference to section 3733(a) of this title and inserted provision that plans be modified by States as soon as possible after Dec. 8, 1980, in order to comply with the requirements of par. (14).

Subsec. (a)(1). Pub. L. 96–509, §19(g)(1), substituted ''State criminal justice council established by the State under section 3742(b)(1) of this title'' for ''State planning agency established by the State under section 3723 of this title''.

Subsec. (a)(2). Pub. L. 96–509, §19(g)(2), substituted ''criminal justice council'' for ''planning agency''.

Subsec. (a)(3)(A). Pub. L. 96–509, §§11(a)(2), 19(g)(3), provided that State advisory groups shall consist of between 15 and 33 members rather than between 21 and 33 members and substituted ''juvenile delinquency'' for ''a juvenile delinquency''.

Subsec. (a)(3)(B). Pub. L. 96–509, §11(a)(3), provided that locally elected officials be included on State advisory groups and made clear that special education departments be included along with other public agencies for representation on State advisory groups.

Subsec. (a)(3)(E). Pub. L. 96–509, §11(a)(4), provided that one-fifth of the members of State advisory groups be under 24 years of age at the time of their appointment, rather than one-third under 26 years of age.

Subsec. (a)(3)(F). Pub. L. 96–509, §§11(a)(5), (6), 19(g)(4), substituted in cl. (i) ''criminal justice council'' for ''planning agency'', in cl. (ii) provision that the State advisory groups submit recommendations to the Governor and the legislature at least annually regarding matters related to its functions for provision that the State advisory groups advise the Governor and the legislature on matters related to its functions as requested, in cl. (iii) ''criminal justice council'' for ''planning agency other than those subject to review by the State's judicial planning committee established pursuant to section 3723(c) of this title'', in cl. (iv) ''criminal justice council and local criminal justice advisory'' for ''planning agency and regional planning unit supervisory'' and ''section 3793a of this title'' for ''sections 3768(b) and 5671(b) of this title'', and added cl. (v).

Subsec. (a)(8). Pub. L. 96–509, §11(a)(7), provided that State juvenile justice plan requirements conform to State criminal justice application requirements and required a State concentration of effort to coordinate State juvenile delinquency programs and policy.

Subsec. (a)(10). Pub. L. 96–509, §11(a)(8)(A)–(C), in provisions preceding subpar. (A), clarified that the advanced techniques described in this paragraph are to be used to provide community-based alternatives to ''secure'' juvenile detention and correctional facilities and that advanced techniques can be used for the purpose of providing programs for juveniles who have committed serious crimes, particularly programs designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation.

Subsec. (a)(10)(A). Pub. L. 96–509, §11(a)(9), inserted provisions for inclusion of education and special education programs among community-based programs and services.

Subsec. (a)(10)(E). Pub. L. 96–509, §11(a)(10), clarified that educational programs included as advanced techniques should be designed to encourage delinquent and other youth to remain in school.

Subsec. (a)(10)(H). Pub. L. 96–509, §11(a)(11), provided that statewide programs through the use of subsidies or other financial incentives to units of local government be designed to (1) remove juveniles from jails and lockups for adults, (2) replicate juvenile programs designed as exemplary by the National Institute of Justice, (3) establish and adopt standards for the improvement of juvenile justice within the State, or, (4) increase the use of nonsecure, community-based facilities and discourage the use of secure incarceration and detention.

Subsec. (a)(10)(I). Pub. L. 96–509, §11(a)(12), revised subpar. (I) to provide that advanced technique programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities include on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles.

Subsec. (a)(10)(J). Pub. L. 96–509, §11(a)(8)(D), added subpar. (J).

Subsec. (a)(11). Pub. L. 96–509, §19(g)(5), substituted ''provide'' for ''provides''.

Subsec. (a)(12)(A). Pub. L. 96–509, §11(a)(13), clarified that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult shall not be placed in secure detention facilities or secure correctional facilities rather than simply, as formerly, juvenile detention or correctional facilities.

Subsec. (a)(12)(B). Pub. L. 96–509, §19(g)(6), substituted ''Administrator'' for ''Associate Administrator''.

Subsec. (a)(14). Pub. L. 96–509, §11(a)(15)(A), added par. (14). Former par. (14) redesignated (15).

Subsec. (a)(15). Pub. L. 96–509, §§11(a)(14), (15)(A), 19(g)(7), redesignated former par. (14) as (15) and in par. (15) as so redesignated, provided that the annual reporting requirements of the results of the monitoring required by this section can be waived for States which have complied with the requirements of par. (12)(A), par. (13), and par. (14), and which have enacted legislation, conforming to those requirements, which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively and substituted ''to the Administrator'' for ''to the Associate Administrator''. Former par. (15) redesignated (16).

Subsec. (a)(16), (17). Pub. L. 96–509, §11(a)(15)(A), redesignated former pars. (15) and (16) as (16) and (17), respectively. Former par. (17) redesignated (18).

Subsec. (a)(18). Pub. L. 96–509, §§11(a)(15)(A), 19(g)(8), redesignated former par. (17) as (18) and, in subpar. (A) of par. (18) as so redesignated, substituted ''preservation of rights'' for ''preservation or rights''. Former par. (18) redesignated (19).

Subsec. (a)(19), (20). Pub. L. 96–509, §11(a)(15)(A), redesignated former pars. (18) and (19) as (19) and (20), respectively.

Subsec. (a)(21). Pub. L. 96–509, §§11(a)(15)(A), 19(g)(9), redesignated former par. (20) as (21) and substituted ''State criminal justice council will from time to time, but not less often than annually, review its plan and submit to the Administrator'' for ''State planning agency will from time to time, but not less often than annually, review its plan and submit to the Associate Administrator''. Former par. (21) redesignated (22).

Subsec. (a)(22). Pub. L. 96–509, §§11(a)(15)(A), 19(g)(10), redesignated former par. (21) as (22) and substituted ''Administrator'' for ''Associate Administrator''.

Subsec. (b). Pub. L. 96–509, §19(g)(12), substituted ''criminal justice council'' for ''planning agency''.

Subsec. (c). Pub. L. 96–509, §11(b), made conforming amendment, redefined ''substantial compliance'' with regard to subsection (a)(12)(A) of this section to include either 75 percent deinstitutionalization of juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such nonoffenders as dependent or neglected children or the removal of 100 percent of such juveniles from secure correctional facilities, and inserted provision at end defining substantial compliance with regard to subsec. (a)(14) of this section.

Subsec. (d). Pub. L. 96–509, §§11(c), 19(g)(13), substituted reference to sections 3783, 3784, and 3785 of this title for reference to sections 3757, 3758, and 3759 of this title and provided that redistributed allotments be used for the purposes of subsections (a)(12)(A), (a)(13) or (a)(14) of this section, and further provided that the Administrator shall make such reallocated funds available on an equitable basis to States that have achieved full compliance with the requirements under subsecs. (a)(12)(A) and (a)(13) of this section.

1977—Subsec. (a)(3). Pub. L. 95–115, §4(c)(1), in introductory text substituted provisions relating to func-

tions under subpar. (F) and participation in the development and review of the plan, for provisions relating to advisement of the State planning agency and its supervisory board, in subpar. (C) inserted provision relating to representatives from business groups and businesses, and in subpar. (E) inserted requirement for at least three of the members to be or have been under the jurisdiction of the juvenile justice system, and added subpar. (F).

Subsec. (a)(4). Pub. L. 95–115. § 4(c)(2), inserted provisions relating to grants or contracts with local private agencies or the advisory group, and substituted ''units of general local government or combinations thereof in'' for ''local governments in''.

Subsec. (a)(5). Pub. L. 95–115, § 4(c)(3), substituted provisions relating to requirements respecting expenditure of funds through programs of units of general local government or combinations thereof and programs of local private agencies, for provisions relating to requirements respecting expenditure of funds through programs of local government.

Subsec. (a)(6). Pub. L. 95–115, § 4(c)(4), inserted provision relating to regional planning agency and ''unit of general'' before ''local government''.

Subsec. (a)(8). Pub. L. 95–115, § 4(c)(5), inserted provisions relating to programs and projects developed under the study.

Subsec. (a)(10). Pub. L. 95–115, § 4(c)(6)(A)(i), (B), inserted provisions relating to availability of funds to the State advisory group and provisions expanding authorized use of funds to include encouragement of diversity of alternatives within the juvenile justice system and adoption of juvenile justice standards, and substituted reference to unit of general local government or combination of such unit with the State, for reference to local government.

Subsec. (a)(10)(A). Pub. L. 95–115, § 4(c)(6)(A)(ii), inserted ''twenty-four hour intake screening, volunteer and crisis home programs, day treatment, and home probation,'' after ''health services,''.

Subsec. (a)(10)(C). Pub. L. 95–115, § 4(c)(6)(A)(iii), substituted ''other youth to help prevent delinquency'' for ''youth in danger of becoming delinquent''.

Subsec. (a)(10)(D). Pub. L. 95–115, § 4(c)(6)(A)(iv), substituted provisions relating to programs stressing advocacy activities, for provisions relating to programs of drug and alcohol abuse education and prevention and programs for treatment and rehabilitation of drug addicted youth and drug dependent youth as defined in section 201(q) of this title.

Subsec. (a)(10)(G). Pub. L. 95–115, § 4(c)(6)(A)(v), inserted ''traditional youth'' after ''reached by''.

Subsec. (a)(10)(H). Pub. L. 95–115, § 4(c)(6)(A)(vi), substituted ''are'' for ''that may include but are not limited to programs''.

Subsec. (a)(10)(I). Pub. L. 95–115, § 4(c)(6)(A)(vii), added subpar. (I).

Subsec. (a)(12). Pub. L. 95–115, § 4(c)(7), redesignated existing provisions as subpar. (A), substituted provisions relating to detention requirements respecting programs within three years after submission of the initial plan, for provisions relating to detention requirements respecting programs within two years after submission of the plan, and added subpar. (B).

Subsec. (a)(13). Pub. L. 95–115, § 4(c)(8), inserted ''and youths within the purview of paragraph (12)'' after ''delinquent''.

Subsec. (a)(14). Pub. L. 95–115, §§ 3(a)(3)(B), 4(c)(9), inserted ''(A)'' after ''(12)'' and ''Associate'' before ''Administrator'' and substituted ''facilities, correctional facilities, and non-secure facilities'' for ''facilities, and correctional facilities''.

Subsec. (a)(15). Pub. L. 95–115, § 4(c)(10), struck out ''all'' before ''disadvantaged''.

Subsec. (a)(19). Pub. L. 95–115, § 4(c)(11), struck out '', to the extent feasible and practical'' before ''the level''.

Subsec. (a)(20), (21). Pub. L. 95–115, § 3(a)(3)(B), inserted ''Associate'' before ''Administrator'' wherever appearing.

Subsec. (b). Pub. L. 95–115, § 4(c)(12), substituted provisions relating to advice and recommendations for provisions relating to consultations.

Subsec. (c). Pub. L. 95–115, § 4(c)(13), inserted provisions relating to failure to achieve compliance with the requirements of subsec. (a)(12)(A) within the three-year time limitation.

Subsec. (d). Pub. L. 95–115, § 4(c)(14), inserted provision relating to the State choosing not to submit a plan and provision relating to reallocation of funds by the Administrator.

Subsec. (e). Pub. L. 95–115, § 4(c)(15), struck out subsec. (e) which related to reallotment of funds in a State where the State plan fails to meet the requirements of this section as a result of oversight or neglect.

1976—Subsec. (a). Pub. L. 94–503 substituted ''(15), and (17)'' for ''and (15)'' in provisions preceding par. (1).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104–294, set out as a note under section 13 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–690 effective Oct. 1, 1988, but amendment by section 7258(a) of Pub. L. 100–690 not applicable to a State with respect to a fiscal year beginning before Nov. 18, 1988, if the State plan is approved before such date by the Administrator for such fiscal year, see section 7296(a), (b)(1) 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 a note under section 5601 of this title.

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 a note under section 5601 of this title.

Section 4(c)(3)(B) of Pub. L. 95–115 provided in part that the amendment of subsec. (a)(5) of this section, which substituted ''5632(d)'' for ''5632(e)'', by section 4(c)(3)(B) of Pub. L. 95–115 is effective Oct. 1, 1978.

Section 4(c)(6)(B) of Pub. L. 95–115 provided in part that the amendment of subsec. (a)(10) of this section, which substituted ''5632(d)'' for ''5632(e)'', by section 4(c)(6)(B) of Pub. L. 95–115 is effective Oct. 1, 1978.

SAVINGS PROVISION

Section 2(f)(3)(B) of Pub. L. 102–586 provided that: ''Notwithstanding the amendment made by subparagraph (A)(ii) [amending this section], section 223(c)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)(3)), as in effect on the day prior to the date of enactment of this Act [Nov. 4, 1992], shall remain in effect to the extent that it provides the Administrator authority to grant a waiver with respect to a fiscal year prior to a fiscal year beginning before January 1, 1993.'' On the day prior to Nov. 4, 1992, subsec. (c)(3) of this section read as follows: ''Except as provided in paragraph (2), failure to achieve compliance with the requirements of subsection (a)(14) of this section after December 8, 1985, shall terminate any State's eligibility for funding under this part unless the Administrator waives the termination of the State's eligibility on the condition that the State agrees to expend

all of the funds to be received under this part by the State (excluding funds required to be expended to comply with subsections (c) and (d) of section 5632 of this title and with subsection (a)(5)(C) of this section), only to achieve compliance with subsection (a)(14) of this section.''

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

COSTS AND IMPLICATIONS OF REMOVAL OF JUVENILES FROM ADULTS IN JAILS; REPORT TO CONGRESS

Section 17 of Pub. L. 96–509 provided that the Administrator of the Office of Juvenile Justice and Delinquency Prevention, not later than 18 months after Dec. 8, 1980, submit a report to the Congress relating to the cost and implications of any requirement added to the Juvenile Justice and Delinquency Prevention Act of 1974 which would mandate the removal of juveniles from adults in all jails and lockups, such report to include an estimate of the costs likely to be incurred by the States, an analysis of the experience of States which required the removal of juveniles from adults in all jails and lockups, an analysis of possible adverse ramifications which might result from such requirement of removal, and recommendations for such legislative or administrative action as the Administrator considers appropriate.

§§ 5634 to 5639. Repealed. Pub. L. 100–690, title VII, § 7263(a)(1)(B), Nov. 18, 1988, 102 Stat. 4443

Section 5634, Pub. L. 93–415, title II, § 224, Sept. 7, 1974, 88 Stat. 1122; Pub. L. 95–115, § 4(d), Oct. 3, 1977, 91 Stat. 1054; Pub. L. 96–509, §§ 12, 19(h), Dec. 8, 1980, 94 Stat. 2759, 2765; Pub. L. 98–473, title II, § 627, Oct. 12, 1984, 98 Stat. 2114, related to funding of special emphasis prevention and treatment programs through grants and contracts.

Section 5635, Pub. L. 93–415, title II, § 225, Sept. 7, 1974, 88 Stat. 1123; Pub. L. 94–503, title I, § 130(c), Oct. 15, 1976, 90 Stat. 2425; Pub. L. 95–115, § 4(e), Oct. 3, 1977, 91 Stat. 1055; Pub. L. 98–473, title II, § 628, Oct. 12, 1984, 98 Stat. 2116, related to applications for grants and contracts under section 5634 of this title.

Section 5636, Pub. L. 93–415, title II, § 226, Sept. 7, 1974, 88 Stat. 1124, provided for proceedings by Administrator in the case of noncompliance of program or activity with this subchapter.

Section 5637, Pub. L. 93–415, title II, § 227, Sept. 7, 1974, 88 Stat. 1124; Pub. L. 95–115, § 4(f), Oct. 3, 1977, 91 Stat. 1055; Pub. L. 96–509, § 13(a), Dec. 8, 1980, 94 Stat. 2759; Pub. L. 98–473, title II, § 629, Oct. 12, 1984, 98 Stat. 2117, related to use of funds paid pursuant to this subchapter.

Section 5638, Pub. L. 93–415, title II, § 228, Sept. 7, 1974, 88 Stat. 1124; Pub. L. 95–115, § 4(g)(1), (2), (3)(A), Oct. 3, 1977, 91 Stat. 1055, 1056; Pub. L. 96–509, §§ 14, 19(i), Dec. 8, 1980, 94 Stat. 2760, 2765; Pub. L. 98–473, title II, § 630, Oct. 12, 1984, 98 Stat. 2117, related to continuing financial assistance for programs.

Section 5639, Pub. L. 93–415, title II, § 229, as added Pub. L. 95–115, § 4(h), Oct. 3, 1977, 91 Stat. 1056, provided for confidentiality of program records.

EFFECTIVE DATE OF REPEAL

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

PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

PRIOR PROVISIONS

A prior part C, consisting of sections 5651 to 5665a, related to national programs, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

§ 5651. Authority to make grants

(a) Grants to eligible States

The Administrator may make grants to eligible States, from funds allocated under section 5652 of this title, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

(1) projects that provide treatment (including treatment for mental health problems) to juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;

(2) educational projects or supportive services for delinquent or other juveniles—

(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

(C) to assist in identifying learning difficulties (including learning disabilities);

(D) to prevent unwarranted and arbitrary suspensions and expulsions;

(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;

(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or

(H) to provide services to juveniles with serious mental and emotional disturbances (SED) in need of mental health services;

(3) projects which expand the use of probation officers—

(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

(B) to ensure that juveniles follow the terms of their probation;

(4) counseling, training, and mentoring programs, which may be in support of academic tutoring, vocational and technical training, and drug and violence prevention counseling, that are designed to link at-risk juveniles, juvenile offenders, or juveniles who have a parent or legal guardian who is or was incarcerated in a Federal, State, or local correctional

facility or who is otherwise under the jurisdiction of a Federal, State, or local criminal justice system, particularly juveniles residing in low-income and high-crime areas and juveniles experiencing educational failure, with responsible individuals (such as law enforcement officers, Department of Defense personnel, individuals working with local businesses, and individuals working with community-based and faith-based organizations and agencies) who are properly screened and trained;

(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

(6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

(7) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

(8) projects which provide for an initial intake screening of each juvenile taken into custody—

(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

(B) to provide appropriate interventions (including mental health services) to prevent such juvenile from committing subsequent offenses;

(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

(10) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies (including collaboration on appropriate prenatal care for pregnant juvenile offenders), private nonprofit agencies, and public recreation agencies offering services to juveniles;

(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

(12) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

(14) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

(16) projects which provide for—

(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

(18) programs related to the establishment and maintenance of a school violence hotline, based on a public-private partnership, that students and parents can use to report suspicious, violent, or threatening behavior to local school and law enforcement authorities;

(19) programs (excluding programs to purchase guns from juveniles) designed to reduce the unlawful acquisition and illegal use of guns by juveniles, including partnerships between law enforcement agencies, health professionals, school officials, firearms manufacturers, consumer groups, faith-based groups and community organizations;

(20) programs designed to prevent animal cruelty by juveniles and to counsel juveniles who commit animal cruelty offenses, including partnerships among law enforcement agencies, animal control officers, social services agencies, and school officials;

(21) programs that provide suicide prevention services for incarcerated juveniles and for juveniles leaving the incarceration system;

(22) programs to establish partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training

programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness;

(23) programs that foster strong character development in at-risk juveniles and juveniles in the juvenile justice system;

(24) local programs that provide for immediate psychological evaluation and follow-up treatment (including evaluation and treatment during a mandatory holding period for not less than 24 hours) for juveniles who bring a gun on school grounds without permission from appropriate school authorities; and

(25) other activities that are likely to prevent juvenile delinquency.

(b) Grants to eligible Indian tribes

The Administrator may make grants to eligible Indian tribes from funds allocated under section 5652(b) of this title, to carry out projects of the kinds described in subsection (a) of this section.

(Pub. L. 93–415, title II, § 241, as added Pub. L. 107–273, div. C, title II, § 12210(4), Nov. 2, 2002, 116 Stat. 1880.)

PRIOR PROVISIONS

A prior section 5651, Pub. L. 93–415, title II, § 241, Sept. 7, 1974, 88 Stat. 1125; Pub. L. 95–115, §§ 3(a)(3)(A), (5), 5(a), (f), Oct. 3, 1977, 91 Stat. 1048, 1049, 1056, 1057; Pub. L. 96–509, § 19(j), Dec. 8, 1980, 94 Stat. 2765; Pub. L. 98–473, title II, § 631, Oct. 12, 1984, 98 Stat. 2118; Pub. L. 100–690, title VII, § 7259, Nov. 18, 1988, 102 Stat. 4441; Pub. L. 102–586, § 2(g)(1), Nov. 4, 1992, 106 Stat. 4994, related to the National Institute for Juvenile Justice and Delinquency Prevention, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

EFFECTIVE DATE

Part effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as an Effective Date of 2002 Amendment note under section 5601 of this title.

§ 5652. Allocation

(a) Allocation among eligible States

Subject to subsection (b) of this section, funds appropriated to carry out this part shall be allocated among eligible States proportionately based on the population that is less than 18 years of age in the eligible States.

(b) Allocation among Indian tribes collectively

Before allocating funds under subsection (a) of this section among eligible States, the Administrator shall allocate among eligible Indian tribes as determined under section 5656(a) of this title, an aggregate amount equal to the amount such tribes would be allocated under subsection (a) of this section, and without regard to this subsection, if such tribes were treated collectively as an eligible State.

(Pub. L. 93–415, title II, § 242, as added Pub. L. 107–273, div. C, title II, § 12210(4), Nov. 2, 2002, 116 Stat. 1884.)

PRIOR PROVISIONS

A prior section 5652, Pub. L. 93–415, title II, § 242, Sept. 7, 1974, 88 Stat. 1126; Pub. L. 100–690, title VII, § 7260, Nov. 18, 1988, 102 Stat. 4441; Pub. L. 102–586, § 2(g)(2), Nov. 4, 1992, 106 Stat. 4995, related to the information function of the Institute, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

§ 5653. Eligibility of States

(a) Application

To be eligible to receive a grant under section 5651 of this title, a State shall submit to the Administrator an application that contains the following:

(1) An assurance that the State will use—

(A) not more than 5 percent of such grant, in the aggregate, for—

(i) the costs incurred by the State to carry out this part; and

(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

(B) the remainder of such grant to make grants under section 5654 of this title.

(2) An assurance that, and a detailed description of how, such grant will supplement, and not supplant State and local efforts to prevent juvenile delinquency.

(3) An assurance that such application was prepared after consultation with and participation by the State advisory group, community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

(4) An assurance that the State advisory group will be afforded the opportunity to review and comment on all grant applications submitted to the State agency.

(5) An assurance that each eligible entity described in section 5654 of this title that receives an initial grant under section 5654 of this title to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 5651 of this title by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

(6) Such other information and assurances as the Administrator may reasonably require by rule.

(b) Approval of applications

(1) Approval required

Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a) of this section.

(2) Limitation

The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

(A)(i) the State submitted a plan under section 5633 of this title for such fiscal year; and

(ii) such plan is approved by the Administrator for such fiscal year; or

(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

(Pub. L. 93–415, title II, § 243, as added Pub. L. 107–273, div. C, title II, § 12210(4), Nov. 2, 2002, 116 Stat. 1884.)

PRIOR PROVISIONS

A prior section 5653, Pub. L. 93–415, title II, § 243, Sept. 7, 1974, 88 Stat. 1126; Pub. L. 95–115, §§ 3(a)(3)(B), 5(b), Oct. 3, 1977, 91 Stat. 1048, 1057; Pub. L. 98–473, title II, § 632, Oct. 12, 1984, 98 Stat. 2118; Pub. L. 100–690, title VII, § 7261, Nov. 18, 1988, 102 Stat. 4442; Pub. L. 102–586, § 2(g)(3), Nov. 4, 1992, 106 Stat. 4995, related to research, demonstration, and evaluation, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

§ 5654. Grants for local projects

(a) Grants by States

Using a grant received under section 5651 of this title, a State may make grants to eligible entities whose applications are received by the State, and reviewed by the State advisory group, to carry out projects and activities described in section 5651 of this title.

(b) Special consideration

For purposes of making grants under subsection (a) of this section, the State shall give special consideration to eligible entities that—

(1) propose to carry out such projects in geographical areas in which there is—

(A) a disproportionately high level of serious crime committed by juveniles; or

(B) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

(2)(A) agreed to carry out such projects or activities that are multidisciplinary and involve more than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles; or

(B) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

(3) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

(Pub. L. 93–415, title II, § 244, as added Pub. L. 107–273, div. C, title II, § 12210(4), Nov. 2, 2002, 116 Stat. 1885.)

PRIOR PROVISIONS

A prior section 5654, Pub. L. 93–415, title II, § 244, Sept. 7, 1974, 88 Stat. 1127; Pub. L. 95–115, § 5(f), Oct. 3, 1977, 91 Stat. 1057; Pub. L. 96–509, § 19(k), Dec. 8, 1980, 94 Stat. 2765; Pub. L. 98–473, title II, § 633, Oct. 12, 1984, 98 Stat. 2119; Pub. L. 100–690, title VII, § 7262, Nov. 18, 1988, 102 Stat. 4442; Pub. L. 102–586, § 2(g)(3), Nov. 4, 1992, 106 Stat. 4996; Pub. L. 105–277, div. A, § 101(b) [title I, § 129(a)(2)(D)], Oct. 21, 1998, 112 Stat. 2681–50, 2681–76, related to technical assistance and training functions, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

§ 5655. Eligibility of entities

(a) Eligibility

Except as provided in subsection (b) of this section, to be eligible to receive a grant under section 5654 of this title, a unit of general purpose local government, acting jointly with not fewer than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles, shall submit to the State an application that contains the following:

(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (25) of section 5651(a) of this title as specified in, such application.

(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

(3) A statement identifying the research (if any) such entity relied on in preparing such application.

(b) Limitation

If an eligible entity that receives a grant under section 5654 of this title to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.

(Pub. L. 93–415, title II, § 245, as added Pub. L. 107–273, div. C, title II, § 12210(4), Nov. 2, 2002, 116 Stat. 1885.)

PRIOR PROVISIONS

A prior section 5655, Pub. L. 93–415, title II, § 245, Sept. 7, 1974, 88 Stat. 1127; Pub. L. 95–115, § 5(c), Oct. 3, 1977, 91 Stat. 1057; Pub. L. 96–509, § 19(*l*), Dec. 8, 1980, 94 Stat. 2765, provided for the functions of the Advisory Committee, prior to repeal by Pub. L. 98–473, title II, §§ 634, 670(a), Oct. 12, 1984, 98 Stat. 2119, 2129, effective Oct. 12, 1984.

A prior section 245 of Pub. L. 93–415 was classified to section 5659 of this title prior to repeal by Pub. L. 107–273.

Another prior section 245 of Pub. L. 93–415 was classified to section 5656 of this title prior to repeal by Pub. L. 100–690.

§ 5656. Grants to Indian tribes

(a) Eligibility

(1) Application

To be eligible to receive a grant under section 5651(b) of this title, an Indian tribe shall submit to the Administrator an application in accordance with this section, in such form and containing such information as the Administrator may require by rule.

(2) Plans

Such application shall include a plan for conducting programs, projects, and activities described in section 5651(a) of this title, which plan shall—

(A) provide evidence that the applicant Indian tribe performs law enforcement functions (as determined by the Secretary of the Interior);

(B) identify the juvenile justice and delinquency problems and juvenile delinquency prevention needs to be addressed by activities conducted with funds provided by the grant for which such application is submitted, by the Indian tribe in the geographical area under the jurisdiction of the Indian tribe;

(C) provide for fiscal control and accounting procedures that—

(i) are necessary to ensure the prudent use, proper disbursement, and accounting of grants received by applicants under this section; and

(ii) are consistent with the requirement specified in subparagraph (B); and

(D) comply with the requirements specified in section 5633(a) of this title (excluding any requirement relating to consultation with a State advisory group) and with the requirements specified in section 5632(c) of this title; and

(E) contain such other information, and be subject to such additional requirements, as the Administrator may reasonably require by rule to ensure the effectiveness of the projects for which grants are made under section 5651(b) of this title.

(b) Factors for consideration

For the purpose of selecting eligible applicants to receive grants under section 5651(b) of this title, the Administrator shall consider—

(1) the resources that are available to each applicant Indian tribe that will assist, and be coordinated with, the overall juvenile justice system of the Indian tribe; and

(2) with respect to each such applicant—

(A) the juvenile population; and

(B) the population and the entities that will be served by projects proposed to be carried out with the grant for which the application is submitted.

(c) Grant process

(1) Selection of grant recipients

(A) Selection requirements

Except as provided in paragraph (2), the Administrator shall—

(i) make grants under this section on a competitive basis; and

(ii) specify in writing to each applicant selected to receive a grant under this section, the terms and conditions on which such grant is made to such applicant.

(B) Period of grant

A grant made under this section shall be available for expenditure during a 2–year period.

(2) Exception

If—

(A) in the 2-year period for which a grant made under this section shall be expended, the recipient of such grant applies to receive a subsequent grant under this section; and

(B) the Administrator determines that such recipient performed during the year preceding the 2–year period for which such recipient applies to receive such subsequent grant satisfactorily and in accordance with the terms and conditions applicable to the grant received;

then the Administrator may waive the application of the competition-based requirement specified in paragraph (1)(A)(i) and may allow the applicant to incorporate by reference in the current application the text of the plan contained in the recipient's most recent application previously approved under this section.

(3) Authority to modify application process for subsequent grants

The Administrator may modify by rule the operation of subsection (a) of this section with respect to the submission and contents of applications for subsequent grants described in paragraph (2).

(d) Reporting requirement

Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 450c(f)(1) of title 25, relating to the submission of a single-agency audit report required by chapter 75 of title 31.

(e) Matching requirement

(1) Funds appropriated for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of any program or project with a matching requirement funded under this section.

(2) Paragraph (1) shall not apply with respect to funds appropriated before November 2, 2002.

(3) If the Administrator determines that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of any program or activity to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent the Administrator deems necessary.

(Pub. L. 93–415, title II, § 246, as added Pub. L. 107–273, div. C, title II, § 12210(4), Nov. 2, 2002, 116 Stat. 1886.)

PRIOR PROVISIONS

A prior section 5656, Pub. L. 93–415, title II, § 245, formerly § 246, Sept. 7, 1974, 88 Stat. 1127; Pub. L. 94–273, § 2(27), Apr. 21, 1976, 90 Stat. 376; Pub. L. 95–115, § 3(a)(3), (5), Oct. 3, 1977, 91 Stat. 1048, 1049; Pub. L. 96–509, § 19(m), Dec. 8, 1980, 94 Stat. 2765; renumbered § 245, Pub. L. 98–473, title II, § 635, Oct. 12, 1984, 98 Stat. 2120, related to annual report by Deputy Administrator on programs funded under this subchapter, prior to repeal by Pub. L. 100–690, title VII, §§ 7263(a)(2)(C), 7296(a), Nov. 18, 1988, 102 Stat. 4443, 4463, effective Oct. 1, 1988.

A prior section 5657, Pub. L. 93–415, title II, § 246, formerly § 247, Sept. 7, 1974, 88 Stat. 1127; Pub. L. 95–115, § 5(d), Oct. 3, 1977, 91 Stat. 1057; renumbered § 246 and amended Pub. L. 98–473, title II, § 636, Oct. 12, 1984, 98 Stat. 2120, set forth additional functions of the Institute for Juvenile Justice and Delinquency Prevention,

prior to repeal by Pub. L. 100–690, title VII, §§ 7263(a)(2)(C), 7296(a), Nov. 18, 1988, 102 Stat. 4443, 4463, effective Oct. 1, 1988.

A prior section 5658, Pub. L. 93–415, title II, § 248, Sept. 7, 1974, 88 Stat. 1128, set forth provisions relating to restrictions on disclosure and transfer of juvenile records, prior to repeal by Pub. L. 95–115, § 5(e)(1), Oct. 3, 1977, 91 Stat. 1057, effective Oct. 1, 1977.

A prior section 5659, Pub. L. 93–415, title II, § 245, formerly § 249, Sept. 7, 1974, 88 Stat. 1128; renumbered § 248 and amended Pub. L. 95–115, §§ 3(a)(3)(B), 5(e)(1), (f), Oct. 3, 1977, 91 Stat. 1048, 1057; Pub. L. 96–509, § 19(n), Dec. 8, 1980, 94 Stat. 2765; renumbered § 247 and amended Pub. L. 98–473, title II, § 637, Oct. 12, 1984, 98 Stat. 2120; renumbered § 245, Pub. L. 100–690, title VII, § 7263(a)(2)(E), Nov. 18, 1988, 102 Stat. 4443; Pub. L. 102–586, § 2(g)(4), Nov. 4, 1992, 106 Stat. 4996, established a training program of methods and techniques for the prevention and treatment of juvenile delinquency, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

A prior section 5660, Pub. L. 93–415, title II, § 246, formerly § 250, Sept. 7, 1974, 88 Stat. 1128; renumbered § 249 and amended Pub. L. 95–115, §§ 3(a)(3)(B), 5(e)(1), (2)(A), Oct. 3, 1977, 91 Stat. 1048, 1057; Pub. L. 96–509, § 19(*o*), Dec. 8, 1980, 94 Stat. 2765; renumbered § 248 Pub. L. 98–473, title II, § 638, Oct. 12, 1984, 98 Stat. 2120; renumbered § 246 and amended Pub. L. 100–690, title VII, § 7263(a)(2)(E), (b)(2), Nov. 18, 1988, 102 Stat. 4443, 4447; Pub. L. 102–586, § 2(g)(5), Nov. 4, 1992, 106 Stat. 4996, related to the curriculum for training program, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

PRIOR PROVISIONS

A prior part D, consisting of sections 5667 to 5667b, related to gang-free schools and communities and gang intervention, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

§ 5661. Research and evaluation; statistical analyses; information dissemination

(a) Research and evaluation

(1) The Administrator may—

(A) plan and identify the purposes and goals of all agreements carried out with funds provided under this subsection; and

(B) conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

(iv) successful efforts to prevent recidivism;

(v) the juvenile justice system;

(vi) juvenile violence;

(vii) appropriate mental health services for juveniles and youth at risk of participating in delinquent activities;

(viii) reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups;

(ix) evaluating services, treatment, and aftercare placement of juveniles who were under the care of the State child protection system before their placement in the juvenile justice system;

(x) determining—

(I) the frequency, seriousness, and incidence of drug use by youth in schools and communities in the States using, if appropriate, data submitted by the States pursuant to this subparagraph and subsection (b) of this section; and

(II) the frequency, degree of harm, and morbidity of violent incidents, particularly firearm-related injuries and fatalities, by youth in schools and communities in the States, including information with respect to—

(aa) the relationship between victims and perpetrators;

(bb) demographic characteristics of victims and perpetrators; and

(cc) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation; and

(xi) other purposes consistent with the purposes of this subchapter and subchapter I of this chapter.

(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

(3) Nothing in this subsection shall be construed to permit the development of a national database of personally identifiable information on individuals involved in studies, or in data-collection efforts, carried out under paragraph (1)(B)(x).

(4) Not later than 1 year after November 2, 2002, the Administrator shall conduct a study with respect to juveniles who, prior to placement in the juvenile justice system, were under the care or custody of the State child welfare system, and to juveniles who are unable to return to their family after completing their disposition in the juvenile justice system and who remain wards of the State. Such study shall include—

(A) the number of juveniles in each category;

(B) the extent to which State juvenile justice systems and child welfare systems are coordinating services and treatment for such juveniles;

(C) the Federal and local sources of funds used for placements and post-placement services;

(D) barriers faced by State in providing services to these juveniles;

(E) the types of post-placement services used;

(F) the frequency of case plans and case plan reviews; and

(G) the extent to which case plans identify and address permanency and placement barriers and treatment plans.

(b) Statistical analyses

The Administrator may—

(1) plan and identify the purposes and goals of all agreements carried out with funds provided under this subsection; and

(2) undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consistent with the purposes of this subchapter and subchapter I of this chapter.

(c) Grant authority and competitive selection process

The Administrator may make grants and enter into contracts with public or private agencies, organizations, or individuals and shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b) of this section.

(d) Implementation of agreements

A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) of this section with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

(e) Information dissemination

The Administrator may—

(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this subchapter.

(Pub. L. 93–415, title II, § 251, as added Pub. L. 107–273, div. C, title II, § 12211, Nov. 2, 2002, 116 Stat. 1888.)

PRIOR PROVISIONS

A prior section 5661, Pub. L. 93–415, title II, § 247, formerly § 251, Sept. 7, 1974, 88 Stat. 1128; renumbered § 250 and amended Pub. L. 95–115, §§ 3(a)(3)(B), 5(e)(1), (2)(B), Oct. 3, 1977, 91 Stat. 1048, 1057; Pub. L. 96–509, § 19(p), Dec. 8, 1980, 94 Stat. 2765; renumbered § 249 and amended Pub. L. 98–473, title II, § 639, Oct. 12, 1984, 98 Stat. 2120; renumbered § 247 and amended Pub. L. 100–690, title VII, § 7263(a)(2)(D), (E), Nov. 18, 1988, 102 Stat. 4443, related to participation in training program and State advisory group conferences, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

EFFECTIVE DATE

Part effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as an Effective Date of 2002 Amendment note under section 5601 of this title.

§ 5662. Training and technical assistance

(a) Training

The Administrator may—

(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, to carry out the purposes specified in section 5602 of this title; and

(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, to carry out the purposes specified in section 5602 of this title.

(b) Technical assistance

The Administrator may—

(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this subchapter; and

(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this subchapter.

(c) Training and technical assistance to mental health professionals and law enforcement personnel

The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models (including model juvenile and family courts), programs, or delivery systems that address the needs of juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure

detention or confinement or in nonsecure residential placements.

(Pub. L. 93–415, title II, § 252, as added Pub. L. 107–273, div. C, title II, § 12211, Nov. 2, 2002, 116 Stat. 1890.)

PRIOR PROVISIONS

A prior section 5662, Pub. L. 93–415, title II, § 248, as added Pub. L. 100–690, title VII, § 7264, Nov. 18, 1988, 102 Stat. 4447; amended Pub. L. 102–586, § 2(g)(6), Nov. 4, 1992, 106 Stat. 4997, related to special studies and reports, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

PRIOR PROVISIONS

A prior part E, consisting of section 5667c, related to State challenge activities, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

§ 5665. Grants and projects

(a) Authority to make grants

The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

(b) Use of grants

A grant made under subsection (a) of this section may be used to pay all or part of the cost of the project for which such grant is made.

(Pub. L. 93–415, title II, § 261, as added Pub. L. 107–273, div. C, title II, § 12212, Nov. 2, 2002, 116 Stat. 1891.)

PRIOR PROVISIONS

A prior section 5665, Pub. L. 93–415, title II, § 261, as added Pub. L. 100–690, title VII, § 7263(a)(2)(F), Nov. 18, 1988, 102 Stat. 4443; amended Pub. L. 102–586, § 2(g)(7), Nov. 4, 1992, 106 Stat. 5000, related to authority to make grants and contracts, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

A prior section 261 of Pub. L. 93–415 was renumbered section 299 and is classified to section 5671 of this title.

A prior section 5665a, Pub. L. 93–415, title II, § 262, as added Pub. L. 100–690, title VII, § 7263(a)(2)(F), Nov. 18, 1988, 102 Stat. 4445; amended Pub. L. 102–586, § 2(h), Nov. 4, 1992, 106 Stat. 5001, related to considerations for approval of applications, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

EFFECTIVE DATE

Part effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as an Effective Date of 2002 Amendment note under section 5601 of this title.

§ 5666. Grants for technical assistance

The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 5665 of this title.

(Pub. L. 93–415, title II, § 262, as added Pub. L. 107–273, div. C, title II, § 12212, Nov. 2, 2002, 116 Stat. 1891.)

PRIOR PROVISIONS

A prior section 262 of Pub. L. 93–415 was classified to section 5665a of this title, prior to repeal by Pub. L. 107–273.

Another prior section 262 of Pub. L. 93–415 was renumbered section 299A and is classified to section 5672 of this title.

§ 5667. Eligibility

To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonably require by rule.

(Pub. L. 93–415, title II, § 263, as added Pub. L. 107–273, div. C, title II, § 12212, Nov. 2, 2002, 116 Stat. 1891.)

PRIOR PROVISIONS

A prior section 5667, Pub. L. 93–415, title II, § 281, as added Pub. L. 102–586, § 2(i), Nov. 4, 1992, 106 Stat. 5001, related to authority to make grants and contracts, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

Another prior section 5667, Pub. L. 93–415, title II, § 281, as added Pub. L. 100–690, title VII, § 7267, Nov. 18, 1988, 102 Stat. 4451, authorized Administrator to make grants and contracts for prevention and treatment programs relating to juvenile gangs, drug abuse, and drug trafficking, prior to the general amendment of part D by Pub. L. 102–586.

Prior sections 5667–1 to 5667f–3 were repealed by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

Section 5667–1, Pub. L. 93–415, title II, § 281A, as added Pub. L. 102–586, § 2(i), Nov. 4, 1992, 106 Stat. 5003, related to approval of applications.

Section 5667a, Pub. L. 93–415, title II, § 282, as added Pub. L. 102–586, § 2(i), Nov. 4, 1992, 106 Stat. 5004, related to authority to make grants and contracts.

Another prior section 5667a, Pub. L. 93–415, title II, § 282, as added Pub. L. 100–690, title VII, § 7267, Nov. 18, 1988, 102 Stat. 4451, related to approval of applications for grants and contracts, prior to the general amendment of part D by Pub. L. 102–586.

Section 5667a–1, Pub. L. 93–415, title II, § 282A, as added Pub. L. 102–586, § 2(i), Nov. 4, 1992, 106 Stat. 5005, related to application approval.

Section 5667b, Pub. L. 93–415, title II, § 283, as added Pub. L. 102–586, § 2(i), Nov. 4, 1992, 106 Stat. 5006, defined ''juvenile''.

Section 5667c, Pub. L. 93–415, title II, § 285, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5006, related to establishment of program of State challenge activities.

Section 5667d, Pub. L. 93–415, title II, § 287, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5008, defined ''juvenile''.

Section 5667d–1, Pub. L. 93–415, title II, § 287A, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5008, related to grant authority.

Section 5667d–2, Pub. L. 93–415, title II, § 287B, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5009, related to administrative requirements.

Section 5667d–3, Pub. L. 93–415, title II, § 287C, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5009, established priority for grants.

Section 5667e, Pub. L. 93–415, title II, § 288, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5009, related to purposes of mentoring programs.

Section 5667e–1, Pub. L. 93–415, title II, § 288A, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5009, defined ''at-risk youth'' and ''mentor''.

Section 5667e–2, Pub. L. 93–415, title II, § 288B, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5010, related to grants for local educational agencies for mentoring programs.

Section 5667e–3, Pub. L. 93–415, title II, § 288C, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5010; amended Pub. L. 103–322, title XV, § 150006, Sept. 13, 1994, 108 Stat. 2035, related to regulations and guidelines.

Section 5667e–4, Pub. L. 93–415, title II, § 288D, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5010, related to permitted and prohibited uses of grants.

Section 5667e–5, Pub. L. 93–415, title II, § 288E, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5011; amended Pub. L. 103–382, title III, § 391(t), Oct. 20, 1994, 108 Stat. 4025, related to priority for awarding grants.

Section 5667e–6, Pub. L. 93–415, title II, § 288F, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5011, related to information and assurances required on application.

Section 5667e–7, Pub. L. 93–415, title II, § 288G, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5012, provided that grants would be made for 3-year periods.

Section 5667e–8, Pub. L. 93–415, title II, § 288H, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5012, related to reports.

Section 5667f, Pub. L. 93–415, title II, § 289, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5012, related to grants for establishment of boot camps.

Section 5667f–1, Pub. L. 93–415, title II, § 289A, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5012, limited size of boot camps.

Section 5667f–2, Pub. L. 93–415, title II, § 289B, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5013, related to eligibility and placement.

Section 5667f–3, Pub. L. 93–415, title II, § 289C, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5013, related to post-release supervision.

Prior sections 5667g to 5667g–5 were repealed by Pub. L. 107–273, div. C, title II, § 12210(2), Nov. 2, 2002, 116 Stat. 1880.

Section 5667g, Pub. L. 93–415, title II, § 291, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5013, authorized the President to call and conduct a National White House Conference on Juvenile Justice.

Section 5667g–1, Pub. L. 93–415, title II, § 291A, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5014, related to Conference participants.

Section 5667g–2, Pub. L. 93–415, title II, § 291B, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5015, related to appointment and compensation of directors and detailees.

Section 5667g–3, Pub. L. 93–415, title II, § 291C, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5015, related to planning and administration of Conference.

Section 5667g–4, Pub. L. 93–415, title II, § 291D, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5015, related to reports.

Section 5667g–5, Pub. L. 93–415, title II, § 291E, as added Pub. L. 102–586, § 2(i)(1)(C), Nov. 4, 1992, 106 Stat. 5015, related to congressional oversight.

§ 5668. Reports

Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying out the projects for which such grants are made.

(Pub. L. 93–415, title II, § 264, as added Pub. L. 107–273, div. C, title II, § 12212, Nov. 2, 2002, 116 Stat. 1891.)

PART F—GENERAL AND ADMINISTRATIVE PROVISIONS

PRIOR PROVISIONS

A prior part F, consisting of sections 5667d to 5667d–3, related to treatment for juvenile offenders who are victims of child abuse or neglect, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

A prior part G, consisting of sections 5667e to 5667e–8, related to mentoring, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

A prior part H, consisting of sections 5667f to 5667f–3, related to boot camps, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

A prior part I, consisting of sections 5667g to 5667g–5, authorized the president to call a National White House Conference on Juvenile Justice, prior to repeal by Pub. L. 107–273, div. C, title II, § 12210(2), Nov. 2, 2002, 116 Stat. 1880.

Part J, consisting of sections 5671 to 5676, was redesignated part F by Pub. L. 107–273, div. C, title II, § 12210(3), Nov. 2, 2002, 116 Stat. 1880.

AMENDMENTS

2002—Pub. L. 107–273, div. C, title II, § 12210(3), Nov. 2, 2002, 116 Stat. 1880, redesignated part I, which had been redesignated as J for purposes of codification, as F.

1992—Pub. L. 102–586, § 2(i)(1)(A), Nov. 4, 1992, 106 Stat. 5006, redesignated part E as I, which was redesignated as J for purposes of codification.

1988—Pub. L. 100–690, title VII, § 7266(1), Nov. 18, 1988, 102 Stat. 4449, redesignated part D as E and substituted ''GENERAL AND ADMINISTRATIVE PROVISIONS'' for ''ADMINISTRATIVE PROVISIONS''.

§ 5671. Authorization of appropriations

(a) Authorization of appropriations for this subchapter (excluding parts C and E)

(1) There are authorized to be appropriated to carry out this subchapter such sums as may be appropriate for fiscal years 2003, 2004, 2005, 2006, and 2007.

(2) Of such sums as are appropriated for a fiscal year to carry out this subchapter (other than parts C and E)—

(A) not more than 5 percent shall be available to carry out part A of this subchapter;

(B) not less than 80 percent shall be available to carry out part B of this subchapter; and

(C) not more than 15 percent shall be available to carry out part D of this subchapter.

(b) Authorization of appropriations for part C

There are authorized to be appropriated to carry out part C of this subchapter such sums as may be necessary for fiscal years 2003, 2004, 2005, 2006, and 2007.

(c) Authorization of appropriations for part E

There are authorized to be appropriated to carry out part E of this subchapter, and author-

ized to remain available until expended, such sums as may be necessary for fiscal years 2003, 2004, 2005, 2006, and 2007.

(d) Experimentation on individuals; prohibition; "behavior control" defined

No funds appropriated to carry out the purposes of this subchapter may be used for any bio-medical or behavior control experimentation on individuals or any research involving such experimentation. For the purpose of this subsection, the term ''behavior control'' refers to experimentation or research employing methods which involve a substantial risk of physical or psychological harm to the individual subject and which are intended to modify or alter criminal and other anti-social behavior, including aversive conditioning therapy, drug therapy or chemotherapy (except as part of routine clinical care), physical therapy of mental disorders, electroconvulsive therapy, or physical punishment. The term does not apply to a limited class of programs generally recognized as involving no such risk, including methadone maintenance and certain alcohol treatment programs, psychological counseling, parent training, behavior contracting, survival skills training, restitution, or community service, if safeguards are established for the informed consent of subjects (including parents or guardians of minors).

(Pub. L. 93–415, title II, § 299, formerly § 261, Sept. 7, 1974, 88 Stat. 1129; Pub. L. 94–273, § 32(b), Apr. 21, 1976, 90 Stat. 380; Pub. L. 94–503, title I, § 130(a), Oct. 15, 1976, 90 Stat. 2425; Pub. L. 95–115, § 6(b), Oct. 3, 1977, 91 Stat. 1058; Pub. L. 96–509, §§ 2(a), 15, Dec. 8, 1980, 94 Stat. 2750, 2760; Pub. L. 98–473, title II, § 640, Oct. 12, 1984, 98 Stat. 2121; renumbered § 291 and amended Pub. L. 100–690, title VII, §§ 7265, 7266(3), Nov. 18, 1988, 102 Stat. 4448, 4449; Pub. L. 101–204, title X, §§ 1001(e)(1), 1002, Dec. 7, 1989, 103 Stat. 1827; renumbered § 299 and amended Pub. L. 102–586, § 2(i)(1)(B), (j), Nov. 4, 1992, 106 Stat. 5006, 5016; Pub. L. 107–273, div. C, title II, § 12213, Nov. 2, 2002, 116 Stat. 1891.)

AMENDMENTS

2002—Subsecs. (a) to (c). Pub. L. 107–273, § 12213(2), added subsecs. (a) to (c) and struck out former subsecs. (a) to (c) which related, respectively, to amounts and availability of appropriations for fiscal years 1993 to 1996, percentages available for specific programs, and administrative and supervisory board membership requirements for State agencies.

Subsec. (e). Pub. L. 107–273, § 12213(1), struck out subsec. (e) which read as follows: ''Of such sums as are appropriated to carry out section 5665(a)(6) of this title, not less than 20 percent shall be reserved by the Administrator for each of fiscal years 1993, 1994, 1995, and 1996, for not less than 2 programs that have not received funds under subpart II of part C of this subchapter prior to October 1, 1992, which shall be selected through the application and approval process set forth in section 5665a of this title.''

1992—Subsec. (a). Pub. L. 102–586, § 2(j)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows:

''(1) To carry out the purposes of this subchapter (other than part D) there are authorized to be appropriated such sums as may be necessary for fiscal years 1989, 1990, 1991, and 1992. Funds appropriated for any fiscal year may remain available for obligation until expended.

''(2)(A) Subject to subparagraph (B), to carry out part D of this subchapter, there are authorized to be appropriated $15,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.

''(B) No funds may be appropriated to carry out part D of this subchapter for a fiscal year unless the aggregate amount appropriated to carry out this subchapter (other than part D) for such fiscal year is not less than the aggregate amount appropriated to carry out this subchapter (other than part D) for the preceding fiscal year.''

Subsec. (e). Pub. L. 102–586, § 2(j)(2), added subsec. (e).

1989—Subsec. (a). Pub. L. 101–204, § 1001(e)(1), amended directory language of Pub. L. 100–690, § 7265(a)(4), see 1988 Amendment note below.

Subsec. (a)(1). Pub. L. 101–204, § 1002, substituted ''are authorized'' for ''is authorized''.

1988—Subsec. (a). Pub. L. 100–690, § 7265(a), as amended by Pub. L. 101–204, § 1001(e)(1), designated existing provisions as par. (1), inserted ''(other than part D)'' after ''this subchapter'', struck out ''1985, 1986, 1987, and 1988'' after ''fiscal years'', inserted ''1989, 1990, 1991, and 1992'', and added par. (2).

Subsec. (b). Pub. L. 100–690, § 7265(b), inserted ''(other than part D)'' after ''this subchapter'' in introductory provisions and substituted ''5 percent'' for ''7.5 percent'' in par. (1), ''70 percent'' for ''81.5 percent'' in par. (2), and ''25 percent'' for ''11 percent'' in par. (3).

1984—Subsec. (a). Pub. L. 98–473, amended subsec. (a) generally, substituting provisions relating to authorization of appropriations for fiscal years 1985 to 1988 for former provisions which authorized appropriations for fiscal years 1981 to 1984.

Subsec. (b). Pub. L. 98–473, amended subsec. (b) generally, substituting provisions which set forth specific percentages of appropriations for parts A, B and C for former provisions which also set forth appropriation percentages for juvenile delinquency programs.

Subsec. (c). Pub. L. 98–473, amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: ''Notwithstanding any other provision of law, if the Administrator determines, in his discretion, that sufficient funds have not been appropriated for any fiscal year for the activities authorized in part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 [42 U.S.C. 3741 et seq.], then the Administrator is authorized to—

''(1) approve any appropriate State agency designated by the Governor of the State involved as the sole agency responsible for supervising the preparation and administration of the State plan submitted under section 5633 of this title; and

''(2) establish appropriate administrative and supervisory board membership requirements for any agency designated in accordance with paragraph (1), and permit the State advisory group appointed under section 5633(a)(2) of this title to operate as the supervisory board for such agency, at the discretion of the Governor.''

Subsec. (d). Pub. L. 98–473, in amending section generally, added subsec. (d).

1980—Subsec. (a). Pub. L. 96–509, § 2(a), substituted provisions authorizing appropriations of $200,000,000 for each of 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 fiscal year ending Sept. 30, 1978, $175,000,000 for fiscal year ending Sept. 30, 1979, and $200,000,000 for fiscal year ending Sept. 30, 1980.

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

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

1976—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 appropria-

tion 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 2002 AMENDMENT

Amendment by Pub. L. 107–273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–690 effective Oct. 1, 1988, see 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 a note under section 5601 of this title.

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 a note under section 5601 of this title.

§ 5672. Administrative authority

(a) Authority of Administrator

The Office shall be administered by the Administrator under the general authority of the Attorney General.

(b) Certain crime control provisions applicable

Sections 3789d(c), 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b), and 3789g(d) of this title, shall apply with respect to the administration of and compliance with this chapter, except that for purposes of this chapter—

(1) any reference to the Office of Justice Programs in such sections shall be deemed to be a reference to the Assistant Attorney General who heads the Office of Justice Programs; and

(2) the term ''this chapter'' as it appears in such sections shall be deemed to be a reference to this chapter.

(c) Certain other crime control provisions applicable

Sections 3782(a), 3782(c), and 3787 of this title shall apply with respect to the administration of and compliance with this chapter, except that for purposes of this chapter—

(1) any reference to the Attorney General, the Assistant Attorney General who heads the Office of Justice Programs, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, or the Director of the Bureau of Justice Assistance shall be deemed to be a reference to the Administrator;

(2) any reference to the Office of Justice Programs, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be deemed to be a reference to the Office of Juvenile Justice and Delinquency Prevention; and

(3) the term ''this chapter'' as it appears in such sections shall be deemed to be a reference to this chapter.

(d) Rules, regulations, and procedures

The Administrator is authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary for the exercise of the functions of the Office and only to the extent necessary to ensure that there is compliance with the specific requirements of this subchapter or to respond to requests for clarification and guidance relating to such compliance.

(e) Presumption of State compliance

If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 5633(a) of this title, then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.

(Pub. L. 93–415, title II, § 299A, formerly § 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; Pub. L. 98–473, title II, § 641, Oct. 12, 1984, 98 Stat. 2122; renumbered § 292, Pub. L. 100–690, title VII, § 7266(3), Nov. 18, 1988, 102 Stat. 4449; renumbered § 299A, Pub. L. 102–586, § 2(i)(1)(B), Nov. 4, 1992, 106 Stat. 5006; Pub. L. 107–273, div. C, title II, § 12214, Nov. 2, 2002, 116 Stat. 1892.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b) and (c), was in the original ''this Act'', meaning Pub. L. 93–415, Sept. 7, 1974, 88 Stat. 1109, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of this title and Tables.

AMENDMENTS

2002—Subsec. (d). Pub. L. 107–273, § 12214(1), substituted ''only to the extent necessary to ensure that there is compliance with the specific requirements of this subchapter or to respond to requests for clarification and guidance relating to such compliance'' for ''as are consistent with the purpose of this chapter''.

Subsec. (e). Pub. L. 107–273, § 12214(2), added subsec. (e).

1984—Subsec. (a). Pub. L. 98–473, in amending subsec. (a) generally, substituted provisions setting forth the administrative authority of the Office for former provisions which incorporated other administrative provisions into this chapter as well as construing certain references as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same actions as other officials.

Subsec. (b). Pub. L. 98–473, in amending subsec. (b) generally, substituted provisions relating to the applicability of other provisions to this chapter as well as defining certain references therein for former provisions which directed the Office of Justice Assistance, Research and Statistics to provide staff support and coordinate the activities of the Office of Juvenile Justice and Delinquency Prevention.

Subsecs. (c), (d). Pub. L. 98–473, in amending section generally, added subsecs. (c) and (d).

1980—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 sup-

port 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 3781(b) of this title.

1977—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 2002 AMENDMENT

Amendment by Pub. L. 107–273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, 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 a note under section 5601 of this title.

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 section 6(d)(2) of Pub. L. 95–115, set out as a note under section 5601 of this title.

§ 5673. Withholding

Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this subchapter, finds that—

(1) the program or activity for which the grant or contract involved was made has been so changed that it no longer complies with this subchapter; or

(2) in the operation of such program or activity there is failure to comply substantially with any provision of this subchapter;

the Administrator shall initiate such proceedings as are appropriate.

(Pub. L. 93–415, title II, § 299B, formerly § 293, as added Pub. L. 100–690, title VII, § 7266(4), Nov. 18, 1988, 102 Stat. 4449; renumbered § 299B, Pub. L. 102–586, § 2(i)(1)(B), Nov. 4, 1992, 106 Stat. 5006.)

EFFECTIVE DATE

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

§ 5674. Use of funds

(a) In general

Funds paid pursuant to this subchapter to any public or private agency, organization, or institution, or to any individual (either directly or through a State planning agency) may be used for—

(1) planning, developing, or operating the program designed to carry out this subchapter; and

(2) not more than 50 per centum of the cost of the construction of any innovative community-based facility for fewer than 20 persons which, in the judgment of the Administrator, is necessary to carry out this subchapter.

(b) Prohibition against use of funds in construction

Except as provided in subsection (a) of this section, no funds paid to any public or private agency, or institution or to any individual under this subchapter (either directly or through a State agency or local agency) may be used for construction.

(c) Funds paid to residential programs

No funds may be paid under this subchapter to a residential program (excluding a program in a private residence) unless—

(1) there is in effect in the State in which such placement or care is provided, a requirement that the provider of such placement or such care may be licensed only after satisfying, at a minimum, explicit standards of discipline that prohibit neglect, and physical and mental abuse, as defined by State law;

(2) such provider is licensed as described in paragraph (1) by the State in which such placement or care is provided; and

(3) in a case involving a provider located in a State that is different from the State where the order for placement originates, the chief administrative officer of the public agency or the officer of the court placing the juvenile certifies that such provider—

(A) satisfies the originating State's explicit licensing standards of discipline that prohibit neglect, physical and mental abuse, and standards for education and health care as defined by that State's law; and

(B) otherwise complies with the Interstate Compact on the Placement of Children as entered into by such other State.

(Pub. L. 93–415, title II, § 299C, formerly § 294, as added Pub. L. 100–690, title VII, § 7266(4), Nov. 18, 1988, 102 Stat. 4449; renumbered § 299C, Pub. L. 102–586, § 2(i)(1)(B), Nov. 4, 1992, 106 Stat. 5006; Pub. L. 107–273, div. C, title II, § 12215, Nov. 2, 2002, 116 Stat. 1892.)

AMENDMENTS

2002—Subsec. (c). Pub. L. 107–273 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

''(1) Funds paid pursuant to section 5633(a)(10)(D) of this title and section 5665(a)(3) of this title to any public or private agency, organization, or institution or to any individual shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device intended or designed to influence a Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this paragraph shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved.

''(2) The Administrator shall take such action as may be necessary to ensure that no funds paid under section 5633(a)(10)(D) of this title or section 5665(a)(3) of this title are used either directly or indirectly in any manner prohibited in this paragraph.''

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year

that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as a note under section 5601 of this title.

EFFECTIVE DATE

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

§ 5675. Payments

(a) In general

Payments under this subchapter, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Administrator may determine.

(b) Percentage of approved costs

Except as provided in the second sentence of section 5632(c) of this title, financial assistance extended under this subchapter shall be 100 per centum of the approved costs of the program or activity involved.

(c) Increase of grants to Indian tribes; waiver of liability

(1) In the case of a grant under this subchapter to an Indian tribe, if the Administrator determines that the tribe does not have sufficient funds available to meet the local share of the cost of any program or activity to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent the Administrator deems necessary.

(2) If a State does not have an adequate forum to enforce grant provisions imposing any liability on Indian tribes, the Administrator may waive State liability attributable to the liability of such tribes and may pursue such legal remedies as are necessary.

(Pub. L. 93–415, title II, § 299D, formerly § 295, as added Pub. L. 100–690, title VII, § 7266(4), Nov. 18, 1988, 102 Stat. 4450; renumbered § 299D, Pub. L. 102–586, § 2(i)(1)(B), Nov. 4, 1992, 106 Stat. 5006; amended Pub. L. 107–273, div. C, title II, § 12221(a)(3), Nov. 2, 2002, 116 Stat. 1894.)

AMENDMENTS

2002—Subsec. (d). Pub. L. 107–273 struck out subsec. (d) which read as follows: ''If the Administrator determines, on the basis of information available to the Administrator during any fiscal year, that a portion of the funds granted to an applicant under part C of this subchapter for such fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 3783 of this title, as amended from time to time, that portion shall be available for reallocation in an equitable manner to States which comply with the requirements in paragraphs (12)(A) and (13) of section 5633(a) of this title, under section 5665(b)(6) of this title.''

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as a note under section 5601 of this title.

EFFECTIVE DATE

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

§ 5676. Confidentiality of program records

Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to this subchapter may not be disclosed without the consent of the service recipient or legally authorized representative, or as may be necessary to carry out this subchapter. Under no circumstances may program reports or findings available for public dissemination contain the actual names of individual service recipients.

(Pub. L. 93–415, title II, § 299E, formerly § 296, as added Pub. L. 100–690, title VII, § 7266(4), Nov. 18, 1988, 102 Stat. 4450; renumbered § 299E, Pub. L. 102–586, § 2(i)(1)(B), Nov. 4, 1992, 106 Stat. 5006.)

EFFECTIVE DATE

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

§ 5677. Limitations on use of funds

None of the funds made available to carry out this subchapter may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.

(Pub. L. 93–415, title II, § 299F, as added Pub. L. 107–273, div. C, title II, § 12216, Nov. 2, 2002, 116 Stat. 1893.)

EFFECTIVE DATE

Section effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as an Effective Date of 2002 Amendment note under section 5601 of this title.

§ 5678. Rules of construction

Nothing in this subchapter or subchapter I of this chapter shall be construed—

(1) to prevent financial assistance from being awarded through grants under this subchapter to any otherwise eligible organization; or

(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.

(Pub. L. 93–415, title II, § 299G, as added Pub. L. 107–273, div. C, title II, § 12217, Nov. 2, 2002, 116 Stat. 1893.)

EFFECTIVE DATE

Section effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as an Effective Date of 2002 Amendment note under section 5601 of this title.

§ 5679. Leasing surplus Federal property

The Administrator may receive surplus Federal property (including facilities) and may

lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.

(Pub. L. 93–415, title II, § 299H, as added Pub. L. 107–273, div. C, title II, § 12218, Nov. 2, 2002, 116 Stat. 1893.)

EFFECTIVE DATE

Section effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as an Effective Date of 2002 Amendment note under section 5601 of this title.

§ 5680. Issuance of rules

The Administrator shall issue rules to carry out this subchapter, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this subchapter.

(Pub. L. 93–415, title II, § 299I, as added Pub. L. 107–273, div. C, title II, § 12219, Nov. 2, 2002, 116 Stat. 1893.)

EFFECTIVE DATE

Section effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as an Effective Date of 2002 Amendment note under section 5601 of this title.

§ 5681. Content of materials

Materials produced, procured, or distributed both using funds appropriated to carry out this chapter and for the purpose of preventing hate crimes that result in acts of physical violence, shall not recommend or require any action that abridges or infringes upon the constitutionally protected rights of free speech, religion, or equal protection of juveniles or of their parents or legal guardians.

(Pub. L. 93–415, title II, § 299J, as added Pub. L. 107–273, div. C, title II, § 12220, Nov. 2, 2002, 116 Stat. 1893.)

EFFECTIVE DATE

Section effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as an Effective Date of 2002 Amendment note under section 5601 of this title.

SUBCHAPTER III—RUNAWAY AND HOMELESS YOUTH

§ 5701. Findings

The Congress finds that—

(1) youth who have become homeless or who leave and remain away from home without parental permission, are at risk of developing, and have a disproportionate share of, serious health, behavioral, and emotional problems because they lack sufficient resources to obtain care and may live on the street for extended periods thereby endangering themselves and creating a substantial law enforcement problem for communities in which they congregate;

(2) many such young people, because of their age and situation, are urgently in need of temporary shelter and services, including services that are linguistically appropriate and acknowledge the environment of youth seeking these services;

(3) services to such young people should be developed and provided using a positive youth development approach that ensures a young person a sense of—

(A) safety and structure;

(B) belonging and membership;

(C) self-worth and social contribution;

(D) independence and control over one's life; and

(E) closeness in interpersonal relationships.[1]

(4) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop an accurate national reporting system to report the problem, and to assist in the development of an effective system of care (including preventive and aftercare services, emergency shelter services, extended residential shelter, and street outreach services) outside the welfare system and the law enforcement system;

(5) to make a successful transition to adulthood, runaway youth, homeless youth, and other street youth need opportunities to complete high school or earn a general equivalency degree, learn job skills, and obtain employment; and

(6) improved coordination and collaboration between the Federal programs that serve runaway and homeless youth are necessary for the development of a long-term strategy for responding to the needs of this population.

(Pub. L. 93–415, title III, § 302, Sept. 7, 1974, 88 Stat. 1129; Pub. L. 102–586, § 3(a), Nov. 4, 1992, 106 Stat. 5017; Pub. L. 106–71, § 3(a), Oct. 12, 1999, 113 Stat. 1035; Pub. L. 108–96, title I, § 101, Oct. 10, 2003, 117 Stat. 1167; Pub. L. 110–378, § 2, Oct. 8, 2008, 122 Stat. 4068.)

AMENDMENTS

2008—Pars. (3) to (6). Pub. L. 110–378 added par. (3) and redesignated former pars. (3) to (5) as (4) to (6), respectively.

2003—Pub. L. 108–96 amended section generally. Prior to amendment, section contained congressional statement of findings.

1999—Par. (5). Pub. L. 106–71, § 3(a)(1), substituted ''an accurate national reporting system to report the problem, and to assist in the development of'' for ''accurate reporting of the problem nationally and to develop''.

Par. (8). Pub. L. 106–71, § 3(a)(2), added par. (8) and struck out former par. (8) which read as follows: ''in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop an accurate national reporting system and to develop an effective system of care including prevention, emergency shelter services, and longer residential care outside the public welfare and law enforcement structures;''.

[1] So in original. The period probably should be a semicolon.

1992—Par. (1). Pub. L. 102–586, § 3(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;''.

Par. (5). Pub. L. 102–586, § 3(a)(3), substituted ''care (including preventive services, emergency shelter services, and extended residential shelter) outside the welfare system and the law enforcement system;'' for ''temporary care outside the law enforcement structure.''

Pars. (6) to (10). Pub. L. 102–586, § 3(a)(2), (4), added pars. (6) to (10).

SHORT TITLE

For short title of title III of Pub. L. 93–415, which enacted this subchapter, as the ''Runaway and Homeless Youth Act'', see section 301 of Pub. L. 93–415, as amended, set out as a note under section 5601 of this title.

REPORT ON PROMISING STRATEGIES TO END YOUTH HOMELESSNESS

Pub. L. 108–96, title I, § 118, Oct. 10, 2003, 117 Stat. 1170, provided that: ''Not later than 2 years after the date of the enactment of this Act [Oct. 10, 2003], the Secretary of Health and Human Services, in consultation with the United States Interagency Council on Homelessness, shall submit to the Congress a report on promising strategies to end youth homelessness.''

§ 5702. Promulgation of rules

The Secretary of Health and Human Services (hereinafter in this subchapter referred to as the ''Secretary'') may issue such rules as the Secretary considers necessary or appropriate to carry out the purposes of this subchapter.

(Pub. L. 93–415, title III, § 303, Sept. 7, 1974, 88 Stat. 1130; Pub. L. 98–473, title II, § 650, Oct. 12, 1984, 98 Stat. 2122.)

AMENDMENTS

1984—Pub. L. 98–473 substituted ''Health and Human Services'' for ''Health, Education, and Welfare'' and ''issue such rules as the Secretary'' for ''prescribe such rules as he''.

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 a note under section 5601 of this title.

PART A—BASIC CENTER GRANT PROGRAM

AMENDMENTS

2003—Pub. L. 108–96, title I, § 102, Oct. 10, 2003, 117 Stat. 1168, substituted in part A heading ''BASIC CENTER'' for ''RUNAWAY AND HOMELESS YOUTH''.

1988—Pub. L. 100–690, title VII, § 7272(1), Nov. 18, 1988, 102 Stat. 4454, substituted in part A heading ''RUNAWAY AND HOMELESS YOUTH GRANT PROGRAM'' for ''GRANTS PROGRAM''.

§ 5711. Authority to make grants

(a) Grants for centers and services

(1) In general

The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

(2) Services provided

Services provided under paragraph (1)—

(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

(B) shall include—

(i) safe and appropriate shelter provided for not to exceed 21 days; and

(ii) individual, family, and group counseling, as appropriate; and

(C) may include—

(i) street-based services;

(ii) home-based services for families with youth at risk of separation from the family;

(iii) drug abuse education and prevention services; and

(iv) at the request of runaway and homeless youth, testing for sexually transmitted diseases.

(b) Allotment of funds for grants; priority given to certain private entities

(1) Subject to paragraph (2) and in accordance with regulations promulgated under this subchapter, funds for grants under subsection (a) of this section shall be allotted annually with respect to the States on the basis of their relative population of individuals who are less than 18 years of age.

(2)(A) Except as provided in subparagraph (B), the amount allotted under paragraph (1) with respect to each State for a fiscal year shall be not less than $200,000, except that the amount allotted to the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be not less than $70,000 each.

(B) For fiscal years 2009 and 2010, the amount allotted under paragraph (1) with respect to a State for a fiscal year shall be not less than the amount allotted under paragraph (1) with respect to such State for fiscal year 2008.

(C) Whenever the Secretary determines that any part of the amount allotted under paragraph (1) to a State for a fiscal year will not be obligated before the end of the fiscal year, the Secretary shall reallot such part to the remaining States for obligation for the fiscal year.

(3) In selecting among applicants for grants under subsection (a) of this section, the Secretary shall give priority to private entities that have experience in providing the services described in such subsection.

(Pub. L. 93–415, title III, § 311, Sept. 7, 1974, 88 Stat. 1130; Pub. L. 95–115, § 7(a)(1), Oct. 3, 1977, 91 Stat. 1058; Pub. L. 96–509, § 18(c), Dec. 8, 1980, 94 Stat. 2762; Pub. L. 98–473, title II, § 651, Oct. 12, 1984, 98 Stat. 2123; Pub. L. 100–690, title VII, § 7271(a), (b), Nov. 18, 1988, 102 Stat. 4452; Pub. L. 102–586, § 3(b), Nov. 4, 1992, 106 Stat. 5018; Pub. L. 106–71, § 3(b), Oct. 12, 1999, 113 Stat. 1035; Pub. L. 108–96, title I, §§ 103, 104, Oct. 10, 2003, 117 Stat. 1168; Pub. L. 110–378, § 3(a), Oct. 8, 2008, 122 Stat. 4068.)

AMENDMENTS

2008—Subsec. (a)(2)(B)(i). Pub. L. 110–378, § 3(a)(1), added cl. (i) and struck out former cl. (i) which read as follows: ''safe and appropriate shelter; and''.

Subsec. (b)(2). Pub. L. 110–378, § 3(a)(2), designated existing provisions as subpar. (A), substituted ''Except as provided in subparagraph (B), the'' for ''The'', ''$200,000'' for ''$100,000'', and ''$70,000'' for ''$45,000'', and added subpars. (B) and (C).

2003—Subsec. (a)(2)(C)(iv). Pub. L. 108–96, § 103, added cl. (iv).

Subsec. (b)(2). Pub. L. 108–96, § 104(1), substituted ''The'' for ''Subject to paragraph (3), the''.

Subsec. (b)(3), (4). Pub. L. 108–96, § 104(2), (3), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: ''If, as a result of paragraph (2), the amount allotted under paragraph (1) with respect to a State for a fiscal year would be less than the aggregate amount of grants made under this part to recipients in such State for fiscal year 1992, then the amounts allotted to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to allot under paragraph (1) with respect to such State for the fiscal year an amount equal to the aggregate amount of grants made under this part to recipients in such State for fiscal year 1992.''

1999—Subsec. (a). Pub. L. 106–71, § 3(b)(1), added heading and text of subsec. (a) and struck out former subsec. (a) which read as follows: ''The Secretary shall make grants to public and private entities (and combinations of such entities) to establish and operate (including renovation) local runaway and homeless youth centers to provide services to deal primarily with the immediate needs of runaway or otherwise homeless youth, and their families, in a manner which is outside the law enforcement system, the child welfare system, the mental health system, and the juvenile justice system.''

Subsec. (b)(2). Pub. L. 106–71, § 3(b)(2), struck out ''the Trust Territory of the Pacific Islands,'' after ''American Samoa,''.

Subsecs. (c), (d). Pub. L. 106–71, § 3(b)(3), struck out subsecs. (c) and (d) which related to street-based services and home-based services, respectively.

1992—Subsec. (a). Pub. L. 102–586, § 3(b)(1), substituted ''system, the child welfare system, the mental health system, and'' for ''structure and''.

Subsec. (b)(2). Pub. L. 102–586, § 3(b)(2)(A), substituted ''$100,000'' for ''$75,000'' and ''$45,000'' for ''$30,000''.

Subsec. (b)(3). Pub. L. 102–586, § 3(b)(2)(B), substituted ''1992'' for ''1988'' in two places.

Subsecs. (c), (d). Pub. L. 102–586, § 3(b)(3), added subsecs. (c) and (d) and struck out former subsec. (c) which read as follows: ''The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles.''

1988—Pub. L. 100–690, § 7271(a), substituted ''Authority to make grants'' for ''Grants and technical assistance'' in section catchline.

Subsec. (a). Pub. L. 100–690, § 7271(b), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''The Secretary is authorized to make grants and to provide technical assistance and short-term training to States, localities and private entities and coordinated networks of such entities in accordance with the provisions of this part and assistance to their families. Grants under this part shall be made equitably among the States based upon their respective populations of youth under 18 years of age for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth or otherwise homeless youth, and their families, in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grant shall be determined by the number of such youth in the community and the existing availability of services. Grants also may be made for the provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers. Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with such youth.''

Subsec. (b). Pub. L. 100–690, § 7271(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication and to the families of such juveniles.''

1984—Subsec. (a). Pub. L. 98–473, § 651(a), in first sentence, substituted ''private entities and coordinated networks of such entities'' for ''nonprofit private agencies and coordinated networks of such agencies'' and inserted ''and assistance to their families''.

Subsec. (b). Pub. L. 98–473, § 651(b), inserted ''and to the families of such juveniles''.

1980—Subsec. (a). Pub. L. 96–509, § 18(c)(1)–(4), designated existing provision as subsec. (a), inserted ''equitably among the States based upon their respective populations of youth under 18 years of age'' after ''shall be made'', '', and their families,'' after ''homeless youth'', and provision that grants also be made for the provision of a national communications system to assist runaway and homeless youth in communicating with their families and with service providers.

Subsecs. (b), (c). Pub. L. 96–509, § 18(c)(5), added subsecs. (b) and (c).

1977—Pub. L. 95–115 substituted ''technical assistance and short-term training to States, localities and nonprofit private agencies and coordinated networks of such agencies in'' for ''technical assistance to 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 1988 AMENDMENT

Amendment by Pub. L. 100–690 effective Oct. 1, 1988, see 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 a note under section 5601 of this title.

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 a note under section 5601 of this title.

§ 5712. Eligibility; plan requirements

(a) Runaway and homeless youth center; project providing temporary shelter; counseling services

To be eligible for assistance under section 5711(a) of this title, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway and homeless youth center, a locally controlled project (including a host family home) that provides temporary shelter, and counseling services to youth who have left home without permission of their parents or guardians or to other homeless youth.

(b) Provisions of plan

In order to qualify for assistance under section 5711(a) of this title, an applicant shall submit a plan to the Secretary including assurances that the applicant—

(1) shall operate a runaway and homeless youth center located in an area which is de-

monstrably frequented by or easily reachable by runaway and homeless youth;

(2) shall use such assistance to establish, to strengthen, or to fund a runaway and homeless youth center, or a locally controlled facility providing temporary shelter, that has—

(A) a maximum capacity of not more than 20 youth, except where the applicant assures that the State where the center or locally controlled facility is located has a State or local law or regulation that requires a higher maximum to comply with licensure requirements for child and youth serving facilities; and

(B) a ratio of staff to youth that is sufficient to ensure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the parents or other relatives of the youth and ensuring the safe return of the youth according to the best interests of the youth, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway and homeless youth center and for providing for other appropriate alternative living arrangements;

(4) shall develop an adequate plan for ensuring—

(A) proper relations with law enforcement personnel, health and mental health care personnel, social service personnel, school system personnel, and welfare personnel;

(B) coordination with McKinney-Vento school district liaisons, designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), to assure that runaway and homeless youth are provided information about the educational services available to such youth under subtitle B of title VII of that Act [42 U.S.C. 11431 et seq.]; and

(C) the return of runaway and homeless youth from correctional institutions;

(5) shall develop an adequate plan for providing counseling and aftercare services to such youth, for encouraging the involvement of their parents or legal guardians in counseling, and for ensuring, as possible, that aftercare services will be provided to those youth who are returned beyond the State in which the runaway and homeless youth center is located;

(6) shall develop an adequate plan for establishing or coordinating with outreach programs designed to attract persons (including, where applicable, persons who are members of a cultural minority and persons with limited ability to speak English) who are eligible to receive services for which a grant under subsection (a) of this section may be expended;

(7) shall keep adequate statistical records profiling the youth and family members whom it serves (including youth who are not referred to out-of-home shelter services), except that records maintained on individual runaway and homeless youth 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 and homeless youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway and homeless youth;

(8) 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 (7);

(9) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

(10) shall submit a budget estimate with respect to the plan submitted by such center under this subsection;

(11) shall supply such other information as the Secretary reasonably deems necessary;

(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

(A) information regarding the activities carried out under this part;

(B) the achievements of the project under this part carried out by the applicant; and

(C) statistical summaries describing—

(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

(ii) the services provided to such youth by the project; and

(13) shall develop an adequate emergency preparedness and management plan.

(c) Applicants providing street-based services

To be eligible to use assistance under section 5711(a)(2)(C)(i) of this title to provide street-based services, the applicant shall include in the plan required by subsection (b) of this section assurances that in providing such services the applicant will—

(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

(2) provide backup personnel for on-street staff;

(3) provide initial and periodic training of staff who provide such services; and

(4) conduct outreach activities for runaway and homeless youth, and street youth.

(d) Applicants providing home-based services

To be eligible to use assistance under section 5711(a) of this title to provide home-based services described in section 5711(a)(2)(C)(ii) of this title, an applicant shall include in the plan required by subsection (b) of this section assurances that in providing such services the applicant will—

(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate

access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

(4) provide initial and periodic training of staff who provide home-based services; and

(5) ensure that—

(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

(B) staff providing such services will receive qualified supervision.

(e) Applicants providing drug abuse education and prevention services

To be eligible to use assistance under section 5711(a)(2)(C)(iii) of this title to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b) of this section—

(1) a description of—

(A) the types of such services that the applicant proposes to provide;

(B) the objectives of such services; and

(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.

(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; 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. 4453; Pub. L. 102–586, § 3(c), Nov. 4, 1992, 106 Stat. 5019; Pub. L. 106–71, § 3(c), Oct. 12, 1999, 113 Stat. 1036; Pub. L. 108–96, title I, §§ 105, 106, 109, Oct. 10, 2003, 117 Stat. 1168, 1169; Pub. L. 110–378, § 3(b), Oct. 8, 2008, 122 Stat. 4069.)

REFERENCES IN TEXT

The McKinney-Vento Homeless Assistance Act, referred to in subsec. (b)(4)(B), is Pub. L. 100–77, July 22, 1987, 101 Stat. 482, as amended. Subtitle B of title VII of the Act is classified generally to part B (§ 11431 et seq.) of subchapter VI of chapter 119 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of this title and Tables.

AMENDMENTS

2008—Subsec. (b)(13). Pub. L. 110–378 added par. (13).

2003—Subsec. (a). Pub. L. 108–96, § 105, substituted ''services to youth'' for ''services to juveniles'' and ''homeless youth'' for ''homeless juveniles''.

Subsec. (b)(2)(A). Pub. L. 108–96, § 106, inserted '', except where the applicant assures that the State where the center or locally controlled facility is located has a State or local law or regulation that requires a higher maximum to comply with licensure requirements for child and youth serving facilities'' after ''youth''.

Subsec. (b)(4)(B). Pub. L. 108–96, § 109, substituted ''McKinney-Vento school district liaisons, designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), to assure that runaway and homeless youth are provided information about the educational services available to such youth under subtitle B of title VII of that Act;'' for ''personnel of the schools to which runaway and homeless youth will return, to assist such youth to stay current with the curricula of those schools;''.

1999—Subsec. (b)(8). Pub. L. 106–71, § 3(c)(1)(A), substituted ''paragraph (7)'' for ''paragraph (6)''.

Subsec. (b)(12). Pub. L. 106–71, § 3(c)(1)(B)–(D), added par. (12).

Subsecs. (c) to (e). Pub. L. 106–71, § 3(c)(2), added heading and text of subsecs. (c) to (e) and struck out former subsecs. (c) and (d) which related to street-based service projects and home-based service projects, respectively, but which specified more detailed lists of services applicants were to provide in order to qualify for assistance.

1992—Subsec. (a). Pub. L. 102–586, § 3(c)(1), substituted ''project (including a host family home) that provides'' for ''facility providing''.

Subsec. (b)(2). Pub. L. 102–586, § 3(c)(2)(A), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient proportion to assure adequate supervision and treatment;''.

Subsec. (b)(3). Pub. L. 102–586, § 3(c)(2)(B), substituted ''parents or other relatives of the youth and ensuring'' for ''child's parents or relatives and assuring'' and ''youth'' for ''child'' after ''the'' in two places.

Subsec. (b)(4). Pub. L. 102–586, § 3(c)(2)(C), amended par. (4) generally. Prior to amendment, par. (4) read as follows: ''shall develop an adequate plan for assuring proper relations with law enforcement personnel, social service personnel, school system personnel, and welfare personnel, and the return of runaway and homeless youth from correctional institutions;''.

Subsec. (b)(5). Pub. L. 102–586, § 3(c)(2)(D), substituted ''providing counseling and aftercare services to such youth, for encouraging the involvement of their parents or legal guardians in counseling, and for ensuring'' for ''aftercare counseling involving runaway and homeless youth and their families within the State in which the runaway and homeless youth center is located and for assuring'' and ''youth'' for ''children'' after ''those''.

Subsec. (b)(6). Pub. L. 102–586, § 3(c)(2)(G), added par. (6). Former par. (6) redesignated (7).

Subsec. (b)(7). Pub. L. 102–586, § 2(c)(2)(E), (F), redesignated par. (6) as (7) and substituted ''youth and family members whom it serves (including youth who are not referred to out-of-home shelter services)'' for ''children and family members which it serves''.

Subsec. (b)(8) to (11). Pub. L. 102–586, § 3(c)(2)(F), redesignated pars. (7) to (10) as (8) to (11), respectively.

Subsecs. (c), (d). Pub. L. 102–586, § 3(c)(2)(H), added subsecs. (c) and (d).

1988—Subsec. (a). Pub. L. 100–690, § 7271(c)(1), (2), substituted ''section 5711(a) of this title'' for ''this part'' and ''runaway and homeless youth center'' for ''runaway center''.

Subsec. (b). Pub. L. 100–690, § 7271(c)(1), (3)(A), substituted ''section 5711(a) of this title'' for ''this part'' and ''including assurances that the applicant'' for ''meeting the following requirements and including the following information. Each center'' in introductory provisions.

Subsec. (b)(1). Pub. L. 100–690, § 7271(c)(3)(B), substituted ''shall operate a runaway and homeless youth center'' for ''shall be'' and ''runaway and homeless youth'' for ''runaway youth''.

Subsec. (b)(3). Pub. L. 100–690, § 7271(c)(3)(C), substituted ''runaway and homeless youth center'' for ''runaway center''.

Subsec. (b)(4). Pub. L. 100–690, § 7271(c)(3)(D), substituted ''runaway and homeless youth'' for ''runaway youths''.

Subsec. (b)(5). Pub. L. 100–690, § 7271(c)(3)(C), (E), substituted ''runaway and homeless youth'' for ''runaway

youth'' and substituted ''runaway and homeless youth center'' for ''runaway center'' in two places.

Subsec. (b)(6). Pub. L. 100–690, § 7271(c)(3)(D), (E), substituted ''individual runaway and homeless youth'' for ''individual runaway youths'' in two places and ''against an individual runaway and homeless youth'' for ''against an individual runaway youth''.

1984—Subsec. (b)(2). Pub. L. 98–473, § 652(1), substituted ''proportion'' for ''portion''.

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, § 652(3), inserted ''school system personnel''.

Subsec. (b)(5). Pub. L. 98–473, § 652(4), substituted ''families'' for ''parents''.

Subsec. (b)(6). Pub. L. 98–473, § 652(5), substituted ''family members'' for ''parents''.

1980—Subsec. (a). Pub. L. 96–509, § 18(d)(1), substituted ''center'' for ''house'' and inserted ''or to other homeless juveniles'' after ''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—Subsec. (b)(5), (6). Pub. L. 95–115 substituted ''aftercare services'' for ''aftercase services'' in par. (5), and ''the consent of the individual youth and parent or legal guardian'' for ''parental consent'' in par. (6).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–690 effective Oct. 1, 1988, see 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 a note under section 5601 of this title.

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 a note under section 5601 of this title.

§§ 5712a to 5712c. Repealed. Pub. L. 102–586, § 3(g)(2)(A)–(C), Nov. 4, 1992, 106 Stat. 5025

Section 5712a, Pub. L. 93–415, title III, § 313, as added Pub. L. 100–690, title VII, § 7275(b), Nov. 18, 1988, 102 Stat. 4457, related to grants for a national communication system to assist runaway and homeless youth. See section 5714–11 of this title.

Section 5712b, Pub. L. 93–415, title III, § 314, as added Pub. L. 100–690, title VII, § 7276, Nov. 18, 1988, 102 Stat. 4457, related to grants for technical assistance and training to public and private entities for establishment and operation of runaway and homeless youth centers.

Section 5712c, Pub. L. 93–415, title III, § 315, as added Pub. L. 100–690, title VII, § 7277, Nov. 18, 1988, 102 Stat. 4457, related to authority of the Secretary to make grants for research, demonstration, and service projects.

§ 5712d. Repealed. Pub. L. 109–162, title XI, § 1172(b), Jan. 5, 2006, 119 Stat. 3123

Section, Pub. L. 93–415, title III, § 316, as added Pub. L. 103–322, title IV, § 40155, Sept. 13, 1994, 108 Stat. 1922, related to grants for prevention of sexual abuse and exploitation.

A prior section 316 of Pub. L. 93–415 was renumbered section 313 of Pub. L. 93–415 and is classified to section 5713 of this title.

Another prior section 316 of Pub. L. 93–415 was renumbered section 372 of Pub. L. 93–415 and is classified to section 5714b of this title.

Another prior section 316 of Pub. L. 93–415 was renumbered section 382 of Pub. L. 93–415 and is classified to section 5716 of this title.

§ 5713. Approval of applications

(a) In general

An application by a public or private entity for a grant under section 5711(a) of this title may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

(2) which areas of such State have the greatest need for such services.

(b) Priority

In selecting applications for grants under section 5711(a) of this title, the Secretary shall give priority to—

(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

(2) eligible applicants that request grants of less than $200,000.

(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; 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), 7275(a), Nov. 18, 1988, 102 Stat. 4453, 4457; renumbered § 313 and amended Pub. L. 102–586, § 3(d), (g)(2)(D), Nov. 4, 1992, 106 Stat. 5022, 5025; Pub. L. 106–71, § 3(d), Oct. 12, 1999, 113 Stat. 1037.)

PRIOR PROVISIONS

A prior section 313 of Pub. L. 93–415 was classified to section 5712a of this title prior to repeal by Pub. L. 102–586.

AMENDMENTS

1999—Pub. L. 106–71 inserted section catchline and amended text generally. Prior to amendment, text read as follows: ''An application by a State, locality, or private entity for a grant under section 5711(a), (c), or (d) of this title may be approved by the Secretary only if it is consistent with the applicable provisions of section 5711(a), (c), or (d) of this title and meets the requirements set forth in section 5712 of this title. Priority shall be given to grants smaller than $200,000. 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.''

1992—Pub. L. 102–586, § 3(d), substituted ''section 5711(a), (c), or (d) of this title'' for ''section 5711(a) of this title'' in two places in first sentence and substituted ''$200,000'' for ''$150,000'' in second sentence.

1988—Pub. L. 100–690, § 7271(c)(1), substituted ''section 5711(a) of this title'' for ''this part'' in three places.

1984—Pub. L. 98–473 substituted ''private entity'' for ''nonprofit private agency''.

1980—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—Pub. L. 95–115 substituted ''$100,000'' and ''$150,000'' for ''$75,000'' and ''$100,000'', respectively.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–690 effective Oct. 1, 1988, see 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 a note under section 5601 of this title.

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 a note under section 5601 of this title.

§ 5714. Grants to private entities; staffing

Nothing in this subchapter 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 subchapter and agree to be legally responsible for the operation of the runaway and homeless youth center and the programs, projects, and activities they carry out under this subchapter. Nothing in this subchapter shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds under this subchapter.

(Pub. L. 93–415, title III, § 314, Sept. 7, 1974, 88 Stat. 1131; Pub. L. 98–473, title II, § 654, Oct. 12, 1984, 98 Stat. 2123; renumbered § 317 and amended Pub. L. 100–690, title VII, §§ 7271(c)(4), 7275(a), Nov. 18, 1988, 102 Stat. 4453, 4457; renumbered § 314 and amended Pub. L. 102–586, § 3(e), (g)(2)(D), Nov. 4, 1992, 106 Stat. 5022, 5025.)

PRIOR PROVISIONS

A prior section 314 of Pub. L. 93–415 was classified to section 5712b of this title prior to repeal by Pub. L. 102–586.

AMENDMENTS

1992—Pub. L. 102–586, § 3(e), substituted ''subchapter'' for ''part'' wherever appearing and inserted ''and the programs, projects, and activities they carry out under this subchapter'' after ''center'' and ''under this subchapter'' before period at end.

1988—Pub. L. 100–690, § 7271(c)(4), substituted ''runaway and homeless youth center'' for ''runaway center''.

1984—Pub. L. 98–473 amended section catchline and substituted ''private entities'' for ''nonprofit private agencies'' and ''center'' for ''house'' in text.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–690 effective Oct. 1, 1988, see 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 a note under section 5601 of this title.

PART B—TRANSITIONAL LIVING GRANT PROGRAM

AMENDMENTS

1988—Pub. L. 100–690, title VII, §§ 7272(2), 7273(f), Nov. 18, 1988, 102 Stat. 4454, 4455, added part B heading, set out above, and struck out ''PART B—RECORDS'' heading, formerly set out preceding section 5731 of this title.

§ 5714–1. Authority for program

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.

(Pub. L. 93–415, title III, § 321, as added Pub. L. 100–690, title VII, § 7273(f), Nov. 18, 1988, 102 Stat. 4455; amended Pub. L. 106–71, § 3(e), Oct. 12, 1999, 113 Stat. 1038.)

PRIOR PROVISIONS

A prior section 321 of Pub. L. 93–415 was renumbered section 363 and is classified to section 5731 of this title.

AMENDMENTS

1999—Pub. L. 106–71 struck out ''Purpose and'' before ''Authority'' in section catchline and struck out subsec. (a) designation before ''The Secretary'' and subsec. (b) which defined ''homeless youth'' and ''transitional living youth project''.

EFFECTIVE DATE

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

STUDY OF HOUSING SERVICES AND STRATEGIES

Pub. L. 108–96, title I, § 119, Oct. 10, 2003, 117 Stat. 1170, provided that: ''The Secretary of Health and Human Services shall conduct a study of programs funded under part B of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1 et seq.) to report on long-term housing outcomes for youth after exiting the program. The study of any such program should provide information on housing services available to youth upon exiting the program, including assistance in locating and retaining permanent housing and referrals to other residential programs. In addition, the study should identify housing models and placement strategies that prevent future episodes of homelessness.''

§ 5714–2. Eligibility

(a) In general

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, by grant, agreement, or contract, shelter (such as group homes, including maternity group homes, host family homes, and supervised apartments) and provide, by grant, agreement, or contract, services,[1] (including information and counseling services in basic life skills which shall include money management, budgeting, consumer education, and use of credit, parenting skills (as appropriate), 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, or in exceptional circumstances 635 days, except that a youth in a program under this part who has not reached 18 years of age on the last day of the 635-day period may, in exceptional circumstances and if otherwise qualified for the program, remain in the program until the youth's 18th birthday;

(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 ac-

[1] So in original. The comma probably should not appear.

commodate 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 (including post-secondary education), vocational, training (including services and programs for youth available under the Workforce Investment Act of 1998), welfare (including programs under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996), 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, and the services provided to such youth by 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 informed consent of the individual youth to anyone other than an agency compiling statistical records;

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

(15) to coordinate services with McKinney-Vento school district liaisons, designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), to assure that runaway and homeless youth are provided information about the educational services available to such youth under subtitle B of title VII of that Act [42 U.S.C. 11431 et seq.]; and

(16) to develop an adequate emergency preparedness and management plan.

(b) Priority

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.

(c) Definition

In this part—

(1) the term ''maternity group home'' means a community-based, adult-supervised transitional living arrangement that provides pregnant or parenting youth and their children with a supportive and supervised living arrangement in which such pregnant or parenting youth are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence in order to ensure the well-being of their children; and

(2) the term ''exceptional circumstances'' means circumstances in which a youth would benefit to an unusual extent from additional time in the program.

(Pub. L. 93–415, title III, § 322, as added Pub. L. 100–690, title VII, § 7273(f), Nov. 18, 1988, 102 Stat. 4456; amended Pub. L. 102–586, § 3(f), Nov. 4, 1992, 106 Stat. 5022; Pub. L. 106–71, § 3(f), Oct. 12, 1999, 113 Stat. 1038; Pub. L. 108–96, title I, §§ 107, 108, 110, 111, Oct. 10, 2003, 117 Stat. 1168, 1169; Pub. L. 110–378, § 4, Oct. 8, 2008, 122 Stat. 4069.)

REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in subsec. (a)(7), is Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 936, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, referred to in subsec. (a)(7), is Pub. L. 104–193, Aug. 22, 1996, 110 Stat. 2105, as amended. For complete classification of this Act to the Code, see Short Title of 1996 Amendments note set out under section 1305 of this title and Tables.

The McKinney-Vento Homeless Assistance Act, referred to in subsec. (a)(15), is Pub. L. 100–77, July 22, 1987, 101 Stat. 482, as amended. Subtitle B of title VII of the Act is classified generally to part B (§ 11431 et seq.) of subchapter VI of chapter 119 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of this title and Tables.

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110–378, § 4(a)(1), substituted ''by grant, agreement, or contract, shelter'' for ''directly or indirectly, shelter'' and ''and provide, by grant, agreement, or contract, services,'' for ''and services''.

Subsec. (a)(2). Pub. L. 110–378, § 4(a)(2), substituted ''a continuous period not to exceed 540 days, or in exceptional circumstances 635 days, except that a youth in a program under this part who has not reached 18 years of age on the last day of the 635-day period may, in exceptional circumstances and if otherwise qualified for the program, remain in the program until the youth's 18th birthday;'' for ''a continuous period not to exceed 540 days, except that a youth in a program under this part who is under the age of 18 years on the last day of the 540-day period may, if otherwise qualified for the program, remain in the program until the earlier of the youth's 18th birthday or the 180th day after the end of the 540-day period;''.

Subsec. (a)(16). Pub. L. 110–378, § 4(a)(3)–(5), added par. (16).

Subsec. (c). Pub. L. 110–378, § 4(b), substituted ''part—'' for ''part,'', inserted par. (1) designation before ''the

term'', substituted ''; and'' for period at end, and added par. (2).

2003—Subsec. (a)(1). Pub. L. 108–96, § 107(a), inserted ''including maternity group homes,'' after ''group homes,'' and ''parenting skills (as appropriate),'' after ''use of credit,''.

Subsec. (a)(2). Pub. L. 108–96, § 108, inserted '', except that a youth in a program under this part who is under the age of 18 years on the last day of the 540-day period may, if otherwise qualified for the program, remain in the program until the earlier of the youth's 18th birthday or the 180th day after the end of the 540-day period'' after ''days''.

Subsec. (a)(7). Pub. L. 108–96, § 111, amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''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;''.

Subsec. (a)(15). Pub. L. 108–96, § 110, added par. (15).

Subsec. (c). Pub. L. 108–96, § 107(b), added subsec. (c).

1999—Subsec. (a)(9). Pub. L. 106–71 inserted '', and the services provided to such youth by such project,'' after ''participate in such project''.

1992—Subsec. (a)(1). Pub. L. 102–586, § 3(f)(1), inserted ''which shall include money management, budgeting, consumer education, and use of credit'' after ''basic life skills''.

Subsec. (a)(13). Pub. L. 102–586, § 3(f)(2), substituted ''informed consent of the individual youth'' for ''consent of the individual youth and parent or legal guardian'' and struck out ''or a government agency involved in the disposition of criminal charges against youth'' after ''statistical records''.

EFFECTIVE DATE

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

PART C—NATIONAL COMMUNICATIONS SYSTEM

§ 5714–11. Authority to make grants

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. The Secretary shall give priority to grant applicants that have experience in providing telephone services to runaway and homeless youth.

(Pub. L. 93–415, title III, § 331, as added Pub. L. 102–586, § 3(g)(1)(C), Nov. 4, 1992, 106 Stat. 5022; amended Pub. L. 106–71, § 3(r)(1), Oct. 12, 1999, 113 Stat. 1043.)

AMENDMENTS

1999—Pub. L. 106–71 substituted ''The Secretary'' for ''With funds reserved under section 5751(a)(3) of this title, the Secretary'' in first sentence.

PART D—COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES

§ 5714–21. Coordination

With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities;

(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this subchapter; and

(3) shall consult, as appropriate, the Secretary of Housing and Urban Development to ensure coordination of programs and services for homeless youth.

(Pub. L. 93–415, title III, § 341, as added Pub. L. 102–586, § 3(g)(1)(C), Nov. 4, 1992, 106 Stat. 5023; amended Pub. L. 106–71, § 3(g), Oct. 12, 1999, 113 Stat. 1038; Pub. L. 108–96, title I, § 112, Oct. 10, 2003, 117 Stat. 1169.)

PRIOR PROVISIONS

A prior section 341 of Pub. L. 93–415 was renumbered section 380 and is classified to section 5714a of this title.

AMENDMENTS

2003—Par. (3). Pub. L. 108–96 added par. (3).

1999—Pub. L. 106–71 amended section catchline and text generally. Prior to amendment, text read as follows: ''With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this subchapter''.

§ 5714–22. 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 this subchapter, for the purpose of carrying out the programs, projects, or activities for which such grants are made.

(Pub. L. 93–415, title III, § 342, as added Pub. L. 102–586, § 3(g)(1)(C), Nov. 4, 1992, 106 Stat. 5023.)

PRIOR PROVISIONS

A prior section 342 of Pub. L. 93–415 was renumbered section 381 and is classified to section 5714b of this title.

§ 5714–23. Authority to make grants for research, evaluation, demonstration, and service projects

(a) Authorization; purposes

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

(b) Selection factors; priority

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

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

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

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

(4) the special needs of programs that place runaway youth and homeless youth in host family homes;

(5) staff training in—

(A) the behavioral and emotional effects of sexual abuse and assault;

(B) responding to youth who are showing effects of sexual abuse and assault; and

(C) agency-wide strategies for working with runaway and homeless youth who have been sexually victimized;

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

(7) training for runaway youth and homeless youth, and staff training, related to preventing and obtaining treatment for infection by the human immunodeficiency virus (HIV);

(8) increasing access to quality health care (including behavioral health care) for runaway youth and homeless youth;

(9) increasing access to education for runaway youth and homeless youth, including access to educational and workforce programs to achieve outcomes such as decreasing secondary school dropout rates, increasing rates of attaining a secondary school diploma or its recognized equivalent, or increasing placement and retention in postsecondary education or advanced workforce training programs; and

(10) providing programs, including innovative programs, that assist youth in obtaining and maintaining safe and stable housing, and which may include programs with supportive services that continue after the youth complete the remainder of the programs.

(c) Applicant experience and diversity

In selecting among applicants for grants under subsection (a), the Secretary shall—

(1) give priority to applicants who have experience working with runaway or homeless youth; and

(2) ensure that the applicants selected—

(A) represent diverse geographic regions of the United States; and

(B) carry out projects that serve diverse populations of runaway or homeless youth.

(Pub. L. 93–415, title III, § 343, as added Pub. L. 102–586, § 3(g)(1)(C), Nov. 4, 1992, 106 Stat. 5023; amended Pub. L. 106–71, § 3(h), Oct. 12, 1999, 113 Stat. 1038; Pub. L. 108–96, title I, § 113, Oct. 10, 2003, 117 Stat. 1170; Pub. L. 110–378, § 5, Oct. 8, 2008, 122 Stat. 4069.)

AMENDMENTS

2008—Subsec. (b). Pub. L. 110–378, § 5(1)(A), substituted ''priority'' for ''special consideration'' in introductory provisions.

Subsec. (b)(8). Pub. L. 110–378, § 5(1)(B), substituted ''to quality health'' for ''to health'' and ''behavioral health care'' for ''mental health care'' and struck out ''and'' at end.

Subsec. (b)(9). Pub. L. 110–378, § 5(1)(C), substituted '', including access to educational and workforce programs to achieve outcomes such as decreasing secondary school dropout rates, increasing rates of attaining a secondary school diploma or its recognized equivalent, or increasing placement and retention in postsecondary education or advanced workforce training programs; and'' for period at end.

Subsec. (b)(10). Pub. L. 110–378, § 5(1)(D), added par. (10).

Subsec. (c). Pub. L. 110–378, § 5(2), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: ''In selecting among applicants for grants under subsection (a) of this section, the Secretary shall give priority to applicants who have experience working with runaway youth or homeless youth.''

2003—Subsec. (a). Pub. L. 108–96 inserted ''regarding activities under this subchapter'' after ''service projects''.

1999—Pub. L. 106–71, § 3(h)(1), inserted ''evaluation,'' after ''research,'' in section catchline.

Subsec. (a). Pub. L. 106–71, § 3(h)(2), inserted ''evaluation,'' after ''research,''.

Subsec. (b)(2) to (10). Pub. L. 106–71, § 3(h)(3), redesignated pars. (3) to (10) as (2) to (9), respectively, and struck out former par. (2) which read as follows: ''home-based and street-based services for, and outreach to, runaway youth and homeless youth;''.

§ 5714–24. Demonstration projects to provide services to youth in rural areas

(a)(1) The Secretary may make grants on a competitive basis to States, localities, and private entities (and combinations of such entities) to provide services (including transportation) authorized to be provided under part A of this subchapter, to runaway and homeless youth in rural areas.

(2)(A) Each grant made under paragraph (1) may not exceed $100,000.

(B) In each fiscal year for which funds are appropriated to carry out this section, grants shall be made under paragraph (1) to eligible applicants to carry out projects in not fewer than 10 States.

(C) Not more than 2 grants may be made under paragraph (1) in each fiscal year to carry out projects in a particular State.

(3) Each eligible applicant that receives a grant for a fiscal year to carry out a project under this section shall have priority to receive a grant for the subsequent fiscal year to carry out a project under this section.

(b) To be eligible to receive a grant under subsection (a) of this section, an applicant shall—

(1) submit to the Secretary an application in such form and containing such information and assurances as the Secretary may require by rule; and

(2) propose to carry out such project in a geographical area that—

(A) has a population under 20,000;

(B) is located outside a Standard Metropolitan Statistical Area; and

(C) agree to provide to the Secretary an annual report identifying—

(i) the number of runaway and homeless youth who receive services under the project carried out by the applicant;

(ii) the types of services authorized under part A of this subchapter that were needed by, but not provided to, such youth in the geographical area served by the project;

(iii) the reasons the services identified under clause (ii) were not provided by the project; and

(iv) such other information as the Secretary may require.

(Pub. L. 93–415, title III, § 344, as added Pub. L. 102–586, § 3(g)(1)(C), Nov. 4, 1992, 106 Stat. 5024; amended Pub. L. 106–71, § 3(r)(2), Oct. 12, 1999, 113 Stat. 1043; Pub. L. 108–96, title I, § 114, Oct. 10, 2003, 117 Stat. 1170.)

AMENDMENTS

2003—Pub. L. 108–96 substituted ''Demonstration'' for ''Temporary demonstration'' in section catchline.

1999—Subsec. (a)(1). Pub. L. 106–71 substituted ''The Secretary'' for ''With funds appropriated under section 5751(c) of this title, the Secretary''.

§ 5714–25. Periodic estimate of incidence and prevalence of youth homelessness

(a) Periodic estimate

Not later than 2 years after October 8, 2008, and at 5-year intervals thereafter, the Secretary, in consultation with the United States Interagency Council on Homelessness, shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate, and make available to the public, a report—

(1) by using the best quantitative and qualitative social science research methods available, containing an estimate of the incidence and prevalence of runaway and homeless individuals who are not less than 13 years of age but are less than 26 years of age; and

(2) that includes with such estimate an assessment of the characteristics of such individuals.

(b) Content

The report required by subsection (a) shall include—

(1) the results of conducting a survey of, and direct interviews with, a representative sample of runaway and homeless individuals who are not less than 13 years of age but are less than 26 years of age, to determine past and current—

(A) socioeconomic characteristics of such individuals; and

(B) barriers to such individuals obtaining—

(i) safe, quality, and affordable housing;

(ii) comprehensive and affordable health insurance and health services; and

(iii) incomes, public benefits, supportive services, and connections to caring adults; and

(2) such other information as the Secretary determines, in consultation with States, units of local government, and national nongovernmental organizations concerned with homelessness, may be useful.

(c) Implementation

If the Secretary enters into any contract with a non-Federal entity for purposes of carrying out subsection (a), such entity shall be a nongovernmental organization, or an individual, determined by the Secretary to have appropriate expertise in quantitative and qualitative social science research.

(Pub. L. 93–415, title III, § 345, as added Pub. L. 110–378, § 6, Oct. 8, 2008, 122 Stat. 4070.)

PRIOR PROVISIONS

A prior section 5714–25, Pub. L. 93–415, title III, § 345, as added Pub. L. 106–71, § 3(i), Oct. 12, 1999, 113 Stat. 1038, related to study of runaways to determine the percent who have been sexually abused, prior to repeal by Pub. L. 108–96, title I, § 115, Oct. 10, 2003, 117 Stat. 1170.

PART E—SEXUAL ABUSE PREVENTION PROGRAM

PRIOR PROVISIONS

A prior part E, consisting of sections 5714a and 5714b, was redesignated part F by Pub. L. 106–71, § 3(n)(1)(B), Oct. 12, 1999, 113 Stat. 1040.

AMENDMENTS

1999—Pub. L. 106–71, § 3(n)(1)(C), Oct. 12, 1999, 113 Stat. 1040, added part heading. Former part E redesignated F.

§ 5714–41. Authority to make grants

(a) In general

The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

(b) Priority

In selecting applicants to receive grants under subsection (a) of this section, the Secretary shall give priority to public and nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.

(Pub. L. 93–415, title III, § 351, as added Pub. L. 106–71, § 3(n)(1)(C), Oct. 12, 1999, 113 Stat. 1040; amended Pub. L. 110–378, § 7, Oct. 8, 2008, 122 Stat. 4071.)

AMENDMENTS

2008—Subsec. (b). Pub. L. 110–378 inserted ''public and'' after ''priority to''.

PART F—GENERAL PROVISIONS

AMENDMENTS

1999—Pub. L. 106–71, § 3(n)(1)(A), (B), Oct. 12, 1999, 113 Stat. 1040, redesignated part E as F and struck out part F heading ''Administrative Provisions'', formerly set out preceding section 5715 of this title.

1992—Pub. L. 102–586, § 3(g)(1)(B)(i), Nov. 4, 1992, 106 Stat. 5022, redesignated part C as E.

Pub. L. 102–586, § 3(g)(1)(A)(i), Nov. 4, 1992, 106 Stat. 5022, redesignated part D as F.

1988—Pub. L. 100–690, title VII, § 7272(3), Nov. 18, 1988, 102 Stat. 4454, added part D heading ''Administrative Provisions''.

Pub. L. 100–690, title VII, §§ 7272(2), 7273(e)(1), Nov. 18, 1988, 102 Stat. 4454, 4455, added part C heading, set out above, and struck out part C heading ''Authorization of Appropriations'', formerly set out preceding section 5741 of this title.

§ 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.

(Pub. L. 93–415, title III, § 380, formerly § 315, as added Pub. L. 98–473, title II, § 655(2), Oct. 12,

1984, 98 Stat. 2124; renumbered § 341 and amended Pub. L. 100–690, title VII, § 7273(a), (e)(2), Nov. 18, 1988, 102 Stat. 4454, 4455; renumbered § 371, Pub. L. 102–586, § 3(g)(1)(B)(ii), Nov. 4, 1992, 106 Stat. 5022; renumbered § 380 and amended Pub. L. 106–71, § 3(j), (q), Oct. 12, 1999, 113 Stat. 1038, 1042.)

AMENDMENTS

1999—Pub. L. 106–71, § 3(j), struck out at end: ''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.''

1988—Pub. L. 100–690, § 7273(a)(1), inserted ''and transitional living youth projects'' after ''homeless youth centers'' in introductory provisions.

Par. (1). Pub. L. 100–690, § 7273(a)(2), (3), inserted ''or transitional living youth project'' after ''homeless youth center'' and ''or such project'' after ''such center''.

Par. (2). Pub. L. 100–690, § 7273(a)(3), inserted ''such project'' after ''such center''.

Par. (3). Pub. L. 100–690, § 7273(a)(4), inserted ''and homeless'' after ''runaway''.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–690 effective Oct. 1, 1988, see 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.

§ 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 Department 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 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, § 381, 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; renumbered § 372, Pub. L. 102–586, § 3(g)(1)(B)(ii), Nov. 4, 1992, 106 Stat. 5022; Pub. L. 105–277, div. A, § 101(b) [title I, § 129(a)(2)(E)], Oct. 21, 1998, 112 Stat. 2681–50, 2681–76; renumbered § 381, Pub. L. 106–71, § 3(q), Oct. 12, 1999, 113 Stat. 1042.)

PRIOR PROVISIONS

A prior section 381 of Pub. L. 93–415 was renumbered section 382 and is classified to section 5715 of this title.

AMENDMENTS

1998—Subsec. (a)(3). Pub. L. 105–277 substituted ''unit of local government'' for ''unit of general local government''.

1988—Pub. L. 100–690, § 7273(b)(1), inserted ''or as transitional living youth shelter facilities'' at end of section catchline.

Subsec. (a). Pub. L. 100–690, § 7273(b)(2), inserted ''or as transitional living youth shelter facilities'' after ''runaway and homeless youth centers'' in introductory provisions and ''or transitional living youth project, as the case may be, under this subchapter'' after ''homeless youth center'' in par. (1).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–690 effective Oct. 1, 1988, see 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.

§ 5715. Reports

(a) In general

Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E of this subchapter, with particular attention to—

(1) in the case of centers funded under part A of this subchapter, the ability or effectiveness of such centers in—

(A) alleviating the problems of runaway and homeless youth;

(B) if applicable or appropriate, reuniting such youth with their families and encourag-

ing the resolution of intrafamily problems through counseling and other services;

(C) strengthening family relationships and encouraging stable living conditions for such youth; and

(D) assisting such youth to decide upon a future course of action; and

(2) in the case of projects funded under part B of this subchapter—

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

(B) the types of activities carried out by such projects;

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

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

(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

(G) activities and programs planned by such projects for the following fiscal year.

(b) Contents of reports

The Secretary shall include in each report submitted under subsection (a) of this section, summaries of—

(1) the evaluations performed by the Secretary under section 5732 of this title; and

(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.

(Pub. L. 93–415, title III, § 382, 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. 4453–4455, 4457; Pub. L. 101–204, title X, § 1003(1), (2), Dec. 7, 1989, 103 Stat. 1827; renumbered § 381 and amended Pub. L. 102–586, § 3(g)(1)(A)(ii), (h), Nov. 4, 1992, 106 Stat. 5022, 5025; renumbered § 382 and amended Pub. L. 106–71, § 3(k), (q), Oct. 12, 1999, 113 Stat. 1039, 1042.)

PRIOR PROVISIONS

A prior section 382 of Pub. L. 93–415 was renumbered section 383 and is classified to section 5716 of this title.

AMENDMENTS

1999—Pub. L. 106–71 amended section generally, making reporting requirements biennial rather than annual and adding subsec. headings.

1992—Pub. L. 102–586, § 3(h), which directed the amendment of section "361 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5715)" by amending it generally and adding subsec. (b), was executed to this section, which is section 381 of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93–415), to reflect the probable intent of Congress and the intervening renumbering of section 361 of Pub. L. 93–415 as section 381 by section 3(g)(1)(A)(ii) of Pub. L. 102–586. Prior to amendment, this section consisted of subsecs. (a) and (b) which required annual reports to Congress on the status and accomplishments of the runaway and homeless youth centers funded under part A of this subchapter and of the transitional living youth projects funded under part B of this subchapter.

1989—Subsec. (a). Pub. L. 101–204, § 1003(1), substituted "submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate" for "report to the Congress".

Subsec. (b). Pub. L. 101–204, § 1003(2), substituted "Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate" for "The Secretary shall annually report to the Congress".

1988—Subsec. (a). Pub. L. 100–690, §§ 7271(c)(5), 7273(c)(1), (2), 7274, designated existing provisions as subsec. (a), in introductory provisions substituted "Not later than 180 days after the end of each fiscal year, the Secretary shall" for "The Secretary shall annually", "runaway and homeless youth centers" for "runaway centers", and "part A of this subchapter" for "this part", and in par. (1) substituted "runaway and homeless youth" for "runaway youth".

Subsec. (b). Pub. L. 100–690, § 7273(c)(3), added subsec. (b).

1980—Pub. L. 96–509 substituted "centers" for "houses".

CHANGE OF NAME

Committee on Education and the Workforce of House of Representatives changed to Committee on Education and Labor of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–690 effective Oct. 1, 1988, with the report required by this section with respect to fiscal year 1988 to be submitted not later than Aug. 1, 1989, notwithstanding the 180-day period provided in this section, see section 7296(a), (b)(3) of Pub. L. 100–690, as amended, set out as a note under section 5601 of this title.

§ 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.

(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, § 383, formerly § 316, Sept. 7, 1974, 88 Stat. 1132; renumbered § 318, Pub. L. 98–473, title II, § 655(1), Oct. 12, 1984, 98 Stat. 2124; renumbered § 362 and amended Pub. L. 100–690, title VII, §§ 7271(c)(6), 7273(e)(2), Nov. 18, 1988, 102 Stat. 4454, 4455; renumbered § 382, Pub. L. 102–586, § 3(g)(1)(A)(ii), Nov. 4, 1992, 106 Stat. 5022; renumbered § 383, Pub. L. 106–71, § 3(q), Oct. 12, 1999, 113 Stat. 1042.)

PRIOR PROVISIONS

A prior section 383 of Pub. L. 93–415 was renumbered section 384 and is classified to section 5731 of this title.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100–690, § 7271(c)(6), struck out "acquisition and" before "renovation".

EFFECTIVE DATE OF 1988 AMENDMENT

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

§ 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, § 384, 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; renumbered § 383, Pub. L. 102–586, § 3(g)(1)(A)(ii), Nov. 4, 1992, 106 Stat. 5022; renumbered § 384, Pub. L. 106–71, § 3(q), Oct. 12, 1999, 113 Stat. 1042.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 93–415, Sept. 7, 1974, 88 Stat. 1109, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of this title and Tables.

PRIOR PROVISIONS

A prior section 384 of Pub. L. 93–415 was renumbered section 386 and is classified to section 5732 of this title.

AMENDMENTS

1977—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 a note under section 5601 of this title.

§ 5731a. Consolidated review of applications

With respect to funds available to carry out parts A, B, C, D, and E of this subchapter, nothing in this subchapter shall be construed to prohibit the Secretary from—

(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.

(Pub. L. 93–415, title III, § 385, as added Pub. L. 106–71, § 3(*o*), Oct. 12, 1999, 113 Stat. 1041.)

PRIOR PROVISIONS

A prior section 385 of Pub. L. 93–415 was renumbered section 388 and is classified to section 5751 of this title.

§ 5732. Evaluation and information

(a) In general

If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E of this subchapter (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

(2) collecting additional information for the report required by section 5731 of this title; and

(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

(b) Cooperation

Recipients of grants under this subchapter shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this subchapter.

(Pub. L. 93–415, title III, § 386, formerly § 364, as added Pub. L. 100–690, title VII, § 7278, Nov. 18, 1988, 102 Stat. 4458; renumbered § 384, Pub. L. 102–586, § 3(g)(1)(A)(ii), Nov. 4, 1992, 106 Stat. 5022; renumbered § 386 and amended Pub. L. 106–71, § 3(*l*), Oct. 12, 1999, 113 Stat. 1039.)

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, prior to repeal by Pub. L. 95–115, § 7(b), Oct. 3, 1977, 91 Stat. 1058, eff. Oct. 1, 1977.

AMENDMENTS

1999—Pub. L. 106–71 amended section catchline and text generally. Prior to amendment, text read as follows:

''(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.''

EFFECTIVE DATE

Section effective Oct. 1, 1988, but not applicable with respect to fiscal year 1989, see section 7296(a), (b)(2) of Pub. L. 100–690, set out as an Effective Date of 1988 Amendment note under section 5601 of this title.

§ 5732–1. Performance standards

(a) Establishment of performance standards

Not later than 1 year after October 8, 2008, the Secretary shall issue rules that specify performance standards for public and nonprofit private entities and agencies that receive grants under sections 5711, 5714–1, and 5714–41 of this title.

(b) Consultation

The Secretary shall consult with representatives of public and nonprofit private entities and agencies that receive grants under this subchapter, including statewide and regional nonprofit organizations (including combinations of such organizations) that receive grants under this subchapter, and national nonprofit organizations concerned with youth homelessness, in developing the performance standards required by subsection (a).

(c) Implementation of performance standards

The Secretary shall integrate the performance standards into the processes of the Department

of Health and Human Services for grantmaking, monitoring, and evaluation for programs under sections 5711, 5714–1, and 5714–41 of this title.

(Pub. L. 93–415, title III, § 386A, as added Pub. L. 110–378, § 8, Oct. 8, 2008, 122 Stat. 4071.)

§ 5732a. Definitions

In this subchapter:

(1) Drug abuse education and prevention services

The term ''drug abuse education and prevention services''—

(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

(B) may include—

(i) individual, family, group, and peer counseling;

(ii) drop-in services;

(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

(2) Home-based services

The term ''home-based services''—

(A) means services provided to youth and their families for the purpose of—

(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

(ii) assisting runaway youth to return to their families; and

(B) includes services that are provided in the residences of families (to the extent practicable), including—

(i) intensive individual and family counseling; and

(ii) training relating to life skills and parenting.

(3) Homeless youth

The term ''homeless'', used with respect to a youth, means an individual—

(A) who is—

(i) less than 21 years of age, or, in the case of a youth seeking shelter in a center under part A of this subchapter, less than 18 years of age, or is less than a higher maximum age if the State where the center is located has an applicable State or local law (including a regulation) that permits such higher maximum age in compliance with licensure requirements for child- and youth-serving[1] facilities; and

(ii) for the purposes of part B of this subchapter, not less than 16 years of age and either—

(I) less than 22 years of age; or

(II) not less than 22 years of age, as of the expiration of the maximum period of stay permitted under section 5714–2(a)(2) of this title if such individual commences such stay before reaching 22 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.

(4) Runaway youth

The term ''runaway'', used with respect to a youth, means an individual who is less than 18 years of age and who absents himself or herself from home or a place of legal residence without the permission of a parent or legal guardian.

(5) Street-based services

The term ''street-based services''—

(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

(B) may include—

(i) identification of and outreach to runaway and homeless youth, and street youth;

(ii) crisis intervention and counseling;

(iii) information and referral for housing;

(iv) information and referral for transitional living and health care services;

(v) advocacy, education, and prevention services related to—

(I) alcohol and drug abuse;

(II) sexual exploitation;

(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

(IV) physical and sexual assault.

(6) Street youth

The term ''street youth'' means an individual who—

(A) is—

(i) a runaway youth; or

(ii) indefinitely or intermittently a homeless youth; and

(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

(7) Transitional living youth project

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.

(8) Youth at risk of separation from the family

The term ''youth at risk of separation from the family'' means an individual—

(A) who is less than 18 years of age; and

(B)(i) who has a history of running away from the family of such individual;

(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

(iii) who is at risk of entering the child welfare system or juvenile justice system as

[1] So in original.

a result of the lack of services available to the family to meet such needs.

(Pub. L. 93–415, title III, § 387, as added Pub. L. 106–71, § 3(p), Oct. 12, 1999, 113 Stat. 1041; amended Pub. L. 108–96, title I, § 116, Oct. 10, 2003, 117 Stat. 1170; Pub. L. 110–378, § 10, Oct. 8, 2008, 122 Stat. 4072.)

AMENDMENTS

2008—Par. (3). Pub. L. 110–378, § 10(a)(1), substituted ''The term 'homeless', used with respect to a youth, means'' for ''The term 'homeless youth' means'' in introductory provisions.

Par. (3)(A)(i). Pub. L. 110–378, § 10(a)(2)(A), substituted ''less than'' for ''not more than'' in two places and inserted '', or is less than a higher maximum age if the State where the center is located has an applicable State or local law (including a regulation) that permits such higher maximum age in compliance with licensure requirements for child-and youth-serving facilities'' after ''18 years of age''.

Par. (3)(A)(ii). Pub. L. 110–378, § 10(a)(2)(B), substituted ''age and either—'' for ''age;'' and added subcls. (I) and (II).

Pars. (4) to (8). Pub. L. 110–378, § 10(b), added par. (4) and redesignated former pars. (4) to (7) as (5) to (8), respectively.

2003—Subsec. (3)(A)(i). Pub. L. 108–96 inserted '', or, in the case of a youth seeking shelter in a center under part A of this subchapter, not more than 18 years of age'' after ''of age''.

§ 5733. Repealed. Pub. L. 102–586, § 3(g)(2)(E), Nov. 4, 1992, 106 Stat. 5025

Section, Pub. L. 93–415, title III, § 365, as added Pub. L. 100–690, title VII, § 7279, Nov. 18, 1988, 102 Stat. 4458, related to Secretary's obligation to coordinate activities of health agencies with activities of entities eligible to receive grants.

§ 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; amended Pub. L. 96–88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695, authorized President to submit to Congress after April 30, 1978, a reorganization plan for establishment of an Office of Youth Assistance, subject to Congressional resolution of disapproval.

Prior to repeal by Pub. L. 98–473, section 5741 of this title comprised part C of this subchapter. Section 657(e) of Pub. L. 98–473 redesignated former part D, consisting of section 5751 of this title, as part C. Previously, part C was redesignated part D by Pub. L. 95–115, § 7(c), Oct. 3, 1977, 91 Stat. 1059.

EFFECTIVE DATE OF REPEAL

Repeal 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) In general

(1) Authorization

There are authorized to be appropriated to carry out this subchapter (other than section 5714–25 of this title and part E) $140,000,000 for fiscal year 2009, and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013.

(2) Allocation

(A) Parts A and B of this subchapter

From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B of this subchapter.

(B) Part B of this subchapter

Of the amount reserved under subparagraph (A), 45 percent and, in those fiscal years in which continuation grant obligations and the quality and number of applicants for parts A and B of this subchapter warrant not more than 55 percent, shall be reserved to carry out part B of this subchapter.

(3) Parts C and D of this subchapter

(A) In general

In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D of this subchapter (other than section 5714–25 of this title).

(B) Periodic estimate

There are authorized to be appropriated to carry out section 5714–25 of this title such sums as may be necessary for fiscal years 2009, 2010, 2011, 2012, and 2013.

(4) Part E of this subchapter

There are authorized to be appropriated to carry out part E of this subchapter $25,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013.

(b) Separate identification required

No funds appropriated to carry out this subchapter 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, § 388, formerly § 331, 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(a)–(d), (f), Oct. 12, 1984, 98 Stat. 2124, 2125; renumbered § 366 and amended Pub. L. 100–690, title VII, §§ 7273(d), (e)(2), 7280, Nov. 18, 1988, 102 Stat. 4455, 4459; Pub. L. 101–204, title X, §§ 1001(e)(2), 1003(3), Dec. 7, 1989, 103 Stat. 1827; renumbered § 385 and amended Pub. L. 102–586, § 3(g)(1)(A)(ii), (i), Nov. 4, 1992, 106 Stat. 5022, 5026; renumbered § 388 and amended Pub. L. 106–71, § 3(m), (n)(2), Oct. 12, 1999, 113 Stat. 1040, 1041; Pub. L. 108–96, title I, § 117, Oct. 10, 2003, 117 Stat. 1170; Pub. L. 110–378, § 11, Oct. 8, 2008, 122 Stat. 4073.)

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110–378, § 11(1), substituted ''are authorized'' for ''is authorized'', ''section 5714–25 of this title and part E) $140,000,000 for fiscal year 2009'' for ''part E of this subchapter) $105,000,000 for fiscal year 2004'', and ''2010, 2011, 2012, and 2013'' for ''2005, 2006, 2007, and 2008''.

Subsec. (a)(3). Pub. L. 110–378, § 11(2), designated existing provisions as subpar. (A), inserted heading, inserted ''(other than section 5714–25 of this title)'' before period, and added subpar. (B).

Subsec. (a)(4). Pub. L. 110–378, § 11(3), substituted ''are authorized'' for ''is authorized'' and ''$25,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013'' for ''such sums as may be necessary for fiscal years 2004, 2005, 2006, 2007, and 2008''.

2003—Subsec. (a)(1). Pub. L. 108–96, § 117(a), substituted ''$105,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal years 2005, 2006, 2007, and 2008'' for ''such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003''.

Subsec. (a)(2)(B). Pub. L. 108–96, § 117(c), substituted ''45 percent and, in those fiscal years in which continuation grant obligations and the quality and number of applicants for parts A and B of this subchapter warrant not more than 55 percent'' for ''not less than 20 percent, and not more than 30 percent''.

Subsec. (a)(4). Pub. L. 108–96, § 117(b), substituted ''2004, 2005, 2006, 2007, and 2008'' for ''2000, 2001, 2002, and 2003''.

1999—Pub. L. 106–71, § 3(m), amended section catchline and text generally, substituting provisions relating to appropriations for fiscal years 2000 to 2003 for provisions relating to appropriations for fiscal years 1993 to 1996.

Subsec. (a)(4). Pub. L. 106–71, § 3(n)(2), added par. (4).

1992—Pub. L. 102–586, § 3(i), which directed the amendment of section ''366 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5751)'', was executed to this section, which is section 385 of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93–415), to reflect the probable intent of Congress and the intervening renumbering of section 366 of Pub. L. 93–415 as section 385 by section 3(g)(1)(A)(ii) of Pub. L. 102–586. See notes below.

Subsec. (a)(1). Pub. L. 102–586, § 3(i)(1)(A), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''To carry out the purposes of part A of this subchapter there are authorized to be appropriated such sums as may be necessary for fiscal years 1989, 1990, 1991, and 1992.''

Subsec. (a)(3) to (5). Pub. L. 102–586, § 3(i)(1)(B), added pars. (3) to (5).

Subsec. (b)(1). Pub. L. 102–586, § 3(i)(2), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''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.''

Subsecs. (c) to (e). Pub. L. 102–586, § 3(i)(3), (4), added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

1989—Subsec. (a). Pub. L. 101–204, § 1001(e)(2), amended directory language of Pub. L. 100–690, § 7280(2), see 1988 Amendment note below.

Subsec. (a)(1). Pub. L. 101–204, § 1003(3), substituted ''are authorized'' for ''is authorized''.

1988—Subsec. (a). Pub. L. 100–690, § 7280, as amended by Pub. L. 101–204, § 1001(e)(2), designated existing provisions as par. (1), struck out ''1985, 1986, 1987, and 1988'' after ''fiscal years'', inserted ''1989, 1990, 1991, and 1992'', and added par. (2).

Subsecs. (b) to (d). Pub. L. 100–690, § 7273(d), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1984—Pub. L. 98–473, § 657(a), amended section catchline.

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).

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

1977—Subsec. (a). Pub. L. 95–115, § 7(d)(1), inserted provisions authorizing appropriations for 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—Pub. L. 94–273 substituted ''June 30, 1975, and 1976, and September 30, 1977'' for ''June 30, 1975, 1976, and 1977''.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–690 effective Oct. 1, 1988, see 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 subsec. (c)(2), as enacted by section 657(d) of Pub. L. 98–473, not applicable with respect to any grant or payment made before Oct. 12, 1984, see section 670 of Pub. L. 98–473, set out as a note under section 5601 of this title.

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 a note under section 5601 of this title.

§ 5752. Restriction on use of funds

(a) In general

None of the funds contained in this subchapter may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Separate accounting

Any individual or entity who receives any funds contained in this subchapter and who carries out any program described in subsection (a) of this section shall account for all funds used for such program separately from any funds contained in this subchapter.

(Pub. L. 93–415, title III, § 389, as added Pub. L. 108–96, title I, § 120, Oct. 10, 2003, 117 Stat. 1171.)

SUBCHAPTER IV—MISSING CHILDREN

§ 5771. Findings

The Congress 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 the child in grave danger;

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

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

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

(5) growing numbers of children are the victims of child sexual exploitation, increasingly involving the use of new technology to access the Internet;

(6) children may be separated from their parents or legal guardians as a result of national disasters such as hurricanes and floods;

(7) sex offenders pose a threat to children;

(8) the Office of Juvenile Justice and Delinquency Prevention administers programs under this chapter through the Child Protection Division, including programs which prevent or address offenses committed against vulnerable children and which support missing children's organizations; and

(9) a key component of such programs is the National Center for Missing and Exploited Children, which—

(A) serves as a national resource center and clearinghouse;

(B) works in partnership with the Department of Justice, the Federal Bureau of Investigation, the United States Marshals Service, the Department of the Treasury, the Department of State, the Bureau of Immigration and Customs Enforcement, the United States Secret Service, the United States Postal Inspection Service, and many other agencies in the effort to find missing children and prevent child victimization; and

(C) operates a national network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with international organizations, including Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which enable the Center to transmit images and information regarding missing and exploited children to law enforcement across the United States and around the world instantly.

(Pub. L. 93–415, title IV, § 402, as added Pub. L. 98–473, title II, § 660, Oct. 12, 1984, 98 Stat. 2125; amended Pub. L. 106–71, § 2(a), Oct. 12, 1999, 113 Stat. 1032; Pub. L. 108–96, title II, § 201, Oct. 10, 2003, 117 Stat. 1171; Pub. L. 110–240, § 2, June 3, 2008, 122 Stat. 1560.)

REFERENCES IN TEXT

This chapter, referred to in par. (8), was in the original ''this Act'', meaning Pub. L. 93–415, Sept. 7, 1974, 88 Stat. 1109, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of this title and Tables.

PRIOR PROVISIONS

A prior section 402 of Pub. L. 93–415 amended section 3888 of this title and repealed section 3889 of this title, and was repealed by Pub. L. 95–115, § 10, Oct. 3, 1977, 91 Stat. 1061, and Pub. L. 107–273, div. C, title II, § 12221(a)(4), Nov. 2, 2002, 116 Stat. 1894.

AMENDMENTS

2008—Pub. L. 110–240 amended section generally. Prior to amendment, section consisted of pars. (1) to (5) stating findings of Congress concerning missing or abducted children and the role of the National Center for Missing and Exploited Children.

2003—Pub. L. 108–96 amended section generally. Prior to amendment, section consisted of pars. (1) to (21) stating findings of Congress.

1999—Pars. (9) to (21). Pub. L. 106–71 added pars. (9) to (21).

EFFECTIVE DATE

Subchapter 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. 93–415, as added by Pub. L. 98–473, set out as a note under section 5601 of this title.

§ 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;

(2) the term ''Administrator'' means the Administrator of the Office of Juvenile Justice and Delinquency Prevention; and

(3) the term ''Center'' means the National Center for Missing and Exploited Children.

(Pub. L. 93–415, title IV, § 403, as added Pub. L. 98–473, title II, § 660, Oct. 12, 1984, 98 Stat. 2126; amended Pub. L. 106–71, § 2(b), Oct. 12, 1999, 113 Stat. 1034; Pub. L. 109–248, title I, § 154(b), July 27, 2006, 120 Stat. 611; Pub. L. 109–295, title VI, § 689b(c), Oct. 4, 2006, 120 Stat. 1450.)

PRIOR PROVISIONS

A prior section 403 of Pub. L. 93–415 amended section 3883 of this title, and was repealed by Pub. L. 95–115, § 10, Oct. 3, 1977, 91 Stat. 1061, and Pub. L. 107–273, div. C, title II, § 12221(a)(4), Nov. 2, 2002, 116 Stat. 1894.

AMENDMENTS

2006—Par. (1). Pub. L. 109–295, which directed amendment of par. (1) by striking out ''or'' at the end of subpar. (A), inserting ''or'' after the semicolon in subpar. (B), and adding after subpar. (B) subpar. (C) ''the individual is an individual under 21 years of age who is displaced from the habitual residence of that individual as a result of an emergency or major disaster (as those terms are defined in section 5122 of this title).'', could not be executed because of the prior amendment by Pub. L. 109–248, see below.

Pub. L. 109–248, which directed amendment of ''Section 403(1) of the Comprehensive Crime Control Act of 1984 (42 U.S.C. 5772)'' by substituting a semicolon at end for ''if—'' through subpar. (B), was executed by substituting a semicolon for ''if—''and subpars. (A) and (B) of par. (1) of this section, which is section 403 of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93–415, as added by section 660 of the Comprehensive Crime Control Act of 1984, to reflect the probable intent of Congress. Prior to amendment, subpars. (A) and (B) read as follows:

''(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;''.

1999—Par. (3). Pub. L. 106–71 added par. (3).

§ 5773. Duties and functions of the Administrator

(a) Description of activities

The Administrator shall—

(1) issue such rules as the Administrator considers necessary or appropriate to carry out this subchapter;

(2) make such arrangements as may be necessary and appropriate to facilitate effective coordination among all federally funded programs relating to missing children (including the preparation of an annual comprehensive plan for facilitating such coordination);

(3) provide for the furnishing of information derived from the national toll-free telephone line, established under subsection (b)(1) of this section, to appropriate entities;

(4) provide adequate staff and agency resources which are necessary to properly carry out the responsibilities pursuant to this subchapter; and

(5) not later than 180 days after the end of each fiscal year, submit a report to the President, Speaker of the House of Representatives, and the President pro tempore of the Senate—

(A) containing a comprehensive plan for facilitating cooperation and coordination in the succeeding fiscal year among all agencies and organizations with responsibilities related to missing children;

(B) identifying and summarizing effective models of Federal, State, and local coordination and cooperation in locating and recovering missing children;

(C) identifying and summarizing effective program models that provide treatment, counseling, or other aid to parents of missing children or to children who have been the victims of abduction;

(D) describing how the Administrator satisfied the requirements of paragraph (4) in the preceding fiscal year;

(E) describing in detail the number and types of telephone calls received in the preceding fiscal year over the national toll-free telephone line established under subsection (b)(1)(A) of this section and the number and types of communications referred to the national communications system established under section 5714–11 of this title;

(F) describing in detail the activities in the preceding fiscal year of the national resource center and clearinghouse established under subsection (b)(2) of this section;

(G) describing all the programs for which assistance was provided under section 5775 of this title in the preceding fiscal year;

(H) summarizing the results of all research completed in the preceding year for which assistance was provided at any time under this subchapter; and

(I)(i) identifying each clearinghouse with respect to which assistance is provided under section 5775(a)(9) of this title in the preceding fiscal year;

(ii) describing the activities carried out by such clearinghouse in such fiscal year;

(iii) specifying the types and amounts of assistance (other than assistance under section 5775(a)(9) of this title) received by such clearinghouse in such fiscal year; and

(iv) specifying the number and types of missing children cases handled (and the number of such cases resolved) by such clearinghouse in such fiscal year and summarizing the circumstances of each such cases.[1]

[1] So in original. Probably should be ''case.''

(b) Annual grant to National Center for Missing and Exploited Children

(1) In general

The Administrator shall annually make a grant to the Center, which shall be used to—

(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of subchapter III;

(B) operate the official national resource center and information clearinghouse for missing and exploited children;

(C) provide to State and local governments, and public and private nonprofit agencies, and individuals, information regarding—

(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

(F) based solely on reports received by the National Center for Missing and Exploited Children (NCMEC), and not involving any data collection by NCMEC other than the receipt of those reports, annually provide to the Department of Justice's Office of Juvenile Justice and Delinquency Prevention—

(i) the number of children nationwide who are reported to NCMEC as missing;

(ii) the number of children nationwide who are reported to NCMEC as victims of non-family abductions;

(iii) the number of children nationwide who are reported to NCMEC as victims of parental kidnappings; and

(iv) the number of children recovered nationwide whose recovery was reported to NCMEC;

(G) provide, at the request of State and local governments, and public and private nonprofit agencies, guidance on how to facilitate the lawful use of school records and birth certificates to identify and locate missing children;

(H) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children;

(I) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and, in cooperation with the Department of State, internationally;

(J) provide analytical support and technical assistance to law enforcement agencies through searching public records databases in locating and recovering missing and exploited children and helping to locate and identify abductors;

(K) provide direct on-site technical assistance and consultation to law enforcement agencies in child abduction and exploitation cases;

(L) provide forensic technical assistance and consultation to law enforcement and other agencies in the identification of unidentified deceased children through facial reconstruction of skeletal remains and similar techniques;

(M) track the incidence of attempted child abductions in order to identify links and patterns, and provide such information to law enforcement agencies;

(N) provide training and assistance to law enforcement agencies in identifying and locating non-compliant sex offenders;

(O) facilitate the deployment of the National Emergency Child Locator Center to assist in reuniting missing children with their families during periods of national disasters;

(P) operate a cyber tipline to provide online users and electronic service providers an effective means of reporting Internet-related child sexual exploitation in the areas of—

(i) possession, manufacture, and distribution of child pornography;

(ii) online enticement of children for sexual acts;

(iii) child prostitution;

(iv) sex tourism involving children;

(v) extrafamilial child sexual molestation;

(vi) unsolicited obscene material sent to a child;

(vii) misleading domain names; and

(viii) misleading words or digital images on the Internet,

and subsequently to transmit such reports, including relevant images and information, to the appropriate international, Federal, State or local law enforcement agency for investigation;

(Q) work with law enforcement, Internet service providers, electronic payment service providers, and others on methods to reduce the distribution on the Internet of images and videos of sexually exploited children;

(R) operate a child victim identification program in order to assist the efforts of law enforcement agencies in identifying victims of child pornography and other sexual crimes; and

(S) develop and disseminate programs and information to the general public, schools, public officials, youth-serving organizations, and nonprofit organizations, directly or through grants or contracts with public agencies and public and private nonprofit organizations, on—

(i) the prevention of child abduction and sexual exploitation; and

(ii) internet safety.

(2) Authorization of appropriations

There is authorized to be appropriated to the Administrator to carry out this subsection, $40,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal years 2009 through 2013.

(c) National incidence studies

The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.

(d) Independent status of other Federal agencies

Nothing contained in this subchapter shall be construed to grant to the Administrator any law enforcement responsibility or supervisory authority over any other Federal agency.

(Pub. L. 93–415, title IV, § 404, as added Pub. L. 98–473, title II, § 660, Oct. 12, 1984, 98 Stat. 2126; amended Pub. L. 100–690, title VII, § 7285, Nov. 18, 1988, 102 Stat. 4459; Pub. L. 101–204, title X, § 1004(2), Dec. 7, 1989, 103 Stat. 1828; Pub. L. 106–71, § 2(c), Oct. 12, 1999, 113 Stat. 1034; Pub. L. 107–273, div. C, title II, § 12221(b)(2), Nov. 2, 2002, 116 Stat. 1894; Pub. L. 108–21, title III, §§ 321(b), 323, Apr. 30, 2003, 117 Stat. 664, 665; Pub. L. 108–96, title II, § 202(a), Oct. 10, 2003, 117 Stat. 1172; Pub. L. 110–240, § 3, June 3, 2008, 122 Stat. 1561.)

PRIOR PROVISIONS

A prior section 404 of Pub. L. 93–415 amended section 3882 of this title, and was repealed by Pub. L. 95–115, § 10, Oct. 3, 1977, 91 Stat. 1061, and Pub. L. 107–273, div. C, title II, § 12221(a)(4), Nov. 2, 2002, 116 Stat. 1894.

AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110–240, § 3(1), amended par. (1) generally. Prior to amendment, par. (1) consisted of subpars. (A) to (H) relating to annual grants to Center.

Subsec. (b)(2). Pub. L. 110–240, § 3(2), substituted ''$40,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal years 2009 through 2013'' for ''$20,000,000 for each of the fiscal years 2004 through 2008''.

2003—Subsec. (b)(1)(H). Pub. L. 108–21, § 323, added subpar. (H).

Subsec. (b)(2). Pub. L. 108–96 substituted ''2008'' for ''2005''.

Pub. L. 108–21, § 321(b), substituted ''$20,000,000 for each of the fiscal years 2004 through 2005'' for ''$10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003''.

2002—Subsec. (a)(5)(E). Pub. L. 107–273 substituted ''section 5714–11'' for ''section 5712a''.

1999—Subsecs. (b) to (d). Pub. L. 106–71 added subsecs. (b) and (c), redesignated former subsec. (c) as (d), and struck out former subsec. (b) which related to the establishment of toll-free telephone line and national resource center and clearinghouse, conduct of national incidence studies, and use of school records and birth certificates.

1989—Subsec. (a)(5)(C). Pub. L. 101–204, § 1004(2)(A), substituted semicolon for comma at end.

Subsec. (b)(2)(A). Pub. L. 101–204, § 1004(2)(B), inserted ''to'' before ''provide to State''.

1988—Subsec. (a)(3). Pub. L. 100–690, § 7285(a)(1), struck out ''law enforcement'' before ''entities''.

Subsec. (a)(4). Pub. L. 100–690, § 7285(a)(2), inserted ''and'' at end.

Subsec. (a)(5). Pub. L. 100–690, § 7285(a)(3), amended par. (5) generally. Prior to amendment, par. (5) read as follows: ''analyze, compile, publish, and disseminate an annual summary of recently completed research, research being conducted, and Federal, State, and local demonstration projects relating to missing children with particular emphasis on—

''(A) effective models of local, State, and Federal coordination and cooperation in locating missing children;

''(B) effective programs designed to promote community awareness of the problem of missing children;

''(C) effective programs to prevent the abduction and sexual exploitation of children (including parent, child, and community education); and

''(D) effective program models which provide treatment, counseling, or other aid to parents of missing children or to children who have been the victims of abduction or sexual exploitation; and''.

Subsec. (a)(6). Pub. L. 100–690, § 7285(a)(4), struck out par. (6), which read as follows: ''prepare, in conjunction with and with the final approval of the Advisory Board on Missing Children, an annual comprehensive plan for facilitating cooperation and coordination among all agencies and organizations with responsibilities related to missing children.''

Subsec. (b)(1). Pub. L. 100–690, § 7285(b)(1), designated existing provisions as subpar. (A), inserted ''24-hour'' after ''national'' and ''and'' at end, and added subpar. (B).

Subsec. (b)(2)(A). Pub. L. 100–690, § 7285(b)(2)(A), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ''to provide technical assistance to local and State governments, public and private nonprofit agencies, and individuals in locating and recovering missing children;''.

Subsec. (b)(2)(D). Pub. L. 100–690, § 7285(b)(2)(B), inserted ''and training'' after ''assistance'' and ''and in locating and recovering missing children'' before semicolon.

Subsec. (b)(4). Pub. L. 100–690, § 7285(b)(3), (4), added par. (4).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–273 effective on the first day of the first fiscal year that begins after Nov. 2, 2002, and applicable only with respect to fiscal years beginning on or after the first day of the first fiscal year that begins after Nov. 2, 2002, see section 12223 of Pub. L. 107–273, as amended, set out as a note under section 5601 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–690 effective Oct. 1, 1988, with the report required by subsec. (a)(5) of this section with respect to fiscal year 1988 to be submitted not later than Aug. 1, 1989, notwithstanding the 180-day period provided in subsec. (a)(5) of this section, see section 7296(a), (b)(3) of Pub. L. 100–690, as amended, set out as a note under section 5601 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (a)(5) of this section relating to submittal of annual report to the Speaker of the House of Representatives and the President pro tempore of the Senate, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 2nd item on page 122 of House Document No. 103–7.

§ 5774. Repealed. Pub. L. 100–690, title VII, § 7286, Nov. 18, 1988, 102 Stat. 4460

Section, Pub. L. 93–415, title IV, § 405, as added Pub. L. 98–473, title II, § 660, Oct. 12, 1984, 98 Stat. 2127, provided for an Advisory Board on Missing Children.

EFFECTIVE DATE OF REPEAL

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

§ 5775. Grants

(a) Authority of Administrator; description of research, demonstration projects, and service programs

The Administrator is authorized to make grants to and enter into contracts with the Center and with public agencies or nonprofit private organizations, or combinations thereof, for research, demonstration projects, or service programs designed—

(1) to educate parents, children, and community agencies and organizations in ways to prevent the abduction and sexual exploitation of children;

(2) to provide information to assist in the locating and return of missing children;

(3) to aid communities in the collection of materials which would be useful to parents in assisting others in the identification of missing children;

(4) to increase knowledge of and develop effective treatment pertaining to the psychological consequences, on both parents and children, of—

(A) the abduction of a child, both during the period of disappearance and after the child is recovered; and

(B) the sexual exploitation of a missing child;

(5) to collect detailed data from selected States or localities on the actual investigative practices utilized by law enforcement agencies in missing children's cases;

(6) to address the particular needs of missing children by minimizing the negative impact of judicial and law enforcement procedures on children who are victims of abuse or sexual exploitation and by promoting the active participation of children and their families in cases involving abuse or sexual exploitation of children;

(7) to address the needs of missing children (as defined in section 5772(1)(A) of this title) and their families following the recovery of such children;

(8) to reduce the likelihood that individuals under 18 years of age will be removed from the control of such individuals' legal custodians without such custodians' consent; and

(9) to establish or operate statewide clearinghouses to assist in locating and recovering missing children.

(b) Priorities of grant applicants

In considering grant applications under this subchapter, the Administrator shall give priority to applicants who—

(1) have demonstrated or demonstrate ability in—

(A) locating missing children or locating and reuniting missing children with their legal custodians;

(B) providing other services to missing children or their families; or

(C) conducting research relating to missing children; and

(2) with respect to subparagraphs (A) and (B) of paragraph (1), substantially utilize volunteer assistance.

The Administrator shall give first priority to applicants qualifying under subparagraphs (A) and (B) of paragraph (1).

(c) Non-Federal fund expenditures requisite for receipt of Federal assistance

In order to receive assistance under this subchapter for a fiscal year, applicants shall give assurance that they will expend, to the greatest extent practicable, for such fiscal year an amount of funds (without regard to any funds received under any Federal law) that is not less than the amount of funds they received in the preceding fiscal year from State, local, and private sources.

(Pub. L. 93–415, title IV, § 405, formerly § 406, as added Pub. L. 98–473, title II, § 660, Oct. 12, 1984, 98 Stat. 2128; renumbered § 405 and amended Pub. L. 100–690, title VII, §§ 7287, 7290(a), Nov. 18, 1988, 102 Stat. 4460, 4461; Pub. L. 101–204, title X, § 1004(3), Dec. 7, 1989, 103 Stat. 1828; Pub. L. 106–71, § 2(d), Oct. 12, 1999, 113 Stat. 1035.)

PRIOR PROVISIONS

A prior section 405 of Pub. L. 93–415 was classified to section 5774 of this title prior to repeal by Pub. L. 100–690, title VII, § 7286, Nov. 18, 1988, 102 Stat. 4460.

AMENDMENTS

1999—Subsec. (a). Pub. L. 106–71 inserted ''the Center and with'' before ''public agencies'' in introductory provisions.

1989—Subsec. (a)(9). Pub. L. 101–204 substituted ''clearinghouses'' for ''clearinghouse''.

1988—Subsec. (a)(7) to (9). Pub. L. 100–690, § 7287, added pars. (7) to (9).

EFFECTIVE DATE OF 1988 AMENDMENT

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

§ 5776. Criteria for grants

(a) Establishment of priorities and criteria; publication in Federal Register

In carrying out the programs authorized by this subchapter, the Administrator shall establish—

(1) annual research, demonstration, and service program priorities for making grants and contracts pursuant to section 5775 of this title; and

(2) criteria based on merit for making such grants and contracts.

Not less than 60 days before establishing such priorities and criteria, the Administrator shall publish in the Federal Register for public comment a statement of such proposed priorities and criteria.

(b) Competitive selection process for grant or contract exceeding $50,000

No grant or contract exceeding $50,000 shall be made under this subchapter unless the grantee or contractor has been selected by a competitive process which includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.

(c) Multiple grants or contracts to same grantee or contractor

Multiple grants or contracts to the same grantee or contractor within any 1 year to support activities having the same general purpose shall be deemed to be a single grant for the purpose of this subsection, but multiple grants or contracts to the same grantee or contractor to support clearly distinct activities shall be considered separate grants or contractors.[1]

(Pub. L. 93–415, title IV, § 406, formerly § 407, as added Pub. L. 98–473, title II, § 660, Oct. 12, 1984, 98 Stat. 2129; renumbered § 406 and amended Pub. L. 100–690, title VII, §§ 7288, 7290, Nov. 18, 1988, 102 Stat. 4461.)

PRIOR PROVISIONS

A prior section 406 of Pub. L. 93–415 was renumbered section 405 and is classified to section 5775 of this title.

AMENDMENTS

1988—Pub. L. 100–690, § 7290(b), which purported to make technical amendment to reference to section 5775 of this title to reflect renumbering of corresponding section of original act, could not be executed to text because of general amendment of section by Pub. L. 100–690, § 7288, see below.

Pub. L. 100–690, § 7288, amended section generally. Prior to amendment, section read as follows: ''The Administrator, in consultation with the Advisory Board, shall establish annual research, demonstration, and service program priorities for making grants and contracts pursuant to section 5775 of this title and, not less than 60 days before establishing such priorities, shall publish in the Federal Register for public comment a statement of such proposed priorities.''

EFFECTIVE DATE OF 1988 AMENDMENT

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

§ 5776a. Repealed. Pub. L. 110–240, § 5(1), June 3, 2008, 122 Stat. 1564

Section, Pub. L. 93–415, title IV, § 407, as added Pub. L. 103–322, title XVII, § 170303(2), Sept. 13, 1994, 108 Stat. 2043, established the Missing and Exploited Children's Task Force.

§ 5777. Authorization of appropriations

(a) In general

To carry out the provisions of this subchapter, there are authorized to be appropriated such sums as may be necessary for fiscal years 2008 through 2013.

[1] So in original. Probably should be ''contracts.''

(b) Evaluation

The Administrator may use not more than 5 percent of the amount appropriated for a fiscal year under subsection (a) of this section to conduct an evaluation of the effectiveness of the programs and activities established and operated under this subchapter.

(Pub. L. 93–415, title IV, § 407, formerly § 408, as added Pub. L. 98–473, title II, § 660, Oct. 12, 1984, 98 Stat. 2129; renumbered § 407 and amended Pub. L. 100–690, title VII, §§ 7289, 7290(a), Nov. 18, 1988, 102 Stat. 4461; Pub. L. 101–204, title X, § 1001(e)(3), Dec. 7, 1989, 103 Stat. 1827; Pub. L. 102–586, § 4, Nov. 4, 1992, 106 Stat. 5027; renumbered § 408, Pub. L. 103–322, title XVII, § 170303(1), Sept. 13, 1994, 108 Stat. 2043; Pub. L. 104–235, title II, § 231(a), Oct. 3, 1996, 110 Stat. 3092; Pub. L. 106–71, § 2(e), Oct. 12, 1999, 113 Stat. 1035; Pub. L. 108–21, title III, § 321(a), Apr. 30, 2003, 117 Stat. 664; Pub. L. 108–96, title II, § 202(b), Oct. 10, 2003, 117 Stat. 1172; renumbered § 407 and amended Pub. L. 110–240, §§ 4, 5(2), June 3, 2008, 122 Stat. 1563, 1564.)

PRIOR PROVISIONS

A prior section 408 of Pub. L. 93–415 was renumbered section 409 and was classified to section 5778 of this title prior to repeal by Pub. L. 104–235.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–240, § 4, which directed substitution of ''2008 through 2013'' for ''2007 through 2008'', was executed by making the substitution for ''2004 through 2008'', to reflect the probable intent of Congress.

2003—Subsec. (a). Pub. L. 108–96 substituted ''2008'' for ''2005.''

Pub. L. 108–21 substituted ''fiscal years 2004 through 2005.'' for ''fiscal years 2000 through 2003''.

1999—Subsec. (a). Pub. L. 106–71 substituted ''2000 through 2003'' for ''1997 through 2001''.

1996—Pub. L. 104–235 designated existing provisions as subsec. (a), inserted heading, substituted ''1997 through 2001'' for ''1993, 1994, 1995, and 1996'', and added subsec. (b).

1992—Pub. L. 102–586 substituted ''fiscal years 1993, 1994, 1995, and 1996'' for ''fiscal years 1989, 1990, 1991, and 1992''.

1989—Pub. L. 101–204 amended directory language of Pub. L. 100–690, § 7289(3), see 1988 Amendment note below.

1988—Pub. L. 100–690, § 7289, as amended by Pub. L. 101–204, struck out ''$10,000,000 for fiscal year 1985, and'' after ''appropriated'' and ''1986, 1987, and 1988'' after ''fiscal years'' and inserted ''1989, 1990, 1991, and 1992''.

EFFECTIVE DATE OF 1988 AMENDMENT

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

§ 5778. Repealed. Pub. L. 104–235, title II, § 231(b), Oct. 3, 1996, 110 Stat. 3092

Section, Pub. L. 93–415, title IV, § 409, formerly § 408, as added Pub. L. 100–690, title VII, § 7291, Nov. 18, 1988, 102 Stat. 4461; renumbered § 409, Pub. L. 103–322, title XVII, § 170303(1), Sept. 13, 1994, 108 Stat. 2043, related to special study and report to determine obstacles that prevent or impede individuals who have legal custody of children from recovering children from parents who have removed children from such individuals in violation of law.

§ 5779. Reporting requirement

(a) In general

Each Federal, State, and local law enforcement agency shall report each case of a missing child under the age of 21 reported to such agency to the National Crime Information Center of the Department of Justice.

(b) Guidelines

The Attorney General may establish guidelines for the collection of such reports including procedures for carrying out the purposes of this section and section 5780 of this title.[1]

(c) Annual summary

The Attorney General shall publish an annual statistical summary of the reports received under this section and section 5780 of this title.

(Pub. L. 101–647, title XXXVII, § 3701, Nov. 29, 1990, 104 Stat. 4966; Pub. L. 108–21, title II, § 204, Apr. 30, 2003, 117 Stat. 660.)

REFERENCES IN TEXT

This section and section 5780 of this title, referred to in subsec. (b), was in the original ''this Act'', and was translated as reading ''this title'', meaning title XXXVII of Pub. L. 101–647, which enacted this section and section 5780 of this title, to reflect the probable intent of Congress.

CODIFICATION

Section was enacted as part of the Crime Control Act of 1990, and not as part of the Missing Children's Assistance Act which comprises this subchapter, nor as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–21 substituted ''age of 21'' for ''age of 18''.

§ 5780. State requirements

Each State reporting under the provisions of this section and section 5779 of this title shall—

(1) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the observance of any waiting period before accepting a missing child or unidentified person report;

(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person; and[1]

(3) provide that each such report and all necessary and available information, which, with respect to each missing child report, shall include—

(A) the name, date of birth, sex, race, height, weight, and eye and hair color of the child;

(B) the date and location of the last known contact with the child; and

(C) the category under which the child is reported missing;

is entered within 2 hours of receipt into the State law enforcement system and the National Crime Information Center computer networks and made available to the Missing Children Information Clearinghouse within the State or other agency designated within the State to receive such reports; and

[1] See References in Text note below.

[1] So in original. The word ''and'' probably should not appear.

(4) provide that after receiving reports as provided in paragraph (2), the law enforcement agency that entered the report into the National Crime Information Center shall—

(A) no later than 60 days after the original entry of the record into the State law enforcement system and National Crime Information Center computer networks, verify and update such record with any additional information, including, where available, medical and dental records;

(B) institute or assist with appropriate search and investigative procedures; and

(C) maintain close liaison with the National Center for Missing and Exploited Children for the exchange of information and technical assistance in the missing children cases.

(Pub. L. 101–647, title XXXVII, § 3702, Nov. 29, 1990, 104 Stat. 4967; Pub. L. 109–248, title I, § 154(a), July 27, 2006, 120 Stat. 611.)

CODIFICATION

Section was enacted as part of the Crime Control Act of 1990, and not as part of the Missing Children's Assistance Act which comprises this subchapter, nor as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

AMENDMENTS

2006—Pub. L. 109–248 added par. (2), redesignated former pars. (2) and (3) as (3) and (4), respectively, and substituted ''within 2 hours of receipt'' for ''immediately'' in concluding provisions of par. (3).

§ 5780a. Authority of Inspectors General

(a) In general

An Inspector General appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to assist the National Center for Missing and Exploited Children—

(1) by conducting reviews of inactive case files to develop recommendations for further investigations; and

(2) by engaging in similar activities.

(b) Limitations

(1) Priority

An Inspector General may not permit staff to engage in activities described in subsection (a) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

(2) Funding

No additional funds are authorized to be appropriated to carry out this section.

(Pub. L. 101–647, title XXXVII, § 3703, as added Pub. L. 110–344, § 9, Oct. 7, 2008, 122 Stat. 3936.)

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in text, is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Section was enacted as part of the Crime Control Act of 1990, and not as part of the Missing Children's Assistance Act which comprises this subchapter, nor as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

SUBCHAPTER V—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

CODIFICATION

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974, comprising this subchapter, was originally added to Pub. L. 93–415 by Pub. L. 102–586, § 5(a), Nov. 4, 1992, 106 Stat. 5027, and amended by Pub. L. 105–277, Oct. 21, 1998, 112 Stat. 2681. Title V is shown herein, however, as having been added by Pub. L. 107–273, div. C, title II, § 12222(a), Nov. 2, 2002, 116 Stat. 1894, without reference to the intervening amendments because of the extensive revision of the title's provisions by Pub. L. 107–273.

Another title V of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93–415, title V, Sept. 7, 1974, 88 Stat. 1133, enacted chapter 319 and sections 5038 to 5042 of Title 18, Crimes and Criminal Procedure, and sections 3772 to 3774 of this title, and amended sections 5031 to 5038 of Title 18 and sections 3701, 3723, 3733, 3768 of this title. For complete classification of that title V to the Code, see Tables.

§ 5781. Definition

In this subchapter, the term ''State advisory group'' means the advisory group appointed by the chief executive officer of a State under a plan described in section 5633(a) of this title.

(Pub. L. 93–415, title V, § 502, as added Pub. L. 107–273, div. C, title II, § 12222(a), Nov. 2, 2002, 116 Stat. 1894.)

CODIFICATION

Another section 502 of Pub. L. 93–415, title V, Sept. 7, 1974, 88 Stat. 1134, amended section 5032 of Title 18, Crimes and Criminal Procedure.

PRIOR PROVISIONS

A prior section 5781, Pub. L. 93–415, title V, § 502, as added Pub. L. 102–586, § 5(a), Nov. 4, 1992, 106 Stat. 5027, related to findings, prior to the general amendment of this subchapter by Pub. L. 107–273.

EFFECTIVE DATE

Pub. L. 107–273, div. C, title II, § 12222(b), Nov. 2, 2002, 116 Stat. 1896, as amended by Pub. L. 108–7, div. B, title I, § 110(1), Feb. 20, 2003, 117 Stat. 67, provided that: ''The amendment made by subsection (a) [enacting sections 5781 to 5784 of this title and provisions set out as a note under section 5601 of this title] shall take effect on the effective date provided in section 12102(b) [set out as a note under section 3796ee of this title], and shall not apply with respect to grants made before such date.''

SHORT TITLE

For short title of title V of Pub. L. 93–415, which enacted this subchapter, as the ''Incentive Grants for Local Delinquency Prevention Programs Act of 2002'', see section 501 of Pub. L. 93–415, as added by Pub. L. 107–273, set out as a note under section 5601 of this title.

GAO STUDIES AND REPORTS

Pub. L. 102–586, § 5(b), Nov. 4, 1992, 106 Stat. 5029, as amended by Pub. L. 104–316, title I, § 122(n), Oct. 19, 1996, 110 Stat. 3838; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814, provided that: ''Under such conditions as the Comptroller General of the United States determines appropriate, the Government Accountability Office may conduct studies and report to Congress on the effects of the program established by subsection (a) [enacting former subchapter V of this chapter] in encouraging States and units of general local government to comply with the requirements of part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631–5633).''

§ 5782. Duties and functions of the Administrator

The Administrator shall—

(1) issue such rules as are necessary or appropriate to carry out this subchapter;

(2) make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention (including the preparation of an annual comprehensive plan for facilitating such coordination and policy development);

(3) provide adequate staff and resources necessary to properly carry out this subchapter; and

(4) not later than 180 days after the end of each fiscal year, submit a report to the chairman of the Committee on Education and the Workforce of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate—

(A) describing activities and accomplishments of grant activities funded under this subchapter;

(B) describing procedures followed to disseminate grant activity products and research findings;

(C) describing activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and

(D) identifying successful approaches and making recommendations for future activities to be conducted under this subchapter.

(Pub. L. 93–415, title V, § 503, as added Pub. L. 107–273, div. C, title II, § 12222(a), Nov. 2, 2002, 116 Stat. 1894.)

CODIFICATION

Another section 503 of Pub. L. 93–415, title V, Sept. 7, 1974, 88 Stat. 1135, amended section 5033 of Title 18, Crimes and Criminal Procedure.

PRIOR PROVISIONS

A prior section 5782, Pub. L. 93–415, title V, § 503, as added Pub. L. 102–586, § 5(a), Nov. 4, 1992, 106 Stat. 5027, defined ''State advisory group'', prior to the general amendment of this subchapter by Pub. L. 107–273.

CHANGE OF NAME

Committee on Education and the Workforce of House of Representatives changed to Committee on Education and Labor of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 5783. Grants for delinquency prevention programs

(a) Purposes

The Administrator may make grants to a State, to be transmitted through the State advisory group to units of local government that meet the requirements of subsection (b) of this section, for delinquency prevention programs and activities for juveniles who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to juveniles and their families of—

(1) alcohol and substance abuse prevention services;

(2) tutoring and remedial education, especially in reading and mathematics;

(3) child and adolescent health and mental health services;

(4) recreation services;

(5) leadership and youth development activities;

(6) the teaching that people are and should be held accountable for their actions;

(7) assistance in the development of job training skills; and

(8) other data-driven evidence based prevention programs.

(b) Eligibility

The requirements of this subsection are met with respect to a unit of general local government if—

(1) the unit is in compliance with the requirements of part B of subchapter II of this chapter;

(2) the unit has submitted to the State advisory group a minimum 3-year comprehensive plan outlining the unit's local front end plans for investment for delinquency prevention and early intervention activities;

(3) the unit has included in its application to the Administrator for formula grant funds a summary of the minimum 3-year comprehensive plan described in paragraph (2);

(4) pursuant to its minimum 3-year comprehensive plan, the unit has appointed a local policy board of not fewer than 15 and not more than 21 members, with balanced representation of public agencies and private nonprofit organizations serving juveniles, their families, and business and industry;

(5) the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk juveniles and their families, including such programs as nutrition, energy assistance, and housing;

(6) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this subchapter; and

(7) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

(c) Priority

In considering grant applications under this section, the Administrator shall give priority to applicants that demonstrate ability in—

(1) plans for service and agency coordination and collaboration including the colocation of services;

(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities;

(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention;

(4) coordinating and collaborating with programs established in local communities for delinquency prevention under part C of subchapter II of this chapter;[1] and

(5) developing data-driven prevention plans, employing evidence-based prevention strate-

[1] See References in Text note below.

gies, and conducting program evaluations to determine impact and effectiveness.

(Pub. L. 93–415, title V, § 504, as added Pub. L. 107–273, div. C, title II, § 12222(a), Nov. 2, 2002, 116 Stat. 1895.)

REFERENCES IN TEXT

Part C of subchapter II of this chapter, referred to in subsec. (c)(4), was in the original ''part C of this subtitle'', and was translated as reading ''part C of title II'', meaning part C of title II of Pub. L. 93–415, to reflect the probable intent of Congress. Title V of Pub. L. 93–415 does not contain parts or subtitles.

CODIFICATION

Another section 504 of Pub. L. 93–415, title V, Sept. 7, 1974, 88 Stat. 1135, amended section 5034 of Title 18, Crimes and Criminal Procedure.

PRIOR PROVISIONS

A prior section 5783, Pub. L. 93–415, title V, § 504, as added Pub. L. 102–586, § 5(a), Nov. 4, 1992, 106 Stat. 5027, set out the duties and functions of the Administrator, prior to the general amendment of this subchapter by Pub. L. 107–273.

§ 5784. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for fiscal years 2004, 2005, 2006, 2007, and 2008.

(Pub. L. 93–415, title V, § 505, as added Pub. L. 107–273, div. C, title II, § 12222(a), Nov. 2, 2002, 116 Stat. 1896.)

CODIFICATION

Another section 505 of Pub. L. 93–415, title V, Sept. 7, 1974, 88 Stat. 1135, amended section 5035 of Title 18, Crimes and Criminal Procedure.

PRIOR PROVISIONS

A prior section 5784, Pub. L. 93–415, title V, § 505, as added Pub. L. 102–586, § 5(a), Nov. 4, 1992, 106 Stat. 5028; amended Pub. L. 105–277, div. A, § 101(b) [title I, § 129(a)(2)(F)], Oct. 21, 1998, 112 Stat. 2681–50, 2681–76, related to grants for prevention programs, prior to the general amendment of this subchapter by Pub. L. 107–273.

A prior section 5785, Pub. L. 93–415, title V, § 506, as added Pub. L. 102–586, § 5(a), Nov. 4, 1992, 106 Stat. 5029, authorized appropriations, prior to the general amendment of this subchapter by Pub. L. 107–273.

SUBCHAPTER VI—PUBLIC OUTREACH

CODIFICATION

Subchapter was enacted as part of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, also known as the PROTECT Act, and not as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

PART A—AMBER ALERT

§ 5791. National coordination of AMBER Alert communications network

(a) Coordination within Department of Justice

The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

(b) Duties

In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

(1) seek to eliminate gaps in the network, including gaps in areas of interstate travel;

(2) work with States to encourage the development of additional elements (known as local AMBER plans) in the network;

(3) work with States to ensure appropriate regional coordination of various elements of the network; and

(4) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts on abducted children through the network.

(c) Consultation with Federal Bureau of Investigation

In carrying out duties under subsection (b) of this section, the Coordinator shall notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

(d) Cooperation

The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(e) Report

Not later than March 1, 2005, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the AMBER plans of each State that has implemented such a plan. The Coordinator shall prepare the report in consultation with the Secretary of Transportation.

(Pub. L. 108–21, title III, § 301, Apr. 30, 2003, 117 Stat. 660.)

CODIFICATION

Section was enacted as part of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, also known as the PROTECT Act, and not as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

§ 5791a. Minimum standards for issuance and dissemination of alerts through AMBER Alert communications network

(a) Establishment of minimum standards

Subject to subsection (b) of this section, the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—

(1) the issuance of alerts through the AMBER Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) Limitations

(1) The minimum standards established under subsection (a) of this section shall be adoptable on a voluntary basis only.

(2) The minimum standards shall, to the maximum extent practicable (as determined by the

Coordinator in consultation with State and local law enforcement agencies), provide that appropriate information relating to the special needs of an abducted child (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.

(3) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

(4) In carrying out activities under subsection (a) of this section, the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the AMBER Alert communications network.

(c) Cooperation

(1) The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(2) The Coordinator shall also cooperate with local broadcasters and State and local law enforcement agencies in establishing minimum standards under this section.

(Pub. L. 108–21, title III, § 302, Apr. 30, 2003, 117 Stat. 661.)

CODIFICATION

Section was enacted as part of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, also known as the PROTECT Act, and not as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

§ 5791b. Grant program for notification and communications systems along highways for recovery of abducted children

(a) Program required

The Secretary of Transportation shall carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

(b) Development grants

(1) In general

The Secretary may make a grant to a State under this subsection for the development of a State program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. The State program shall provide for the planning, coordination, and design of systems, protocols, and message sets that support the coordination and communication necessary to notify motorists about abductions of children.

(2) Eligible activities

A grant under this subsection may be used by a State for the following purposes:

(A) To develop general policies and procedures to guide the use of changeable message signs or other motorist information systems to notify motorists about abductions of children.

(B) To develop guidance or policies on the content and format of alert messages to be conveyed on changeable message signs or other traveler information systems.

(C) To coordinate State, regional, and local plans for the use of changeable message signs or other transportation related issues.

(D) To plan secure and reliable communications systems and protocols among public safety and transportation agencies or modify existing communications systems to support the notification of motorists about abductions of children.

(E) To plan and design improved systems for communicating with motorists, including the capability for issuing wide area alerts to motorists.

(F) To plan systems and protocols to facilitate the efficient issuance of child abduction notification and other key information to motorists during off-hours.

(G) To provide training and guidance to transportation authorities to facilitate appropriate use of changeable message signs and other traveler information systems for the notification of motorists about abductions of children.

(c) Implementation grants

(1) In general

The Secretary may make a grant to a State under this subsection for the implementation of a program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. A State shall be eligible for a grant under this subsection if the Secretary determines that the State has developed a State program in accordance with subsection (b) of this section.

(2) Eligible activities

A grant under this subsection may be used by a State to support the implementation of systems that use changeable message signs or other motorist information systems to notify motorists about abductions of children. Such support may include the purchase and installation of changeable message signs or other motorist information systems to notify motorists about abductions of children.

(d) Federal share

The Federal share of the cost of any activities funded by a grant under this section may not exceed 80 percent.

(e) Distribution of grant amounts

The Secretary shall, to the maximum extent practicable, distribute grants under this section equally among the States that apply for a grant under this section within the time period prescribed by the Secretary.

(f) Administration

The Secretary shall prescribe requirements, including application requirements, for the receipt of grants under this section.

(g) Definition

In this section, the term ''State'' means any of the 50 States, the District of Columbia, or Puerto Rico.

(h) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this section $20,000,000 for fiscal year 2004. Such amounts shall remain available until expended.

(i) Study of State programs

(1) Study

The Secretary shall conduct a study to examine State barriers to the adoption and implementation of State programs for the use of communications systems along highways for alerts and other information for the recovery of abducted children.

(2) Report

Not later than 1 year after April 30, 2003, the Secretary shall transmit to Congress a report on the results of the study, together with any recommendations the Secretary determines appropriate.

(Pub. L. 108–21, title III, § 303, Apr. 30, 2003, 117 Stat. 662.)

CODIFICATION

Section was enacted as part of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, also known as the PROTECT Act, and not as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

§ 5791c. Grant program for support of AMBER Alert communications plans

(a) Program required

The Attorney General shall carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.

(b) Activities

Activities funded by grants under the program under subsection (a) of this section may include—

(1) the development and implementation of education and training programs, and associated materials, relating to AMBER Alert communications plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to AMBER Alert communications plans;

(3) the development and implementation of new technologies to improve AMBER Alert communications; and

(4) such other activities as the Attorney General considers appropriate for supporting the AMBER Alert communications program.

(c) Federal share

The Federal share of the cost of any activities funded by a grant under the program under subsection (a) of this section may not exceed 50 percent.

(d) Distribution of grant amounts on geographic basis

The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) of this section on an equitable basis throughout the various regions of the United States.

(e) Administration

The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a) of this section.

(f) Authorization of appropriations

(1) There is authorized to be appropriated for the Department of Justice $5,000,000 for fiscal year 2004 to carry out this section and, in addition, $5,000,000 for fiscal year 2004 to carry out subsection (b)(3) of this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

(Pub. L. 108–21, title III, § 304, Apr. 30, 2003, 117 Stat. 663.)

CODIFICATION

Section was enacted as part of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, also known as the PROTECT Act, and not as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

§ 5791d. Limitation on liability

(a) Except as provided in subsection (b) of this section, the National Center for Missing and Exploited Children, including any of its officers, employees, or agents, shall not be liable for damages in any civil action for defamation, libel, slander, or harm to reputation arising out of any action or communication by the National Center for Missing and Exploited Children, its officers, employees, or agents, in connection with any clearinghouse, hotline or complaint intake or forwarding program or in connection with activity that is wholly or partially funded by the United States and undertaken in cooperation with, or at the direction of a Federal law enforcement agency.

(b) The limitation in subsection (a) of this section does not apply in any action in which the plaintiff proves that the National Center for Missing and Exploited Children, its officers, employees, or agents acted with actual malice, or provided information or took action for a purpose unrelated to an activity mandated by Federal law. For purposes of this subsection, the prevention, or detection of crime, and the safety, recovery, or protection of missing or exploited children shall be deemed, per se, to be an activity mandated by Federal law.

(Pub. L. 108–21, title III, § 305, Apr. 30, 2003, 117 Stat. 664.)

CODIFICATION

Section was enacted as part of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, also known as the PROTECT Act, and not as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

PART B—MISSING CHILDREN PROCEDURES IN PUBLIC BUILDINGS

CODIFICATION

Part was enacted as part of the Code Adam Act of 2003 and also as part of the Prosecutorial Remedies and

Other Tools to end the Exploitation of Children Today Act of 2003, also know as the PROTECT Act, and not as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

§ 5792. Definitions

In this part, the following definitions apply:

(1) Child

The term ''child'' means an individual who is 17 years of age or younger.

(2) Code Adam alert

The term ''Code Adam alert'' means a set of procedures used in public buildings to alert employees and other users of the building that a child is missing.

(3) Designated authority

The term ''designated authority'' means—

(A) with respect to a public building owned or leased for use by an Executive agency—

(i) except as otherwise provided in this paragraph, the Administrator of General Services;

(ii) in the case of the John F. Kennedy Center for the Performing Arts, the Board of Trustees of the John F. Kennedy Center for the Performing Arts;

(iii) in the case of buildings under the jurisdiction, custody, and control of the Smithsonian Institution, the Board of Regents of the Smithsonian Institution; or

(iv) in the case of another public building for which an Executive agency has, by specific or general statutory authority, jurisdiction, custody, and control over the building, the head of that agency;

(B) with respect to the Supreme Court Building, the Marshal of the Supreme Court; with respect to the Thurgood Marshall Federal Judiciary Building, the Director of the Administrative Office of United States Courts; and with respect to all other public buildings owned or leased for use by an establishment in the judicial branch of government, the General Services Administration in consultation with the United States Marshals Service; and

(C) with respect to a public building owned or leased for use by an establishment in the legislative branch of government, the Capitol Police Board.

(4) Executive agency

The term ''Executive agency'' has the same meaning such term has under section 105 of title 5.

(5) Federal agency

The term ''Federal agency'' means any Executive agency or any establishment in the legislative or judicial branches of the Government.

(6) Public building

The term ''public building'' means any building (or portion thereof) owned or leased for use by a Federal agency.

(Pub. L. 108–21, title III, § 362, Apr. 30, 2003, 117 Stat. 665.)

CODIFICATION

Section was enacted as part of the Code Adam Act of 2003 and also as part of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, also known as the PROTECT Act, and not as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

SHORT TITLE

For short title of subtitle D of title III of Pub. L. 108–21, which enacted this part, as the ''Code Adam Act of 2003'', see section 361 of Pub. L. 108–21, set out as a note under section 5601 of this title.

§ 5792a. Procedures in public buildings regarding a missing or lost child

(a) In general

Not later than 180 days after April 30, 2003, the designated authority for a public building shall establish procedures for locating a child that is missing in the building.

(b) Notification and search procedures

Procedures established under this section shall provide, at a minimum, for the following:

(1) Notifying security personnel that a child is missing.

(2) Obtaining a detailed description of the child, including name, age, eye and hair color, height, weight, clothing, and shoes.

(3) Issuing a Code Adam alert and providing a description of the child, using a fast and effective means of communication.

(4) Establishing a central point of contact.

(5) Monitoring all points of egress from the building while a Code Adam alert is in effect.

(6) Conducting a thorough search of the building.

(7) Contacting local law enforcement.

(8) Documenting the incident.

(Pub. L. 108–21, title III, § 363, Apr. 30, 2003, 117 Stat. 666.)

CODIFICATION

Section was enacted as part of the Code Adam Act of 2003 and also as part of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003, also known as the PROTECT Act, and not as part of the Juvenile Justice and Delinquency Prevention Act of 1974 which comprises this chapter.

CHAPTER 73—DEVELOPMENT OF ENERGY SOURCES

Sec.
5801. Congressional declaration of policy and purpose.

SUBCHAPTER I—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

5811. Establishment of Energy Research and Development Administration.
5812. Officers of Administration.
5813. Responsibilities of Administrator.
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5816. Personnel and services.
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SUBCHAPTER II—NUCLEAR REGULATORY COMMISSION; NUCLEAR WHISTLEBLOWER PROTECTION

5841. Establishment and transfers.