

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 pub-

lic 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

This chapter, referred to in subsecs. (b), (d), and (f), was in the original "this Act", meaning Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, known as the Juvenile Justice and Delinquency Prevention Act of 1974, 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 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 imple-

ment 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 un-

less 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) Ten 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.

(iv) One member shall be appointed by the Chairman of the Committee on Indian Affairs of the Senate, in consultation with the Vice Chairman of that Committee and the Chairman and Ranking Member of the Committee on Natural Resources of the House of Representatives.

(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