

enforceability of the remaining provisions of the chapter.

(Pub. L. 101-336, title V, § 515, formerly § 514, July 26, 1990, 104 Stat. 378; renumbered § 515, Pub. L. 110-325, § 6(a)(2), Sept. 25, 2008, 122 Stat. 3558.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of this title and Tables.

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**§ 12301. Findings**

Congress finds that—

- (1) children and youth are inherently the most valuable resource of the United States;
- (2) the welfare, protection, healthy development, and positive role of children and youth in society are essential to the United States;
- (3) children and youth deserve love, respect, and guidance, as well as good health, shelter,

food, education, productive employment opportunities, and preparation for responsible participation in community life;

(4) children and youth have increasing opportunities to participate in the decisions that affect their lives;

(5) the family is the primary caregiver and source of social learning and must be supported and strengthened;

(6) when a family is unable to ensure the satisfaction of basic needs of children and youth it is the responsibility of society to assist such family; and

(7) it is the joint and several responsibility of the Federal Government, each State, and the political subdivisions of each State to assist children and youth to secure, to the maximum extent practicable, equal opportunity to full and free access to—

- (A) the best possible physical and mental health;
- (B) adequate and safe physical shelter;
- (C) a high level of educational opportunity;
- (D) effective training, apprenticeships, opportunities for community service, and productive employment and participation in decisions affecting their lives;
- (E) a wide range of civic, cultural, and recreational activities that recognize young Americans as resources and promote self-esteem and a stake in the communities of such Americans; and
- (F) comprehensive community services that are efficient, coordinated, readily available, and involve families of young individuals.

(Pub. L. 101-501, title IX, § 902, Nov. 3, 1990, 104 Stat. 1262.)

EFFECTIVE DATE

Section effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as an Effective Date of 1990 Amendment note under section 8621 of this title.

SHORT TITLE

Pub. L. 101-501, title IX, § 901, Nov. 3, 1990, 104 Stat. 1262, provided that: “This title [enacting this chapter] may be cited as the ‘Claude Pepper Young Americans Act of 1990’.”

Pub. L. 101-501, title IX, § 955, Nov. 3, 1990, 104 Stat. 1278, provided that: “This chapter [chapter 3 (§§ 955-960) of subtitle A of title IX of Pub. L. 101-501, enacting part C of subchapter I of this chapter] may be cited as the ‘Family Resource Act’.”

Pub. L. 101-501, title IX, § 981, Nov. 3, 1990, 104 Stat. 1280, provided that: “This subtitle [subtitle B (§§ 981-988) of title IX of Pub. L. 101-501, enacting subchapter II of this chapter] may be cited as the ‘1993 White House Conference on Children, Youth, and Families’.”

PERFORMANCE PARTNERSHIP PILOTS

Pub. L. 113-76, div. H, title V, § 526, Jan. 17, 2014, 128 Stat. 413, provided that:

“(a) DEFINITIONS.—In this section,

“(1) ‘Performance Partnership Pilot’ (or ‘Pilot’) is a project that seeks to identify, through a demonstration, cost-effective strategies for providing services at the State, regional, or local level that—

- “(A) involve two or more Federal programs (administered by one or more Federal agencies)—
  - “(i) which have related policy goals, and
  - “(ii) at least one of which is administered (in whole or in part) by a State, local, or tribal government; and

“(B) achieve better results for regions, communities, or specific at-risk populations through making better use of the budgetary resources that are available for supporting such programs.

“(2) ‘To improve outcomes for disconnected youth’ means to increase the rate at which individuals between the ages of 14 and 24 (who are low-income and either homeless, in foster care, involved in the juvenile justice system, unemployed, or not enrolled in or at risk of dropping out of an educational institution) achieve success in meeting educational, employment, or other key goals.

“(3) The ‘lead Federal administering agency’ is the Federal agency, to be designated by the Director of the Office of Management and Budget (from among the participating Federal agencies that have statutory responsibility for the Federal discretionary funds that will be used in a Performance Partnership Pilot), that will enter into and administer the particular Performance Partnership Agreement on behalf of that agency and the other participating Federal agencies.

“(b) USE OF DISCRETIONARY FUNDS IN FISCAL YEAR 2014.—Federal agencies may use Federal discretionary funds that are made available in this Act [div. H of Pub. L. 113-76, see Tables for classification] to carry out up to 10 Performance Partnership Pilots. Such Pilots shall:

“(1) be designed to improve outcomes for disconnected youth, and

“(2) involve Federal programs targeted on disconnected youth, or designed to prevent youth from disconnecting from school or work, that provide education, training, employment, and other related social services.

“(c) PERFORMANCE PARTNERSHIP AGREEMENTS.—Federal agencies may use Federal discretionary funds, as authorized in subsection (b), to participate in a Performance Partnership Pilot only in accordance with the terms of a Performance Partnership Agreement that—

“(1) is entered into between—

“(A) the head of the lead Federal administering agency, on behalf of all of the participating Federal agencies (subject to the head of the lead Federal administering agency having received from the heads of each of the other participating agencies their written concurrence for entering into the Agreement), and

“(B) the respective representatives of all of the State, local, or tribal governments that are participating in the Agreement; and

“(2) specifies, at a minimum, the following information:

“(A) the length of the Agreement (which shall not extend beyond September 30, 2018);

“(B) the Federal programs and federally funded services that are involved in the Pilot;

“(C) the Federal discretionary funds that are being used in the Pilot (by the respective Federal account identifier, and the total amount from such account that is being used in the Pilot), and the period (or periods) of availability for obligation (by the Federal Government) of such funds;

“(D) the non-Federal funds that are involved in the Pilot, by source (which may include private funds as well as governmental funds) and by amount;

“(E) the State, local, or tribal programs that are involved in the Pilot;

“(F) the populations to be served by the Pilot;

“(G) the cost-effective Federal oversight procedures that will be used for the purpose of maintaining the necessary level of accountability for the use of the Federal discretionary funds;

“(H) the cost-effective State, local, or tribal oversight procedures that will be used for the purpose of maintaining the necessary level of accountability for the use of the Federal discretionary funds;

“(I) the outcome (or outcomes) that the Pilot is designed to achieve;

“(J) the appropriate, reliable, and objective outcome-measurement methodology that the Federal Government and the participating State, local, or tribal governments will use, in carrying out the Pilot, to determine whether the Pilot is achieving, and has achieved, the specified outcomes that the Pilot is designed to achieve;

“(K) the statutory, regulatory, or administrative requirements related to Federal mandatory programs that are barriers to achieving improved outcomes of the Pilot; and

“(L) in cases where, during the course of the Pilot, it is determined that the Pilot is not achieving the specified outcomes that it is designed to achieve,

“(i) the consequences that will result from such deficiencies with respect to the Federal discretionary funds that are being used in the Pilot, and

“(ii) the corrective actions that will be taken in order to increase the likelihood that the Pilot, upon completion, will have achieved such specified outcomes.

“(d) AGENCY HEAD DETERMINATIONS.—A Federal agency may participate in a Performance Partnership Pilot (including by providing Federal discretionary funds that have been appropriated to such agency) only upon the written determination by the head of such agency that the agency’s participation in such Pilot—

“(1) will not result in denying or restricting the eligibility of any individual for any of the services that (in whole or in part) are funded by the agency’s programs and Federal discretionary funds that are involved in the Pilot, and

“(2) based on the best available information, will not otherwise adversely affect vulnerable populations that are the recipients of such services.

In making this determination, the head of the agency may take into consideration the other Federal discretionary funds that will be used in the Pilot as well as any non-Federal funds (including from private sources as well as governmental sources) that will be used in the Pilot.

“(e) TRANSFER AUTHORITY.—For the purpose of carrying out the Pilot in accordance with the Performance Partnership Agreement, and subject to the written approval of the Director of the Office of Management and Budget, the head of each participating Federal agency may transfer Federal discretionary funds that are being used in the Pilot to an account of the lead Federal administering agency that includes Federal discretionary funds that are being used in the Pilot. Subject to the waiver authority under subsection (f), such transferred funds shall remain available for the same purposes for which such funds were originally appropriated: *Provided*, That such transferred funds shall remain available for obligation by the Federal Government until the expiration of the period of availability for those Federal discretionary funds (which are being used in the Pilot) that have the longest period of availability, except that any such transferred funds shall not remain available beyond September 30, 2018.

“(f) WAIVER AUTHORITY.—In connection with a Federal agency’s participation in a Performance Partnership Pilot, and subject to the other provisions of this section (including subsection (e)), the head of the Federal agency to which the Federal discretionary funds were appropriated may waive (in whole or in part) the application, solely to such discretionary funds that are being used in the Pilot, of any statutory, regulatory, or administrative requirement that such agency head—

“(1) is otherwise authorized to waive (in accordance with the terms and conditions of such other authority), and

“(2) is not otherwise authorized to waive, provided that in such case the agency head shall—

“(A) not waive any requirement related to non-discrimination, wage and labor standards, or allocation of funds to State and substate levels;

“(B) issue a written determination, prior to granting the waiver, with respect to such discre-

tionary funds that the granting of such waiver for purposes of the Pilot—

“(i) is consistent with both—

“(I) the statutory purposes of the Federal program for which such discretionary funds were appropriated, and

“(II) the other provisions of this section, including the written determination by the agency head issued under subsection (d);

“(ii) is necessary to achieve the outcomes of the Pilot as specified in the Performance Partnership Agreement, and is no broader in scope than is necessary to achieve such outcomes; and

“(iii) will result in either—

“(I) realizing efficiencies by simplifying reporting burdens or reducing administrative barriers with respect to such discretionary funds, or

“(II) increasing the ability of individuals to obtain access to services that are provided by such discretionary funds; and

“(C) provide at least 60 days advance written notice to the Committees on Appropriations and other committees of jurisdiction in the House of Representatives and the Senate.”

#### COMMISSION ON CHILD AND FAMILY WELFARE

Pub. L. 102-521, § 5, Oct. 25, 1992, 106 Stat. 3406, provided for establishment, membership, etc., of a Commission on Child and Family Welfare, specified that among other duties the Commission compile information and data on the issues that affect the best interests of children, including domestic issues such as abuse, family relations, services and agencies for children and families, family courts, and juvenile courts, directed Commission to submit to President and Congress an interim report no later than Jan. 1, 1994, and a final report no later than Jan. 1, 1995, containing a detailed statement of the findings and conclusions of the Commission, together with recommendations for such legislation and administrative actions as considered appropriate, and directed that the Commission terminate 90 days after the date it submitted its final report.

#### EX. ORD. NO. 13459. IMPROVING THE COORDINATION AND EFFECTIVENESS OF YOUTH PROGRAMS

Ex. Ord. No. 13459, Feb. 7, 2008, 73 F.R. 8003, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in recognition of the successful interagency collaboration resulting from the *Helping America's Youth* initiative, it is hereby ordered as follows:

SECTION 1. *Policy*. It is the policy of the Federal Government to promote achievement of positive results for at-risk youth through:

(a) enhanced collaboration among government organizations at the Federal, State, and local level, including with faith-based and other community organizations, as well as among families, schools, and communities, in order to leverage existing resources and improve outcomes;

(b) identification and dissemination of promising strategies and practices that have been proven effective through rigorous evaluation; and

(c) online publication of essential information to assist interested citizens and decision-makers, particularly at the community level, to plan, implement, and participate in effective programs for at-risk youth.

SEC. 2. *Establishment of the Interagency Working Group on Youth Programs*. The Secretary of Health and Human Services (Secretary) shall establish within the Department of Health and Human Services for administrative purposes only, an Interagency Working Group on Youth Programs (Working Group), consistent with this order and reflecting the ongoing interagency collaboration under the *Helping America's Youth* initiative.

SEC. 3. *Membership and Operation of the Working Group*.

(a) The Working Group shall consist exclusively of the following members or their designees, who shall be full-time Federal officers or employees:

(i) the Secretary;

(ii) the Attorney General;

(iii) the Secretaries of Defense, the Interior, Agriculture, Commerce, Labor, Housing and Urban Development, and Education;

(iv) the Director of the Office of National Drug Control Policy;

(v) the Chief Executive Officer of the Corporation for National and Community Service; and

(vi) other officers or full-time or permanent part-time employees of the United States, as determined by the Secretary, with the concurrence of the head of the department or agency concerned.

(b) The Secretary (or the Secretary's designee) shall serve as Chair, and the Attorney General (or the Attorney General's designee) shall serve as Vice Chair, for a period of 2 years from the date of this order. Subsequent Chairs and Vice Chairs shall be designated by the Secretary on a biennial basis.

(c) In implementing this section, the Chair, and in the Chair's absence the Vice Chair, shall convene and preside at meetings of the Working Group, determine its agenda, direct its work, and establish and direct subgroups of the Working Group, as appropriate, to deal with particular subject matters, that shall consist exclusively of members of the Working Group or their designees. The Chair, after consultation with the Vice Chair, shall designate an officer or employee of one of the member departments or agencies to serve as the Executive Secretary of the Working Group. The Executive Secretary shall head any staff assigned to the Working Group and any subgroups thereof, and such staff shall consist exclusively of full-time or permanent part-time Federal employees.

SEC. 4. *Functions of the Working Group*. Consistent with the policy set forth in section 1 of this order, the Working Group shall:

(a) identify and engage key government and private or nonprofit organizations that can play a role in improving the coordination and effectiveness of programs serving and engaging youth, such as faith-based and other community organizations, businesses, volunteers, and other key constituencies;

(b) develop a new Federal website on youth, built upon the *Community Guide to Helping America's Youth*, with the first phase of this website to be launched within 10 months of the date of this order, by:

(i) identifying and assessing the strengths and weaknesses of existing Federal websites focusing on youth-serving entities in order to improve access to the most useful content;

(ii) providing for training to youth-serving entities to enable effective use of the Federal website;

(iii) developing additional strategies and tools and resources accessible through the Federal website that will help promote effective community-based efforts to reduce the factors that put youth at risk and the provision of high-quality services to at-risk youth across the country; and

(iv) developing strategies to ensure that the Federal website is routinely updated, improved, and publicized;

(c) encourage all youth-serving Federal and State agencies, communities, grantees, and organizations to adopt high standards for assessing program results, including through the use of rigorous impact evaluations, as appropriate, so that the most effective practices can be identified and replicated, and ineffective or duplicative programs can be eliminated or reformed;

(d)(i) identify and promote initiatives and activities that merit strong interagency collaboration because of their potential to offer cost-effective solutions to achieve better results for at-risk youth, including volunteer service in concert with the USA Freedom Corps and mentoring in concert with the Federal Mentoring Council; and,

(ii) encourage rigorous evaluations, as appropriate, of such initiatives and activities to ascertain their effec-

tiveness in improving academic, employment, social, and other individual outcomes, and make these findings publicly available, and

(e) annually report to the President, through the Assistant to the President for Domestic Policy, on its work and on the implementation of any recommendations arising from its work, with the first such report to be submitted no later than 6 months after the date of this order.

SEC. 5. *Administration of the Working Group.* (a) The Secretary shall, to the extent permitted by law, provide administrative support and funding for the Working Group.

With the consent of the Secretary, other member departments or agencies may provide administrative support to the Working Group, to the extent permitted by law and consistent with their statutory authority.

(b) The heads of executive departments and agencies shall provide, as appropriate, such assistance and information as the Secretary may request to implement this order.

(c) The website referred to in section 4(b) of this order shall be funded by contributions from executive departments and agencies to the extent permitted by law and consistent with their statutory authority.

SEC. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

GEORGE W. BUSH.

## § 12302. Definitions

As used in this chapter:

### (1) Commissioner

The term “Commissioner” means the Commissioner of the Administration on Children, Youth, and Families, as established under section 12311 of this title.

### (2) Council

The term “Council” means the Federal Council on Children, Youth, and Families, as established under section 12314(a) of this title.

### (3) Nonprofit

The term “nonprofit”, as applied to any agency, institution, or organization, means an agency, institution, or organization that is, or is owned and operated by, one or more corporations or associations, no part of the net earnings of which may lawfully inure to the benefit of any private shareholder or individual.

### (4) Secretary

The term “Secretary” means the Secretary of Health and Human Services.

### (5) State

The term “State” includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

### (6) Young individual

The term “young individual” means any child or youth from birth to 21 years of age.

(Pub. L. 101-501, title IX, §903, Nov. 3, 1990, 104 Stat. 1262.)

#### EFFECTIVE DATE

Section effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as an Effective Date of 1990 Amendment note under section 8621 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 I—ESTABLISHMENT OF ADMINISTRATION AND AWARDED OF GRANTS FOR PROGRAMS

### PART A—ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES

## § 12311. Establishment of Administration on Children, Youth, and Families

### (a) In general

There is established within the Department of Health and Human Services an Administration on Children, Youth, and Families.

### (b) Commissioner

#### (1) Establishment

##### (A) In general

The Administration on Children, Youth, and Families, as established under subsection (a), shall be headed by a Commissioner on Children, Youth, and Families.

##### (B) Omitted

#### (2) Appointment

The President, by and with the advice and consent of the Senate, shall appoint the Commissioner.

(Pub. L. 101-501, title IX, §915, Nov. 3, 1990, 104 Stat. 1263.)

#### CODIFICATION

Section is comprised of section 915 of Pub. L. 101-501. Subsec. (b)(1)(B) of section 915 of Pub. L. 101-501 amended section 5316 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE

Section effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as an Effective Date of 1990 Amendment note under section 8621 of this title.

## § 12312. Functions of Commissioner

### (a) In general

The Commissioner shall—

(1) serve as the effective and visible advocate for children, youth, and families within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government by maintaining active review and commenting responsibilities, as appropriate, concerning Federal policies affecting young individuals, and the families of young individuals;

(2) collect and disseminate information related to the problems of young individuals and the families of such individuals;

(3) assist the Secretary in appropriate matters pertaining to young individuals, and the families of such individuals;