

Stat. 1049; Pub. L. 96-509, §19(e), Dec. 8, 1980, 94 Stat. 2763.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 5615 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

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.

Statutory Notes and Related Subsidiaries

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 L. 95-115 and repealed by Pub. L. 100-690, title VII, §7266(2), Nov. 18, 1988, 102 Stat. 4449, formerly set out as a note under section 11101 of this title.

§ 11116. 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 Assistant Secretary for Mental Health and Substance Use, the Secretary of the Interior, 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 Assistant Secretary for Immigration and Customs Enforcement, such other officers of Federal agencies who hold significant decision-making 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 Federal Government.

(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 the core requirements. 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) shall collectively, on an annual basis—

(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 11114(a)(1) of this title; and

(B) not later than 120 days after the completion of the last meeting of the Council during any fiscal year, 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 that—

(i) contains the recommendations described in subparagraph (A);

(ii) includes a detailed account of the activities conducted by the Council during the fiscal year, including a complete detailed accounting of expenses incurred by the Council to conduct operations in accordance with this section;

(iii) is published on the websites of the Office of Juvenile Justice and Delinquency Prevention, the Council, and the Department of Justice; and

(iv) is in addition to the annual report required under section 11117 of this title.

(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) 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; Pub. L. 111-211, title II, §246(b), July 29, 2010, 124 Stat. 2296; Pub. L. 115-385, title II, §202, Dec. 21, 2018, 132 Stat. 5128.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 5616 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-385, §202(1)(A), inserted “the Assistant Secretary for Mental Health and Substance Use, the Secretary of the Interior,” after “the Secretary of Health and Human Services,” and substituted “Assistant Secretary for Immigration and Customs Enforcement” for “Commissioner of Immigration and Naturalization”.

Subsec. (a)(2)(A). Pub. L. 115-385, §202(1)(B), substituted “Federal Government” for “United States”.

Subsec. (c)(1). Pub. L. 115-385, §202(2)(A), substituted “the core requirements” for “paragraphs (12)(A), (13), and (14) of section 11133(a) of this title”.

Subsec. (c)(2). Pub. L. 115-385, §202(2)(B)(i), inserted “, on an annual basis” after “collectively” in introductory provisions.

Subsec. (c)(2)(B). Pub. L. 115-385, §202(2)(B)(ii), added subpar. (B) and struck out former subpar. (B) which read as follows: “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.”

2010—Subsec. (a)(2)(A). Pub. L. 111-211, §246(b)(1), substituted “Ten” for “Nine”.

Subsec. (a)(2)(B)(iv). Pub. L. 111-211, §246(b)(2), added cl. (iv).

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) 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”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-385 not applicable with respect to funds appropriated for any fiscal year that begins before Dec. 21, 2018, see section 3 of Pub. L. 115-385, set out as a note under section 11102 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, set out as a note under section 11101 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 11101 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 11101 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 and repealed by Pub. L. 100-690, title VII, § 7266(2), Nov. 18, 1988, 102 Stat. 4449, formerly set out as a note under section 11101 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.

§ 11117. Annual report

Not later than 180 days after the end of each 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, gender, and ethnicity, as such term is defined by the Bureau of the Census, 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 lock-ups;

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

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

(G) a summary of data from 1 month of the applicable fiscal year of the use of restraints and isolation upon juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government;

(H) the number of status offense cases petitioned to court, number of status offenders held in secure detention, the findings used to justify the use of secure detention, and the average period of time a status offender was held in secure detention;

(I) the number of juveniles released from custody and the type of living arrangement to which they are released;

(J) the number of juveniles whose offense originated on school grounds, during school-sponsored off-campus activities, or due to a referral by a school official, as collected and reported by the Department of Education or similar State educational agency; and

(K) the number of juveniles in the custody of secure detention and correctional facilities operated by a State or unit of local or tribal government who report being pregnant.

(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 11133 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.

(5) A description of the criteria used to determine what programs qualify as evidence-based and promising programs under this subchapter and subchapter V and a comprehensive list of those programs the Administrator has determined meet such criteria in both rural and urban areas.

(6) A description of funding provided to Indian Tribes under this chapter or for a juvenile delinquency or prevention program under the Tribal Law and Order Act of 2010 (Public Law 111-211; 124 Stat. 2261), including direct Federal grants and funding provided to Indian Tribes through a State or unit of local government.

(7) An analysis and evaluation of the internal controls at the Office of Juvenile Justice and Delinquency Prevention to determine if grantees are following the requirements of the Office of Juvenile Justice and Delinquency Prevention grant programs and what remedial action the Office of Juvenile Justice and Delinquency Prevention has taken to recover any grant funds that are expended in violation of the grant programs, including instances—

(A) in which supporting documentation was not provided for cost reports;

(B) where unauthorized expenditures occurred; or

(C) where subrecipients of grant funds were not compliant with program requirements.

(8) An analysis and evaluation of the total amount of payments made to grantees that the Office of Juvenile Justice and Delinquency Prevention recouped from grantees that were found to be in violation of policies and procedures of the Office of Juvenile Justice and Delinquency Prevention grant programs, including—

(A) the full name and location of the grantee;

(B) the violation of the program found;

(C) the amount of funds sought to be recouped by the Office of Juvenile Justice and Delinquency Prevention; and

(D) the actual amount recouped by the Office of Juvenile Justice and Delinquency Prevention.

(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; Pub. L. 115-385, title II, §203, Dec. 21, 2018, 132 Stat. 5128.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in par. (6), was in the original "this Act", meaning Pub. L. 93-415, Sept. 7, 1974, 88