

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).

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 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 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 L. 95-115 and repealed by Pub.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.

Pub. L. 95-115, §4(b)(2)(D), Oct. 3, 1977, 91 Stat. 1051, provided that: "The amendments made by this paragraph [amending this section] shall take effect on October 1, 1978."

Pub. L. 95-115, §4(b)(4)(B), Oct. 3, 1977, 91 Stat. 1051, provided that the amendment made by such section 4(b)(4)(B) is effective Oct. 1, 1978.

§ 11133. 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 how the State plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents. Not later than 60 days after the date on which a plan or amended plan submitted under this subsection is finalized, a State shall make the plan or amended plan publicly available by posting the plan or amended plan on the State's publicly available website. In accordance with regulations which the Administrator shall prescribe, such plan shall—

(1) designate the State agency as designated by the chief executive officer of the State 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 adolescent development, 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, child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities, recreation, and youth services;

(IV) representatives of private non-profit 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 delinquent youth or youth at risk of delinquency;

(VI) representatives of 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;

(VIII) persons, licensed or certified by the applicable State, with expertise and competence in preventing and addressing mental health and substance abuse needs in delinquent youth and youth at risk of delinquency;

(IX) representatives of victim or witness advocacy groups, including at least one individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma, particularly the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and trauma before entering the juvenile justice system; and

(X) for a State in which one or more Indian Tribes are located, an Indian tribal representative (if such representative

is available) or other individual with significant expertise in tribal law enforcement and juvenile justice in Indian tribal communities;

(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 28 at the time of initial appointment; and

(v) at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system or, if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is 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 45 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;

(ii) submit to the chief executive officer and the legislature of the State at least every 2 years a report and necessary recommendations regarding State compliance with the core requirements; 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; and

(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 11132 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 11132(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 agree to attempt to comply with the core requirements 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;¹

(6) provide for an equitable distribution of the assistance received under section 11132 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 has jurisdiction), 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;

(iv) a plan to provide alternatives to detention for status offenders, survivors of commercial sexual exploitation, and others, where appropriate, such as specialized or problem-solving courts or diversion to home-based or community-based services or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system;

¹ So in original. The comma probably should be a semicolon.

(v) a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs;

(vi) a plan to engage family members, where appropriate, in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement;

(vii) a plan to use community-based services to respond to the needs of at-risk youth or youth who have come into contact with the juvenile justice system;

(viii) a plan to promote evidence-based and trauma-informed programs and practices; and

(ix) not later than 1 year after December 21, 2018, a plan which shall be implemented not later than 2 years after December 21, 2018, to—

(I) eliminate the use of restraints of known pregnant juveniles housed in secure juvenile detention and correction facilities, during labor, delivery, and postpartum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; and

(II) eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles, unless—

(aa) credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or

(bb) reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method;

(8) provide for the coordination and maximum utilization of evidence-based and promising 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 11132 of this title, other than funds made available to the State advisory group under section 11132(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, with priority in funding given to entities meeting the criteria for evidence-based or promising programs—

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

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

(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; and

(iii) for youth who need specialized intensive and comprehensive services that address the unique issues encountered by youth when they become involved with gangs;

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

(i) status offenders, other youth, and the parents and other family members of such offenders and youth to strengthen families, including parent self-help groups, so that juveniles may remain 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 at-risk or delinquent youth or other juveniles—

(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations, including for truancy prevention and reduction;

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

(iii) enhance² 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) programs to expand 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) programs—

² So in original. Probably should be “to enhance”.

(i) to ensure youth have access to appropriate legal representation; and

(ii) to expand access to publicly supported, court-appointed legal counsel who are trained to represent juveniles in adjudication proceedings,

except that the State may not use more than 2 percent of the funds received under section 11132 of this title for these purposes;

(H) 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, tribal, or local correctional facility or who is otherwise under the jurisdiction of a Federal, State, tribal, 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;

(I) 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;

(J) 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;

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

(L) 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;

(M) 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 pre-adjudication and post-adjudication alternatives that bridge the gap between traditional probation and confinement in a correctional setting (including specialized or problem-

solving courts, 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 of information and technical assistance, including technology transfer, in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

(N) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families and reduce the risk of recidivism;

(O) 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;

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

(Q) 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;

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

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

(T) programs designed to provide mental health or co-occurring disorder services for court-involved or incarcerated juveniles in need of such services, including assessment, development of individualized treatment plans, provision of treatment, and development of discharge plans;

(U) programs and projects designed—

- (i) to inform juveniles of the opportunity and process for sealing and expunging juvenile records; and
- (ii) to assist juveniles in pursuing juvenile record sealing and expungements for both adjudications and arrests not followed by adjudications;

except that the State may not use more than 2 percent of the funds received under section 11132 of this title for these purposes;

(V) programs that address the needs of girls in or at risk of entering the juvenile justice system, including pregnant girls, young mothers, survivors of commercial sexual exploitation or domestic child sex trafficking, girls with disabilities, and girls of color, including girls who are members of an Indian Tribe; and

(W) monitoring for compliance with the core requirements and providing training and technical assistance on the core requirements to secure facilities;

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

(11)(A) in accordance with rules issued by the Administrator, provide that a juvenile shall not be placed in a secure detention facility or a secure correctional facility, if—

(i) the juvenile is charged with or has committed an offense that would not be criminal if committed by an adult, excluding—

(I) a juvenile who is charged with or has committed a violation of section 922(x)(2) of title 18 or of a similar State law;

(II) a juvenile who is charged with or has committed a violation of a valid court order issued and reviewed in accordance with paragraph (23); and

(III) a juvenile who is held in accordance with the Interstate Compact on Juveniles as enacted by the State; or

(ii) the juvenile—

(I) is not charged with any offense; and

(II)(aa) is an alien; or

(bb) is alleged to be dependent, neglected, or abused; and

(B) require that—

(i) not later than 3 years after December 21, 2018, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—

(I) shall not have sight or sound contact with adult inmates; and

(II) except as provided in paragraph (13), may not be held in any jail or lockup for adults;

(ii) in determining under clause (i) whether it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have sight or sound contact with adult inmates, a court shall consider—

(I) the age of the juvenile;

(II) the physical and mental maturity of the juvenile;

(III) the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;

(IV) the nature and circumstances of the alleged offense;

(V) the juvenile's history of prior delinquent acts;

(VI) the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and

(VII) any other relevant factor; and

(iii) if a court determines under clause (i) that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults—

(I) the court shall hold a hearing not less frequently than once every 30 days, or in

the case of a rural jurisdiction, not less frequently than once every 45 days, to review whether it is still in the interest of justice to permit the juvenile to be so held or have such sight or sound contact; and

(II) the juvenile shall not be held in any jail or lockup for adults, or permitted to have sight or sound contact with adult inmates, for more than 180 days, unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation;

(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 sight or sound 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 colocated 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 sight or sound 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 colocated 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 sight or sound 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 colocated 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 effective system of monitoring jails, lock-ups, detention facilities, and correctional facilities to ensure that the core requirements 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 sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;

(15) implement policy, practice, and system improvement strategies at the State, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas, by—

(A) establishing or designating existing coordinating bodies, composed of juvenile justice stakeholders, (including representatives of the educational system) at the State, local, or tribal levels, to advise efforts by States, units of local government, and Indian Tribes to reduce racial and ethnic disparities;

(B) identifying and analyzing data on race and ethnicity at decision points in State, local, or tribal juvenile justice systems to determine which such points create racial and ethnic disparities among youth who come into contact with the juvenile justice system; and

(C) developing and implementing a work plan that includes measurable objectives for policy, practice, or other system changes, based on the needs identified in the data collection and analysis under subparagraph (B);

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

(17) 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);

(18) provide for procedures to be established for protecting the rights of recipients of serv-

ices and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(19) 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;

(20) 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;

(21) 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, tribal, 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, tribal, and other non-Federal funds;

(22) 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;

(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 status offender is held in custody for violating such order;

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

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

(i) such representative shall submit an assessment to the court that issued such

order, regarding the immediate needs of such status offender;

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

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

(II) the appropriate placement of such status offender pending disposition of the violation alleged; and

(iii) if such court determines the status offender should be placed in a secure detention facility or correctional facility for violating such order—

(I) the court shall issue a written order that—

(aa) identifies the valid court order that has been violated;

(bb) specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order;

(cc) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile;

(dd) specifies the length of time, not to exceed 7 days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility; and

(ee) may not be renewed or extended; and

(II) the court may not issue a second or subsequent order described in subclause (I) relating to a status offender unless the status offender violates a valid court order after the date on which the court issues an order described in subclause (I); and

(D) there are procedures in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a court order described in this paragraph does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter;

(24) provide an assurance that if the State receives under section 11132 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 11132 of this title (other than funds made available to the State advisory group under section 11132(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, and in accordance with confidentiality concerns, 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, so as to provide for—

(A) data in child abuse or neglect reports relating to juveniles entering the juvenile justice system with a prior reported history of arrest, court intake, probation and parole, juvenile detention, and corrections; and

(B) a plan to use the data described in subparagraph (A) to provide necessary services for the treatment of such victims of child abuse or neglect;

(27) provide assurances that juvenile offenders whose placement is funded through section 672 of title 42 receive the protections specified in section 671 of title 42, including a case plan and case plan review as defined in section 675 of title 42;

(28) provide for the coordinated use of funds provided under this subchapter with other Federal and State funds directed at juvenile delinquency prevention and intervention programs;

(29) describe the policies, procedures, and training in effect for the staff of juvenile State correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques;

(30) describe—

(A) the evidence-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, and treatment for juveniles who—

(i) request a screening;

(ii) show signs of needing a screening; or

(iii) are held for a period of more than 24 hours in a secure facility that provides for an initial screening; and

(B) how the State will seek, to the extent practicable, to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment;

(31) describe how reentry planning by the State for juveniles will include—

(A) a written case plan based on an assessment of needs that includes—

(i) the pre-release and post-release plans for the juveniles;

(ii) the living arrangement to which the juveniles are to be discharged; and

(iii) any other plans developed for the juveniles based on an individualized assessment; and

(B) review processes;

(32) provide an assurance that the agency of the State receiving funds under this subchapter collaborates with the State educational agency receiving assistance under part A of title I of the Elementary and Sec-

ondary Education Act of 1965 (20 U.S.C. 6311 et seq.) to develop and implement a plan to ensure that, in order to support educational progress—

(A) the student records of adjudicated juveniles, including electronic records if available, are transferred in a timely manner from the educational program in the juvenile detention or secure treatment facility to the educational or training program into which the juveniles will enroll;

(B) the credits of adjudicated juveniles are transferred; and

(C) adjudicated juveniles receive full or partial credit toward high school graduation for secondary school coursework satisfactorily completed before and during the period of time during which the juveniles are held in custody, regardless of the local educational agency or entity from which the credits were earned; and

(33) describe policies and procedures to—

(A) screen for, identify, and document in records of the State the identification of victims of domestic human trafficking, or those at risk of such trafficking, upon intake; and

(B) divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable.

(b) Approval by State agency

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

(c) Compliance with statutory requirements

(1) If a State fails to comply with any of the core requirements in any fiscal year, then—

(A) subject to subparagraph (B), the amount allocated to such State under section 11132 of this title for the subsequent fiscal year shall be reduced by not less than 20 percent for each core requirement with respect to which the failure occurs; and

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

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

(ii) 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.

(2) Of the total amount of funds not allocated for a fiscal year under paragraph (1)—

(A) 50 percent of the unallocated funds shall be reallocated under section 11132 of this title to States that have not failed to comply with the core requirements; and

(B) 50 percent of the unallocated funds shall be used by the Administrator to provide additional training and technical assistance to States for the purpose of promoting compliance with the core requirements.

(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 10222 and 10223 of this title and 3785 of title 42³, determines does not meet the requirements of this section, the Administrator shall endeavor to make that State's allocation under the provisions of section 11132(a) of this title, excluding funds the Administrator shall make available to satisfy the requirement specified in section 11132(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 the core requirements. 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 core requirements.

(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) and permit the State advisory group appointed under subsection (a)(3) 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) 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) disseminating information, data, standards, advanced techniques, and program models;

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

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

(D) advising the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation

³ See References in Text note below.

pertaining to juvenile justice and delinquency prevention.

(g) Compliance determination

(1) In general

For each fiscal year, the Administrator shall make a determination regarding whether each State receiving a grant under this subchapter is in compliance or out of compliance with respect to each of the core requirements.

(2) Reporting

The Administrator shall—

(A) issue an annual public report—

(i) describing any determination described in paragraph (1) made during the previous year, including a summary of the information on which the determination is based and the actions to be taken by the Administrator (including a description of any reduction imposed under subsection (c)); and

(ii) for any such determination that a State is out of compliance with any of the core requirements, describing the basis for the determination; and

(B) make the report described in subparagraph (A) available on a publicly available website.

(3) Determinations required

The Administrator may not—

(A) determine that a State is “not out of compliance”, or issue any other determination not described in paragraph (1), with respect to any core requirement; or

(B) otherwise fail to make the compliance determinations required under paragraph (1).

(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), Oct. 3, 1977, 91 Stat. 1048, 1051; 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; Pub. L. 115–385, title II, §205, Dec. 21, 2018, 132 Stat. 5131.)

Editorial Notes

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, 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 of 1974 Act note set out under section 10101 of this title and Tables.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (a)(32), is Pub. L. 89–10, Apr. 11, 1965, 79 Stat. 27. Part A of title I of the Act is classified generally to part A (§6311 et seq.) of subchapter I

of chapter 70 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

Section 3785 of title 42, referred to in subsec. (d), was repealed by Pub. L. 109–162, title XI, §1155(3), Jan. 5, 2006, 119 Stat. 3114.

CODIFICATION

Section was formerly classified to section 5633 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). Pub. L. 115–385, §205(1)(A), in introductory provisions, substituted “and shall describe how the State plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents. Not later than 60 days after the date on which a plan or amended plan submitted under this subsection is finalized, a State shall make the plan or amended plan publicly available by posting the plan or amended plan on the State’s publicly available website.” for “and shall describe the status of compliance with State plan requirements.”

Subsec. (a)(1). Pub. L. 115–385, §205(1)(B), substituted “as designated by the chief executive officer of the State” for “described in section 11181(c)(1) of this title”.

Subsec. (a)(3)(A)(i). Pub. L. 115–385, §205(1)(C)(i)(I), inserted “adolescent development,” after “concerning”.

Subsec. (a)(3)(A)(ii)(III). Pub. L. 115–385, §205(1)(C)(i)(II)(aa), substituted “child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities” for “mental health, education, special education”.

Subsec. (a)(3)(A)(ii)(V). Pub. L. 115–385, §205(1)(C)(i)(II)(bb), substituted “delinquent youth or youth at risk of delinquency” for “delinquents or potential delinquents”.

Subsec. (a)(3)(A)(ii)(VI). Pub. L. 115–385, §205(1)(C)(i)(II)(cc), substituted “representatives of” for “youth workers involved with”.

Subsec. (a)(3)(A)(ii)(VIII) to (X). Pub. L. 115–385, §205(1)(C)(i)(II)(dd), (ee), added subcls. (VIII) to (X) and struck out former subcl. (VIII) which read as follows: “persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;”.

Subsec. (a)(3)(A)(iv). Pub. L. 115–385, §205(1)(C)(i)(III), substituted “28 at the time of initial appointment” for “24 at the time of appointment”.

Subsec. (a)(3)(A)(v). Pub. L. 115–385, §205(1)(C)(i)(IV), inserted “or, if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system” after “juvenile justice system”.

Subsec. (a)(3)(C). Pub. L. 115–385, §205(1)(C)(ii), substituted “45 days” for “30 days”.

Subsec. (a)(3)(D)(i). Pub. L. 115–385, §205(1)(C)(iii)(I), struck out “and” at end.

Subsec. (a)(3)(D)(ii). Pub. L. 115–385, §205(1)(C)(iii)(II), substituted “at least every 2 years a report and necessary recommendations regarding State compliance with the core requirements” for “at least annually recommendations regarding State compliance with the requirements of paragraphs (11), (12), and (13)”.

Subsec. (a)(3)(E)(i). Pub. L. 115–385, §205(1)(C)(iv)(I), inserted “and” at end.

Subsec. (a)(3)(E)(ii). Pub. L. 115–385, §205(1)(C)(iv)(II), substituted semicolon for period at end.

Subsec. (a)(5)(C). Pub. L. 115–385, §205(1)(D), substituted “Indian Tribes that agree to attempt to com-

ply with the core requirements applicable to the detention and confinement of juveniles” for “Indian tribes that perform law enforcement functions (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”.

Subsec. (a)(7)(A). Pub. L. 115-385, § 205(1)(E)(i), substituted “has jurisdiction” for “performs law enforcement functions”.

Subsec. (a)(7)(B)(iv) to (ix). Pub. L. 115-385, § 205(1)(E)(ii), added cls. (iv) to (ix) and struck out former cl. (iv) which read as follows: “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”.

Subsec. (a)(8). Pub. L. 115-385, § 205(1)(F), substituted “evidence-based and promising” for “existing”.

Subsec. (a)(9). Pub. L. 115-385, § 205(1)(G)(i), inserted “, with priority in funding given to entities meeting the criteria for evidence-based or promising programs” after “used for” in introductory provisions.

Subsec. (a)(9)(A)(i). Pub. L. 115-385, § 205(1)(G)(ii)(I)(aa), inserted “status offenders and other” before “youth who need”.

Subsec. (a)(9)(A)(iii). Pub. L. 115-385, § 205(1)(G)(ii)(I)(bb)–(III), added cl. (iii).

Subsec. (a)(9)(B)(i). Pub. L. 115-385, § 205(1)(G)(iii), substituted “status offenders, other youth, and the parents and other family members of such offenders and youth” for “parents and other family members” and “remain” for “be retained”.

Subsec. (a)(9)(E). Pub. L. 115-385, § 205(1)(G)(iv)(I), substituted “at-risk or delinquent youth” for “delinquent” in introductory provisions.

Subsec. (a)(9)(E)(i). Pub. L. 115-385, § 205(1)(G)(iv)(II), inserted “, including for truancy prevention and reduction” before semicolon at end.

Subsec. (a)(9)(F). Pub. L. 115-385, § 205(1)(G)(v), substituted “programs to expand” for “expanding” in introductory provisions.

Subsec. (a)(9)(G). Pub. L. 115-385, § 205(1)(G)(vii), added subpar. (G). Former subpar. (G) redesignated (H).

Subsec. (a)(9)(H). Pub. L. 115-385, § 205(1)(G)(vi), (viii), redesignated subpar. (G) as (H) and substituted “State, tribal,” for “State,” in two places. Former subpar. (H) redesignated (I).

Subsec. (a)(9)(I) to (L). Pub. L. 115-385, § 205(1)(G)(vi), redesignated subpars. (H) to (K) as (I) to (L), respectively. Former subpar. (L) redesignated (M).

Subsec. (a)(9)(M). Pub. L. 115-385, § 205(1)(G)(vi), redesignated subpar. (L) as (M). Former subpar. (M) redesignated (N).

Subsec. (a)(9)(M)(i). Pub. L. 115-385, § 205(1)(G)(ix)(I), substituted “continuum of pre-adjudication and post-adjudication alternatives” for “continuum of post-adjudication restraints” and inserted “specialized or problem-solving courts,” after “(including”.

Subsec. (a)(9)(M)(ii). Pub. L. 115-385, § 205(1)(G)(ix)(II), struck out “by the provision by the Administrator” before “of information” and “to States” before “in the design”.

Subsec. (a)(9)(N). Pub. L. 115-385, § 205(1)(G)(vi), (x), redesignated subpar. (M) as (N), inserted “and reduce the risk of recidivism” after “families”, and struck out “so that such juveniles may be retained in their homes” before semicolon at end. Former subpar. (N) redesignated (O).

Subsec. (a)(9)(O) to (R). Pub. L. 115-385, § 205(1)(G)(vi), redesignated subpars. (N) to (Q) as (O) to (R), respectively. Former subpar. (R) redesignated (S).

Subsec. (a)(9)(S). Pub. L. 115-385, § 205(1)(G)(vi), (xi), redesignated subpar. (R) as (S) and struck out “and” at end. Former subpar. (S) redesignated (T).

Subsec. (a)(9)(T). Pub. L. 115-385, § 205(1)(G)(vi), (xii), redesignated subpar. (S) as (T) and substituted “mental health or co-occurring disorder services for court-involved or incarcerated juveniles in need of such serv-

ices, including assessment, development of individualized treatment plans, provision of treatment, and development of discharge plans;” for “mental health services for incarcerated juveniles suspected to be in need of such services, including assessment, development of individualized treatment plans, and discharge plans.”

Subsec. (a)(9)(U) to (W). Pub. L. 115-385, § 205(1)(G)(xiii), added subpars. (U) to (W).

Subsec. (a)(11). Pub. L. 115-385, § 205(1)(H), added par. (11) and struck out former par. (11) which prohibited placement of juveniles in secure detention facilities or secure correctional facilities under certain circumstances.

Subsec. (a)(12)(A). Pub. L. 115-385, § 205(1)(I), substituted “sight or sound contact” for “contact”.

Subsec. (a)(13). Pub. L. 115-385, § 205(1)(J), substituted “sight or sound contact” for “contact” in concluding provisions of subpar. (A) and in subpar. (B)(i)(I).

Subsec. (a)(14). Pub. L. 115-385, § 205(1)(K), substituted “an effective system of monitoring jails, lock-ups, detention facilities, and correctional facilities to ensure that the core requirements are met” 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 struck out “, in the opinion of the Administrator,” before “sufficient enforcement mechanisms”.

Subsec. (a)(15). Pub. L. 115-385, § 205(1)(O), added par. (15). Former par. (15) redesignated (16).

Subsec. (a)(16). Pub. L. 115-385, § 205(1)(N), (P), redesignated par. (15) as (16) and inserted “ethnicity,” after “race,”. Former par. (16) redesignated (17).

Subsec. (a)(17) to (20). Pub. L. 115-385, § 205(1)(N), redesignated pars. (16) to (19) as (17) to (20), respectively. Former par. (20) redesignated (21).

Subsec. (a)(21). Pub. L. 115-385, § 205(1)(N), (Q), redesignated par. (20) as (21) and substituted “local, tribal,” for “local,” in two places. Former par. (21) redesignated (22).

Subsec. (a)(22). Pub. L. 115-385, § 205(1)(L), (N), redesignated par. (21) as (22) and struck out former par. (22) which read as follows: “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”.

Subsec. (a)(23). Pub. L. 115-385, § 205(1)(R)(i), substituted “such status offender” for “such juvenile” wherever appearing in subpars. (A) to (C).

Subsec. (a)(23)(C)(iii). Pub. L. 115-385, § 205(1)(R)(iii), added cl. (iii).

Subsec. (a)(23)(D). Pub. L. 115-385, § 205(1)(R)(ii), (iv), added subpar. (D).

Subsec. (a)(26). Pub. L. 115-385, § 205(1)(S), inserted “and in accordance with confidentiality concerns,” after “maximum extent practicable,” and substituted “known to such court, so as to provide for—” and subpars. (A) and (B) for “known to such court;”.

Subsec. (a)(27). Pub. L. 115-385, § 205(1)(L), (M), redesignated par. (28) as (27) and struck out former par. (27) which read as follows: “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”.

Subsec. (a)(28) to (33). Pub. L. 115-385, § 205(1)(T), (U), added pars. (28) to (33). Former par. (28) redesignated (27).

Subsec. (c). Pub. L. 115-385, § 205(2), amended subsec. (c) generally. Prior to amendment, subsec. (c) set out consequences for States that failed to comply with certain statutory requirements in subsec. (a) of this section in any fiscal year beginning after Sept. 30, 2001.

Subsec. (d). Pub. L. 115-385, § 205(3), substituted “described in the core requirements” for “described in paragraphs (11), (12), (13), and (22) of subsection (a)” and “the core requirements” for “the requirements under paragraphs (11), (12), (13), and (22) of subsection (a)”.

Subsec. (f)(2). Pub. L. 115-385, § 205(4), redesignated subpars. (B) to (E) as (A) to (D), respectively, and struck out former subpar. (A) which read as follows: “conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;”.

Subsec. (g). Pub. L. 115-385, § 205(5), added subsec. (g). 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 prevention 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 determines 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 non-compliance 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 “allotment” for “allotment” and substituted “paragraphs (1), (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) provi-

sions 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)" for "the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14)" and "subsection (a)(12)(A), (13), (14) and (23)" for "subsection (a)(12)(A) and subsection (a)(13)".

1988—Subsec. (a)(1). Pub. L. 100-690, §7263(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)” for “criminal justice council designated pursuant to section 5633(a) of this title” and “subsection (a)” 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 supervisor” 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 lock-ups 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 functions 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 reallocation 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).

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 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 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.

Pub. L. 95-115, § 4(c)(3)(B), Oct. 3, 1977, 91 Stat. 1052, provided in part that the amendment of subsec. (a)(5) of this section by section 4(c)(3)(B) of Pub. L. 95-115 is effective Oct. 1, 1978.

Pub. L. 95-115, § 4(c)(6)(B), Oct. 3, 1977, 91 Stat. 1053, provided in part that the amendment of subsec. (a)(10) of this section by section 4(c)(6)(B) of Pub. L. 95-115 is effective Oct. 1, 1978.

SAVINGS PROVISION

Pub. L. 102-586, § 2(f)(3)(B), Nov. 4, 1992, 106 Stat. 4994, 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)) [now 34 U.S.C. 11133(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."

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 1013 of Title 5, Government Organization and Employees.

**PART C—JUVENILE DELINQUENCY PREVENTION
BLOCK GRANT PROGRAM****Editorial Notes****PRIOR PROVISIONS**

A prior part C of title II of Pub. L. 93-415 related to national programs, prior to repeal by Pub. L. 107-273, div. C, title II, § 12210(1), Nov. 2, 2002, 116 Stat. 1880.

§§ 11141 to 11146. Repealed. Pub. L. 115-385, title II, § 206, Dec. 21, 2018, 132 Stat. 5140

Section 11141, 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, related to authority to make grants. Section was formerly classified to section 5651 of Title 42, The Public Health and Welfare.

A prior section 241 of Pub. L. 93-415, title II, 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.

Section 11142, 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, related to allocation of funds. Section was formerly classified to section 5652 of Title 42, The Public Health and Welfare.

A prior section 242 of Pub. L. 93-415, title II, 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.

Section 11143, 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, related to eligibility of States for grants. Section was formerly classified to section 5653 of Title 42, The Public Health and Welfare.

A prior section 243 of Pub. L. 93-415, title II, 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.

Section 11144, 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, related to grants given by States for local projects. Section was formerly classified to section 5654 of Title 42, The Public Health and Welfare.

A prior section 244 of Pub. L. 93-415, title II, 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.

Section 11145, 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, related to eligibility of entities. Section was formerly classified to section 5655 of Title 42, The Public Health and Welfare.

A prior section 245 of Pub. L. 93-415, title II, 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,