

PART F—GENERAL AND ADMINISTRATIVE
PROVISIONS

Editorial Notes

CODIFICATION

Part F of title II of Pub. L. 93-415, classified to this part, was formerly part I of title II of Pub. L. 93-415, prior to redesignation as part F by Pub. L. 107-273, div. C, title II, §12210(3), Nov. 2, 2002, 116 Stat. 1880.

Pub. L. 102-586, §2(i)(1)(A), Nov. 4, 1992, 106 Stat. 5006, redesignated part E of title II of Pub. L. 93-415 as I.

Pub. L. 100-690, title VII, §7266(1), Nov. 18, 1988, 102 Stat. 4449, redesignated part D of title II of Pub. L. 93-415 as E and substituted "GENERAL AND ADMINISTRATIVE PROVISIONS" for "ADMINISTRATIVE PROVISIONS".

PRIOR PROVISIONS

A prior part F of title II of Pub. L. 93-415 related to treatment for juvenile offenders who are victims of child abuse or neglect, prior to repeal by Pub. L. 107-273, div. C, title II, §12210(1), Nov. 2, 2002, 116 Stat. 1880.

§ 11181. Repealed. Pub. L. 115-385, title IV, § 402(c)(1), Dec. 21, 2018, 132 Stat. 5160

Section, Pub. L. 93-415, title II, §299, formerly §261, Sept. 7, 1974, 88 Stat. 1129; Pub. L. 94-273, §32(b), Apr. 21, 1976, 90 Stat. 380; Pub. L. 94-503, title I, §130(a), Oct. 15, 1976, 90 Stat. 2425; Pub. L. 95-115, §6(b), Oct. 3, 1977, 91 Stat. 1058; Pub. L. 96-509, §§2(a), 15, Dec. 8, 1980, 94 Stat. 2750, 2760; Pub. L. 98-473, title II, §640, Oct. 12, 1984, 98 Stat. 2121; renumbered §291 and amended Pub. L. 100-690, title VII, §§7265, 7266(3), Nov. 18, 1988, 102 Stat. 4448, 4449; Pub. L. 101-204, title X, §§1001(e)(1), 1002, Dec. 7, 1989, 103 Stat. 1827; renumbered §299 and amended Pub. L. 102-586, §2(i)(1)(B), (j), Nov. 4, 1992, 106 Stat. 5006, 5016; Pub. L. 107-273, div. C, title II, §12213, Nov. 2, 2002, 116 Stat. 1891, authorized appropriations for this subchapter for fiscal years 2003 to 2007.

Section was formerly classified to section 5671 of Title 42, The Public Health and Welfare.

§ 11182. Administrative authority

(a) Authority of Administrator

The Office shall be administered by the Administrator under the general authority of the Attorney General.

(b) Certain crime control provisions applicable

Sections 10228(c), 10230(a), 10230(b), 10230(c), 10231(a), 10231(b), and 10231(d) of this title, shall apply with respect to the administration of and compliance with this chapter, except that for purposes of this chapter—

(1) any reference to the Office of Justice Programs in such sections shall be deemed to be a reference to the Assistant Attorney General who heads the Office of Justice Programs; and

(2) the term "this chapter" as it appears in such sections shall be deemed to be a reference to this chapter.

(c) Certain other crime control provisions applicable

Sections 10221(a), 10221(c), and 10225 of this title shall apply with respect to the administration of and compliance with this chapter, except that for purposes of this chapter—

(1) any reference to the Attorney General, the Assistant Attorney General who heads the Office of Justice Programs, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, or the Direc-

tor of the Bureau of Justice Assistance shall be deemed to be a reference to the Administrator;

(2) any reference to the Office of Justice Programs, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be deemed to be a reference to the Office of Juvenile Justice and Delinquency Prevention; and

(3) the term "this chapter" as it appears in such sections shall be deemed to be a reference to this chapter.

(d) Rules, regulations, and procedures

(1) The Administrator is authorized to establish such rules, regulations, guidance, and procedures as are necessary for the exercise of the functions of the Office and only to the extent necessary to ensure that there is compliance with the specific requirements of this subchapter or to respond to requests for clarification and guidance relating to such compliance. In developing guidance and procedures, the Administrator shall consult with representatives of States and units of local government, including those individuals responsible for administration of this chapter and compliance with the core requirements.

(2) The Administrator shall ensure that—

(A) reporting, compliance reporting, State plan requirements, and other similar documentation as may be required from States is requested in a manner that respects confidentiality, encourages efficiency and reduces the duplication of reporting efforts; and

(B) States meeting all the core requirements are encouraged to experiment with offering innovative, data-driven programs designed to further improve the juvenile justice system.

(e) Presumption of State compliance

If a State requires by law compliance with the core requirements, then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.

(Pub. L. 93-415, title II, §299A, formerly §262, Sept. 7, 1974, 88 Stat. 1129; Pub. L. 95-115, §6(c), Oct. 3, 1977, 91 Stat. 1058; Pub. L. 96-509, §16, Dec. 8, 1980, 94 Stat. 2761; Pub. L. 98-473, title II, §641, Oct. 12, 1984, 98 Stat. 2122; renumbered §292, Pub. L. 100-690, title VII, §7266(3), Nov. 18, 1988, 102 Stat. 4449; renumbered §299A, Pub. L. 102-586, §2(i)(1)(B), Nov. 4, 1992, 106 Stat. 5006; Pub. L. 107-273, div. C, title II, §12214, Nov. 2, 2002, 116 Stat. 1892; Pub. L. 115-385, title II, §209, Dec. 21, 2018, 132 Stat. 5144.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b), (c), and (d)(1), 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.

CODIFICATION

Section was formerly classified to section 5672 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Subsec. (d). Pub. L. 115-385, §209(1), designated existing provisions as par. (1), struck out “, after appropriate consultation with representatives of States and units of local government,” after “Administrator is authorized”, inserted “guidance,” after “regulations,” and “In developing guidance and procedures, the Administrator shall consult with representatives of States and units of local government, including those individuals responsible for administration of this chapter and compliance with the core requirements.” at end, and added par. (2).

Subsec. (e). Pub. L. 115-385, §209(2), substituted “core requirements” for “requirements described in paragraphs (11), (12), and (13) of section 11133(a) of this title”.

2002—Subsec. (d). Pub. L. 107-273, §12214(1), substituted “only to the extent necessary to ensure that there is compliance with the specific requirements of this subchapter or to respond to requests for clarification and guidance relating to such compliance” for “as are consistent with the purpose of this chapter”.

Subsec. (e). Pub. L. 107-273, §12214(2), added subsec. (e).

1984—Subsec. (a). Pub. L. 98-473, in amending subsec. (a) generally, substituted provisions setting forth the administrative authority of the Office for former provisions which incorporated other administrative provisions into this chapter as well as construing certain references as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same actions as other officials.

Subsec. (b). Pub. L. 98-473, in amending subsec. (b) generally, substituted provisions relating to the applicability of other provisions to this chapter as well as defining certain references therein for former provisions which directed the Office of Justice Assistance, Research and Statistics to provide staff support and coordinate the activities of the Office of Juvenile Justice and Delinquency Prevention.

Subsecs. (c), (d). Pub. L. 98-473, in amending section generally, added subsecs. (c) and (d).

1980—Pub. L. 96-509 brought relevant applicable administrative provisions of the Omnibus Crime Control and Safe Streets Act of 1968 into conformance subsequent to the Justice System Improvement Amendments of 1979 and provided that the Office of Justice Assistance, Research, and Statistics provide staff support to, and coordinate the activities of the Office in the same manner as it does for the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to former section 3781(b) of title 42.

1977—Pub. L. 95-115 substituted provisions setting forth applicability of specified statutory requirements, for provisions setting forth prohibitions against discrimination and required terms in grants, contracts, and agreements and enforcement procedures thereof.

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 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 section 6(d)(2) of Pub. L. 95-115 and repealed by Pub. L. 100-690, title VII, §266(2), Nov. 18, 1988, 102 Stat. 4449, formerly set out as a note under section 11101 of this title.

§ 11183. Withholding

Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this subchapter, finds that—

(1) the program or activity for which the grant or contract involved was made has been so changed that it no longer complies with this subchapter; or

(2) in the operation of such program or activity there is failure to comply substantially with any provision of this subchapter;

the Administrator shall initiate such proceedings as are appropriate.

(Pub. L. 93-415, title II, §299B, formerly §293, as added Pub. L. 100-690, title VII, §266(4), Nov. 18, 1988, 102 Stat. 4449; renumbered §299B, Pub. L. 102-586, §2(i)(1)(B), Nov. 4, 1992, 106 Stat. 5006.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 5673 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1988, see section 7296(a) of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 11101 of this title.

§ 11184. Use of funds**(a) In general**

Funds paid pursuant to this subchapter to any public or private agency, organization, or institution, or to any individual (either directly or through a State planning agency) may be used for—

(1) planning, developing, or operating the program designed to carry out this subchapter; and

(2) not more than 50 per centum of the cost of the construction of any innovative community-based facility for fewer than 20 persons which, in the judgment of the Administrator, is necessary to carry out this subchapter.

(b) Prohibition against use of funds in construction

Except as provided in subsection (a), no funds paid to any public or private agency, or institution or to any individual under this subchapter (either directly or through a State agency or local agency) may be used for construction.

(c) Funds paid to residential programs

No funds may be paid under this subchapter to a residential program (excluding a program in a private residence) unless—

(1) there is in effect in the State in which such placement or care is provided, a requirement that the provider of such placement or