

114TH CONGRESS
2D SESSION

H. R. 5963

AN ACT

To reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Supporting Youth Op-
3 portunity and Preventing Delinquency Act of 2016”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—DECLARATION OF FINDINGS, PURPOSE, AND
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- Sec. 101. Findings.
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- Sec. 207. Research and evaluation; statistical analyses; information dissemina-
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TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Evaluation by Government Accountability Office.
- Sec. 402. Accountability and oversight.

1 **TITLE I—DECLARATION OF**
2 **FINDINGS, PURPOSE, AND**
3 **DEFINITIONS**

4 **SEC. 101. FINDINGS.**

5 Section 101(a)(9) of the Juvenile Justice and Delin-
6 quency Prevention Act of 1974 (42 U.S.C. 5601(a)(9)) is
7 amended by inserting “, including offenders who enter the
8 juvenile justice system as the result of sexual abuse, ex-
9 ploitation, and trauma,” after “young juvenile offenders”.

10 **SEC. 102. PURPOSES.**

11 Section 102 of the Juvenile Justice and Delinquency
12 Prevention Act of 1974 (42 U.S.C. 5602) is amended—

13 (1) in paragraph (1), by inserting “, tribal,”
14 after “State”;

15 (2) in paragraph (2)—

16 (A) by inserting “, tribal,” after “State”;

17 and

18 (B) by striking “and” at the end;

19 (3) by amending paragraph (3) to read as fol-
20 lows:

21 “(3) to assist State, tribal, and local govern-
22 ments in addressing juvenile crime through the pro-
23 vision of technical assistance, research, training,
24 evaluation, and the dissemination of current and rel-
25 evant information on effective and evidence-based

1 programs and practices for combating juvenile delin-
2 quency; and”;

3 (4) by adding at the end the following:

4 “(4) to support a continuum of evidence-based
5 or promising programs (including delinquency pre-
6 vention, intervention, mental health, behavioral
7 health and substance abuse treatment, family serv-
8 ices, and services for children exposed to violence)
9 that are trauma informed, reflect the science of ado-
10 lescent development, and are designed to meet the
11 needs of at-risk youth and youth who come into con-
12 tact with the justice system.”.

13 **SEC. 103. DEFINITIONS.**

14 Section 103 of the Juvenile Justice and Delinquency
15 Prevention Act of 1974 (42 U.S.C. 5603) is amended—

16 (1) in paragraph (8)—

17 (A) in subparagraph (B)(ii), by adding
18 “or” at the end;

19 (B) by striking subparagraph (C); and

20 (C) by redesignating subparagraph (D) as
21 subparagraph (C);

22 (2) in paragraph (18) by adding at the end the
23 following:

1 “that has a law enforcement function, as determined
2 by the Secretary of the Interior in consultation with
3 the Attorney General;”.

4 (3) by amending paragraph (22) to read as fol-
5 lows:

6 “(22) the term ‘jail or lockup for adults’ means
7 a secure facility that is used by a State, unit of local
8 government, or law enforcement authority to detain
9 or confine adult inmates;”;

10 (4) by amending paragraph (25) to read as fol-
11 lows:

12 “(25) the term ‘sight or sound contact’ means
13 any physical, clear visual, or verbal contact that is
14 not brief and inadvertent;”;

15 (5) by amending paragraph (26) to read as fol-
16 lows:

17 “(26) the term ‘adult inmate’—

18 “(A) means an individual who—

19 “(i) has reached the age of full crimi-
20 nal responsibility under applicable State
21 law; and

22 “(ii) has been arrested and is in cus-
23 tody for or awaiting trial on a criminal
24 charge, or is convicted of a criminal of-
25 fense; and

1 “(B) does not include an individual who—

2 “(i) at the time of the time of the of-
3 fense, was younger than the maximum age
4 at which a youth can be held in a juvenile
5 facility under applicable State law; and

6 “(ii) was committed to the care and
7 custody or supervision, including post-
8 placement or parole supervision, of a juve-
9 nile correctional agency by a court of com-
10 petent jurisdiction or by operation of appli-
11 cable State law;”;

12 (6) in paragraph (28), by striking “and” at the
13 end;

14 (7) in paragraph (29), by striking the period at
15 the end and inserting a semicolon; and

16 (8) by adding at the end the following:

17 “(30) the term ‘core requirements’—

18 “(A) means the requirements described in
19 paragraphs (11), (12), (13), and (15) of section
20 223(a); and

21 “(B) does not include the data collection
22 requirements described in subparagraphs (A)
23 through (K) of section 207(1);

24 “(31) the term ‘chemical agent’ means a spray
25 or injection used to temporarily incapacitate a per-

1 son, including oleoresin capsicum spray, tear gas,
2 and 2-chlorobenzalmalononitrile gas;

3 “(32) the term ‘isolation’—

4 “(A) means any instance in which a youth
5 is confined alone for more than 10 minutes in
6 a room or cell; and

7 “(B) does not include—

8 “(i) confinement during regularly
9 scheduled sleeping hours;

10 “(ii) separation based on a treatment
11 program approved by a licensed medical or
12 mental health professional;

13 “(iii) confinement or separation that
14 is requested by the youth; or

15 “(iv) the separation of the youth from
16 a group in a nonlocked setting for the lim-
17 ited purpose of calming;

18 “(33) the term ‘restraints’ has the meaning
19 given that term in section 591 of the Public Health
20 Service Act (42 U.S.C. 290ii);

21 “(34) the term ‘evidence-based’ means a pro-
22 gram or practice that—

23 “(A) is demonstrated to be effective when
24 implemented with fidelity;

1 “(B) is based on a clearly articulated and
2 empirically supported theory;

3 “(C) has measurable outcomes relevant to
4 juvenile justice, including a detailed description
5 of the outcomes produced in a particular popu-
6 lation, whether urban or rural; and

7 “(D) has been scientifically tested and
8 proven effective through randomized control
9 studies or comparison group studies and with
10 the ability to replicate and scale;

11 “(35) the term ‘promising’ means a program or
12 practice that—

13 “(A) is demonstrated to be effective based
14 on positive outcomes relevant to juvenile justice
15 from one or more objective, independent, and
16 scientifically valid evaluations, as documented
17 in writing to the Administrator; and

18 “(B) will be evaluated through a well-de-
19 signed and rigorous study, as described in para-
20 graph (34)(D);

21 “(36) the term ‘dangerous practice’ means an
22 act, procedure, or program that creates an unreason-
23 able risk of physical injury, pain, or psychological
24 harm to a juvenile subjected to the act, procedure,
25 or program;

1 “(37) the term ‘screening’ means a brief proc-
2 ess—

3 “(A) designed to identify youth who may
4 have mental health, behavioral health, sub-
5 stance abuse, or other needs requiring imme-
6 diate attention, intervention, and further eval-
7 uation; and

8 “(B) the purpose of which is to quickly
9 identify a youth with possible mental health, be-
10 havioral health, substance abuse, or other needs
11 in need of further assessment;

12 “(38) the term ‘assessment’ includes, at a min-
13 imum, an interview and review of available records
14 and other pertinent information—

15 “(A) by an appropriately trained profes-
16 sional who is licensed or certified by the appli-
17 cable State in the mental health, behavioral
18 health, or substance abuse fields; and

19 “(B) which is designed to identify signifi-
20 cant mental health, behavioral health, or sub-
21 stance abuse treatment needs to be addressed
22 during a youth’s confinement;

23 “(39) for purposes of section 223(a)(15), the
24 term ‘contact’ means the points at which a youth
25 and the juvenile justice system or criminal justice

1 system officially intersect, including interactions
2 with a juvenile justice, juvenile court, or law enforce-
3 ment official;

4 “(40) the term ‘trauma-informed’ means—

5 “(A) understanding the impact that expo-
6 sure to violence and trauma have on a youth’s
7 physical, psychological, and psychosocial devel-
8 opment;

9 “(B) recognizing when a youth has been
10 exposed to violence and trauma and is in need
11 of help to recover from the adverse impacts of
12 trauma; and

13 “(C) responding in ways that resist re-
14 traumatization;

15 “(41) the term ‘racial and ethnic disparity’
16 means minority youth populations are involved at a
17 decision point in the juvenile justice system at high-
18 er rates, incrementally or cumulatively, than non-mi-
19 nority youth at that decision point;

20 “(42) the term ‘status offender’ means a juve-
21 nile who is charged with or who has committed an
22 offense that would not be criminal if committed by
23 an adult;

1 “(43) the term ‘rural’ means an area that is
2 not located in a metropolitan statistical area, as de-
3 fined by the Office of Management and Budget;

4 “(44) the term ‘internal controls’ means a proc-
5 ess implemented to provide reasonable assurance re-
6 garding the achievement of objectives in—

7 “(A) effectiveness and efficiency of oper-
8 ations, such as grant management practices;

9 “(B) reliability of reporting for internal
10 and external use; and

11 “(C) compliance with applicable laws and
12 regulations, as well as recommendations of the
13 Office of Inspector General and the Government
14 Accountability Office; and

15 “(45) the term ‘tribal government’ means the
16 governing body of an Indian tribe.”.

17 **TITLE II—JUVENILE JUSTICE**
18 **AND DELINQUENCY PREVEN-**
19 **TION**

20 **SEC. 201. CONCENTRATION OF FEDERAL EFFORTS.**

21 Section 204 of the Juvenile Justice and Delinquency
22 Prevention Act of 1974 (42 U.S.C. 5614) is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (1), in the first sen-
25 tence—

1 (i) by striking “a long-term plan, and
2 implement” and inserting the following: “a
3 long-term plan to improve the juvenile jus-
4 tice system in the United States, taking
5 into account scientific knowledge regarding
6 adolescent development and behavior and
7 regarding the effects of delinquency pre-
8 vention programs and juvenile justice
9 interventions on adolescents, and shall im-
10 plement”; and

11 (ii) by striking “research, and im-
12 provement of the juvenile justice system in
13 the United States” and inserting “and re-
14 search”; and

15 (B) in paragraph (2)(B), by striking “Fed-
16 eral Register” and all that follows and inserting
17 “Federal Register during the 30-day period
18 ending on October 1 of each year.”; and

19 (2) in subsection (b)—

20 (A) by striking paragraph (7);

21 (B) by redesignating paragraphs (5) and
22 (6) as paragraphs (6) and (7), respectively;

23 (C) by inserting after paragraph (4), the
24 following:

1 “(5) not later than 1 year after the date of en-
 2 actment of the Supporting Youth Opportunity and
 3 Preventing Delinquency Act of 2016, in consultation
 4 with Indian tribes, develop a policy for the Office of
 5 Juvenile Justice and Delinquency Prevention to col-
 6 laborate with representatives of Indian tribes with a
 7 criminal justice function on the implementation of
 8 the provisions of this Act relating to Indian tribes;”;

9 (D) in paragraph (6), as so redesignated,
 10 by adding “and” at the end; and

11 (E) in paragraph (7), as so redesignated—

12 (i) by striking “monitoring”;

13 (ii) by striking “section 223(a)(15)”
 14 and inserting “section 223(a)(16)”; and

15 (iii) by striking “to review the ade-
 16 quacy of such systems; and” and inserting
 17 “for monitoring compliance.”.

18 **SEC. 202. COORDINATING COUNCIL ON JUVENILE JUSTICE**

19 **AND DELINQUENCY PREVENTION.**

20 Section 206 of the Juvenile Justice and Delinquency
 21 Prevention Act of 1974 (42 U.S.C. 5616) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1)—

24 (i) by inserting “the Administrator of
 25 the Substance Abuse and Mental Health

1 Services Administration, the Secretary of
2 the Interior,” after “the Secretary of
3 Health and Human Services,”; and

4 (ii) by striking “Commissioner of Im-
5 migration and Naturalization” and insert-
6 ing “Assistant Secretary for Immigration
7 and Customs Enforcement”; and

8 (B) in paragraph (2), by striking “United
9 States” and inserting “Federal Government”;
10 and

11 (2) in subsection (c)—

12 (A) in paragraph (1), by striking “para-
13 graphs (12)(A), (13), and (14) of section
14 223(a) of this title” and inserting “the core re-
15 quirements”; and

16 (B) in paragraph (2)—

17 (i) in the matter preceding subpara-
18 graph (A), by inserting “, on an annual
19 basis” after “collectively”; and

20 (ii) by striking subparagraph (B) and
21 inserting the following:

22 “(B) not later than 120 days after the
23 completion of the last meeting of the Council
24 during any fiscal year, submit to the Committee
25 on Education and the Workforce of the House

1 of Representatives and the Committee on the
2 Judiciary of the Senate a report that—

3 “(i) contains the recommendations de-
4 scribed in subparagraph (A);

5 “(ii) includes a detailed account of the
6 activities conducted by the Council during
7 the fiscal year, including a complete de-
8 tailed accounting of expenses incurred by
9 the Council to conduct operations in ac-
10 cordance with this section;

11 “(iii) is published on the Web sites of
12 the Office of Juvenile Justice and Delin-
13 quency Prevention, the Council, and the
14 Department of Justice; and

15 “(iv) is in addition to the annual re-
16 port required under section 207.”.

17 **SEC. 203. ANNUAL REPORT.**

18 Section 207 of the Juvenile Justice and Delinquency
19 Prevention Act of 1974 (42 U.S.C. 5617) is amended—

20 (1) in the matter preceding paragraph (1), by
21 striking “a fiscal year” and inserting “each fiscal
22 year”;

23 (2) in paragraph (1)—

24 (A) in subparagraph (B), by striking “and
25 gender” and inserting “, gender, and ethnicity,

1 as such term is defined by the Bureau of the
2 Census,”;

3 (B) in subparagraph (E), by striking
4 “and” at the end;

5 (C) in subparagraph (F)—

6 (i) by inserting “and other” before
7 “disabilities,”; and

8 (ii) by striking the period at the end
9 and inserting a semicolon; and

10 (D) by adding at the end the following:

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

16 “(H) the number of status offense cases
17 petitioned to court, number of status offenders
18 held in secure detention, the findings used to
19 justify the use of secure detention, and the av-
20 erage period of time a status offender was held
21 in secure detention;

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

1 “(J) the number of juveniles whose offense
2 originated on school grounds, during school-
3 sponsored off-campus activities, or due to a re-
4 ferral by a school official, as collected and re-
5 ported by the Department of Education or simi-
6 lar State educational agency; and

7 “(K) the number of juveniles in the cus-
8 tody of secure detention and correctional facili-
9 ties operated by a State or unit of local govern-
10 ment who report being pregnant.”; and

11 (3) by adding at the end the following:

12 “(5) A description of the criteria used to deter-
13 mine what programs qualify as evidence-based and
14 promising programs under this title and title V and
15 a comprehensive list of those programs the Adminis-
16 trator has determined meet such criteria in both
17 rural and urban areas.

18 “(6) A description of funding provided to In-
19 dian tribes under this Act or for a juvenile delin-
20 quency or prevention program under the Tribal Law
21 and Order Act of 2010 (Public Law 111–211; 124
22 Stat. 2261), including direct Federal grants and
23 funding provided to Indian tribes through a State or
24 unit of local government.

1 “(7) An analysis and evaluation of the internal
2 controls at the Office of Juvenile Justice and Delin-
3 quency Prevention to determine if grantees are fol-
4 lowing the requirements of the Office of Juvenile
5 Justice and Delinquency Prevention grant programs
6 and what remedial action the Office of Juvenile Jus-
7 tice and Delinquency Prevention has taken to re-
8 cover any grant funds that are expended in violation
9 of the grant programs, including instances—

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

12 “(B) where unauthorized expenditures oc-
13 curred; or

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

16 “(8) An analysis and evaluation of the total
17 amount of payments made to grantees that the Of-
18 fice of Juvenile Justice and Delinquency Prevention
19 recouped from grantees that were found to be in vio-
20 lation of policies and procedures of the Office of Ju-
21 venile Justice and Delinquency Prevention grant
22 programs, including—

23 “(A) the full name and location of the
24 grantee;

25 “(B) the violation of the program found;

1 “(C) the amount of funds sought to be re-
2 couped by the Office of Juvenile Justice and
3 Delinquency Prevention; and

4 “(D) the actual amount recouped by the
5 Office of Juvenile Justice and Delinquency Pre-
6 vention.”.

7 **SEC. 204. ALLOCATION OF FUNDS.**

8 (a) **TECHNICAL ASSISTANCE.**—Section 221(b)(1) of
9 the Juvenile Justice and Delinquency Prevention Act of
10 1974 (42 U.S.C. 5631(b)(1)) is amended by striking “2
11 percent” and inserting “5 percent”.

12 (b) **OTHER ALLOCATIONS.**—Section 222 of the Juve-
13 nile Justice and Delinquency Prevention Act of 1974 (42
14 U.S.C. 5632) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1), by striking “age
17 eighteen” and inserting “18 years of age, based
18 on the most recent data available from the Bu-
19 reau of the Census”; and

20 (B) by striking paragraphs (2) and (3) and
21 inserting the following:

22 “(2)(A) If the aggregate amount appropriated for a
23 fiscal year to carry out this title is less than \$75,000,000,
24 then—

1 “(i) the amount allocated to each State other
2 than a State described in clause (ii) for that fiscal
3 year shall be not less than \$400,000; and

4 “(ii) the amount allocated to the United States
5 Virgin Islands, Guam, American Samoa, and the
6 Commonwealth of the Northern Mariana Islands for
7 that fiscal year shall be not less than \$75,000.

8 “(B) If the aggregate amount appropriated for a fis-
9 cal year to carry out this title is not less than
10 \$75,000,000, then—

11 “(i) the amount allocated to each State other
12 than a State described in clause (ii) for that fiscal
13 year shall be not less than \$600,000; and

14 “(ii) the amount allocated to the United States
15 Virgin Islands, Guam, American Samoa, and the
16 Commonwealth of the Northern Mariana Islands for
17 that fiscal year shall be not less than \$100,000.”;

18 (2) in subsection (c), by striking “efficient ad-
19 ministration, including monitoring, evaluation, and
20 one full-time staff position” and inserting “effective
21 and efficient administration of funds, including the
22 designation of not less than one individual who shall
23 coordinate efforts to achieve and sustain compliance
24 with the core requirements and certify whether the
25 State is in compliance with such requirements”; and

1 (3) in subsection (d), by striking “5 per centum
2 of the minimum” and inserting “not more than 5
3 percent of the”.

4 **SEC. 205. STATE PLANS.**

5 Section 223 of the Juvenile Justice and Delinquency
6 Prevention Act of 1974 (42 U.S.C. 5633) is amended—

7 (1) in subsection (a)—

8 (A) in the matter preceding paragraph (1),
9 by striking “and shall describe the status of
10 compliance with State plan requirements.” and
11 inserting “and shall describe how the State plan
12 is supported by or takes account of scientific
13 knowledge regarding adolescent development
14 and behavior and regarding the effects of delin-
15 quency prevention programs and juvenile justice
16 interventions on adolescents. Not later than 60
17 days after the date on which a plan or amended
18 plan submitted under this subsection is final-
19 ized, a State shall make the plan or amended
20 plan publicly available by posting the plan or
21 amended plan on the State’s publicly available
22 website.”;

23 (B) in paragraph (1), by striking “de-
24 scribed in section 299(c)(1)” and inserting “as

1 designated by the chief executive officer of the
2 State”;

3 (C) in paragraph (3)—

4 (i) in subparagraph (A)—

5 (I) in clause (i), by inserting “ad-
6 olescent development,” after “con-
7 cerning”;

8 (II) in clause (ii)—

9 (aa) in subclause (II), by in-
10 sserting “publicly supported court-
11 appointed legal counsel with ex-
12 perience representing juveniles in
13 delinquency proceedings,” after
14 “youth,”;

15 (bb) in subclause (III), by
16 striking “mental health, edu-
17 cation, special education” and in-
18 sserting “child and adolescent
19 mental health, education, child
20 and adolescent substance abuse,
21 special education, services for
22 youth with disabilities”;

23 (cc) in subclause (V), by
24 striking “delinquents or potential
25 delinquents” and inserting “de-

1 linquent youth or youth at risk of
2 delinquency”;

3 (dd) in subclause (VI), by
4 striking “youth workers involved
5 with” and inserting “representa-
6 tives of”;

7 (ee) in subclause (VII), by
8 striking “and” at the end; and

9 (ff) by striking subclause
10 (VIII) and inserting the fol-
11 lowing:

12 “(VIII) persons, licensed or cer-
13 tified by the applicable State, with ex-
14 pertise and competence in preventing
15 and addressing mental health and
16 substance abuse needs in delinquent
17 youth and youth at risk of delin-
18 quency;

19 “(IX) representatives of victim or
20 witness advocacy groups, including at
21 least one individual with expertise in
22 addressing the challenges of sexual
23 abuse and exploitation and trauma,
24 particularly the needs of special popu-
25 lations who experience dispropor-

1 tionate levels of sexual abuse, exploi-
2 tation, and trauma before entering the
3 juvenile justice system; and

4 “(X) for a State in which one or
5 more Indian tribes are located, an In-
6 dian tribal representative or other in-
7 dividual with significant expertise in
8 tribal law enforcement and juvenile
9 justice in Indian tribal communities;”;

10 (III) in clause (iv), by striking
11 “24 at the time of appointment” and
12 inserting “28 at the time of initial ap-
13 pointment”; and

14 (IV) in clause (v) by inserting
15 “or, if not feasible and in appropriate
16 circumstances, who is the parent or
17 guardian of someone who has been or
18 is currently under the jurisdiction of
19 the juvenile justice system” after “ju-
20 venile justice system”;

21 (ii) in subparagraph (C), by striking
22 “30 days” and inserting “45 days”;

23 (iii) in subparagraph (D)—

24 (I) in clause (i), by striking
25 “and” at the end; and

1 (II) in clause (ii), by striking “at
2 least annually recommendations re-
3 garding State compliance with the re-
4 quirements of paragraphs (11), (12),
5 and (13)” and inserting “at least
6 every 2 years a report and necessary
7 recommendations regarding State
8 compliance with the core require-
9 ments”; and

10 (iv) in subparagraph (E)—

11 (I) in clause (i), by adding “and”
12 at the end; and

13 (II) in clause (ii), by striking the
14 period at the end and inserting a
15 semicolon;

16 (D) in paragraph (5)(C), by striking “In-
17 dian tribes” and all that follows through “appli-
18 cable to the detention and confinement of juve-
19 niles” and inserting “Indian tribes that agree
20 to attempt to comply with the core require-
21 ments applicable to the detention and confine-
22 ment of juveniles”;

23 (E) in paragraph (7)—

1 (i) in subparagraph (A), by striking
2 “performs law enforcement functions” and
3 inserting “has jurisdiction”; and

4 (ii) in subparagraph (B)—

5 (I) in clause (iii), by striking
6 “and” at the end; and

7 (II) by striking clause (iv) and
8 inserting the following:

9 “(iv) a plan to provide alternatives to
10 detention for status offenders, survivors of
11 commercial sexual exploitation, and others,
12 where appropriate, such as specialized or
13 problem-solving courts or diversion to
14 home-based or community-based services
15 or treatment for those youth in need of
16 mental health, substance abuse, or co-oc-
17 ccurring disorder services at the time such
18 juveniles first come into contact with the
19 juvenile justice system;

20 “(v) a plan to reduce the number of
21 children housed in secure detention and
22 corrections facilities who are awaiting
23 placement in residential treatment pro-
24 grams;

1 “(vi) a plan to engage family mem-
2 bers, where appropriate, in the design and
3 delivery of juvenile delinquency prevention
4 and treatment services, particularly post-
5 placement;

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

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

13 “(ix) not later than 1 year after the
14 date of enactment of the Supporting Youth
15 Opportunity and Preventing Delinquency
16 Act of 2016, a plan, which shall be imple-
17 mented not later than 2 years after the
18 date of enactment of the Supporting Youth
19 Opportunity and Preventing Delinquency
20 Act of 2016, to—

21 “(I) eliminate the use of re-
22 straints of known pregnant juveniles
23 housed in secure juvenile detention
24 and correction facilities, during labor,
25 delivery, and post-partum recovery,

1 unless credible, reasonable grounds
2 exist to believe the detainee presents
3 an immediate and serious threat of
4 hurting herself, staff, or others; and

5 “(II) eliminate the use of abdom-
6 inal restraints, leg and ankle re-
7 straints, wrist restraints behind the
8 back, and four-point restraints on
9 known pregnant juveniles, unless—

10 “(aa) credible, reasonable
11 grounds exist to believe the de-
12 tainee presents an immediate and
13 serious threat of hurting herself,
14 staff, or others; or

15 “(bb) reasonable grounds
16 exist to believe the detainee pre-
17 sents an immediate and credible
18 risk of escape that cannot be rea-
19 sonably minimized through any
20 other method;”;

21 (F) in paragraph (8), by striking “exist-
22 ing” and inserting “evidence-based and prom-
23 ising”;

24 (G) in paragraph (9)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “, with priority in
3 funding given to entities meeting the cri-
4 teria for evidence-based or promising pro-
5 grams” after “used for”;

6 (ii) in subparagraph (A)—

7 (I) in clause (i)—

8 (aa) by inserting “status of-
9 fenders and other” before “youth
10 who need”; and

11 (bb) by striking “and” at
12 the end;

13 (II) in clause (ii) by adding
14 “and” at the end; and

15 (III) by inserting after clause (ii)
16 the following:

17 “(iii) for youth who are active or
18 former gang members, specialized intensive
19 and comprehensive services that address
20 the unique issues encountered by youth
21 when they become involved with gangs;”;

22 (iii) in subparagraph (B)(i)—

23 (I) by striking “parents and
24 other family members” and inserting
25 “status offenders, other youth, and

1 the parents and other family members
2 of such offenders and youth”; and

3 (II) by striking “be retained”
4 and inserting “remain”;

5 (iv) in subparagraph (E)—

6 (I) in the matter preceding clause
7 (i), by striking “delinquent” and in-
8 serting “at-risk or delinquent youth”;
9 and

10 (II) in clause (i), by inserting “,
11 including for truancy prevention and
12 reduction” before the semicolon;

13 (v) in subparagraph (F), in the mat-
14 ter preceding clause (i), by striking “ex-
15 panding” and inserting “programs to ex-
16 pand”;

17 (vi) by redesignating subparagraphs
18 (G) through (S) as subparagraphs (H)
19 through (T), respectively;

20 (vii) by inserting after subparagraph
21 (F), the following:

22 “(G) programs—

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

1 “(ii) to expand access to publicly sup-
2 ported, court-appointed legal counsel who
3 are trained to represent juveniles in adju-
4 dication proceedings,
5 except that the State may not use more than 2
6 percent of the funds received under section 222
7 for these purposes;”;

8 (viii) in subparagraph (H), as so re-
9 designated, by striking “State,” each place
10 the term appears and inserting “State,
11 tribal,”;

12 (ix) in subparagraph (M), as so reded-
13 ignated—

14 (I) in clause (i)—

15 (aa) by inserting “pre-adju-
16 dication and” before “post-adju-
17 dication”;

18 (bb) by striking “restraints”
19 and inserting “alternatives”; and

20 (cc) by inserting “specialized
21 or problem-solving courts,” after
22 “(including”; and

23 (II) in clause (ii)—

24 (aa) by striking “by the pro-
25 vision by the Administrator”; and

1 (bb) by striking “to States”;

2 (x) in subparagraph (N), as redesign-

3 nated—

4 (I) by inserting “and reduce the
5 risk of recidivism” after “families”;

6 and

7 (II) by striking “so that such ju-
8 veniles may be retained in their
9 homes”;

10 (xi) in subparagraph (S), as so redesi-
11 gnated, by striking “and” at the end;

12 (xii) in subparagraph (T), as so redesi-
13 gnated—

14 (I) by inserting “or co-occurring
15 disorder” after “mental health”;

16 (II) by inserting “court-involved
17 or” before “incarcerated”;

18 (III) by striking “suspected to
19 be”;

20 (IV) by striking “and discharge
21 plans” and inserting “provision of
22 treatment, and development of dis-
23 charge plans”; and

24 (V) by striking the period at the
25 end and inserting a semicolon; and

1 (xiii) by inserting after subparagraph
2 (T) the following:

3 “(U) programs and projects designed—

4 “(i) to inform juveniles of the oppor-
5 tunity and process for sealing and
6 expunging juvenile records; and

7 “(ii) to assist juveniles in pursuing ju-
8 venile record sealing and expungements for
9 both adjudications and arrests not followed
10 by adjudications;

11 except that the State may not use more than 2
12 percent of the funds received under section 222
13 for these purposes;

14 “(V) programs that address the needs of
15 girls in or at risk of entering the juvenile justice
16 system, including pregnant girls, young moth-
17 ers, victims of sexual abuse, survivors of com-
18 mercial sexual exploitation or domestic child sex
19 trafficking, girls with disabilities, and girls of
20 color, including girls who are members of an In-
21 dian tribe; and

22 “(W) monitoring for compliance with the
23 core requirements and providing training and
24 technical assistance on the core requirements to
25 secure facilities;”;

1 (H) by striking paragraph (11) and insert-
2 ing the following:

3 “(11)(A) in accordance with rules issued by the
4 Administrator, provide that a juvenile shall not be
5 placed in a secure detention facility or a secure cor-
6 rectional facility, if—

7 “(i) the juvenile is charged with or has
8 committed an offense that would not be crimi-
9 nal if committed by an adult, excluding—

10 “(I) a juvenile who is charged with or
11 has committed a violation of section
12 922(x)(2) of title 18, United States Code,
13 or of a similar State law;

14 “(II) a juvenile who is charged with
15 or has committed a violation of a valid
16 court order issued and reviewed in accord-
17 ance with paragraph (23); and

18 “(III) a juvenile who is held in ac-
19 cordance with the Interstate Compact on
20 Juveniles as enacted by the State; or

21 “(ii) the juvenile—

22 “(I) is not charged with any offense;

23 and

24 “(II)(aa) is an alien; or

1 “(bb) is alleged to be dependent, ne-
2 glected, or abused; and

3 “(B) require that—

4 “(i) not later than 3 years after the date
5 of enactment of the Supporting Youth Oppor-
6 tunity and Preventing Delinquency Act of 2016,
7 unless a court finds, after a hearing and in
8 writing, that it is in the interest of justice, juve-
9 niles awaiting trial or other legal process who
10 are treated as adults for purposes of prosecu-
11 tion in criminal court and housed in a secure
12 facility—

13 “(I) shall not have sight or sound con-
14 tact with adult inmates; and

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

18 “(ii) in determining under subparagraph
19 (A) whether it is in the interest of justice to
20 permit a juvenile to be held in any jail or lock-
21 up for adults, or have sight or sound contact
22 with adult inmates, a court shall consider—

23 “(I) the age of the juvenile;

24 “(II) the physical and mental matu-
25 rity of the juvenile;

1 “(III) the present mental state of the
2 juvenile, including whether the juvenile
3 presents an imminent risk of harm to the
4 juvenile;

5 “(IV) the nature and circumstances of
6 the alleged offense;

7 “(V) the juvenile’s history of prior de-
8 linquent acts;

9 “(VI) the relative ability of the avail-
10 able adult and juvenile detention facilities
11 to not only meet the specific needs of the
12 juvenile but also to protect the safety of
13 the public as well as other detained youth;
14 and

15 “(VII) any other relevant factor; and

16 “(iii) if a court determines under subpara-
17 graph (A) that it is in the interest of justice to
18 permit a juvenile to be held in any jail or lock-
19 up for adults—

20 “(I) the court shall hold a hearing not
21 less frequently than once every 30 days, or
22 in the case of a rural jurisdiction, not less
23 frequently than once every 45 days, to re-
24 view whether it is still in the interest of

1 justice to permit the juvenile to be so held
2 or have such sight or sound contact; and

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

10 (I) in paragraph (12)(A), by striking “con-
11 tact” and inserting “sight or sound contact”;

12 (J) in paragraph (13), by striking “con-
13 tact” each place it appears and inserting “sight
14 or sound contact”;

15 (K) in paragraph (14)—

16 (i) by striking “adequate system” and
17 inserting “effective system”;

18 (ii) by inserting “lock-ups,” after
19 “monitoring jails,”;

20 (iii) by inserting “and” after “deten-
21 tion facilities,”;

22 (iv) by striking “, and non-secure fa-
23 cilities”;

24 (v) by striking “insure” and inserting
25 “ensure”;

1 (vi) by striking “requirements of
2 paragraphs (11), (12), and (13)” and in-
3 serting “core requirements”; and

4 (vii) by striking “, in the opinion of
5 the Administrator,”;

6 (L) by striking paragraphs (22) and (27);

7 (M) by redesignating paragraph (28) as
8 paragraph (27);

9 (N) by redesignating paragraphs (15)
10 through (21) as paragraphs (16) through (22),
11 respectively;

12 (O) by inserting after paragraph (14) the
13 following:

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

21 “(A) establishing or designating existing
22 coordinating bodies, composed of juvenile jus-
23 tice stakeholders, (including representatives of
24 the educational system) at the State, local, or
25 tribal levels, to advise efforts by States, units of

1 local government, and Indian tribes to reduce
2 racial and ethnic disparities;

3 “(B) identifying and analyzing data on
4 race and ethnicity at all decision points in
5 State, local, or tribal juvenile justice systems to
6 determine which key points create racial and
7 ethnic disparities among youth who come into
8 contact with the juvenile justice system; and

9 “(C) developing and implementing a work
10 plan that includes measurable objectives for pol-
11 icy, practice, or other system changes, based on
12 the needs identified in the data collection and
13 analysis under subparagraph (B);”;

14 (P) in paragraph (16), as so redesignated,
15 by inserting “ethnicity,” after “race,”;

16 (Q) in paragraph (21), as so redesignated,
17 by striking “local,” each place the term appears
18 and inserting “local, tribal,”;

19 (R) in paragraph (23)—

20 (i) in subparagraphs (A), (B), and
21 (C), by striking “juvenile” each place it
22 appears and inserting “status offender”;

23 (ii) in subparagraph (B), by striking
24 “and” at the end;

25 (iii) in subparagraph (C)—

1 (I) in clause (i), by striking
2 “and” at the end;

3 (II) in clause (ii), by adding
4 “and” at the end; and

5 (III) by adding at the end the
6 following:

7 “(iii) if such court determines the sta-
8 tus offender should be placed in a secure
9 detention facility or correctional facility for
10 violating such order—

11 “(I) the court shall issue a writ-
12 ten order that—

13 “(aa) identifies the valid
14 court order that has been vio-
15 lated;

16 “(bb) specifies the factual
17 basis for determining that there
18 is reasonable cause to believe
19 that the status offender has vio-
20 lated such order;

21 “(cc) includes findings of
22 fact to support a determination
23 that there is no appropriate less
24 restrictive alternative available to
25 placing the status offender in

1 such a facility, with due consider-
2 ation to the best interest of the
3 juvenile;

4 “(dd) specifies the length of
5 time, not to exceed 7 days, that
6 the status offender may remain
7 in a secure detention facility or
8 correctional facility, and includes
9 a plan for the status offender’s
10 release from such facility; and

11 “(ee) may not be renewed or
12 extended; and

13 “(II) the court may not issue a
14 second or subsequent order described
15 in subclause (I) relating to a status
16 offender unless the status offender
17 violates a valid court order after the
18 date on which the court issues an
19 order described in subclause (I);” and
20 (iv) by adding at the end the fol-

21 lowing:

22 “(D) there are procedures in place to en-
23 sure that any status offender held in a secure
24 detention facility or correctional facility pursu-
25 ant to a court order described in this paragraph

1 does not remain in custody longer than 7 days
2 or the length of time authorized by the court,
3 whichever is shorter; and

4 “(E) not later than September 30, 2020
5 (with a 1-year extension for each additional fis-
6 cal year that a State can demonstrate hardship,
7 as determined by the State, and submits in
8 writing evidence of such hardship to the Admin-
9 istrator which shall be considered approved un-
10 less the Administrator justifies to the State in
11 writing that the hardship does not qualify for
12 an exemption), the State will eliminate the use
13 of valid court orders to provide secure confine-
14 ment of status offenders, except that juveniles
15 may be held in secure confinement in accord-
16 ance with the Interstate Compact for Juveniles
17 if the judge issues a written order that—

18 “(i) specifies the factual basis to be-
19 lieve that the State has the authority to
20 detain the juvenile under the terms of the
21 Interstate Compact for Juveniles;

22 “(ii) includes findings of fact to sup-
23 port a determination that there is no ap-
24 propriate less restrictive alternative avail-
25 able to placing the juvenile in such a facil-

1 ity, with due consideration to the best in-
2 terest of the juvenile;

3 “(iii) specifies the length of time a ju-
4 venile may remain in secure confinement,
5 not to exceed 15 days, and includes a plan
6 for the return of the juvenile to the home
7 State of the juvenile; and

8 “(iv) may not be renewed or ex-
9 tended;”;

10 (S) in paragraph (26)—

11 (i) by inserting “and in accordance
12 with confidentiality concerns,” after “max-
13 imum extent practicable,”; and

14 (ii) by striking the semicolon at the
15 end and inserting the following: “, so as to
16 provide for—

17 “(A) data in child abuse or neglect reports
18 relating to juveniles entering the juvenile justice
19 system with a prior reported history of arrest,
20 court intake, probation and parole, juvenile de-
21 tention, and corrections; and

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

1 (T) in paragraph (27), as so redesignated,
2 by striking the period at the end and inserting
3 a semicolon; and

4 (U) by adding at the end the following:

5 “(28) provide for the coordinated use of funds
6 provided under this title with other Federal and
7 State funds directed at juvenile delinquency preven-
8 tion and intervention programs;

9 “(29) describe the policies, procedures, and
10 training in effect for the staff of juvenile State cor-
11 rectional facilities to eliminate the use of dangerous
12 practices, unreasonable restraints, and unreasonable
13 isolation, including by developing effective behavior
14 management techniques;

15 “(30) describe—

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

20 “(i) request a screening;

21 “(ii) show signs of needing a screen-
22 ing; or

23 “(iii) are held for a period of more
24 than 24 hours in a secure facility that pro-
25 vides for an initial screening; and

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

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

8 “(A) a written case plan based on an as-
9 sessment of needs that includes—

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

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

14 “(iii) any other plans developed for
15 the juveniles based on an individualized as-
16 sessment; and

17 “(B) review processes;

18 “(32) provide an assurance that the agency of
19 the State receiving funds under this title collaborates
20 with the State educational agency receiving assist-
21 ance under part A of title I of the Elementary and
22 Secondary Education Act of 1965 (20 U.S.C. 6311
23 et seq.) to develop and implement a plan to ensure
24 that, in order to support educational progress—

1 “(A) the student records of adjudicated ju-
2 veniles, including electronic records if available,
3 are transferred in a timely manner from the
4 educational program in the juvenile detention or
5 secure treatment facility to the educational or
6 training program into which the juveniles will
7 enroll;

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

10 “(C) adjudicated juveniles receive full or
11 partial credit toward high school graduation for
12 secondary school coursework satisfactorily com-
13 pleted before and during the period of time dur-
14 ing which the juveniles are held in custody, re-
15 gardless of the local educational agency or enti-
16 ty from which the credits were earned; and

17 “(33) describe policies and procedures to—

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

22 “(B) divert youth described in subpara-
23 graph (A) to appropriate programs or services,
24 to the extent practicable.”;

1 (2) by amending subsection (c) to read as fol-
2 lows:

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

5 “(A) subject to subparagraph (B), the amount
6 allocated to such State under section 222 for the
7 subsequent fiscal year shall be reduced by not less
8 than 20 percent for each core requirement with re-
9 spect to which the failure occurs; and

10 “(B) the State shall be ineligible to receive any
11 allocation under such section for such fiscal year un-
12 less—

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

18 “(ii) the Administrator determines that the
19 State—

20 “(I) has achieved substantial compli-
21 ance with such applicable requirements
22 with respect to which the State was not in
23 compliance; and

24 “(II) has made, through appropriate
25 executive or legislative action, an unequivocal

1 cal commitment to achieving full compli-
2 ance with such applicable requirements
3 within a reasonable time.

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

6 “(A) 50 percent of the unallocated funds shall
7 be reallocated under section 222 to States that have
8 not failed to comply with the core requirements; and

9 “(B) 50 percent of the unallocated funds shall
10 be used by the Administrator to provide additional
11 training and technical assistance to States for the
12 purpose of promoting compliance with the core re-
13 quirements.”;

14 (3) in subsection (d)—

15 (A) by striking “described in paragraphs
16 (11), (12), (13), and (22) of subsection (a)”
17 and inserting “described in the core require-
18 ments”; and

19 (B) by striking “the requirements under
20 paragraphs (11), (12), (13), and (22) of sub-
21 section (a)” and inserting “the core require-
22 ments”;

23 (4) in subsection (f)(2)—

24 (A) by striking subparagraph (A); and

1 (B) by redesignating subparagraphs (B)
2 through (E) as subparagraphs (A) through (D),
3 respectively; and

4 (5) by adding at the end the following:

5 “(g) COMPLIANCE DETERMINATION.—

6 “(1) IN GENERAL.—For each fiscal year, the
7 Administrator shall make a determination regarding
8 whether each State receiving a grant under this title
9 is in compliance or out of compliance with respect to
10 each of the core requirements.

11 “(2) REPORTING.—The Administrator shall—

12 “(A) issue an annual public report—

13 “(i) describing any determination de-
14 scribed in paragraph (1) made during the
15 previous year, including a summary of the
16 information on which the determination is
17 based and the actions to be taken by the
18 Administrator (including a description of
19 any reduction imposed under subsection
20 (c)); and

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

1 “(B) make the report described in sub-
2 paragraph (A) available on a publicly available
3 website.

4 “(3) DETERMINATIONS REQUIRED.—The Ad-
5 ministrators may not—

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

10 “(B) otherwise fail to make the compliance
11 determinations required under paragraph (1).”.

12 **SEC. 206. REPEAL OF JUVENILE DELINQUENCY PREVEN-**
13 **TION BLOCK GRANT PROGRAM.**

14 Part C of title II of the Juvenile Justice and Delin-
15 quency Prevention Act of 1974 (42 U.S.C. 5651 et seq.)
16 is repealed.

17 **SEC. 207. RESEARCH AND EVALUATION; STATISTICAL**
18 **ANALYSES; INFORMATION DISSEMINATION.**

19 Section 251 of the Juvenile Justice and Delinquency
20 Prevention Act of 1974 (42 U.S.C. 5661) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) in the matter preceding subpara-
24 graph (A), by striking “may” and inserting
25 “shall”;

1 (ii) in subparagraph (A), by striking
2 “plan and identify” and inserting “annu-
3 ally publish a plan to identify”; and

4 (iii) in subparagraph (B)—

5 (I) by striking clause (iii) and in-
6 serting the following:

7 “(iii) successful efforts to prevent status
8 offenders and first-time minor offenders from
9 subsequent involvement with the juvenile justice
10 and criminal justice systems;”;

11 (II) by striking clause (vii) and
12 inserting the following:

13 “(vii) the prevalence and duration of be-
14 havioral health needs (including mental health,
15 substance abuse, and co-occurring disorders)
16 among juveniles pre-placement and post-place-
17 ment in the juvenile justice system, including
18 an examination of the effects of secure confine-
19 ment;”;

20 (III) by redesignating clauses
21 (ix), (x), and (xi) as clauses (xvi),
22 (xvii), and (xviii), respectively; and

23 (IV) by inserting after clause
24 (viii) the following:

1 “(ix) training efforts and reforms that
2 have produced reductions in or elimination of
3 the use of dangerous practices;

4 “(x) methods to improve the recruitment,
5 selection, training, and retention of professional
6 personnel who are focused on the prevention,
7 identification, and treatment of delinquency;

8 “(xi) methods to improve the identification
9 and response to victims of domestic child sex
10 trafficking within the juvenile justice system;

11 “(xii) identifying positive outcome meas-
12 ures, such as attainment of employment and
13 educational degrees, that States and units of
14 local government should use to evaluate the
15 success of programs aimed at reducing recidi-
16 vism of youth who have come in contact with
17 the juvenile justice system or criminal justice
18 system;

19 “(xiii) evaluating the impact and outcomes
20 of the prosecution and sentencing of juveniles
21 as adults;

22 “(xiv) evaluating the impact of fines, fees,
23 and other costs assessed by the juvenile justice
24 system on the long-term disposition of status
25 offenders and other juveniles;

1 “(xiv) successful and cost-effective efforts
2 by States and units of local government to re-
3 duce recidivism through policies that provide for
4 consideration of appropriate alternative sanc-
5 tions to incarceration of youth facing nonviolent
6 charges, while ensuring that public safety is
7 preserved;”; and

8 (B) in paragraph (4)—

9 (i) in the matter preceding subpara-
10 graph (A)—

11 (I) by striking “date of enact-
12 ment of this paragraph, the” and in-
13 serting “date of enactment of the
14 Supporting Youth Opportunity and
15 Preventing Delinquency Act of 2016,
16 the”; and

17 (II) by inserting “in accordance
18 with relevant confidentiality require-
19 ments” after “wards of the State”;

20 (ii) in subparagraph (D), by inserting
21 “and Indian tribes” after “State”;

22 (iii) in subparagraph (F), by striking
23 “and” at the end;

1 (iv) in subparagraph (G), by striking
2 the period at the end and inserting a semi-
3 colon; and

4 (v) by adding at the end the following:

5 “(H) a description of the best practices in dis-
6 charge planning; and

7 “(I) an assessment of living arrangements for
8 juveniles who, upon release from confinement in a
9 State correctional facility, cannot return to the resi-
10 dence they occupied prior to such confinement.”;

11 (2) in subsection (b), in the matter preceding
12 paragraph (1), by striking “may” and inserting
13 “shall”; and

14 (3) by adding at the end the following:

15 “(f) NATIONAL RECIDIVISM MEASURE.—The Admin-
16 istrator, in accordance with applicable confidentiality re-
17 quirements and in consultation with experts in the field
18 of juvenile justice research, recidivism, and data collection,
19 shall—

20 “(1) establish a uniform method of data collec-
21 tion and technology that States may use to evaluate
22 data on juvenile recidivism on an annual basis;

23 “(2) establish a common national juvenile re-
24 cidivism measurement system; and

1 “(3) make cumulative juvenile recidivism data
2 that is collected from States available to the pub-
3 lic.”.

4 **SEC. 208. TRAINING AND TECHNICAL ASSISTANCE.**

5 Section 252 of the Juvenile Justice and Delinquency
6 Prevention Act of 1974 (42 U.S.C. 5662) is amended—

7 (1) in subsection (a)—

8 (A) in the matter preceding paragraph (1),
9 by striking “may”;

10 (B) in paragraph (1)—

11 (i) by inserting “shall” before “de-
12 velop and carry out projects”; and

13 (ii) by striking “and” after the semi-
14 colon;

15 (C) in paragraph (2)—

16 (i) by inserting “may” before “make
17 grants to and contracts with”; and

18 (ii) by striking the period at the end
19 and inserting “; and”; and

20 (D) by adding at the end the following:

21 “(3) shall provide periodic training for States
22 regarding implementation of the core requirements,
23 current protocols and best practices for achieving
24 and monitoring compliance, and information sharing
25 regarding relevant Office resources on evidence-

1 based and promising programs or practices that pro-
2 mote the purposes of this Act.”;

3 (2) in subsection (b)—

4 (A) in the matter preceding paragraph (1),
5 by striking “may”;

6 (B) in paragraph (1)—

7 (i) by inserting “shall” before “de-
8 velop and implement projects”;

9 (ii) by inserting “, including compli-
10 ance with the core requirements” after
11 “this title”; and

12 (iii) by striking “and” at the end;

13 (C) in paragraph (2)—

14 (i) by inserting “may” before “make
15 grants to and contracts with”; and

16 (ii) by striking the period at the end
17 and inserting a semicolon; and

18 (D) by adding at the end the following:

19 “(3) shall provide technical assistance to States
20 and units of local government on achieving compli-
21 ance with the amendments to the core requirements
22 and State Plans made by the Supporting Youth Op-
23 portunity and Preventing Delinquency Act of 2016,
24 including training and technical assistance and,
25 when appropriate, pilot or demonstration projects in-

1 tended to develop and replicate best practices for
2 achieving sight and sound separation in facilities or
3 portions of facilities that are open and available to
4 the general public and that may or may not contain
5 a jail or a lock-up; and

6 “(4) shall provide technical assistance to States
7 in support of efforts to establish partnerships be-
8 tween a State and a university, institution of higher
9 education, or research center designed to improve
10 the recruitment, selection, training, and retention of
11 professional personnel in the fields of medicine, law
12 enforcement, the judiciary, juvenile justice, social
13 work and child protection, education, and other rel-
14 evant fields who are engaged in, or intend to work
15 in, the field of prevention, identification, and treat-
16 ment of delinquency.”;

17 (3) in subsection (c)—

18 (A) by inserting “prosecutors,” after “pub-
19 lic defenders,”; and

20 (B) by inserting “status offenders and”
21 after “needs of”; and

22 (4) by adding at the end the following:

23 “(d) BEST PRACTICES REGARDING LEGAL REP-
24 RESENTATION OF CHILDREN.—In consultation with ex-

1 perts in the field of juvenile defense, the Administrator
2 shall—

3 “(1) share best practices, which may include
4 sharing standards of practice developed by recog-
5 nized entities in the profession, for attorneys rep-
6 resenting children; and

7 “(2) provide a State, if it so requests, technical
8 assistance to implement any of the best practices
9 shared under paragraph (1).

10 “(e) TRAINING AND TECHNICAL ASSISTANCE FOR
11 LOCAL AND STATE JUVENILE DETENTION AND CORREC-
12 TIONS PERSONNEL.—The Administrator shall coordinate
13 training and technical assistance programs with juvenile
14 detention and corrections personnel of States and units
15 of local government—

16 “(1) to promote methods for improving condi-
17 tions of juvenile confinement, including methods that
18 are designed to minimize the use of dangerous prac-
19 tices, unreasonable restraints, and isolation and
20 methods responsive to cultural differences; and

21 “(2) to encourage alternative behavior manage-
22 ment techniques based on positive youth develop-
23 ment approaches, which may include policies and
24 procedures to train personnel to be culturally com-
25 petent.

1 “(f) TRAINING AND TECHNICAL ASSISTANCE TO
2 SUPPORT MENTAL HEALTH OR SUBSTANCE ABUSE
3 TREATMENT INCLUDING HOME-BASED OR COMMUNITY-
4 BASED CARE.—The Administrator shall provide training
5 and technical assistance, in conjunction with the appro-
6 priate public agencies, to individuals involved in making
7 decisions regarding the disposition and management of
8 cases for youth who enter the juvenile justice system about
9 the appropriate services and placement for youth with
10 mental health or substance abuse needs, including—

11 “(1) juvenile justice intake personnel;

12 “(2) probation officers;

13 “(3) juvenile court judges and court services
14 personnel;

15 “(4) prosecutors and court-appointed counsel;

16 and

17 “(5) family members of juveniles and family ad-
18 vocates.

19 “(g) TRAINING AND TECHNICAL ASSISTANCE TO
20 SUPPORT JUVENILE COURT JUDGES AND PERSONNEL.—
21 The Attorney General, acting through the Office of Juve-
22 nile Justice and Delinquency Prevention and the Office
23 of Justice Programs, shall provide training and technical
24 assistance, in conjunction with the appropriate public

1 agencies, to enhance the capacity of State and local courts,
2 judges, and related judicial personnel to—

3 “(1) improve the lives of children currently in-
4 volved in or at risk of being involved in the juvenile
5 court system; and

6 “(2) carry out the requirements of this Act.

7 “(h) **FREE AND REDUCED PRICE SCHOOL LUNCHES**
8 **FOR INCARCERATED JUVENILES.**—The Attorney General,
9 in consultation with the Secretary of Agriculture, shall
10 provide guidance to States relating to existing options for
11 school food authorities in the States to apply for reim-
12 bursement for free or reduced price lunches under the
13 Richard B. Russell National School Lunch Act (42 U.S.C.
14 1751 et seq.) for juveniles who are incarcerated and
15 would, if not incarcerated, be eligible for free or reduced
16 price lunches under that Act.”.

17 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

18 Section 299 of the Juvenile Justice and Delinquency
19 Prevention Act of 1974 (42 U.S.C. 5672) is amended—

20 (1) by striking subsections (b) and (c), and re-
21 designating subsection (d) as subsection (b);

22 (2) in subsection (a)—

23 (A) in the matter preceding paragraph (1),
24 by striking “(EXCLUDING PARTS C AND E)”;

1 (B) by striking paragraph (1) and insert-
2 ing the following:

3 “(1) There are authorized to be appropriated to carry
4 out this title—

5 “(A) \$76,125,000 for fiscal year 2018;

6 “(B) \$76,125,000 for fiscal year 2019;

7 “(C) \$77,266,875 for fiscal year 2020;

8 “(D) \$78,425,878 for fiscal year 2021; and

9 “(E) \$79,602,266 for fiscal year 2022.”; and

10 (C) in paragraph (2)—

11 (i) in the matter preceding subpara-
12 graph (A), by striking “(other than parts
13 C and E)”; and

14 (ii) in subparagraph (C), by striking
15 “part D” and inserting “parts D and E”.

16 **SEC. 210. ADMINISTRATIVE AUTHORITY.**

17 Section 299A of the Juvenile Justice and Delin-
18 quency Prevention Act of 1974 (42 U.S.C. 5672) is
19 amended—

20 (1) in subsection (d)—

21 (A) by inserting “(1)” before “The Admin-
22 istrator”;

23 (B) by striking “, after appropriate con-
24 sultation with representatives of States and
25 units of local government,”;

1 (C) by inserting “guidance,” after “regula-
2 tions,”; and

3 (D) by adding at the end the following: “In
4 developing guidance and procedures, the Ad-
5 ministrator shall consult with representatives of
6 States and units of local government, including
7 those individuals responsible for administration
8 of this Act and compliance with the core re-
9 quirements.

10 “(2) The Administrator shall ensure that—

11 “(A) reporting, compliance reporting, State
12 plan requirements, and other similar documentation
13 as may be required from States is requested in a
14 manner that respects confidentiality, encourages effi-
15 ciency and reduces the duplication of reporting ef-
16 forts; and

17 “(B) States meeting all the core requirements
18 are encouraged to experiment with offering innova-
19 tive, data-driven programs designed to further im-
20 prove the juvenile justice system.”; and

21 (2) in subsection (e), by striking “requirements
22 described in paragraphs (11), (12), and (13) of sec-
23 tion 223(a)” and inserting “core requirements”.

1 **TITLE III—INCENTIVE GRANTS**
2 **FOR LOCAL DELINQUENCY**
3 **PREVENTION PROGRAMS**

4 **SEC. 301. SHORT TITLE.**

5 Section 501 of the Incentive Grants for Local Delin-
6 quency Prevention Programs Act of 2002 (42 U.S.C. 5601
7 note) is amended—

8 (1) by inserting “Youth Promise” before “In-
9 centive Grants”; and

10 (2) by striking “2002” and inserting “2016”.

11 **SEC. 302. DEFINITIONS.**

12 Section 502 of the Incentive Grants for Local Delin-
13 quency Prevention Programs Act of 2002 (42 U.S.C.
14 5781) is amended to read as follows:

15 **“SEC. 502. DEFINITIONS.**

16 “In this title—

17 “(1) the term ‘eligible entity’ means—

18 “(A) a unit of local government that is in
19 compliance with the requirements of part B of
20 title II; or

21 “(B) a nonprofit organization in partner-
22 ship with a unit of local government described
23 in subparagraph (A);

24 “(2) the term ‘local policy board’, when used
25 with respect to an eligible entity, means a policy

1 board that the eligible entity will engage in the de-
2 velopment of the eligible entity’s plan described in
3 section 504(e)(5), and that includes—

4 “(A) not fewer than 15 and not more than
5 21 members; and

6 “(B) a balanced representation of—

7 “(i) public agencies and private non-
8 profit organizations serving juveniles and
9 their families; and

10 “(ii) business and industry;

11 “(C) at least one representative of the
12 faith community, one adjudicated youth, and
13 one parent of an adjudicated youth; and

14 “(D) in the case of an eligible entity de-
15 scribed in paragraph (1)(B), a representative of
16 the nonprofit organization of the eligible entity;

17 “(3) the term ‘mentoring’ means matching one
18 adult with one or more youths for the purpose of
19 providing guidance, support, and encouragement
20 through regularly scheduled meetings for not less
21 than 9 months;

22 “(4) the term ‘juvenile delinquency program’
23 means a juvenile delinquency program that is evi-
24 dence-based or promising and that may include—

1 “(A) alcohol and substance abuse preven-
2 tion services;

3 “(B) tutoring and remedial education, es-
4 pecially in reading and mathematics;

5 “(C) child and adolescent health and men-
6 tal health services;

7 “(D) recreation services;

8 “(E) leadership and youth development ac-
9 tivities;

10 “(F) the teaching that individuals are and
11 should be held accountable for their actions;

12 “(G) assistance in the development of job
13 training skills;

14 “(H) youth mentoring programs;

15 “(I) after-school programs;

16 “(J) coordination of a continuum of serv-
17 ices, which may include—

18 “(i) early childhood development serv-
19 ices;

20 “(ii) voluntary home visiting pro-
21 grams;

22 “(iii) nurse-family partnership pro-
23 grams;

24 “(iv) parenting skills training;

25 “(v) child abuse prevention programs;

- 1 “(vi) family stabilization programs;
- 2 “(vii) child welfare services;
- 3 “(viii) family violence intervention
- 4 programs;
- 5 “(ix) adoption assistance programs;
- 6 “(x) emergency, transitional and per-
- 7 manent housing assistance;
- 8 “(xi) job placement and retention
- 9 training;
- 10 “(xii) summer jobs programs;
- 11 “(xiii) alternative school resources for
- 12 youth who have dropped out of school or
- 13 demonstrate chronic truancy;
- 14 “(xiv) conflict resolution skill training;
- 15 “(xv) restorative justice programs;
- 16 “(xvi) mentoring programs;
- 17 “(xvii) targeted gang prevention,
- 18 intervention and exit services;
- 19 “(xviii) training and education pro-
- 20 grams for pregnant teens and teen par-
- 21 ents; and
- 22 “(xix) pre-release, post-release, and
- 23 reentry services to assist detained and in-
- 24 carcerated youth with transitioning back
- 25 into and reentering the community; and

1 “(K) other data-driven evidence-based or
2 promising prevention programs;

3 “(5) the term ‘State advisory group’ means the
4 advisory group appointed by the chief executive offi-
5 cer of a State under a plan described in section
6 223(a); and

7 “(6) the term ‘State entity’ means the State
8 agency designated under section 223(a)(1) or the en-
9 tity receiving funds under section 223(d).”.

10 **SEC. 303. DUTIES AND FUNCTIONS OF THE ADMINIS-**
11 **TRATOR.**

12 Section 503 of the Incentive Grants for Local Delin-
13 quency Prevention Programs Act of 2002 (42 U.S.C.
14 5782) is amended—

15 (1) by striking paragraph (1); and

16 (2) by redesignating paragraphs (2) through
17 (4) as paragraphs (1) through (3), respectively.

18 **SEC. 304. GRANTS FOR DELINQUENCY PREVENTION PRO-**
19 **GRAMS.**

20 Section 504 of the Incentive Grants for Local Delin-
21 quency Prevention Programs Act of 2002 (42 U.S.C. 5781
22 et seq.) is amended to read as follows:

1 **“SEC. 504. GRANTS FOR LOCAL DELINQUENCY PREVEN-**
2 **TION PROGRAMS.**

3 “(a) PURPOSE.—The purpose of this section is to en-
4 able local communities to address the unmet needs of
5 youth who are involved in, or are at risk of involvement
6 in, juvenile delinquency or gang activity, including through
7 a continuum of delinquency prevention programs for juve-
8 niles who have had contact with the juvenile justice system
9 or who are likely to have contact with the juvenile justice
10 system.

11 “(b) PROGRAM AUTHORIZED.—The Administrator
12 shall—

13 “(1) for each fiscal year for which less than
14 \$25,000,000 is appropriated under section 506,
15 award grants to not fewer than three State entities,
16 but not more than five State entities, that apply
17 under subsection (c) and meet the requirements of
18 subsection (d); or

19 “(2) for each fiscal year for which \$25,000,000
20 or more is appropriated under section 506, award
21 grants to not fewer than five State entities that
22 apply under subsection (c) and meet the require-
23 ments of subsection (d).

24 “(c) STATE APPLICATION.—To be eligible to receive
25 a grant under this section, a State entity shall submit an

1 application to the Administrator, which includes the fol-
2 lowing:

3 “(1) An assurance the State entity will use—

4 “(A) not more than 10 percent of such
5 grant, in the aggregate—

6 “(i) for the costs incurred by the
7 State entity to carry out this section, ex-
8 cept that not more than 3 percent of such
9 grant may be used for such costs; and

10 “(ii) to provide technical assistance to
11 eligible entities receiving a subgrant under
12 subsection (e) in carrying out juvenile de-
13 linquency programs under the subgrant;
14 and

15 “(B) the remainder of such grant to award
16 subgrants to eligible entities under subsection
17 (e).

18 “(2) An assurance that such grant will supple-
19 ment, and not supplant, State and local efforts to
20 prevent juvenile delinquency.

21 “(3) An assurance the State entity will evaluate
22 the capacity of eligible entities receiving a subgrant
23 under subsection (e) to fulfill the requirements
24 under such subsection.

1 “(4) An assurance that such application was
2 prepared after consultation with, and participation
3 by, the State advisory group, units of local govern-
4 ment, community-based organizations, and organiza-
5 tions that carry out programs, projects, or activities
6 to prevent juvenile delinquency in the local juvenile
7 justice system served by the State entity.

8 “(d) APPROVAL OF STATE APPLICATIONS.—In
9 awarding grants under this section for a fiscal year, the
10 Administrator may not award a grant to a State entity
11 for a fiscal year unless—

12 “(1)(A) the State that will be served by the
13 State entity submitted a plan under section 223 for
14 such fiscal year; and

15 “(B) such plan is approved by the Adminis-
16 trator for such fiscal year; or

17 “(2) after finding good cause for a waiver, the
18 Administrator waives the plan required under sub-
19 paragraph (A) for such State for such fiscal year.

20 “(e) SUBGRANT PROGRAM.—

21 “(1) PROGRAM AUTHORIZED.—

22 “(A) IN GENERAL.—Each State entity re-
23 ceiving a grant under this section shall award
24 subgrants to eligible entities in accordance with
25 this subsection.

1 “(B) PRIORITY.—In awarding subgrants
2 under this subsection, the State entity shall give
3 priority to eligible entities that demonstrate
4 ability in—

5 “(i) plans for service and agency co-
6 ordination and collaboration including the
7 collocation of services;

8 “(ii) innovative ways to involve the
9 private nonprofit and business sector in de-
10 linquency prevention activities;

11 “(iii) developing data-driven preven-
12 tion plans, employing evidence-based pre-
13 vention strategies, and conducting program
14 evaluations to determine impact and effec-
15 tiveness;

16 “(iv) identifying under the plan sub-
17 mitted under paragraph (5) potential sav-
18 ings and efficiencies associated with suc-
19 cessful implementation of such plan; and

20 “(v) describing how such savings and
21 efficiencies may be used to carry out delin-
22 quency prevention programs and be rein-
23 vested in the continuing implementation of
24 such programs after the end of the
25 subgrant period.

1 “(C) SUBGRANT PROGRAM PERIOD AND DI-
2 VERSITY OF PROJECTS.—

3 “(i) PROGRAM PERIOD.—A subgrant
4 awarded to an eligible entity by a State en-
5 tity under this section shall be for a period
6 of not more than 5 years, of which the eli-
7 gible entity—

8 “(I) may use not more than 18
9 months for completing the plan sub-
10 mitted by the eligible entity under
11 paragraph (5); and

12 “(II) shall use the remainder of
13 the subgrant period, after planning
14 period described in subclause (I), for
15 the implementation of such plan.

16 “(ii) DIVERSITY OF PROJECTS.—In
17 awarding subgrants under this subsection,
18 a State entity shall ensure, to the extent
19 practicable and applicable, that such sub-
20 grants are distributed throughout different
21 areas, including urban, suburban, and
22 rural areas.

23 “(2) LOCAL APPLICATION.—An eligible entity
24 that desires a subgrant under this subsection shall
25 submit an application to the State entity in the

1 State of the eligible entity, at such time and in such
2 manner as determined by the State entity, and that
3 includes—

4 “(A) a description of—

5 “(i) the local policy board and local
6 partners the eligible entity will engage in
7 the development of the plan described in
8 paragraph (5);

9 “(ii) the unmet needs of youth in the
10 community who are or have been involved
11 in, or are at risk of being involved in juve-
12 nile delinquency or gang activity;

13 “(iii) available resources in the com-
14 munity to meet the unmet needs identified
15 in the needs assessment described in para-
16 graph (5)(A);

17 “(iv) potential costs to the community
18 if the unmet needs are not addressed;

19 “(B) a specific time period for the plan-
20 ning and subsequent implementation of its con-
21 tinuum of local delinquency prevention pro-
22 grams;

23 “(C) the steps the eligible entity will take
24 to implement the plan under subparagraph (A);
25 and

1 “(D) a plan to continue the grant activity
2 with non-Federal funds, if proven successful ac-
3 cording to the performance evaluation process
4 under paragraph (5)(D), after the grant period.

5 “(3) MATCHING REQUIREMENT.—An eligible
6 entity desiring a subgrant under this subsection
7 shall agree to provide a 50 percent match of the
8 amount of the subgrant, which may include the
9 value of in-kind contributions.

10 “(4) SUBGRANT REVIEW.—

11 “(A) REVIEW.—Not later than the end of
12 the second year of a subgrant period for a
13 subgrant awarded to an eligible entity under
14 this subsection and before awarding the remain-
15 ing amount of the subgrant to the eligible enti-
16 ty, the State entity shall—

17 “(i) ensure that the eligible entity has
18 completed the plan submitted under para-
19 graph (2) and that the plan meets the re-
20 quirements of such paragraph; and

21 “(ii) verify that the eligible entity will
22 begin the implementation of its plan upon
23 receiving the next installment of its
24 subgrant award.

1 “(B) TERMINATION.—If the State entity
2 finds through the review conducted under sub-
3 paragraph (A) that the eligible entity has not
4 met the requirements of clause (i) of such sub-
5 paragraph, the State entity shall reallocate the
6 amount remaining on the subgrant of the eligi-
7 ble entity to other eligible entities receiving a
8 subgrant under this subsection or award the
9 amount to an eligible entity during the next
10 subgrant competition under this subsection.

11 “(5) LOCAL USES OF FUNDS.—An eligible enti-
12 ty that receives a subgrant under this subsection
13 shall use the funds to implement a plan to carry out
14 delinquency prevention programs in the community
15 served by the eligible entity in a coordinated manner
16 with other delinquency prevention programs or enti-
17 ties serving such community, which includes—

18 “(A) an analysis of the unmet needs of
19 youth in the community who are or have been,
20 or are at risk of being, involved in juvenile de-
21 linquency or gang activity—

22 “(i) which shall include—

23 “(I) the available resources in the
24 community to meet the unmet needs;
25 and

1 “(II) factors present in the com-
2 munity that may contribute to delin-
3 quency, such as homelessness, food in-
4 security, teen pregnancy, youth unem-
5 ployment, family instability, lack of
6 educational opportunity; and

7 “(ii) may include an estimate—

8 “(I) for the most recent year for
9 which reliable data is available, the
10 amount expended by the community
11 and other entities for delinquency ad-
12 judication for juveniles and the incar-
13 ceration of adult offenders for of-
14 fenses committed in such community;
15 and

16 “(II) of potential savings and ef-
17 ficiencies that may be achieved
18 through the implementation of the
19 plan;

20 “(B) a minimum 3-year comprehensive
21 strategy to address the unmet needs and an es-
22 timate of the amount or percentage of non-Fed-
23 eral funds that are available to carry out the
24 strategy;

1 “(C) a description of how delinquency pre-
2 vention programs under the plan will be coordi-
3 nated;

4 “(D) a description of the performance eval-
5 uation process of the delinquency prevention
6 programs to be implemented under the plan,
7 which shall include performance measures to
8 assess efforts to address the unmet needs of
9 youth in the community analyzed under sub-
10 paragraph (A);

11 “(E) the evidence or promising evaluation
12 on which such delinquency prevention programs
13 are based; and

14 “(F) if such delinquency prevention pro-
15 grams are proven successful according to the
16 performance evaluation process under subpara-
17 graph (D), a strategy to continue such pro-
18 grams after the subgrant period with non-Fed-
19 eral funds, including a description of how any
20 estimated savings or efficiencies created by the
21 implementation of the plan may be used to con-
22 tinue such programs.”.

1 **SEC. 305. GRANTS FOR TRIBAL DELINQUENCY PREVENTION**
2 **AND RESPONSE PROGRAMS.**

3 The Incentive Grants for Local Delinquency Preven-
4 tion Programs Act of 2002 (42 U.S.C. 5781 et seq.) is
5 amended by redesignating section 505 as section 506 and
6 by inserting after section 504 the following:

7 **“SEC. 505. GRANTS FOR TRIBAL DELINQUENCY PREVEN-**
8 **TION AND RESPONSE PROGRAMS.**

9 “(a) IN GENERAL.—The Administrator shall make
10 grants under this section, on a competitive basis, to eligi-
11 ble Indian tribes (or consortia of Indian tribes) as de-
12 scribed in subsection (b)—

13 “(1) to support and enhance—

14 “(A) tribal juvenile delinquency prevention
15 services; and

16 “(B) the ability of Indian tribes to respond
17 to, and care for, juvenile offenders; and

18 “(2) to encourage accountability of Indian trib-
19 al governments with respect to preventing juvenile
20 delinquency, and responding to, and caring for, juve-
21 nile offenders.

22 “(b) ELIGIBLE INDIAN TRIBES.—To be eligible to re-
23 ceive a grant under this section, an Indian tribe or consor-
24 tium of Indian tribes shall submit to the Administrator
25 an application in such form as the Administrator may re-
26 quire.

1 “(c) CONSIDERATIONS.—In providing grants under
2 this section, the Administrator shall take into consider-
3 ation, with respect to the Indian tribe to be served, the—

4 “(1) juvenile delinquency rates;

5 “(2) school dropout rates; and

6 “(3) number of youth at risk of delinquency.

7 “(d) AVAILABILITY OF FUNDS.—Of the amount ap-
8 propriated for a fiscal year to carry out this title, 11 per-
9 cent shall be available to carry out this section.”.

10 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 506, as redesignated by section 305, is
12 amended to read as follows:

13 **“SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

14 “There are authorized to be appropriated to carry out
15 this title—

16 “(1) \$91,857,500 for fiscal year 2018;

17 “(2) \$91,857,500 for fiscal year 2019;

18 “(3) \$93,235,362 for fiscal year 2020;

19 “(4) \$94,633,892 for fiscal year 2021; and

20 “(5) \$96,053,401 for fiscal year 2022.”.

21 **SEC. 307. TECHNICAL AMENDMENT.**

22 Title V of the Juvenile Justice and Delinquency Pre-
23 vention Act of 1974 as enacted by Public Law 93-415 (88
24 Stat. 1133) (relating to miscellaneous and conforming
25 amendments) is repealed.

1 **TITLE IV—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 401. EVALUATION BY GOVERNMENT ACCOUNTABILITY**

4 **OFFICE.**

5 (a) **EVALUATION.**—Not later than 1 year after the
6 date of enactment of this Act, the Comptroller General
7 of the United States shall—

8 (1) conduct a comprehensive analysis and eval-
9 uation regarding the performance of the Office of
10 Juvenile Justice and Delinquency Prevention (re-
11 ferred to in this section as “the agency”), its func-
12 tions, its programs, and its grants;

13 (2) conduct a comprehensive audit and evalua-
14 tion of a selected, sample of grantees (as determined
15 by the Comptroller General) that receive Federal
16 funds under grant programs administered by the
17 agency including a review of internal controls (as de-
18 fined in section 103 of the Juvenile Justice and De-
19 linquency Prevention Act of 1974 (42 U.S.C. 5603),
20 as amended by this Act) to prevent fraud, waste,
21 and abuse of funds by grantees; and

22 (3) submit a report in accordance with sub-
23 section (d).

24 (b) **CONSIDERATIONS FOR EVALUATION.**—In con-
25 ducting the analysis and evaluation under subsection

1 (a)(1), and in order to document the efficiency and public
2 benefit of the Juvenile Justice and Delinquency Preven-
3 tion Act of 1974 (42 U.S.C. 5601 et seq.), excluding the
4 Runaway and Homeless Youth Act (42 U.S.C. 5701 et
5 seq.) and the Missing Children’s Assistance Act (42
6 U.S.C. 5771 et seq.), the Comptroller General shall take
7 into consideration—

8 (1) the outcome and results of the programs
9 carried out by the agency and those programs ad-
10 ministered through grants by the agency;

11 (2) the extent to which the agency has complied
12 with the Government Performance and Results Act
13 of 1993 (Public Law 103–62; 107 Stat. 285);

14 (3) the extent to which the jurisdiction of, and
15 the programs administered by, the agency duplicate
16 or conflict with the jurisdiction and programs of
17 other agencies;

18 (4) the potential benefits of consolidating pro-
19 grams administered by the agency with similar or
20 duplicative programs of other agencies, and the po-
21 tential for consolidating those programs;

22 (5) whether less restrictive or alternative meth-
23 ods exist to carry out the functions of the agency
24 and whether current functions or operations are im-

1 peded or enhanced by existing statutes, rules, and
2 procedures;

3 (6) the number and types of beneficiaries or
4 persons served by programs carried out by the agen-
5 cy;

6 (7) the manner with which the agency seeks
7 public input and input from State and local govern-
8 ments on the performance of the functions of the
9 agency;

10 (8) the extent to which the agency complies
11 with section 552 of title 5, United States Code (com-
12 monly known as the Freedom of Information Act);

13 (9) whether greater oversight is needed of pro-
14 grams developed with grants made by the agency;
15 and

16 (10) the extent to which changes are necessary
17 in the authorizing statutes of the agency in order for
18 the functions of the agency to be performed in a
19 more efficient and effective manner.

20 (c) CONSIDERATIONS FOR AUDITS.—In conducting
21 the audit and evaluation under subsection (a)(2), and in
22 order to document the efficiency and public benefit of the
23 Juvenile Justice and Delinquency Prevention Act of 1974
24 (42 U.S.C. 5601 et seq.), excluding the Runaway and
25 Homeless Youth Act (42 U.S.C. 5701 et seq.) and the

1 Missing Children's Assistance Act (42 U.S.C. 5771 et
2 seq.), the Comptroller General shall take into consider-
3 ation—

4 (1) whether grantees timely file Financial Sta-
5 tus Reports;

6 (2) whether grantees have sufficient internal
7 controls to ensure adequate oversight of grant fund
8 received;

9 (3) whether disbursements were accompanied
10 with adequate supporting documentation (including
11 invoices and receipts);

12 (4) whether expenditures were authorized;

13 (5) whether subrecipients of grant funds were
14 complying with program requirements;

15 (6) whether salaries and fringe benefits of per-
16 sonnel were adequately supported by documentation;

17 (7) whether contracts were bid in accordance
18 with program guidelines; and

19 (8) whether grant funds were spent in accord-
20 ance with program goals and guidelines.

21 (d) REPORT.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this Act, the Comptroller
24 General of the United States shall—

1 (A) submit a report regarding the evalua-
2 tion conducted under subsection (a) and audit
3 under subsection (b), to the Speaker of the
4 House of Representatives and the President pro
5 tempore of the Senate; and

6 (B) make the report described in subpara-
7 graph (A) available to the public.

8 (2) CONTENTS.—The report submitted in ac-
9 cordance with paragraph (1) shall include all audit
10 findings determined by the selected, statistically sig-
11 nificant sample of grantees as required by subsection
12 (a)(2) and shall include the name and location of
13 any selected grantee as well as any findings required
14 by subsection (a)(2).

15 **SEC. 402. ACCOUNTABILITY AND OVERSIGHT.**

16 (a) IN GENERAL.—The Juvenile Justice and Delin-
17 quency Prevention Act of 1974 (42 U.S.C. 5601 et seq.)
18 is amended by adding at the end the following:

19 **“TITLE VI—ACCOUNTABILITY**
20 **AND OVERSIGHT**

21 **“SEC. 601. ACCOUNTABILITY AND OVERSIGHT.**

22 “(a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that, in order to ensure that at-risk youth, and youth
24 who come into contact with the juvenile justice system or

1 the criminal justice system, are treated fairly and that the
2 outcome of that contact is beneficial to the Nation—

3 “(1) the Department of Justice, through its Of-
4 fice of Juvenile Justice and Delinquency Prevention,
5 must restore meaningful enforcement of the core re-
6 quirements in title II; and

7 “(2) States, which are entrusted with a fiscal
8 stewardship role if they accept funds under title II
9 must exercise vigilant oversight to ensure full com-
10 pliance with the core requirements for juveniles pro-
11 vided for in title II.

12 “(b) ACCOUNTABILITY.—

13 “(1) AGENCY PROGRAM REVIEW.—

14 “(A) PROGRAMMATIC AND FINANCIAL AS-
15 SESSMENT.—

16 “(i) IN GENERAL.—Not later than 60
17 days after the date of enactment of the
18 Supporting Youth Opportunity and Pre-
19 venting Delinquency Act of 2016, the Di-
20 rector of the Office of Audit, Assessment,
21 and Management of the Office of Justice
22 Programs at the Department of Justice
23 (referred to in this section as the ‘Direc-
24 tor’) shall—

1 “(I) conduct a comprehensive
2 analysis and evaluation of the internal
3 controls of the Office of Juvenile Jus-
4 tice and Delinquency Prevention (re-
5 ferred to in this section as the ‘agen-
6 cy’) to determine if States and Indian
7 tribes receiving grants are following
8 the requirements of the agency grant
9 programs and what remedial action
10 the agency has taken to recover any
11 grant funds that are expended in vio-
12 lation of grant programs, including in-
13 stances where—

14 “(aa) supporting docu-
15 mentation was not provided for
16 cost reports;

17 “(bb) unauthorized expendi-
18 tures occurred; and

19 “(cc) subrecipients of grant
20 funds were not in compliance
21 with program requirements;

22 “(II) conduct a comprehensive
23 audit and evaluation of a selected sta-
24 tistically significant sample of States
25 and Indian tribes (as determined by

1 the Director) that have received Fed-
2 eral funds under title II, including a
3 review of internal controls to prevent
4 fraud, waste, and abuse of funds by
5 grantees; and

6 “(III) submit a report in accord-
7 ance with clause (iv).

8 “(ii) CONSIDERATIONS FOR EVALUA-
9 TIONS.—In conducting the analysis and
10 evaluation under clause (i)(I), and in order
11 to document the efficiency and public ben-
12 efit of titles II and V, the Director shall
13 take into consideration the extent to
14 which—

15 “(I) greater oversight is needed
16 of programs developed with grants
17 made by the agency;

18 “(II) changes are necessary in
19 the authorizing statutes of the agency
20 in order that the functions of the
21 agency can be performed in a more ef-
22 ficient and effective manner; and

23 “(III) the agency has imple-
24 mented recommendations issued by
25 the Comptroller General or Office of

1 Inspector General relating to the
2 grant making and grant monitoring
3 responsibilities of the agency.

4 “(iii) CONSIDERATIONS FOR AU-
5 DITS.—In conducting the audit and evalua-
6 tion under clause (i)(II), and in order to
7 document the efficiency and public benefit
8 of titles II and V, the Director shall take
9 into consideration—

10 “(I) whether grantees timely file
11 Financial Status Reports;

12 “(II) whether grantees have suf-
13 ficient internal controls to ensure ade-
14 quate oversight of grant funds re-
15 ceived;

16 “(III) whether grantees’ asser-
17 tions of compliance with the core re-
18 quirements were accompanied with
19 adequate supporting documentation;

20 “(IV) whether expenditures were
21 authorized;

22 “(V) whether subrecipients of
23 grant funds were complying with pro-
24 gram requirements; and

1 “(VI) whether grant funds were
2 spent in accordance with the program
3 goals and guidelines.

4 “(iv) REPORT.—The Director shall—

5 “(I) submit to the Congress a re-
6 port outlining the results of the anal-
7 ysis, evaluation, and audit conducted
8 under clause (i), including supporting
9 materials, to the Speaker of the
10 House of Representatives and the
11 President pro tempore of the Senate;
12 and

13 “(II) shall make such report
14 available to the public online, not later
15 than 1 year after the date of enact-
16 ment of this section.

17 “(B) ANALYSIS OF INTERNAL CON-
18 TROLS.—

19 “(i) IN GENERAL.—Not later than 30
20 days after the date of enactment of the
21 Supporting Youth Opportunity and Pre-
22 venting Delinquency Act of 2016, the Ad-
23 ministrator shall initiate a comprehensive
24 analysis and evaluation of the internal con-
25 trols of the agency to determine whether,

1 and to what extent, States and Indian
2 tribes that receive grants under titles II
3 and V are following the requirements of
4 the grant programs authorized under titles
5 II and V.

6 “(ii) REPORT.—Not later than 180
7 days after the date of enactment of the
8 Supporting Youth Opportunity and Pre-
9 venting Delinquency Act of 2016, the Ad-
10 ministrator shall submit to Congress a re-
11 port containing—

12 “(I) the findings of the analysis
13 and evaluation conducted under clause
14 (i);

15 “(II) a description of remedial
16 actions, if any, that will be taken by
17 the Administrator to enhance the in-
18 ternal controls of the agency and re-
19 coup funds that may have been ex-
20 pended in violation of law, regulations,
21 or program requirements issued under
22 titles II and V; and

23 “(III) a description of—

24 “(aa) the analysis conducted
25 under clause (i);

1 “(bb) whether the funds
2 awarded under titles II and V
3 have been used in accordance
4 with law, regulations, program
5 guidance, and applicable plans;
6 and

7 “(cc) the extent to which
8 funds awarded to States and In-
9 dian tribes under titles II and V
10 enhanced the ability of grantees
11 to fulfill the core requirements.

12 “(C) REPORT BY THE ATTORNEY GEN-
13 ERAL.—Not later than 180 days after the date
14 of enactment of the Supporting Youth Oppor-
15 tunity and Preventing Delinquency Act of 2016,
16 the Attorney General shall submit to the appro-
17 priate committees of the Congress a report on
18 the estimated amount of formula grant funds
19 disbursed by the agency since fiscal year 2010
20 that did not meet the requirements for awards
21 of formula grants to States under title II.

22 “(2) CONFERENCE EXPENDITURES.—

23 “(A) LIMITATION.—No amounts author-
24 ized to be appropriated to the Department of
25 Justice under this Act may be used by the At-

1 torney General, or by any individual or organi-
2 zation awarded discretionary funds through a
3 cooperative agreement under this Act, to host
4 or support any expenditure for conferences that
5 uses more than \$20,000 in funds made avail-
6 able to the Department of Justice, unless the
7 Deputy Attorney General or such Assistant At-
8 torney Generals, Directors, or principal deputies
9 as the Deputy Attorney General may designate,
10 provides prior written authorization that the
11 funds may be expended to host a conference.

12 “(B) WRITTEN APPROVAL.—Written ap-
13 proval under subparagraph (A) shall include a
14 written estimate of all costs associated with the
15 conference, including the cost of all food and
16 beverages, audiovisual equipment, honoraria for
17 speakers, and entertainment.

18 “(C) REPORT.—The Deputy Attorney Gen-
19 eral shall submit an annual report to the Com-
20 mittee on the Judiciary of the Senate and the
21 Committee on Education and the Workforce of
22 the House of Representatives on all conference
23 expenditures approved under this paragraph.

24 “(3) PROHIBITION ON LOBBYING ACTIVITY.—

1 “(A) IN GENERAL.—Amounts authorized
2 to be appropriated under this Act may not be
3 utilized by any recipient of a grant made using
4 such amounts—

5 “(i) to lobby any representative of the
6 Department of Justice regarding the
7 award of grant funding; or

8 “(ii) to lobby any representative of a
9 Federal, State, local, or tribal government
10 regarding the award of grant funding.

11 “(B) PENALTY.—If the Attorney General
12 determines that any recipient of a grant made
13 using amounts authorized to be appropriated
14 under this Act has violated subparagraph (A),
15 the Attorney General shall—

16 “(i) require the recipient to repay the
17 grant in full; and

18 “(ii) prohibit the recipient to receive
19 another grant under this Act for not less
20 than 5 years.

21 “(C) CLARIFICATION.—For purposes of
22 this paragraph, submitting an application for a
23 grant under this Act shall not be considered
24 lobbying activity in violation of subparagraph
25 (A).

1 “(c) PREVENTING DUPLICATIVE GRANTS.—

2 “(1) IN GENERAL.—Before the Attorney Gen-
3 eral awards a grant to an applicant under this Act,
4 the Attorney General shall compare potential grant
5 awards with other grants awarded under this Act to
6 determine if duplicate grant awards are awarded for
7 the same purpose.

8 “(2) REPORT.—If the Attorney General awards
9 duplicate grants to the same applicant for the same
10 purpose the Attorney General shall submit to the
11 Committee on the Judiciary of the Senate and the
12 Committee on Education and the Workforce of the
13 House of Representatives a report that includes—

14 “(A) a list of all duplicate grants awarded,
15 including the total dollar amount of any dupli-
16 cate grants awarded; and

17 “(B) the reason the Attorney General
18 awarded the duplicative grant.

19 “(d) COMPLIANCE WITH AUDITING STANDARDS.—
20 The Administrator shall comply with the Generally Ac-
21 cepted Government Auditing Standards, published by the
22 General Accountability Office (commonly known as the
23 ‘Yellow Book’), in the conduct of fiscal, compliance, and
24 programmatic audits of States.”.

25 (b) TECHNICAL AND CONFORMING AMENDMENT.—

1 (1) IN GENERAL.—The Juvenile Justice and
2 Delinquency Prevention Act of 1974 is amended by
3 striking paragraphs (6) and (7) of section 407 (42
4 U.S.C. 5776a).

5 (2) EFFECTIVE DATE.—The amendment made
6 by paragraph (1) shall take effect on the first day
7 of the first fiscal year that begins after the date of
8 enactment of this Act.

9 (3) SAVINGS CLAUSE.—In the case of an entity
10 that is barred from receiving grant funds under
11 paragraph (7)(B)(ii) of section 407 of the Juvenile
12 Justice and Delinquency Prevention Act of 1974 (42
13 U.S.C. 5776a), the amendment made by paragraph
14 (1) of this subsection shall not affect the applica-
15 bility to the entity, or to the Attorney General with
16 respect to the entity, of paragraph (7) of such sec-
17 tion 407, as in effect on the day before the effective
18 date of the amendment made by paragraph (1).

Passed the House of Representatives September 22,
2016.

Attest:

Clerk.

114TH CONGRESS
2^D SESSION

H. R. 5963

AN ACT

To reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.