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JUVENILE JUSTICE AND DELINQUENCY PREVENTION REAUTHORIZATION ACT OF 2015

DECEMBER 15, 2015.—Ordered to be printed

Mr. GRASSLEY, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany S. 1169]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to which was referred the bill (S. 1169), to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes, having considered the same, reports favorably thereon, with an amendment, and recommends that the bill, as amended, do pass.

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I. BACKGROUND AND PURPOSE OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION REAUTHORIZATION ACT OF 2015

A. BACKGROUND AND NEED FOR THE LEGISLATION

Congress passed the Juvenile Justice and Delinquency Prevention Act of 1974 (“JJDP A”) to help States and local communities improve their juvenile justice systems and reduce juvenile delinquency. Since its enactment, this statute has equipped jurisdictions across the nation with significant resources to help reduce recidi-

vism among juvenile offenders and promote the rehabilitation of at-risk youths.

The original JJDP, which was last reauthorized in 2002, established the Office of Juvenile Justice and Delinquency Prevention (“OJJDP”) within the U.S. Department of Justice (“DOJ”) to coordinate and carry out juvenile justice activities nationwide. The 1974 law also authorized both discretionary and formula grants to assist States with their juvenile justice programs and activities. Finally, the original JJDP set forth core requirements—designed to reduce delinquency and ensure the safety of juveniles in detention—with which States had to comply in order to receive these grant funds.¹ The JJDP has been reauthorized on numerous occasions since 1974, but it has not undergone major changes in over a decade.

The Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015 (“the Act”) not only continues the funding authorization for some of the key JJDP programs that expired over eight years ago, but also makes significant changes to the statute that reflect scientific research on what efforts yield the best outcomes with at-risk adolescents. It would advance the goals of holding individuals responsible for their actions while also ensuring the safety and rehabilitation of youths who come into contact with the juvenile justice system. The Act, which has been endorsed by over 150 organizations and has the support of a bipartisan group of cosponsors, also incorporates reforms to promote greater accountability in the expenditure of Federal grant funds for juvenile justice activities.

S. 1169 calls for continued congressional support of the State programs and initiatives across the country that serve up to 60,000 youth in detention on any given day. To this end, this legislation ensures the continued availability of Federal formula grants for States to improve their juvenile justice systems as well as Federal discretionary grants for communities to implement programs that deter youth from entering the juvenile justice system. It authorizes at least \$160 million annually in each of the next five years for these purposes.

The Act also updates the law’s State formula grant requirements to reflect findings by experts in the fields of adolescent development and juvenile justice. Priority in funding will be accorded to juvenile justice programs that incorporate evidence-based practices, thereby ensuring the most efficient use of scarce Federal resources. To promote juveniles’ rehabilitation, States receiving formula grants are encouraged to enable juveniles in detention to pursue their education and to screen such juveniles for mental illness or substance abuse issues. States receiving formula grant funds must phase out the shackling of pregnant girls in detention as well as the jailing of juveniles for so-called “status offenses”—such as

¹“The original JJDP included two core requirements, or mandates, that states had to adhere to in order to receive formula grant funding. Subsequent revisions to the JJDP expanded the list of core mandates to the four that exist today. . . . Failure to adhere to these requirements will result in a 20% reduction of funding for each of the four mandates with which the state is not in compliance. Additionally, the state will be ineligible for future funding unless the state agrees to spend 50% of the allocated funding to achiev[e] compliance with whichever mandate it is noncompliant with; the Administrator of OJJDP determines that the state has achieved ‘substantial compliance’; or the state has demonstrated an ‘unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.’” Kristin Finklea, Congressional Research Service, “Juvenile Justice: Legislative History and Current Legislative Issues,” Report RL33947 (July 14, 2015) (footnote omitted).

chronic truancy, running away from home, ungovernability, or curfew violations—which would not result in criminal penalties if committed by adults.

Finally, the Act incorporates important reforms that will increase accountability in government spending and clarify the standards for State compliance with the JJDPA’s core requirements. An investigation of whistleblowers’ claims by the Committee suggests that accountability and noncompliance issues plague OJJDP’s administration of juvenile justice grants: several States continued to receive formula grant funds from OJJDP, even though they habitually fell short of complying with the JJDPA’s core requirements.

OJJDP, which is charged with oversight of juvenile justice grant awards to States, concedes that the policy it has had in place since 1997, by which States could receive Federal grant funds despite violations of these core requirements, is inconsistent with the statute. The result is that States were able to evade Federal grant requirements that might have ensured better outcomes for at-risk youth or youth in detention. With this reauthorization measure, the Committee seeks to ensure better compliance on the part of States receiving formula grants, as well as accountability, on the part of OJJDP, with respect to the JJDPA’s requirements for grant program participants.

To ensure more effective and efficient use of Federal tax dollars, the Committee has made substantial changes to the JJDPA with this reauthorization measure.

B. SIGNIFICANT CHANGES IN THIS REAUTHORIZATION

This Act updates the JJDPA in three major ways. First, it seeks to promote greater reliance on evidence-based and promising practices that have been shown to reduce delinquency among at-risk juveniles. Second, this measure would enhance accountability and oversight in government spending through enhanced reporting and accountability requirements for recipients of Federal grants. Third, the legislation would promote the rehabilitation of youthful offenders by encouraging States to support the continued education of juveniles in detention, divert certain nonviolent juvenile offenders to community based or faith based programs, and improve the response to juvenile offenders with mental illnesses or substance abuse issues.

1. Application of evidence-based approaches

To promote the most efficient use of taxpayer-funded grants, this reauthorization measure calls for OJJDP to identify evidence-based and promising practices. S. 1169 also encourages OJJDP to assist State and local governments in reducing juvenile delinquency by providing technical assistance, conducting research and evaluation, offering training, and disseminating relevant, up-to-date information on evidence-based programs and practices.

S. 1169 defines an “evidence-based” program or practice as one that is demonstrated to be effective when implemented with fidelity, is based on a clearly articulated and empirically supported theory, has measurable outcomes, including a detailed description of the outcomes produced, and has been scientifically tested through randomized control or comparison studies. It defines a “promising” program or practice as one that is demonstrated to be effective

based on positive outcomes from one or more objective, independent, and scientifically valid evaluations. According funding priority to evidence-based and promising practices, as this Act requires, will reduce Government waste and ensure better adherence to practices with a proven track record of positive outcomes.

2. *Ensuring accountability and compliance with core requirements*

The JJJPA's most recent congressional authorization expired in 2007. Even though the JJJPA's provisions have expired, the State formula grants program and related juvenile delinquency prevention activities have continued to receive annual congressional appropriations. As long as the Federal Government continues to play a role in this sphere by making funds available to support the improvement of States' juvenile delinquency programs and juvenile justice activities,—it is vitally important to ensure there is accountability and transparency in how these Federal tax dollars are spent.

In the last JJJPA authorization, Congress affirmed its support for the four core requirements with which States must comply in order to receive State formula grants. These include:

- “*Deinstitutionalization of Status Offenders*,” or the requirement that juveniles who have committed a status offense or who have not been charged with an offense cannot be put in secure detention or secure correctional facilities;
- “*Sight and Sound Separation*,” or the prohibition on detention or confinement of a juvenile in an adult facility in which the juvenile would have extensive contact with an adult inmate;
- “*Adult Jail and Lockup Removal*,” or the prohibition on the detention or confinement of juveniles in an adult facility, except if the juveniles are accused of non-status offenses (in which case such juveniles may be detained for no longer than six hours while being processed or awaiting release, transfer to a juvenile facility, or a court appearance);²
- “*Disproportionate Minority Contact*” (*DMC*), which is the requirement that States show they are implementing policies and practices to identify and reduce—without imposing numerical standards or quotas—racial disparities among youth in their juvenile justice systems.

The Committee is troubled by reports from several whistleblowers that OJJDP allowed noncompliant States to receive formula grant funds without demonstrating compliance with these core requirements. Such a practice, which the Committee determined continued for years, threatens to undermine the legitimacy of the State formula grant program as well as the fair treatment of juveniles who come into contact with the juvenile justice and/or criminal justice systems.

This legislation seeks to restore meaningful enforcement of these four core requirements in several ways. First, it calls on DOJ to provide States with technical assistance to develop effective and

²Additionally, juveniles in rural locations may be held for up to 48 hours while awaiting their initial court appearance; but juveniles held in adult jails or lockups in both rural areas and urban areas are not to have contact with adult inmates. Kristin Finklea, Congressional Research Service, “Juvenile Justice: Legislative History and Current Legislative Issues,” Report RL33947 (July 14, 2015).

comprehensive data systems, which is important to oversight and accountability. Second, it calls on DOJ to update its regulatory requirements for State compliance monitoring. Third, it compels the OJJDP Administrator as well as auditors within DOJ's Office of Justice Programs to undertake a comprehensive evaluation of OJJDP's internal controls to determine whether, and to what extent, State and tribal grantees are meeting OJJDP's grant program requirements. Fourth, each State participating in the formula grant program must designate an individual to coordinate the State's efforts to achieve compliance with core requirements and affirmatively certify to the State's compliance with formula grant requirements. Finally, both the Office of Justice Programs and DOJ's Office of Inspector General must periodically conduct audits of State and tribal jurisdictions receiving grants under this Act; the Comptroller General of the United States must initiate a comprehensive evaluation of OJJDP's performance. The purpose of imposing these requirements is to promote vigilant oversight, by the Justice Department and its components, of formula grant recipients and to ensure that participating jurisdictions fully adhere to regulatory and statutory grant requirements.

To promote transparency, S. 1169 requires that the Attorney General post an online summary of each review that is required under this Act. The Attorney General also must report to Congress on the estimated amount of grant funds disbursed by DOJ since fiscal year 2010 that did not meet this Act's requirements for formula grant awards. The OJJDP Administrator must report to Congress on any remedial actions that will be taken to resolve violations of grant program requirements as well as the extent to which formula grant awards have enhanced the ability of each jurisdiction to meet the JJDPA's core requirements. Each State receiving formula grants authorized under this Act must designate an individual who will certify to the State's compliance with the four core requirements; States also must publish their plans online within 30 days after such State plans are approved.

To further deter fraud, waste, and abuse, this legislation accords priority in funding to State and tribal jurisdictions that lack unresolved audit findings. Nonprofit organizations that hold money in offshore accounts for tax avoidance purposes cannot receive awards of grant funds authorized under this Act. S. 1169 also limits conference expenditures by DOJ or its grantees and bars the use of Federal grants for lobbying.

3. Promoting rehabilitation of juveniles by improving services for detained minors

In clarifying that an additional purpose of the JJDPA is to support a continuum of programs designed to meet the needs of at-risk youth and youth who come into contact with the justice system, S. 1169 reaffirms Congress' commitment to rehabilitation of juvenile offenders. To this end, S. 1169 also encourages the continuation of juveniles' education in confinement. It encourages mental health and substance abuse screening, assessment, referral and treatment of juvenile offenders. It also ensures that mental health and substance abuse professionals will have a voice on the Coordinating Council on Juvenile Justice and Delinquency Prevention.

The Act will help improve the treatment of certain juveniles in custody or detention in other key respects. For example, it requires States receiving formula grants to phase out the practice of shackling pregnant juveniles during labor and delivery; it requires annual reporting on the use of isolation upon juveniles in detention; and it compels stricter State adherence to the core requirements, through implementation of various accountability, oversight, and transparency requirements.

For some States, the core requirement that has proven most challenging is DMC, which requires a showing that the State is implementing juvenile delinquency prevention programs to reduce—without setting or mandating numerical standards or quotas—disproportionate minority confinement. To better assist States with their DMC compliance efforts, S. 1169 encourages use of coordinating bodies (comprised of juvenile justice stakeholders at the State, local, or tribal level) to advise State officials on ways to reduce such racial and ethnic disparities at various decision points in the juvenile justice system. To improve all States’ compliance with the core requirements, this legislation also requires OJJDP to provide State personnel with technical assistance and training.

Lastly, S. 1169 will promote reliance on practices that may reduce recidivism rates among juvenile offenders. The Act encourages jurisdictions to limit juveniles’ contact with adult criminals in adult facilities. It also encourages alternatives to detention—such as diversion into community based, faith based, and family programs—for nonviolent juvenile offenders. It phases out the “Valid Court Order” exception, which is the only remaining circumstance under which a juvenile can be detained as a “status offender” (defined in the Act as a juvenile who is charged with or who has committed an offense that would not be criminal if committed by an adult).

II. HISTORY OF THE BILL AND COMMITTEE CONSIDERATION

A. INTRODUCTION OF THE BILL

Chairman Grassley and Senator Whitehouse introduced S. 1169, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015, on April 30, 2015. Since the Act’s introduction, Ranking Member Leahy as well as Senators Ayotte, Blumenthal, Blunt, Coons, Cornyn, Durbin, Feinstein, Hatch, Klobuchar, Murray, Rubio, and Shaheen also have joined as co-sponsors.

B. COMMITTEE CONSIDERATION

On April 21, 2015, Senator Grassley chaired a Committee hearing, entitled “Improving Accountability and Oversight of Juvenile Justice Grants.” Witnesses included Ms. Elissa Rumsey, Compliance Monitor, OJJDP, U.S. Department of Justice; Mr. Dean Rivkin, Professor/Clinic Lead, University of Tennessee Law School Public Interest Lawyering Practicum; Ms. Andrea Coleman, Disproportionate Minority Contact Coordinator, OJJDP, U.S. Department of Justice; The Hon. Steven C. Teske, Chief Judge, Clayton County (Georgia) Juvenile Court; Mr. Mark Soler, Executive Director, Center for Children’s Law and Policy; The Hon. Karol Mason, Assistant Attorney General, Office of Justice Programs, U.S. Department of Justice; and The Hon. Carolyn Lerner, Special Counsel, U.S. Office of Special Counsel.

On the first panel of witnesses, Elissa Rumsey, an OJJDP Compliance Monitor, emphasized the challenges faced by the OIG “due to lack of enforcement.”³ Dean Rivkin emphasized the need for diligent oversight to ensure that youths in detention who are status offenders are not subject to shackling and lock-ups that violate the JJDP’s Deinstitutionalization of Status Offenders requirement.⁴ The Justice Department’s DMC Coordinator at OJJDP, Andrea R. Coleman, discussed compliance monitoring issues and the need to hold States accountable for noncompliance with the JJDP’s core requirements.⁵ Mark Soler indicated that the JJDP has proven its value over the years, but he has seen “needless tragedies” occur when mandates are not followed.⁶ Judge Teske testified that “[t]he time is ripe to re-authorize the JJDP and in so doing make the changes necessary to improve the accountability and oversight of juvenile justice grants.”⁷

On the second panel of witnesses, Assistant Attorney General Karol Mason testified that, despite the JJDP’s successes, there are a number of errors in OJJDP’s compliance monitoring program, such as the failure to enforce State compliance with core requirements.⁸ Lastly, Carolyn Lerner articulated the important role that the U.S. Office of Special Counsel plays in oversight and accountability investigations.⁹

On July 23, 2015, the Committee on the Judiciary considered S. 1169. Senators Grassley and Whitehouse offered an amendment in the nature of a substitute to improve oversight of Federal grants by holding States financially accountable for failing to meet the JJDP’s core requirements; it also seeks to improve conditions for juvenile detention centers at the State and Federal level. The amendment was accepted by voice vote.

The Act, as amended by the substitute amendment, reauthorizes funding for juvenile justice programs for five more years and updates requirements for participating States and tribal jurisdictions that receive grants from OJJDP. It phases out language that allows States to detain juveniles for “status offenses,” which include

³ Testimony of Ms. Elissa Rumsey, Compliance Monitor, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Improving Accountability and Oversight of Juvenile Justice Grants, Before the Senate Comm. On the Judiciary, 114th Cong. (2015), available at <http://www.judiciary.senate.gov/imo/media/doc/04-21-15%20Rumsey%20Testimony.pdf>.

⁴ Testimony of Prof. Dean Rivkin, University of Tennessee College of Law, Improving Accountability and Oversight of Juvenile Justice Grants, Before the Senate Comm. On the Judiciary, 114th Cong. (2015), available at <http://www.judiciary.senate.gov/imo/media/doc/04-21-15%20Rivkin%20Testimony.pdf>.

⁵ Testimony of Ms. Andrea R. Coleman, Disproportionate Minority Contact Coordinator, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Improving Accountability and Oversight of Juvenile Justice Grants, Before the Senate Comm. On the Judiciary, 114th Cong. (2015), available at <http://www.judiciary.senate.gov/imo/media/doc/04-21-15%20Coleman%20Testimony.pdf>.

⁶ Testimony of Mr. Mark Soler, Executive Director, Center for Children’s Law and Policy, Improving Accountability and Oversight of Juvenile Justice Grants, Before the Senate Comm. On the Judiciary, 114th Cong. (2015), available at <http://www.judiciary.senate.gov/imo/media/doc/04-21-15%20Soler%20Testimony.pdf>.

⁷ Testimony of The Hon. Steven C. Teske, Chief Judge, Clayton County (Georgia) Juvenile Court, Improving Accountability and Oversight of Juvenile Justice Grants, Before the Senate Comm. On the Judiciary, 114th Cong. (2015), available at <http://www.judiciary.senate.gov/imo/media/doc/04-21-15%20Teske%20Testimony.pdf>.

⁸ Testimony of The Hon. Karol V. Mason, Assistant Attorney General, Office of Justice Programs, U.S. Department of Justice, Improving Accountability and Oversight of Juvenile Justice Grants, Before the Senate Comm. On the Judiciary, 114th Cong. (2015), available at <http://www.judiciary.senate.gov/imo/media/doc/04-21-15%20Mason%20Testimony%20Updated.pdf>.

⁹ Testimony of The Hon. Carolyn Lerner, Special Counsel, U.S. Office of Special Counsel, Improving Accountability and Oversight of Juvenile Justice Grants, Before the Senate Comm. On the Judiciary, 114th Cong. (2015), available at <http://www.judiciary.senate.gov/imo/media/doc/04-21-15%20Lerner%20Testimony.pdf>.

conduct (such as underage tobacco use or truancy) that would not be crimes if committed by adults. It also encourages alternatives to incarceration for nonviolent offenders, such as community based, faith based, and family counseling programs.

The Committee then voted to report the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015, with an amendment in the nature of a substitute, favorably to the Senate by voice vote.

III. SECTION-BY-SECTION SUMMARY OF THE BILL

Section 1. Short title

This section provides that the legislation may be cited as the “Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015.”

Section 2. Table of contents

This section provides the table of contents for the Act.

TITLE I—DECLARATION OF PURPOSE AND DEFINITIONS

Section 101. Purposes

This section adds two new purpose areas to the original JJDP: (1) to assist State and local governments in addressing juvenile crime through technical assistance, research, training, evaluation, and the dissemination of information on effective and evidence-based programs for combating juvenile delinquency; and (2) to support a continuum of evidence-based or promising programs that are trauma-informed, reflect the science of adolescent development, and meet the needs of youth who are at-risk or have contact with the justice system.

Section 102. Definitions

This section defines terms and phrases used in this Act, including “Indian tribe,” “jail or lockup for adults,” “sight or sound contact,” “adult inmate,” “core requirements,” “chemical agent,” “restraints,” “evidence-based,” “promising,” “dangerous practice,” “screening,” “assessment,” “contact,” “trauma-informed,” “racial and ethnic disparity,” “status offender,” and “rural.” The substitute amendment adopted by the Committee on July 23, 2015 also adds definitions of the term “isolation” and the phrase “internal controls.”

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Section 201. Concentration of Federal efforts

Current law requires the OJJDP Administrator to develop objectives, priorities and a long term plan to carry out Federal juvenile justice activities in the United States; and this section clarifies that the purpose of such long term plan is “to improve the juvenile justice system in the United States, taking into account scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency programs and juvenile justice interventions on adolescents.”

Section 202. Coordinating Council on Juvenile Justice and Delinquency Prevention

This section calls for additional representatives of Federal agencies to serve on the Coordinating Council on Juvenile Justice and Delinquency Prevention (an independent body within the executive branch that was established under the original JJDP).¹⁰ This section also incorporates accountability language that calls for an annual report to Congress on the Council's activities, a detailed account of its expenses, and its recommendations.

Section 203. Annual report

This section adds ethnicity to the list of characteristics (which now include race, gender, age, educational status, among others) that OJJDP must summarize in its annual report to Congress on juveniles in detention.¹¹ It also requires that the annual report include data on certain confinement conditions, such as use of isolation and restraints; number of pending status offense cases; and number of status offenders held in secure detention as well as the average period of their detention. The substitute amendment adopted by the Committee on July 23, 2015 further expands the annual report to require the inclusion of information on the number of juveniles released from detention and the type of living arrangement to which they were released; the number of juveniles held in secure facilities who report being pregnant; and the number of juveniles whose offenses originated at school, during school-sponsored activities, or due to a school official's referral.

This section also requires OJJDP to summarize its criteria for evidence-based or promising programs and practices. In addition, it requires OJJDP to describe funding provided to Indian tribes for a juvenile delinquency or prevention program under the Tribal Law and Order Act of 2010, including grants and funding provided through a State or local government. Lastly, it calls for OJJDP to analyze its own internal controls to determine the extent of grantees' compliance with OJJDP's grant program requirements and report on remedial actions, if any, taken by the agency to recover grant funds expended by grantees in violation of Federal grant requirements. The agency's analysis must include the total amount of payments, if any, sought to be recouped and actually recouped from grantees due to such violations.

Section 204. Allocation of funds

This section amends the State formula grant program to increase, from 2% to 5%, the amount of a State's award that can be devoted to technical assistance, for purposes of achieving compli-

¹⁰The Council coordinates all Federal programs dealing with juvenile delinquency and unaccompanied minors. The Attorney General serves as Chairman of the Council, and the OJJDP Administrator serves as its Vice Chairman. Kristin Finklea, Congressional Research Service, "Juvenile Justice: Legislative History and Current Legislative Issues," Report RL33947 (July 14, 2015).

¹¹As explained by the Congressional Research Service: "Starting in 1988, Congress required OJJDP to produce an annual report to Congress on the agency's operations. This report, by statute, must summarize and analyze the most recent data available to the [F]ederal [G]overnment concerning the detention of juveniles, describe the activities funded by OJJDP and the activities of the Coordinating Council, identify the extent to which each [S]tate complies with the core mandates and their state plan requirements, and evaluate the effectiveness of Federal juvenile delinquency programs in reducing the incidences of delinquency and violent crime among juveniles." *Id.*

ance with the Act's State plan requirements. Under current law, formula grant funds are allocated annually among the States on the basis of the relative proportion of the population under the age of 18 years, and this section clarifies that such allocation will be based on the most recently available census data. This section also clarifies that \$400,000 (rather than \$325,000, as under current law) shall be the minimum annual allocation awarded to a participating State, depending on the total congressional appropriation for the State formula grant program.¹²

The substitute amendment adopted by the Committee clarifies that the Bureau of the Census shall be the source of the census data. It also clarifies that States violating the JJDP's core requirement may not avoid a financial penalty for such violations. It further clarifies that up to 5% of the annual allocation to any State (rather than 5% of the *minimum* annual allocation) shall be available to assist the State advisory group established under 42 U.S.C. § 5633(a)(3). Finally, the substitute amendment calls for the designation of at least one individual in each State who will not only coordinate State efforts to achieve compliance, but who also will certify to the State's compliance with the core requirements.

Section 205. State plans

Under current law, a State seeking formula grants must submit a three-year State plan outlining that State's purposes for use of the grant award and file annual plan amendments with the OJJDP Administrator.¹³ As modified by the substitute amendment adopted by this Committee, this section expands the conditions attached to a State's receipt of State formula grants, primarily by requiring additional information to be included in each State plan. One such new requirement is that States include in their individualized re-entry plans a description of where the juvenile will live once released. It further clarifies that each State plan must be posted online; it requires the OJJDP Administrator to affirmatively certify to a State's compliance or noncompliance; and it requires public issuance of an annual report by OJJDP.

For example, each State must describe how its plan is supported by, or takes into account, scientific knowledge regarding adolescent development and behavior about the effects of delinquency prevention programs and juvenile justice interventions. As amended by the Committee on July 23, 2015, this section also compels each State to explain how its plan seeks to:

¹²If the congressional appropriation for the program is less than \$75 million, the minimum allocation amount for the fiscal year is set at \$400,000 (rather than \$325,000, as under current law); but if the annual appropriation is equal to or greater than \$75 million, the minimum allocation is set at \$600,000 (same as current law). The minimum amount allocated for each of the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands will continue to be \$75,000 in the event that the congressional appropriation is less than \$75 million for that fiscal year (as under current law), but it will increase to \$100,000 if the annual appropriation is at least \$75 million for that fiscal year (as under current law).

¹³The State plan must discuss the State's plan for, among other things: (1) providing gender-specific services and mental health services to juveniles; (2) coordinating existing programs; (3) ensuring the use of most funds for specified purposes (such as community-based and family programs that promote alternatives to incarceration, meet the needs of juveniles who are child abuse victims, offer academic support, mentoring, job training, substance abuse treatment, positive youth development, counseling, or legal assistance); (4) encouraging collaboration among local agencies with which juveniles have contact; (5) expanding the use of probation officers; and (6) developing the State's research and training capacity.

- Reduce the number of youths housed in secure detention and correctional facilities who are awaiting placement in a residential treatment program;
- Provide a reentry plan for juveniles who are transitioning out of confinement;
- Provide alternatives to detention (such as specialized or problem-solving courts or diversion to treatment) for status offenders, sex trafficking victims, or juveniles with mental health and substance abuse disorders;
- Encourage family involvement and reliance on community based services for at-risk juveniles or minors who have had contact with the juvenile justice system;
- Promote evidence-based and trauma-informed programs and practices;
- Phase out, within a year of enactment of this Act, the use of shackling of pregnant juveniles housed in secure detention and correction facilities;
- Promote children’s access to publicly supported, court appointed legal counsel and the competent representation of every juvenile charged with an offense;
- Promote programs and projects to inform juveniles about ways to seek expungement of certain juvenile records;
- Rely on screening procedures to improve the identification of human trafficking victims;
- Support programs to meet the needs of girls in, or at risk of entering, the juvenile justice system (including, e.g., pregnant girls, young mothers, girls with disabilities, and girls of color).

Section 206. Reallocation of grant funds

This section confirms that a State violating any of the four “core requirements” will lose 20% per core requirement violation (up to a maximum possible 80%, if all four core requirements are violated) of its JJDP Title II formula grant. The substitute amendment adopted by the Committee on July 23, 2015 reinforces this penalty provision, specifying that a noncompliant State will be ineligible to receive any allocation unless one of two criteria is satisfied: (1) the State agrees to expend half of its grant funds to achieve compliance; or (2) the OJJDP Administrator determines that the State has achieved substantial compliance. It also specifies that half of each noncompliant State’s penalty money will be returned to the JJDP grant program for redistribution to compliant States, while the remainder can be used by OJJDP to offer training and technical assistance to all States.

Section 207. Authority to make grants

Current law authorizes the OJJDP Administrator to make grants to eligible States for programs and projects that seek to prevent juvenile delinquency. This section updates the statute to clarify that programs offering treatment services to status offenders as well as after-school programs to prevent or combat truancy also are eligible uses of grant funds.

Section 208. Eligibility of States

This section increases, from 5 to 10, the percentage of each grant that a State or tribal jurisdiction may use for implementation and technical assistance.

Section 209. Grants to Indian tribes

Current law renders Indian tribes ineligible for grants unless they can provide evidence that they perform law enforcement functions. This section eliminates this eligibility requirement for tribes.

Section 210. Research and evaluation; statistical analyses; information dissemination

This section requires the OJJDP Administrator to develop and annually publish a plan that identifies successful ways to discourage future involvement of status offenders and first-time minor offenders with the juvenile justice and criminal justice systems. In addition, this section calls for the issuance of a report describing each State's practices to ensure the preparation of a discharge plan for any juvenile in detention who cannot return to their last residence immediately following release from detention. It also requires the development of a "National Recidivism Measure," or uniform method of data collection for States' use in measuring juvenile recidivism, and ensures that recidivism data collected from States will be made available to the public. The substitute amendment adopted on July 23, 2015 also calls for jurisdictions receiving formula grants to describe their efforts to reduce recidivism among nonviolent youth, improve screening of child trafficking victims, identify efforts to reduce the use of dangerous practices, and identify positive outcome measures.

Section 211. Training and technical assistance

This section requires (rather than permits, as under current law) the OJJDP Administrator to develop and carry out technical assistance, training, and research projects. As modified by the substitute amendment adopted by the Committee, it also clarifies what such training and technical assistance can cover (e.g., implementing best practices; complying with the core requirements; promoting evidence-based and promising programs or practices; improving retention of qualified personnel; enhancing legal representation of minors; serving youth with mental health or substance abuse issues; promoting use of behavior management techniques; minimizing use of restraints and isolation in confinement; seeking free or reduced price lunches for incarcerated juveniles).

Section 212. Administrative authority

This section strikes the term "requirements" in certain paragraphs of the JJDPA and replaces it with the phrase "core requirements." The substitute amendment adopted on July 23, 2015 also updates JJDPA language relating to guidance and procedures by requiring that the Administrator consult with representatives of States and units of local government.

TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Section 301. Definitions

Congress established the Incentive Grants for Local Delinquency Prevention Programs (also known as the Community Prevention Grants Program) as part of Title V of the JJDPA during the 1992 reauthorization, and S. 1169 reauthorizes this Title V grant program, which was last reauthorized in 2002. This section adds a definition of the term “mentoring,” which means matching one adult with one or more youths for the purpose of providing guidance, support, and encouragement through regularly scheduled meetings for no less than nine months.

Section 302. Grants for Delinquency Prevention Programs

This section makes mentoring an allowable use of the Incentive Grants for Local Delinquency Prevention Programs that are authorized under Title V of the JJDPA. The substitute amendment adopted by the Committee further clarifies that not only mentoring, but also parent training and support or in-home family services programs, are eligible uses of these JJDPA Title V grant funds, if such programs are evidence-based or promising.

Section 303. Technical and conforming amendments

This section makes a technical and conforming amendment.

TITLE IV—MISCELLANEOUS PROVISIONS

Section 401. Evaluation by Government Accountability Office

This section requires the Comptroller General of the United States to evaluate OJJDP’s performance and audit a selected sample of grantees receiving grant funds from OJJDP. The Comptroller General must submit, within a year of enactment of this legislation, a report on its evaluation of OJJDP and its audit of grantees; it also must make this report publicly available.

In evaluating the efficiency and public benefit of the JJDPA, the Comptroller General must consider the results of the programs carried out by OJJDP and its grants, the extent to which OJJDP has complied with the Government Performance and Results Act of 1993, the extent to which OJJDP’s programs conflict with the jurisdiction and programs of other agencies, and the potential benefits of consolidating programs. To that end, the Comptroller General must assess whether less restrictive or alternative methods are implicated by existing law, the number and types of beneficiaries of the programs, how the agency seeks public input on programs, how the agency complies with FOIA, whether greater oversight is necessary, and the extent to which changes are necessary.

Finally, in conducting audits under this section, the Comptroller General shall consider whether grantees filed timely Financial Status Reports, have sufficient internal controls ensuring adequate oversight, if disbursements and salaries were accompanied with adequate supporting documentation, if expenditures were authorized, and whether contracts and sub-recipients complied with program requirements.

Section 402. Authorization of appropriations

As introduced, S. 1169 authorized \$159 million for Fiscal Year 2015 to implement the Act. Under the substitute amendment adopted by the Committee, the amount authorized in Fiscal Year 2015 increases to \$160 million, which reflects the most recently available appropriations data. Also under this section, the amounts authorized will increase by 2% annually over the course of the five-year reauthorization period. This section also limits, to 20% of authorized amounts, the share of authorized funds that can be devoted to mentoring under this Act.

Section 403. Accountability and oversight

This section adds a new section to JJDDPA Title VI, which expresses the sense of Congress that DOJ, through its components, must restore meaningful enforcement of the core protections for juveniles in this Act. It also expresses the sense of Congress that DOJ should update existing JJDDPA regulations and provide participating States with technical assistance to develop more effective data collection systems. The States, which are entrusted with a fiscal stewardship role if they accept formula grant funds, are urged to exercise vigilant oversight to ensure full compliance with the Act's core protections.

To prevent waste, fraud and abuse by grantees, this section (as modified by the substitute amendment of July 23, 2015) requires the OJJDP Administrator to initiate a programmatic and financial review of grant recipients. It also requires the Director of the Office of Audit, Assessment, and Management ("OAAM") within DOJ's Office of Justice Programs to: (1) initiate a comprehensive analysis and evaluation of OJJDP's internal controls; and (2) conduct a comprehensive audit and evaluation of a selected, statistically significant sample of State and tribal grantees. Both the OJJDP Administrator and the OAAM Director must report to Congress with their findings; in addition, the Attorney General must report to Congress on the estimated amount of grant funds disbursed by DOJ in recent fiscal years that did not meet statutory requirements. This section also establishes deadlines for the performance of the above requirements; compels DOJ's Office of Inspector General to periodically perform selected audits of States and Indian tribes receiving formula grants under this Act; and it requires the Attorney General to post a summary of each required review on DOJ's website.

To further promote accountability, this section also requires that State and tribal jurisdictions without unresolved audit findings shall be accorded priority in grant funding. Nonprofit organizations that hold money in offshore accounts for tax avoidance purposes cannot receive grant awards authorized under this Act. S. 1169 also would limit conference expenditures by DOJ and by those receiving discretionary grants under this Act. In addition, S. 1169 bars the use of Federal grants for lobbying, and it imposes disclosure requirements relating to the executive compensation practices of certain nonprofit grant recipients. Finally, this section includes definitions of the phrases "nonprofit organization" and "unresolved audit finding."

TITLE V—JUVENILE ACCOUNTABILITY BLOCK GRANTS

Section 501. Grant eligibility

This section conditions States’ eligibility for the Juvenile Accountability Block Grant Program on their compliance with the core requirements.

IV. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

The Committee sets forth, with respect to the bill, S. 1169, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 31, 2015.

Hon. CHUCK GRASSLEY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1169, the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL.

Enclosure.

S. 1169—Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015

Summary: S. 1169 would authorize the appropriation of \$833 million over the 2016–2020 period, mostly for the Department of Justice to make grants to state and local governments for programs aimed at reducing juvenile delinquency and improving the juvenile justice system.

CBO estimates that implementing S. 1169 would cost about \$500 million over the 2016–2020 period, assuming appropriation of the authorized amounts. The remaining \$333 million would be spent after 2020. Pay-as-you-go procedures do not apply to this legislation because enacting it would not affect directing spending or revenues.

S. 1169 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary effects of S. 1169 are shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

	By fiscal year, in millions of dollars—					
	2016	2017	2018	2019	2020	2016–2020
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	160	163	166	170	173	833
Estimated Outlays	20	65	105	140	170	500

Note: Components do not add up to total because of rounding.

Basis of estimate: For this estimate, CBO assumes that the amounts authorized in the bill will be appropriated by the start of each fiscal year and that outlays will follow the historical rate of spending for this program.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: S. 1169 contains no intergovernmental or private-sector mandates as defined in UMRA. State, local, and tribal governments would benefit from the authorization of appropriations for programs related to juvenile justice. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

Estimate prepared by: Federal Costs: Mark Grabowicz; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: H. Samuel Papenpuss, Deputy Assistant Director for Budget Analysis.

V. REGULATORY IMPACT EVALUATION

In compliance with rule XXVI of the Standing Rules of the Senate, the Committee finds that no significant regulatory impact will result from the enactment of S. 1169.

VI. CONCLUSION

The Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015, S. 1169, seeks to promote better outcomes for, and ensure fair treatment of, at-risk juveniles and minors who have had contact with the justice system. It would continue Federal support of States and communities' efforts to hold individuals accountable for their actions, prevent juvenile delinquency, and promote the rehabilitation of at-risk youths or minors who have had contact with the juvenile justice system. This reauthorization measure also seeks to bolster oversight and accountability of juvenile justice grant programs. We urge its prompt passage in the full Senate.

VII. CHANGES TO EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 1169, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

TITLE 42—THE PUBLIC HEALTH AND WELFARE

* * * * *

**CHAPTER 46—JUVENILE JUSTICE AND DELINQUENCY
PREVENTION**

Subchapter XII—Juvenile Accountability Block Grants

* * * * *

§ 3796ee–2. Grant eligibility

(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this subchapter, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by guidelines, including—

(1) information about—

(A) the activities proposed to be carried out with such grant; and

(B) the criteria by which the State proposes to assess the effectiveness of such activities on achieving the purposes of this subchapter, including the extent to which evidence-based approaches are utilized; **[and]**

(2) assurances that the State and any unit of local government to which the State provides funding under section 3796ee–3(b) of this title, has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (d) of this section**[.]**; *and*

(3) *assurances that the State agrees to comply with the core requirements, as defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603), applicable to the detention and confinement of juveniles.*

(b) LOCAL ELIGIBILITY.—

(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide to the State—

(A) information about—

(i) the activities proposed to be carried out with such subgrant; and

(ii) the criteria by which the unit proposes to assess the effectiveness of such activities on achieving the purposes of this subchapter, including the extent to which evidence-based approaches are utilized; and

(B) such assurances as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (d) of this section.

(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to a specially qualified unit that receives funds from the Attorney General under section 3796ee–3(e) of this title, except

that information that is otherwise required to be submitted to the State shall be submitted to the Attorney General.

(c) **ROLE OF COURTS.**—In the development of the grant application, the States and units of local governments shall take into consideration the needs of the judicial branch in strengthening the juvenile justice system and specifically seek the advice of the chief of the highest court of the State and where appropriate, the chief judge of the local court, with respect to the application.

(d) **GRADUATED SANCTIONS.**—A system of graduated sanctions, which may be discretionary as provided in subsection (e) of this section, shall ensure, at a minimum, that—

(1) sanctions are imposed on a juvenile offender for each delinquent offense;

(2) sanctions escalate in intensity with each subsequent, more serious delinquent offense;

(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

(4) appropriate consideration is given to public safety and victims of crime.

(e) **DISCRETIONARY USE OF SANCTIONS.**—

(1) **VOLUNTARY PARTICIPATION.**—A State or unit of local government may be eligible to receive a grant under this subchapter if—

(A) its system of graduated sanctions is discretionary; and

(B) it demonstrates that it has promoted the use of a system of graduated sanctions by taking steps to encourage implementation of such a system by juvenile courts.

(2) **REPORTING REQUIREMENT IF GRADUATED SANCTIONS NOT USED.**—

(A) **JUVENILE COURTS.**—A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in all cases, to submit an annual report that explains why such court did not impose graduated sanctions in all cases.

(B) **UNITS OF LOCAL GOVERNMENT.**—Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

(C) **STATES.**—Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and

submit to the Attorney General the information collected under subparagraph (B).

(f) DEFINITIONS.—In this section:

(1) DISCRETIONARY.—The term “discretionary” means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

(2) SANCTIONS.—The term “sanctions” means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

* * * * *

CHAPTER 72—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Subchapter I—Generally

* * * * *

§ 5602. Purposes

The purposes of this subchapter and subchapter II of this chapter are—

(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; **[and]**

[(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.]

(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of current and relevant information on effective and evidence-based programs and practices for combating juvenile delinquency; and

(4) to support a continuum of evidence-based or promising programs (including delinquency prevention, intervention, mental health and substance abuse treatment, family services, and services for children exposed to violence) that are trauma informed, reflect the science of adolescent development, and are designed to meet the needs of at-risk youth and youth who come into contact with the justice system.

§ 5603. Definitions

For purposes of this chapter—

(1) the term “community based” facility, program, or service means a small, open group home or other suitable place located near the juvenile’s home or family and programs of community supervision and service which maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guid-

ance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services;

(2) the term “Federal juvenile delinquency program” means any juvenile delinquency program which is conducted, directly, or indirectly or is assisted by any Federal department or agency, including any program funded under this chapter;

(3) the term “juvenile delinquency program” means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior;

(4)(A) the term “Bureau of Justice Assistance” means the bureau established by section 3741 of this title;

(B) the term “Office of Justice Programs” means the office established by section 3711 of this title;

(C) the term “National Institute of Justice” means the institute established by section 3722(a) of this title; and

(D) the term “Bureau of Justice Statistics” means the bureau established by section 3732(a) of this title;

(5) the term “Administrator” means the agency head designated by section 5611(b) of this title;

(6) the term “law enforcement and criminal justice” means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction;

(7) the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

(8) the term “unit of local government” means—

(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

(B) any law enforcement district or judicial enforcement district that—

(i) is established under applicable State law; and

(ii) has the authority to, in a manner independent of other State entities, establish a budget and raise revenues;

[(C) an Indian Tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or]

(C) *an Indian tribe; or*

(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Fed-

eral Government that performs law enforcement functions in and for—

- (i) the District of Columbia; or
- (ii) any Trust Territory of the United States;

(9) the term “combination” as applied to States or units of local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a juvenile justice and delinquency prevention plan;

(10) the term “construction” means acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects’ fees but not the cost of acquisition of land for buildings);

(11) the term “public agency” means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

(12) the term “secure detention facility” means any public or private residential facility which—

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

(B) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense;

(13) the term “secure correctional facility” means any public or private residential facility which—

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense;

(14) the term “serious crime” means criminal homicide, forcible rape or other sex offenses punishable as a felony, mayhem, kidnapping, aggravated assault, drug trafficking, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony;

(15) the term “treatment” includes but is not limited to medical, educational, special education, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public, including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and susceptibility to addiction or use;

(16) the term “valid court order” means a court order given by a juvenile court judge to a juvenile—

(A) who was brought before the court and made subject to such order; and

- (B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States;
- (17) the term “Council” means the Coordinating Council on Juvenile Justice and Delinquency Prevention established in section 5616(a)(1) of this title;
- [(18) the term “Indian tribe” means—
- [(A) a federally recognized Indian tribe; or
- [(B) an Alaskan Native organization;]
- (18) the term “Indian tribe” has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a);
- (19) the term “comprehensive and coordinated system of services” means a system that—
- (A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;
- (B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;
- (C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and
- (D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency;
- (20) the term “gender-specific services” means services designed to address needs unique to the gender of the individual to whom such services are provided;
- (21) the term “home-based alternative services” means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention;
- [(22) the term “jail or lockup for adults” means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—
- [(A) pending the filing of a charge of violating a criminal law;
- [(B) awaiting trial on a criminal charge; or
- [(C) convicted of violating a criminal law;]
- (22) the term “jail or lockup for adults” means a secure facility that is used by a State, unit of local government, or law enforcement authority to detain or confine adult inmates;
- (23) the term “nonprofit organization” means an organization described in section 501(c)(3) of title 26 that is exempt from taxation under section 501(a) of title 26;
- (24) the term “graduated sanctions” means an accountability-based, graduated series of sanctions (including incentives, treatment, and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of ju-

venile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

[(25) the term “contact” means the degree of interaction allowed between juvenile offenders in a secure custody status and incarcerated adults under section 31.303(d)(1)(i) of title 28, Code of Federal Regulations, as in effect on December 10, 1996;

[(26) the term “adult inmate” means an individual who—

[(A) has reached the age of full criminal responsibility under applicable State law; and

[(B) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense;]

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

(26) the term “adult inmate”—

(A) means an individual who—

(i) has reached the age of full criminal responsibility under applicable State law; and

(ii) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal charge offense; and

(B) does not include an individual who—

(i) at the time of the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable State law; and

(ii) was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable State law;

(27) the term “violent crime” means—

(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

(B) aggravated assault committed with the use of a firearm;

(28) the term “collocated facilities” means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; [and]

(29) the term “related complex of buildings” means 2 or more buildings that share—

(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996[.];

(30) the term “core requirements”—

(A) means the requirements described in paragraphs (11), (12), (13), (14), and (15) of section 223(a); and

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

(31) the term “chemical agent” means a spray or injection used to temporarily incapacitate a person, including oleoresin capsicum spray, tear gas, and 2-chlorobenzalmalononitrile gas;

(32) the term “isolation”—

(A) means any instance in which a youth is confined alone for more than 15 minutes in a room or cell; and

(B) does not include—

(i) confinement during regularly scheduled sleeping hours;

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

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

(iv) the separation of the youth from a group in a nonlocked setting for the limited purpose of calming;

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

(34) the term “evidence-based” means a program or practice that—

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

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

(C) has measurable outcomes relevant to juvenile justice, including a detailed description of the outcomes produced in a particular population, whether urban or rural; and

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

(35) the term “promising” means a program or practice that—

(A) is demonstrated to be effective based on positive outcomes relevant to juvenile justice from 1 or more objective, independent, and scientifically valid evaluations, as documented in writing to the Administrator; and

(B) will be evaluated through a well-designed and rigorous study, as described in paragraph (34)(D);

(36) the term “dangerous practice” means an act, procedure, or program that creates an unreasonable risk of physical injury, pain, or psychological harm to a juvenile subjected to the act, procedure, or program;

(37) the term “screening” means a brief process—

(A) designed to identify youth who may have mental health, behavioral health, substance abuse, or other needs requiring immediate attention, intervention, and further evaluation; and

(B) the purpose of which is to quickly identify a youth with possible mental health, behavioral health, substance abuse, or other needs in need of further assessment;

(38) the term “assessment” includes, at a minimum, an interview and review of available records and other pertinent information—

(A) by an appropriately trained professional in the mental health, behavioral health, or substance abuse fields; and

(B) which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth’s confinement;

(39) for purposes of section 223(a)(15), the term “contact” means the points at which a youth and the juvenile justice system or criminal justice system officially intersect, including interactions with a juvenile justice, juvenile court, or law enforcement official;

(40) the term “trauma-informed” means—

(A) understanding the impact that exposure to violence and trauma have on a youth’s physical, psychological, and psychosocial development;

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

(C) responding in ways that resist retraumatization;

(41) the term “racial and ethnic disparity” means minority youth populations are involved at a decision point in the juvenile justice system at higher rates, incrementally or cumulatively, than non-minority youth at that decision point;

(42) the term “status offender” means a juvenile who is charged with or who has committed an offense that would not be criminal if committed by an adult;

(43) the term “rural” means an area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget; and

(44) the term “internal controls” means a process implemented to provide reasonable assurance regarding the achievement of objectives in—

(A) effectiveness and efficiency of operations, such as grant management practices;

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

(C) compliance with applicable laws and regulations, as well as recommendations of the Office of Inspector General and the Government Accountability Office.

* * * * *

CHAPTER 72—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Subchapter II—Programs and Offices

* * * * *

§ 5614. Concentration of Federal efforts

(a) IMPLEMENTATION OF POLICY BY ADMINISTRATOR; CONSULTATION WITH COUNCIL AND ADVISORY COMMITTEE.—

(1) The Administrator shall develop objectives, priorities, and [a long-term plan, and implement] a long-term plan to improve the juvenile justice system in the United States, taking into account scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents, and shall implement overall policy and a strategy to

carry out such plan, for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, [research, and improvement of the juvenile justice system in the United States] *and research*. In carrying out the functions of the Administrator, the Administrator shall consult with the Council.

(2)(A) The plan described in paragraph (1) shall—

(i) contain specific goals and criteria for making grants and contracts, for conducting research, and for carrying out other activities under this subchapter; and

(ii) provide for coordinating the administration programs and activities under this subchapter with the administration of all other Federal juvenile delinquency programs and activities, including proposals for joint funding to be coordinated by the Administrator.

(B) The Administrator shall review the plan described in paragraph (1) annually, revise the plan as the Administrator considers appropriate, and publish the plan in the [Federal Register—

[(i) not later than 240 days after November 4, 1992, in the case of the initial plan required by paragraph (1); and

[(ii) except as provided in clause (i), in the 30-day period ending on October 1 of each year.] *Federal Register during the 30-day period ending on October 1 of each year.*

(b) DUTIES OF ADMINISTRATOR.—In carrying out the purposes of this chapter, the Administrator shall—

(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency;

(2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives the Administrator establishes;

(3) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities;

(4) implement Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which the Administrator determines may have an important bearing on the success of the entire Federal juvenile delinquency effort;

(5)(A) develop for each fiscal year, and publish annually in the Federal Register for public comment, a proposed comprehensive plan describing the particular activities which the Administrator intends to carry out under parts D and E of this subchapter in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts D and E of this subchapter; and

(B) taking into consideration comments received during the 45-day period beginning on the date the proposed plan is published, develop and publish a final plan, before December 31 of such fiscal year, describing the particular activities which the

Administrator intends to carry out under parts D and E of this subchapter in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts D and E of this subchapter; *and*

(6) provide for the auditing of [monitoring] systems required under [section 5633(a)(15)] *section 5633(a)(16)* of this title [to review the adequacy of such systems; and] *for monitoring compliance.*

[(7) not later than 1 year after November 2, 2002, issue model standards for providing mental health care to incarcerated juveniles.]

(c) INFORMATION, REPORTS, STUDIES, AND SURVEYS FROM OTHER AGENCIES.—The Administrator may require, through appropriate authority, Federal departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide the Administrator with such information as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency.

(d) DELEGATION OF FUNCTIONS.—The Administrator shall have the sole authority to delegate any of the functions of the Administrator under this chapter.

(e) UTILIZATION OF SERVICES AND FACILITIES OF OTHER AGENCIES; REIMBURSEMENT.—The Administrator is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

(f) COORDINATION OF FUNCTIONS OF ADMINISTRATOR AND SECRETARY OF HEALTH AND HUMAN SERVICES.—All functions of the Administrator under this subchapter shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under subchapter III of this chapter.

§ 5616. Coordinating Council on Juvenile Justice and Delinquency Prevention

(a) ESTABLISHMENT; MEMBERSHIP.—

(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention composed of the Attorney General, the Secretary of Health and Human Services, *the Administrator of the Substance Abuse and Mental Health Services Administration, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, [the Commissioner of Immigration and Naturalization] Assistant Secretary for Immigration and Customs Enforcement*, such other officers of Federal agencies who hold significant decisionmaking authority as the President may designate, and individuals appointed under paragraph (2).

(2)(A) Ten members shall be appointed, without regard to political affiliation, to the Council in accordance with this para-

graph from among individuals who are practitioners in the field of juvenile justice and who are not officers or employees of the [United States] *Federal Government*.

(B)(i) Three members shall be appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives.

(ii) Three members shall be appointed by the majority leader of the Senate, after consultation with the minority leader of the Senate.

(iii) Three members shall be appointed by the President.

(iv) One member shall be appointed by the Chairman of the Committee on Indian Affairs of the Senate, in consultation with the Vice Chairman of that Committee and the Chairman and Ranking Member of the Committee on Natural Resources of the House of Representatives.

(C)(i) Of the members appointed under each of clauses (i), (ii), and (iii)—

(I) 1 shall be appointed for a term of 1 year;

(II) 1 shall be appointed for a term of 2 years; and

(III) 1 shall be appointed for a term of 3 years;

as designated at the time of appointment.

(ii) Except as provided in clause (iii), a vacancy arising during the term for which an appointment is made may be filled only for the remainder of such term.

(iii) After the expiration of the term for which a member is appointed, such member may continue to serve until a successor is appointed.

(b) CHAIRMAN AND VICE CHAIRMAN.—The Attorney General shall serve as Chairman of the Council. The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

(c) FUNCTIONS .—

(1) The function of the Council shall be to coordinate all Federal juvenile delinquency programs (in cooperation with State and local juvenile justice programs) all Federal programs and activities that detain or care for unaccompanied juveniles, and all Federal programs relating to missing and exploited children. The Council shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles and shall make recommendations to the President, and to the Congress, at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities and all Federal programs and activities that detain or care for unaccompanied juveniles. The Council shall review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of [paragraphs (12)(A), (13), and (14) of section 5633(a) of this title] *the core requirements*. The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council. The

Council shall review the reasons why Federal agencies take juveniles into custody and shall make recommendations regarding how to improve Federal practices and facilities for holding juveniles in custody.

(2) In addition to performing their functions as members of the Council, the members appointed under subsection (a)(2) of this section shall collectively, *on an annual basis*—

(A) make recommendations regarding the development of the objectives, priorities, and the long-term plan, and the implementation of overall policy and the strategy to carry out such plan, referred to in section 5614(a)(1) of this title; and

[(B) not later than 180 days after November 4, 1992, submit such recommendations to the Administrator, the Chairman of the Committee on Education and the Workforce of the House of Representatives, and the Chairman of the Committee on the Judiciary of the Senate.]

(B) not later than 120 days after the completion of the last meeting of the Council during any fiscal year, submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate a report that—

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

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

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

(iv) is in addition to the annual report required under section 207.

(d) MEETINGS.—The Council shall meet at least quarterly.

(e) APPOINTMENT OF PERSONNEL OR STAFF SUPPORT BY ADMINISTRATOR.—The Administrator shall, with the approval of the Council, appoint such personnel or staff support as the Administrator considers necessary to carry out the purposes of this subchapter.

(f) EXPENSES OF COUNCIL MEMBERS; REIMBURSEMENT.—Members appointed under subsection (a)(2) of this section shall serve without compensation. Members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) AUTHORIZATION OF APPROPRIATIONS.—Of sums available to carry out this part, not more than \$200,000 shall be available to carry out this section.

§ 5617. Annual report

Not later than 180 days after the end of [a fiscal year] *each fiscal year*, the Administrator shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains the following with respect to such fiscal year:

(1) A detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, and the trends demonstrated by the data required by subparagraphs (A), (B), and (C). Such summary and analysis shall set out the information required by subparagraphs (A), (B), (C), and (D) separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

(A) the types of offenses with which the juveniles are charged;

(B) the race and gender, *ethnicity, as such term is defined by the Bureau of the Census*, of the juveniles;

(C) the ages of the juveniles;

(D) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lockups;

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

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

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

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

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

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

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

(2) A description of the activities for which funds are expended under this part, including the objectives, priorities, accomplishments, and recommendations of the Council.

(3) A description, based on the most recent data available, of the extent to which each State complies with section 5633 of this title and with the plan submitted under such section by the State for such fiscal year.

(4) An evaluation of the programs funded under this subchapter and their effectiveness in reducing the incidence of ju-

venile delinquency, particularly violent crime, committed by juveniles.

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

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

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

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

(B) where unauthorized expenditures occurred; or

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

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

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

(B) the violation of the program found;

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

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

§ 5631. Authority to make grants and contracts

(a) The Administrator is authorized to make grants to States and units of local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

(b)(1) With not to exceed **[2 percent]** *5 percent* of the funds available in a fiscal year to carry out this part, the Administrator shall make grants to and enter into contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local governments (and combinations thereof), and local private agencies to facilitate compliance

with section 5633 of this title and implementation of the State plan approved under section 5633(c) of this title.

(2) Grants and contracts may be made under paragraph (1) only to public and private agencies, organizations, and individuals that have experience in providing such technical assistance.

§ 5632. Allocation of funds

(a) TIME; BASIS; AMOUNTS

(1) Subject to paragraph (2) and in accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under ~~age eighteen~~ *18 years of age, based on the most recent data available from the Bureau of the Census.*

[(2)(A) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this subchapter is less than \$75,000,000, then the amount allocated to each State for such fiscal year shall be not less than \$325,000, or such greater amount up to \$400,000 as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 2000, except that the amount allocated to the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be not less than \$75,000, or such greater amount up to \$100,000 as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 2000, each.

[(B) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this subchapter equals or exceeds \$75,000,000, then the amount allocated to each State for such fiscal year shall be not less than \$600,000, except that the amount allocated to the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be not less than \$100,000, or such greater amount up to \$100,000 as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 2000, each.

[(3) If, as a result of paragraph (2), the amount allocated to a State for a fiscal year would be less than the amount allocated to such State for fiscal year 2000, then the amounts allocated to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to allocate to such State for the fiscal year the amount allocated to such State for fiscal year 2000.]

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

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

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

(B) If the aggregate amount appropriated for a fiscal year to carry out this title is not less than \$75,000,000, then:

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

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

(b) REALLOCATION OF UNOBLIGATED FUNDS.—If any amount so allocated remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Any amount so reallocated shall be in addition to the amounts already allocated and available to the State, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands for the same period.

(c) USE OF ALLOCATED FUNDS FOR DEVELOPMENT, ETC., OF STATE PLANS; LIMITATIONS; MATCHING REQUIREMENTS.—In accordance with regulations promulgated under this part, a portion of any allocation to any State under this part shall be available to develop a State plan or for other pre-award activities associated with such State plan, and to pay that portion of the expenditures which are necessary for [efficient administration, including monitoring, evaluation, and one full-time staff position] *effective and efficient administration of funds, including the designation of not less than 1 individual who shall coordinate efforts to achieve and sustain compliance with the core requirements and certify whether the State is in compliance with such requirements.* Not more than 10 percent of the total annual allocation of such State shall be available for such purposes except that any amount expended or obligated by such State, or by units of local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State, or by such units or combinations, from State or local funds, as the case may be. The State shall make available needed funds for planning and administration to units of local government or combinations thereof within the State on an equitable basis.

(d) MINIMUM ANNUAL ALLOCATION FOR ASSISTANCE OF ADVISORY GROUP.—In accordance with regulations promulgated under this part, [5 per centum of the minimum] *not more than 5 percent of the annual allocation to any State under this part shall be available to assist the advisory group established under section 5633(a)(3) of this title.*

§ 5633. State plans

(a) REQUIREMENTS.—In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs, projects, and activities. The State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, [and shall describe the status of compliance with State plan requirements.] *and shall describe how the State plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on*

adolescents. Not later than 60 days after the date on which a plan or amended plan submitted under this subsection is finalized, a State shall make the plan or amended plan publicly available by posting the plan or amended plan on the State's publicly available website. In accordance with regulations which the Administrator shall prescribe, such plan shall—

(1) designate the State agency described in section 5671(c)(1) of this title as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

(3) provide for an advisory group that—

(A) shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State—

(i) which members have training, experience, or special knowledge concerning *adolescent development*, the prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency;

(ii) which members include—

(I) at least 1 locally elected official representing general purpose local government;

(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, **【counsel for children and youth】** *publicly supported court-appointed legal counsel for juveniles charged with an act of juvenile delinquency or a status offense, consistent with other Federal law*, and probation workers;

(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, **【mental health, education, special education】** *child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities*, recreation, and youth services;

(IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

(V) volunteers who work with **【delinquents or potential delinquents】** *delinquent youth or youth at risk of delinquency*;

(VI) **【youth workers involved with】** *representatives of programs that are alternatives to incarcer-*

ation, including programs providing organized recreation activities;

(VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; **[and]**

[(VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;]

(VIII) persons with expertise and competence in preventing and addressing mental health and substance abuse needs in juvenile delinquents and those at-risk of delinquency; and

(IX) representatives of victim or witness advocacy groups, including at least 1 individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma;

(iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;

(iv) at least one-fifth of which members shall be under the age of **[24 at the time of appointment]** *28 at the time of initial appointment;* and

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

(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

(C) shall be afforded the opportunity to review and comment, not later than **[30 days]** *45 days* after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under paragraph (1);

(D) shall, consistent with this subchapter—

(i) advise the State agency designated under paragraph (1) and its supervisory board; and

(ii) submit to the chief executive officer and the legislature of the State **[at least annually recommendations regarding State compliance with the requirements of paragraphs (11), (12), and (13)]** *at least every 2 years a report and necessary recommendations regarding State compliance with the core requirements;* and

(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

(E) may, consistent with this subchapter—

(i) advise on State supervisory board and local criminal justice advisory board composition; *and*

- (ii) review progress and accomplishments of projects funded under the State plan[.];
- (4) provide for the active consultation with and participation of units of local government or combinations thereof in the development of a State plan which adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;
- (5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 662/3 per centum of funds received by the State under section 5632 of this title reduced by the percentage (if any) specified by the State under the authority of [paragraph (25)] *paragraph 26* and excluding funds made available to the State advisory group under section 5632(d) of this title, shall be expended—
- (A) through programs of units of local government or combinations thereof, to the extent such programs are consistent with the State plan;
- (B) through programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of local government or combination thereof; and
- (C) to provide funds for programs of [Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior) and that agree to attempt to comply with the requirements specified in paragraphs (11), (12), and (13), applicable to the detention and confinement of juveniles] *Indian tribes that agree to attempt to comply with the core requirements applicable to the detention and confinement of juveniles*, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the State population under 18 years of age,
- (6) provide for an equitable distribution of the assistance received under section 5632 of this title within the State, including in rural areas;
- (7)(A) provide for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State (including any geographical area in which an Indian tribe [performs law enforcement functions] *has jurisdiction*), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of

gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State; and

(B) contain—

(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services;

(ii) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

(iii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; **[and]**

[(iv) a plan for providing needed mental health services to juveniles in the juvenile justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in such system who are in greatest need of such services;]

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

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

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

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

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

(ix) a plan to, within 1 year of the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015, eliminate the use of shackling of pregnant juveniles housed in secure detention and corrections facilities, covering at a minimum the third trimester, labor, delivery, and post-partum recovery;

(8) provide for the coordination and maximum utilization of **[existing]** *evidence-based and promising* juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;

(9) provide that not less than 75 percent of the funds available to the State under section 5632 of this title, other than funds made available to the State advisory group under section 5632(d) of this title, whether expended directly by the State, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit

agencies, shall be used for, *with priority in funding given to entities meeting the criteria for evidence-based or promising programs*—

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

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

(ii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

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

(i) **parents and other family members** *status offenders, other youth, and the parents and other family members of such offenders and youth* to strengthen families, including parent self-help groups, so that juveniles may **be retained** *remain* in their homes;

(ii) juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and

(iii) parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited-English speaking ability;

(C) comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;

(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

(E) educational programs or supportive services for **delinquent** *at-risk or delinquent youth* or other juveniles—

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

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

(iii) enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—

(I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

(II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

(F) **【expanding】** *programs to expand* the use of probation officers—

(i) particularly for the purpose of permitting non-violent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

(ii) to ensure that juveniles follow the terms of their probation;

(G) *expanding access to publicly supported, court-appointed legal counsel and enhancing capacity for the competent representation of every child, consistent with other Federal law;*

【(G)】 *(H)* counseling, training, and mentoring programs, which may be in support of academic tutoring, vocational and technical training, and drug and violence prevention counseling, that are designed to link at-risk juveniles, juvenile offenders, or juveniles who have a parent or legal guardian who is or was incarcerated in a Federal, State, or local correctional facility or who is otherwise under the jurisdiction of a Federal, State, or local criminal justice system, particularly juveniles residing in low-income and high-crime areas and juveniles experiencing educational failure, with responsible individuals (such as law enforcement officials, Department of Defense personnel, individuals working with local businesses, and individuals working with community-based and faith-based organizations and agencies) who are properly screened and trained;

【(H)】 *(I)* programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;

【(I)】 *(J)* projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

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

【(K)】 *(L)* programs for positive youth development that assist delinquent and other at-risk youth in obtaining—

(i) a sense of safety and structure;

(ii) a sense of belonging and membership;

(iii) a sense of self-worth and social contribution;

(iv) a sense of independence and control over one's life; and

(v) a sense of closeness in interpersonal relationships;

【(L)】 *(M)* programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

(i) encourage courts to develop and implement a continuum of *pre-adjudication and* post-adjudication **【restraints】** *alternatives* that bridge the gap between traditional probation and confinement in a correctional setting (including *specialized or problem-solving courts*, expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

(ii) assist in the provision **【by the provision by the Administrator】** of information and technical assistance, including technology transfer, **【to States】** in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

【(M)】 *(N)* community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families *and reduce the risk of recidivism* **【so that such juveniles may be retained in their homes】**;

【(N)】 *(O)* programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and other barriers that may prevent the complete treatment of such juveniles and the preservation of their families;

【(O)】 *(P)* programs designed to prevent and to reduce hate crimes committed by juveniles;

【(P)】 *(Q)* after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

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

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

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

(U) programs and projects designed to inform juveniles of the opportunity and process for expunging juvenile records and to assist juveniles in pursuing juvenile record expungements for both adjudications and arrests not followed by adjudications;

(V) programs that address the needs of girls in or at risk of entering the juvenile justice system, including pregnant

girls, young mothers, survivors of commercial sexual exploitation or domestic child sex trafficking, girls with disabilities, and girls of color, including girls who are members of an Indian tribe; and

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

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

(11) shall, in accordance with rules issued by the Administrator, provide that—

(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18 or of a similar State law;

(ii) juveniles who are charged with or who have committed a violation of a valid court order *issued and reviewed in accordance with paragraph (24)*; and

(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

(B) juveniles—

(i) who are not charged with any offense; and

(ii) who are—

(I) aliens; or

(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;

(12) provide that—

(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have **[contact]** *sight or sound contact* with adult inmates; and

(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in colocated facilities, have been trained and certified to work with juveniles;

(13) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

(i) for processing or release;

(ii) while awaiting transfer to a juvenile facility; or

(iii) in which period such juveniles make a court appearance;

and only if such juveniles do not have **[contact]** *sight or sound contact* with adult inmates and only if there is in effect in the State a policy that requires individuals who work with both such juveniles and adult inmates in collo-

cated facilities have been trained and certified to work with juveniles;

(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

(i) in which—

(I) such juveniles do not have [contact] *sight or sound contact* with adult inmates; and

(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and adults inmates in collocated facilities have been trained and certified to work with juveniles; and

(ii) that—

(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

(14) *require that—*

(A) *not later than 3 years after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—*

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

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

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

(i) the age of the juvenile;

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

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

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

- (v) *the juvenile's history of prior delinquent acts;*
- (vi) *the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and*
- (vii) *any other relevant factor; and*

(C) *if a court determines under subparagraph (A) that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults—*

(i) the court shall hold a hearing not less frequently than once every 30 days, or in the case of a rural jurisdiction, not less frequently than once every 45 days, to review whether it is still in the interest of justice to permit the juvenile to be so held or have such sight or sound contact; and

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

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

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

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

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

[(14)] (16) provide for an [adequate system] *effective system of monitoring jails, lock-ups, detention facilities, and correctional facilities[, and non-secure facilities] to [insure] ensure that the [requirements of paragraphs (11), (12), and (13) are met, and for annual reporting of the results of such monitoring to the Administrator] core requirements are met, and for annual reporting to the Administrator, except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the [requirements in paragraphs (11) and (12), and which has enacted legislation which conforms to such requirements and which contains, [in the opin-*

ion of the Administrator,] sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;

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

[(16)] (18) provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members when possible and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible);

[(17)] (19) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

[(18)] (20) provide assurances that—

(A) any assistance provided under this chapter will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

(B) activities assisted under this chapter will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;

[(19)] (21) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this subchapter;

[(20)] (22) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

[(21)] (23) provide that the State agency designated under paragraph (1) will—

(A) to the extent practicable give priority in funding to programs and activities that are based on rigorous, systematic, and objective research that is scientifically based;

(B) from time to time, but not less than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, that it considers necessary; and

(C) not expend funds to carry out a program if the recipient of funds who carried out such program during the pre-

ceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the State agency;

[(22) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;]

[(23)] (24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

(A) an appropriate public agency shall be promptly notified that such [juvenile] *status offender* is held in custody for violating such order;

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

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

(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such [juvenile] *status offender*; [and]

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

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

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

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

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

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

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

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

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

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

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

(E) not later than 3 years after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015, the State will eliminate the use of valid court orders to provide secure confinement of status offenders;

[(24)] (25) provide an assurance that if the State receives under section 5632 of this title for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 2000, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services;

[(25)] (26) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 5632 of this title (other than funds made available to the State advisory group under section 5632(d) of this title) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units;

[(26)] (27) provide that the State, to the maximum extent practicable, *and in accordance with confidentiality concerns*, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court[.];, so as to provide for—

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

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

[(27)] establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders; and]

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

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

(30) describe the policies, procedures, and training in effect for the staff of juvenile State correctional facilities to eliminate the use of dangerous practices, unreasonable restraints (such as the shackling of pregnant juveniles during labor and delivery), and unreasonable isolation, including by developing effective behavior management techniques;

(31) describe—

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

(i) request a screening;

(ii) show signs of needing a screening; or

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

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

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

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

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

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

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

(B) review processes;

(33) provide that the agency of the State receiving funds under this Act collaborate with the State educational agency receiving assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) to develop and implement a plan to ensure that, in order to support educational progress—

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

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

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

(34) describe policies and procedures to—

(A) screen for, identify, and document in records of the State the identification of victims of domestic human traf-

ficking, or those at risk of such trafficking, upon intake; and

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

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

[(c) COMPLIANCE WITH STATUTORY REQUIREMENTS.—If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a) of this section in any fiscal year beginning after September 30, 2001, then—

[(1) subject to paragraph (2), the amount allocated to such State under section 5632 of this title for the subsequent fiscal year shall be reduced by not less than 20 percent for each such paragraph with respect to which the failure occurs, and

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

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

[(B) the Administrator determines that the State—

[(i) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

[(ii) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.]

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

(A) subject to subparagraph (B), the amount allocated to such State under section 222 for the subsequent fiscal year shall be reduced by not less than 20 percent for each core requirement with respect to which the failure occurs; and

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

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

(ii) the Administrator determines that the State—

(I) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

(II) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.

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

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

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

(d) NONSUBMISSION OR NONQUALIFICATION OF PLAN; EXPENDITURE OF ALLOTTED FUNDS; AVAILABILITY OF REALLOCATED FUNDS.—In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 3783, 3784, and 3785 of this title, determines does not meet the requirements of this section, the Administrator shall endeavor to make that State's allocation under the provisions of section 5632(a) of this title, excluding funds the Administrator shall make available to satisfy the requirement specified in section 5632(d) of this title, available to local public and private nonprofit agencies within such State for use in carrying out activities of the kinds **【described in paragraphs (11), (12), (13), and (22) of subsection (a)】** *described in the core requirements* of this section. The Administrator shall make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds, available on an equitable basis and to those States that have achieved full compliance with **【the requirements under paragraphs (11), (12), (13), and (22) of subsection (a)】** *the core requirements* of this section.

(e) ADMINISTRATIVE AND SUPERVISORY BOARD MEMBERSHIP REQUIREMENTS.—Notwithstanding any other provision of law, the Administrator shall establish appropriate administrative and supervisory board membership requirements for a State agency designated under subsection (a)(1) of this section and permit the State advisory group appointed under subsection (a)(3) of this section to operate as the supervisory board for such agency, at the discretion of the chief executive officer of the State.

(f) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Administrator shall provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under subsection (a)(3) of this section to assist such organization to carry out the functions specified in paragraph (2).

(2) ASSISTANCE.—To be eligible to receive such assistance, such organization shall agree to carry out activities that include—

【(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;】

【(B) (A) disseminating information, data, standards, advanced techniques, and program models;

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

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

[(E)] (D) advising the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation pertaining to juvenile justice and delinquency prevention.

(g) *COMPLIANCE DETERMINATION.*—

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

(2) *REPORTING.*—The Administrator shall—

(A) issue an annual public report—

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

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

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

(3) *DETERMINATIONS REQUIRED.*—The Administrator may not determine that a State is not out of compliance, or issue any other determination not described in paragraph (1), with respect to any core requirement, or otherwise fail to make the compliance determinations required under paragraph (1).

§ 5651. Authority to make grants

(a) *GRANTS TO ELIGIBLE STATES.*—The Administrator may make grants to eligible States, from funds allocated under section 5652 of this title, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

(1) projects that provide treatment (including treatment for mental health problems) to *status offenders*, juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;

(2) educational projects or supportive services for delinquent or other juveniles—

(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings, *including for truancy prevention and reduction and social and independent living skills development*;

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

(C) to assist in identifying learning difficulties (including learning disabilities);

(D) to prevent unwarranted and arbitrary suspensions and expulsions;

- (E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;
 - (F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;
 - (G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or
 - (H) to provide services to juveniles with serious mental and emotional disturbances (SED) in need of mental health services;
- (3) projects which expand the use of probation officers—
- (A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and
 - (B) to ensure that juveniles follow the terms of their probation;
- (4) counseling, training, and mentoring programs, which may be in support of academic tutoring, vocational and technical training, and drug and violence prevention counseling, that are designed to link at-risk juveniles, juvenile offenders, or juveniles who have a parent or legal guardian who is or was incarcerated in a Federal, State, or local correctional facility or who is otherwise under the jurisdiction of a Federal, State, or local criminal justice system, particularly juveniles residing in low-income and high-crime areas and juveniles experiencing educational failure, with responsible individuals (such as law enforcement officers, Department of Defense personnel, individuals working with local businesses, and individuals working with community-based and faith-based organizations and agencies) who are properly screened and trained;
- (5) community-based projects and services (including literacy and social service programs) which work with **[juvenile offenders and juveniles]** *status offenders, juvenile offenders, and juveniles* who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;
- (6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;
- (7) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;
- (8) projects which provide for an initial intake screening of each juvenile taken into custody—
- (A) to determine the likelihood that such juvenile will commit a subsequent offense; and

- (B) to provide appropriate interventions (including mental health services) to prevent such juvenile from committing subsequent offenses;
- (9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;
- (10) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies (including collaboration on appropriate prenatal care for pregnant juvenile offenders), private non-profit agencies, and public recreation agencies offering services to juveniles, *including juveniles with disabilities*;
- (11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);
- (12) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;
- (13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;
- (14) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;
- (15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;
- (16) projects which provide for—
- (A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;
 - (B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;
 - (C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and
 - (D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;
- (17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-ap-

propriate activities, including tutoring, mentoring, and other educational and enrichment activities;

(18) programs related to the establishment and maintenance of a school violence hotline, based on a public-private partnership, that students and parents can use to report suspicious, violent, or threatening behavior to local school and law enforcement authorities;

(19) programs (excluding programs to purchase guns from juveniles) designed to reduce the unlawful acquisition and illegal use of guns by juveniles, including partnerships between law enforcement agencies, health professionals, school officials, firearms manufacturers, consumer groups, faith-based groups and community organizations;

(20) programs designed to prevent animal cruelty by juveniles and to counsel juveniles who commit animal cruelty offenses, including partnerships among law enforcement agencies, animal control officers, social services agencies, and school officials;

(21) programs that provide suicide prevention services for incarcerated juveniles and for juveniles leaving the incarceration system;

(22) programs to establish partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness;

(23) programs that foster strong character development in at-risk juveniles and juveniles in the juvenile justice system;

(24) local programs that provide for immediate psychological evaluation and follow-up treatment (including evaluation and treatment during a mandatory holding period for not less than 24 hours) for juveniles who bring a gun on school grounds without permission from appropriate school authorities; and

(25) other activities that are likely to prevent juvenile delinquency.

(b) GRANTS TO ELIGIBLE INDIAN TRIBES.—The Administrator may make grants to eligible Indian tribes from funds allocated under section 5652(b) of this title, to carry out projects of the kinds described in subsection (a) of this section.

§ 5653. Eligibility of States

(a) APPLICATION.—To be eligible to receive a grant under section 5651 of this title, a State shall submit to the Administrator an application that contains the following:

(1) An assurance that the State will use—

(A) not more than [5] 10 percent of such grant, in the aggregate, for—

(i) the costs incurred by the State to carry out this part; and

(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

(B) the remainder of such grant to make grants under section 5654 of this title.

(2) An assurance that, and a detailed description of how, such grant will supplement, and not supplant State and local efforts to prevent juvenile delinquency.

(3) An assurance that such application was prepared after consultation with and participation by the State advisory group, community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

(4) An assurance that the State advisory group will be afforded the opportunity to review and comment on all grant applications submitted to the State agency.

(5) An assurance that each eligible entity described in section 5654 of this title that receives an initial grant under section 5654 of this title to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 5651 of this title by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

(6) Such other information and assurances as the Administrator may reasonably require by rule.

(b) APPROVAL OF APPLICATIONS.—

(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a) of this section.

(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

(A)(i) the State submitted a plan under section 5633 of this title for such fiscal year; and

(ii) such plan is approved by the Administrator for such fiscal year; or

(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

§ 5656. Grants to Indian Tribes

(a) ELIGIBILITY.—

(1) APPLICATION.—To be eligible to receive a grant under section 5651(b) of this title, an Indian tribe shall submit to the Administrator an application in accordance with this section, in such form and containing such information as the Administrator may require by rule.

(2) PLANS.—Such application shall include a plan for conducting programs, projects, and activities described in section 5651(a) of this title, which plan shall—

【(A) provide evidence that the applicant Indian tribe performs law enforcement functions (as determined by the Secretary of the Interior);】

[(B)] (A) identify the juvenile justice and delinquency problems and juvenile delinquency prevention needs to be addressed by activities conducted with funds provided by the grant for which such application is submitted, by the Indian tribe in the geographical area under the jurisdiction of the Indian tribe;

[(C)] (B) provide for fiscal control and accounting procedures that—

(i) are necessary to ensure the prudent use, proper disbursement, and accounting of grants received by applicants under this section; and

(ii) are consistent with the requirement specified in **[subparagraph (B)]** *subparagraph (A)*; and

[(D)] (C) comply with the requirements specified in section 5633(a) of this title (excluding any requirement relating to consultation with a State advisory group) and with the requirements specified in section 5632(c) of this title; and

[(E)] (D) contain such other information, and be subject to such additional requirements, as the Administrator may reasonably require by rule to ensure the effectiveness of the projects for which grants are made under section 5651(b) of this title.

(b) **FACTORS FOR CONSIDERATION.**—For the purpose of selecting eligible applicants to receive grants under section 5651(b) of this title, the Administrator shall consider—

(1) the resources that are available to each applicant Indian tribe that will assist, and be coordinated with, the overall juvenile justice system of the Indian tribe; and

(2) with respect to each such applicant—

(A) the juvenile population; and

(B) the population and the entities that will be served by projects proposed to be carried out with the grant for which the application is submitted.

(c) **GRANT PROCESS.**—

(1) **SELECTION OF GRANT RECIPIENTS.**—

(A) **SELECTION REQUIREMENTS.**—Except as provided in paragraph (2), the Administrator shall—

(i) make grants under this section on a competitive basis; and

(ii) specify in writing to each applicant selected to receive a grant under this section, the terms and conditions on which such grant is made to such applicant.

(B) **PERIOD OF GRANT.**—A grant made under this section shall be available for expenditure during a 2-year period.

(2) **EXCEPTION.**—If—

(A) in the 2-year period for which a grant made under this section shall be expended, the recipient of such grant applies to receive a subsequent grant under this section; and

(B) the Administrator determines that such recipient performed during the year preceding the 2-year period for which such recipient applies to receive such subsequent grant satisfactorily and in accordance with the terms and conditions applicable to the grant received;

then the Administrator may waive the application of the competition-based requirement specified in paragraph (1)(A)(i) and may allow the applicant to incorporate by reference in the current application the text of the plan contained in the recipient's most recent application previously approved under this section.

(3) **AUTHORITY TO MODIFY APPLICATION PROCESS FOR SUBSEQUENT GRANTS.**—The Administrator may modify by rule the operation of subsection (a) of this section with respect to the submission and contents of applications for subsequent grants described in paragraph (2).

(d) **REPORTING REQUIREMENT.**—Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 450c(f)(1) of title 25, relating to the submission of a single-agency audit report required by chapter 75 of title 31.

(e) **MATCHING REQUIREMENT.**—

(1) Funds appropriated for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of any program or project with a matching requirement funded under this section.

(2) Paragraph (1) shall not apply with respect to funds appropriated before November 2, 2002.

(3) If the Administrator determines that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of any program or activity to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent the Administrator deems necessary.

§ 5661. Research and evaluation; statistical analyses; information dissemination

(a) **RESEARCH AND EVALUATION.**—

(1) The Administrator **[may]** *shall*—

(A) **[plan and identify]** *annually publish a plan to identify* the purposes and goals of all agreements carried out with funds provided under this subsection; and

(B) conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

[(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;]

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

(iv) successful efforts to prevent recidivism;

(v) the juvenile justice system;

(vi) juvenile violence;

[(vii) appropriate mental health services for juveniles and youth at risk of participating in delinquent activities;]

(vii) *the prevalence and duration of behavioral health needs (including mental health, substance abuse, and co-occurring disorders) among juveniles pre-placement and post-placement when held in the custody of secure detention and corrections facilities, including an examination of the effects of confinement;*

(viii) *reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups;*

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

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

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

(xii) *identifying positive outcome measures, such as attainment of employment and educational degrees, that States and units of local government should use to evaluate the success of programs aimed at reducing recidivism of youth who have come in contact with the juvenile justice system or criminal justice system;*

(xiii) *evaluating the impact and outcomes of the prosecution and sentencing of juveniles as adults;*

(xiv) *successful and cost-effective efforts by States and units of local government to reduce recidivism through policies that provide for consideration of appropriate alternative sanctions to incarceration of youth facing nonviolent charges, while ensuring that public safety is preserved;*

[(ix)] (xv) *evaluating services, treatment, and aftercare placement of juveniles who were under the care of the State child protection system before their placement in the juvenile justice system;*

[(x)] (xvi) *determining—*

(I) *the frequency, seriousness, and incidence of drug use by youth in schools and communities in the States using, if appropriate, data submitted by the States pursuant to this subparagraph and subsection (b) of this section; and*

(II) *the frequency, degree of harm, and morbidity of violent incidents, particularly firearm-related injuries and fatalities, by youth in schools and communities in the States, including information with respect to—*

(aa) *the relationship between victims and perpetrators;*

(bb) *demographic characteristics of victims and perpetrators; and*

(cc) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation; and

[(xi)] (xvii) other purposes consistent with the purposes of this subchapter and subchapter I of this chapter.

(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

(3) Nothing in this subsection shall be construed to permit the development of a national database of personally identifiable information on individuals involved in studies, or in data-collection efforts, carried out under paragraph (1)(B)(x).

(4) Not later than 1 year after [November 2, 2002, the] *date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015*, the Administrator shall conduct a study with respect to juveniles who, prior to placement in the juvenile justice system, were under the care or custody of the State child welfare system, and to juveniles who are unable to return to their family after completing their disposition in the juvenile justice system and who remain wards of the State. Such study shall include—

(A) the number of juveniles in each category;

(B) the extent to which State juvenile justice systems and child welfare systems are coordinating services and treatment for such juveniles;

(C) the Federal and local sources of funds used for placements and post-placement services;

(D) barriers faced by State in providing services to these juveniles;

(E) the types of post-placement services used;

(F) the frequency of case plans and case plan reviews;

[and]

(G) the extent to which case plans identify and address permanency and placement barriers and treatment plans[.];

(H) *a description of the best practices in discharge planning; and*

(I) *an assessment of living arrangements for juveniles who, upon release from confinement in a State correctional facility, cannot return to the residence they occupied prior to such confinement.*

(b) STATISTICAL ANALYSES.—The Administrator [may] shall—

(1) plan and identify the purposes and goals of all agreements carried out with funds provided under this subsection; and

(2) undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consistent with the purposes of this subchapter and subchapter I of this chapter.

(c) GRANT AUTHORITY AND COMPETITIVE SELECTION PROCESS.—The Administrator may make grants and enter into contracts with public or private agencies, organizations, or individuals and shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b) of this section.

(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) of this section with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

(e) INFORMATION DISSEMINATION.—The Administrator may—

(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this subchapter.

(f) NATIONAL RECIDIVISM MEASURE.—*The Administrator, in consultation with experts in the field of juvenile justice research, recidivism, and data collection, shall—*

(1) establish a uniform method of data collection and technology that States may use to evaluate data on juvenile recidivism on an annual basis;

(2) establish a common national juvenile recidivism measurement system; and

(3) make cumulative juvenile recidivism data that is collected from States available to the public.

§ 5662. Training and technical assistance

(a) TRAINING.—The Administrator **[may]**—

(1) *shall* develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, to carry out the purposes specified in section 5602 of this title; **[and]**

(2) *may* make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts),

corrections, schools, and related services, to carry out the purposes specified in section 5602 of this title[.]; and

(3) shall provide periodic training for States regarding implementation of the core requirements, current protocols and best practices for achieving and monitoring compliance, and information sharing regarding relevant Office resources on evidence-based and promising programs or practices that promote the purposes of this Act.

(b) TECHNICAL ASSISTANCE.—The Administrator [may]—

(1) shall develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this subchapter, *including compliance with the core requirements; [and]*

(2) may make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this subchapter[.]; and

(3) shall provide technical assistance to States and units of local government on achieving compliance with the amendments to the core requirements and State Plans made by the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015, including training and technical assistance and, when appropriate, pilot or demonstration projects intended to develop and replicate best practices for achieving sight and sound separation in facilities or portions of facilities that are open and available to the general public and that may or may not contain a jail or a lock-up; and

(4) shall provide technical assistance to States in support of efforts to establish partnerships between a State and a university, institution of higher education, or research center designed to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, the judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency.

(c) TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.—The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, prosecutors, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models (including model juvenile and family courts), programs, or delivery systems that address the needs of *status offenders and*

juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placements.

(d) *TECHNICAL ASSISTANCE TO STATES REGARDING LEGAL REPRESENTATION OF CHILDREN.*—*In consultation with experts in the field of juvenile defense, the Administrator shall—*

(1) *develop and issue standards of practice for attorneys representing children; and*

(2) *ensure that the standards issued under paragraph (1) are adapted for use in States.*

(e) *TRAINING AND TECHNICAL ASSISTANCE FOR LOCAL AND STATE JUVENILE DETENTION AND CORRECTIONS PERSONNEL.*—*The Administrator shall coordinate training and technical assistance programs with juvenile detention and corrections personnel of States and units of local government to—*

(1) *promote methods for improving conditions of juvenile confinement, including methods that are designed to minimize the use of dangerous practices, unreasonable restraints, and isolation; and*

(2) *encourage alternative behavior management techniques based on positive youth development approaches.*

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

(1) *juvenile justice intake personnel;*

(2) *probation officers;*

(3) *juvenile court judges and court services personnel;*

(4) *prosecutors and court-appointed counsel; and*

(5) *family members of juveniles and family advocates.*

(g) *GRANTS FOR JUVENILE COURT JUDGES AND PERSONNEL.*—*The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention and the Office of Justice Programs, shall make grants to improve training, education, technical assistance, evaluation, and research to enhance the capacity of State and local courts, judges, and related judicial personnel to—*

(1) *improve the lives of children currently involved in or at risk of being involved in the juvenile court system; and*

(2) *carry out the requirements of this Act.*

(h) *FREE AND REDUCED PRICE SCHOOL LUNCHESES FOR INCARCERATED JUVENILES.*—*The Attorney General, in consultation with the Secretary of Agriculture, shall provide guidance to States relating to existing options for school food authorities in the States to apply for reimbursement for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) for juveniles who are incarcerated and would, if not incarcerated, be eligible for free or reduced price lunches under that Act.*

§ 5671. Authorization of appropriations

[(a) AUTHORIZATION OF APPROPRIATIONS FOR THIS SUBCHAPTER (EXCLUDING PARTS C AND E).—

[(1) There are authorized to be appropriated to carry out this subchapter such sums as may be appropriate for fiscal years 2003, 2004, 2005, 2006, and 2007.

[(2) Of such sums as are appropriated for a fiscal year to carry out this subchapter (other than parts C and E)—

[(A) not more than 5 percent shall be available to carry out part A of this subchapter;

[(B) not less than 80 percent shall be available to carry out part B of this subchapter; and

[(C) not more than 15 percent shall be available to carry out part D of this subchapter.

[(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C of this subchapter such sums as may be necessary for fiscal years 2003, 2004, 2005, 2006, and 2007.

[(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E of this subchapter, and authorized to remain available until expended, such sums as may be necessary for fiscal years 2003, 2004, 2005, 2006, and 2007.

[(d) EXPERIMENTATION ON INDIVIDUALS; PROHIBITION; “BEHAVIOR CONTROL” DEFINED.—No funds appropriated to carry out the purposes of this subchapter may be used for any bio-medical or behavior control experimentation on individuals or any research involving such experimentation. For the purpose of this subsection, the term “behavior control” refers to experimentation or research employing methods which involve a substantial risk of physical or psychological harm to the individual subject and which are intended to modify or alter criminal and other anti-social behavior, including aversive conditioning therapy, drug therapy or chemotherapy (except as part of routine clinical care), physical therapy of mental disorders, electroconvulsive therapy, or physical punishment. The term does not apply to a limited class of programs generally recognized as involving no such risk, including methadone maintenance and certain alcohol treatment programs, psychological counseling, parent training, behavior contracting, survival skills training, restitution, or community service, if safeguards are established for the informed consent of subjects (including parents or guardians of minors).]

§ 5672. Administrative authority

(a) AUTHORITY OF ADMINISTRATOR.—The Office shall be administered by the Administrator under the general authority of the Attorney General.

(b) CERTAIN CRIME CONTROL PROVISIONS APPLICABLE.—Sections 3789d(c), 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b), and 3789g(d) of this title, shall apply with respect to the administration of and compliance with this chapter, except that for purposes of this chapter—

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

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

(c) CERTAIN OTHER CRIME CONTROL PROVISIONS APPLICABLE.—Sections 3782(a), 3782(c), and 3787 of this title shall apply with respect to the administration of and compliance with this chapter, except that for purposes of this chapter—

(1) any reference to the Attorney General, the Assistant Attorney General who heads the Office of Justice Programs, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, or the Director of the Bureau of Justice Assistance shall be deemed to be a reference to the Administrator;

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

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

(d) RULES, REGULATIONS, AND PROCEDURES.—The Administrator is authorized, [after appropriate consultation with representatives of States and units of local government,] to establish such rules, regulations, *guidance*, and procedures as are necessary for the exercise of the functions of the Office and only to the extent necessary to ensure that there is compliance with the specific requirements of this subchapter or to respond to requests for clarification and guidance relating to such compliance. *In developing guidance and procedures, the Administrator shall consult with representatives of States and units of local government, including those individuals responsible for administration of this Act and compliance with the core requirements.*

(e) PRESUMPTION OF STATE COMPLIANCE.—If a State requires by law compliance with the [requirements described in paragraphs (11), (12), and (13) of section 5633(a)] *core requirements* of this title, then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.

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CHAPTER 72—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Subchapter III—Runaway and Homeless Youth

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[§ 5751. Authorization of appropriations

[(a) IN GENERAL.—

[(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this subchapter (other than section 5714–25 of this title and part E) \$140,000,000 for fiscal year 2009, and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013.

[(2) ALLOCATION.—

[(A) PARTS A AND B OF THIS SUBCHAPTER.—From the amount appropriated under paragraph (1) for a fiscal year,

the Secretary shall reserve not less than 90 percent to carry out parts A and B of this subchapter.

[(B) PART B OF THIS SUBCHAPTER.—Of the amount reserved under subparagraph (A), 45 percent and, in those fiscal years in which continuation grant obligations and the quality and number of applicants for parts A and B of this subchapter warrant not more than 55 percent, shall be reserved to carry out part B of this subchapter.

[(3) Parts c and d of this subchapter.—

[(A) IN GENERAL.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D of this subchapter (other than section 5714–25 of this title).

[(B) PERIODIC ESTIMATE.—There are authorized to be appropriated to carry out section 5714–25 of this title such sums as may be necessary for fiscal years 2009, 2010, 2011, 2012, and 2013.

[(4) PART E OF THIS SUBCHAPTER.—There are authorized to be appropriated to carry out part E of this subchapter \$25,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013.

[(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this subchapter may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this subchapter.]

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CHAPTER 72—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Subchapter IV—Missing Children

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[§ 5777. Authorization of appropriations

[(a) IN GENERAL.—To carry out the provisions of this subchapter, there are authorized to be appropriated \$40,000,000 for each of the fiscal years 2014 through 2018, up to \$32,200,000 of which shall be used to carry out section 5773(b) of this title for each such fiscal year.

[(b) EVALUATION.—The Administrator may use not more than 5 percent of the amount appropriated for a fiscal year under subsection (a) of this section to conduct an evaluation of the effectiveness of the programs and activities established and operated under this subchapter.]

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**CHAPTER 72—JUVENILE JUSTICE AND DELINQUENCY
PREVENTION**

**Subchapter V—Incentive Grants for Local Delinquency
Prevention Programs**

* * * * *

§ 5781. [Definition] Definitions

In [this subchapter, the term] *this subchapter*—

(1) *the term “mentoring” means matching 1 adult with 1 or more youths for the purpose of providing guidance, support, and encouragement through regularly scheduled meetings for not less than 9 months; and*

(2) *the term “State advisory group” means the advisory group appointed by the chief executive officer of a State under a plan described in section 5633(a) of this title.*

§ 5783. Grants for delinquency prevention programs

(a) **PURPOSES.**—The Administrator may make grants to a State, to be transmitted through the State advisory group to units of local government that meet the requirements of subsection (b), or to federally recognized Indian tribe 1 or consortia of federally recognized Indian tribes under subsection (d), for delinquency prevention programs and activities for juveniles who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to juveniles and their families of—

- (1) alcohol and substance abuse prevention services;
- (2) tutoring and remedial education, especially in reading and mathematics;
- (3) child and adolescent health and mental health services;
- (4) recreation services;
- (5) leadership and youth development activities;
- (6) the teaching that people are and should be held accountable for their actions;
- (7) assistance in the development of job training skills;

[and]

(8) other data-driven evidence based prevention programs[.];

and

(9) *mentoring, parent training and support, or in-home family services programs, if such programs are evidence-based or promising.*

(b) **ELIGIBILITY.**—The requirements of this subsection are met with respect to a unit of general local government if—

(1) the unit is in compliance with the requirements of part B of subchapter II of this chapter;

(2) the unit has submitted to the State advisory group a minimum 3-year comprehensive plan outlining the unit’s local front end plans for investment for delinquency prevention and early intervention activities;

(3) the unit has included in its application to the Administrator for formula grant funds a summary of the minimum 3-year comprehensive plan described in paragraph (2);

(4) pursuant to its minimum 3-year comprehensive plan, the unit has appointed a local policy board of not fewer than 15

and not more than 21 members, with balanced representation of public agencies and private nonprofit organizations serving juveniles, their families, and business and industry;

(5) the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk juveniles and their families, including such programs as nutrition, energy assistance, and housing;

(6) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this subchapter; and

(7) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

(c) PRIORITY.—In considering grant applications under this section, the Administrator shall give priority to applicants that demonstrate ability in—

(1) plans for service and agency coordination and collaboration including the collocation of services;

(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities;

(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention;

(4) coordinating and collaborating with programs established in local communities for delinquency prevention under part C of subchapter II of this chapter; and

(5) developing data-driven prevention plans, employing evidence-based prevention strategies, and conducting program evaluations to determine impact and effectiveness.

(d) GRANTS FOR TRIBAL DELINQUENCY PREVENTION AND RESPONSE PROGRAMS.—

(1) IN GENERAL.—The Administrator shall make grants under this section, on a competitive basis, to eligible Indian tribes or consortia of Indian tribes, as described in paragraph

(2)—

(A) to support and enhance—

(i) tribal juvenile delinquency prevention services; and

(ii) the ability of Indian tribes to respond to, and care for, juvenile offenders; and

(B) to encourage accountability of Indian tribal governments with respect to preventing juvenile delinquency and responding to, and caring for, juvenile offenders.

(2) ELIGIBLE INDIAN TRIBES.—To be eligible to receive a grant under this subsection, an Indian tribe or consortium of Indian tribes shall submit to the Administrator an application in such form and containing such information as the Administrator may require.

(3) CONSIDERATIONS.—In providing grants under this subsection, the Administrator shall take into consideration, with respect to the Indian tribe to be served, the

(A) juvenile crime rates;

(B) dropout rates; and

(C) number of at-risk youth.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$25,000,000 for each of fiscal years 2011 through 2015.

【§ 5784. Authorization of appropriations

【There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for fiscal years 2004, 2005, 2006, 2007, and 2008.】

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