

115TH CONGRESS  
1ST SESSION

# S. 860

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

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## IN THE SENATE OF THE UNITED STATES

APRIL 5 (legislative day, APRIL 4), 2017

Mr. GRASSLEY (for himself, Mr. WHITEHOUSE, Mr. TILLIS, Mrs. FEINSTEIN, Mr. HATCH, Mr. LEAHY, Mr. DURBIN, Mr. CORNYN, Mr. BLUNT, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

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

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Juvenile Justice and  
5 Delinquency Prevention Reauthorization Act of 2017”.

6       **SEC. 2. TABLE OF CONTENTS.**

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

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

TITLE I—DECLARATION OF PURPOSE AND DEFINITIONS

- Sec. 101. Purposes.
- Sec. 102. Definitions.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

- Sec. 201. Concentration of Federal efforts.
- Sec. 202. Coordinating Council on Juvenile Justice and Delinquency Prevention.
- Sec. 203. Annual report.
- Sec. 204. Allocation of funds.
- Sec. 205. State plans.
- Sec. 206. Reallocation of grant funds.
- Sec. 207. Authority to make grants.
- Sec. 208. Eligibility of States.
- Sec. 209. Grants to Indian tribes.
- Sec. 210. Research and evaluation; statistical analyses; information dissemination.
- Sec. 211. Training and technical assistance.
- Sec. 212. Administrative authority.

TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

- Sec. 301. Definitions.
- Sec. 302. Grants for delinquency prevention programs.
- Sec. 303. Technical and conforming amendment.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Evaluation by Government Accountability Office.
- Sec. 402. Authorization of appropriations.
- Sec. 403. Accountability and oversight.

TITLE V—JUVENILE ACCOUNTABILITY BLOCK GRANTS

- Sec. 501. Grant eligibility.

1       **TITLE I—DECLARATION OF**  
 2       **PURPOSE AND DEFINITIONS**

3       **SEC. 101. PURPOSES.**

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

6               (1) in paragraph (1), by inserting “, tribal,”  
 7       after “State”;

8               (2) in paragraph (2)—

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

2 and

3 (B) by striking “and” at the end;

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

6 “(3) to assist State, tribal, and local govern-  
7 ments in addressing juvenile crime through the pro-  
8 vision of technical assistance, research, training,  
9 evaluation, and the dissemination of current and rel-  
10 evant information on effective and evidence-based  
11 programs and practices for combating juvenile delin-  
12 quency; and”;

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

14 “(4) to support a continuum of evidence-based  
15 or promising programs (including delinquency pre-  
16 vention, intervention, mental health and substance  
17 abuse treatment, family services, and services for  
18 children exposed to violence) that are trauma in-  
19 formed, reflect the science of adolescent develop-  
20 ment, and are designed to meet the needs of at-risk  
21 youth and youth who come into contact with the jus-  
22 tice system.”.

23 **SEC. 102. DEFINITIONS.**

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

1 (1) in paragraph (8)—

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

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

5 (C) by redesignating subparagraph (D) as  
6 subparagraph (C);

7 (2) by amending paragraph (18) to read as fol-  
8 lows:

9 “(18) the term ‘Indian tribe’ means a federally  
10 recognized Indian tribe or an Alaskan Native organi-  
11 zation that has a law enforcement function, as deter-  
12 mined by the Secretary of the Interior in consulta-  
13 tion with the Attorney General;”.

14 (3) by amending paragraph (22) to read as fol-  
15 lows:

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

20 (4) by amending paragraph (25) to read as fol-  
21 lows:

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

1           (5) by amending paragraph (26) to read as fol-  
2           lows:

3           “(26) the term ‘adult inmate’—

4           “(A) means an individual who—

5           “(i) has reached the age of full crimi-  
6           nal responsibility under applicable State  
7           law; and

8           “(ii) has been arrested and is in cus-  
9           tody for or awaiting trial on a criminal  
10          charge, or is convicted of a criminal of-  
11          fense; and

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

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

17          “(ii) was committed to the care and  
18          custody or supervision, including post-  
19          placement or parole supervision, of a juve-  
20          nile correctional agency by a court of com-  
21          petent jurisdiction or by operation of appli-  
22          cable State law;”;

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

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

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

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

5                 “(A) means the requirements described in  
6 paragraphs (11), (12), (13), and (15) of section  
7 223(a); and

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

11           “(31) the term ‘chemical agent’ means a spray  
12 or injection used to temporarily incapacitate a per-  
13 son, including oleoresin capsicum spray, tear gas,  
14 and 2-chlorobenzalmalonitrile gas;

15           “(32) the term ‘isolation’—

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

19                 “(B) does not include—

20                         “(i) confinement during regularly  
21 scheduled sleeping hours;

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

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

3                   “(iv) the separation of the youth from  
4                   a group in a nonlocked setting for the lim-  
5                   ited purpose of calming;

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

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

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

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

15                  “(C) has measurable outcomes relevant to  
16                  juvenile justice, including a detailed description  
17                  of the outcomes produced in a particular popu-  
18                  lation, whether urban or rural; and

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

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

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

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

9           “(36) the term ‘dangerous practice’ means an  
10          act, procedure, or program that creates an unreason-  
11          able risk of physical injury, pain, or psychological  
12          harm to a juvenile subjected to the act, procedure,  
13          or program;

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

16                 “(A) designed to identify youth who may  
17                 have mental health, behavioral health, sub-  
18                 stance abuse, or other needs requiring imme-  
19                 diate attention, intervention, and further eval-  
20                 uation; and

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



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

4                   “(A) by an appropriately trained profes-  
5                   sional who is licensed or certified by the appli-  
6                   cable State in the mental health, behavioral  
7                   health, or substance abuse fields; and

8                   “(B) which is designed to identify signifi-  
9                   cant mental health, behavioral health, or sub-  
10                  stance abuse treatment needs to be addressed  
11                  during a youth’s confinement;

12           “(39) for purposes of section 223(a)(15), the  
13           term ‘contact’ means the points at which a youth  
14           and the juvenile justice system or criminal justice  
15           system officially intersect, including interactions  
16           with a juvenile justice, juvenile court, or law enforce-  
17           ment official;

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

19                   “(A) understanding the impact that expo-  
20                   sure to violence and trauma have on a youth’s  
21                   physical, psychological, and psychosocial devel-  
22                   opment;

23                   “(B) recognizing when a youth has been  
24                   exposed to violence and trauma and is in need

1 of help to recover from the adverse impacts of  
2 trauma; and

3 “(C) responding in ways that resist re-  
4 traumatization;

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

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

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

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

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

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

24 “(C) compliance with applicable laws and  
25 regulations, as well as recommendations of the

1 Office of Inspector General and the Government  
2 Accountability Office; and

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

5 **TITLE II—JUVENILE JUSTICE**  
6 **AND DELINQUENCY PREVEN-**  
7 **TION**

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

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

11 (1) in subsection (a)—

12 (A) in paragraph (1), in the first sen-  
13 tence—

14 (i) by striking “a long-term plan, and  
15 implement” and inserting the following: “a  
16 long-term plan to improve the juvenile jus-  
17 tice system in the United States, taking  
18 into account scientific knowledge regarding  
19 adolescent development and behavior and  
20 regarding the effects of delinquency pre-  
21 vention programs and juvenile justice  
22 interventions on adolescents, and shall im-  
23 plement”; and

24 (ii) by striking “research, and im-  
25 provement of the juvenile justice system in

1 the United States” and inserting “and re-  
2 search”; and

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

7 (2) in subsection (b)—

8 (A) by striking paragraph (7);

9 (B) by redesignating paragraphs (5) and  
10 (6) as paragraphs (6) and (7), respectively;

11 (C) by inserting after paragraph (4), the  
12 following:

13 “(5) not later than 1 year after the date of en-  
14 actment of the Juvenile Justice and Delinquency  
15 Prevention Reauthorization Act of 2017, in consulta-  
16 tion with Indian tribes, develop a policy for the Of-  
17 fice of Juvenile Justice and Delinquency Prevention  
18 to collaborate with representatives of Indian tribes  
19 with a criminal justice function on the implementa-  
20 tion of the provisions of this Act relating to Indian  
21 tribes;”;

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

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

25 (i) by striking “monitoring”;

- 1 (ii) by striking “section 223(a)(15)”  
2 and inserting “section 223(a)(16)”; and  
3 (iii) by striking “to review the ade-  
4 quacy of such systems; and” and inserting  
5 “for monitoring compliance.”.

6 **SEC. 202. COORDINATING COUNCIL ON JUVENILE JUSTICE**  
7 **AND DELINQUENCY PREVENTION.**

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

10 (1) in subsection (a)

11 (A) in paragraph (1)—

12 (i) by inserting “the Administrator of  
13 the Substance Abuse and Mental Health  
14 Services Administration, the Secretary of  
15 the Interior,” after “the Secretary of  
16 Health and Human Services,”; and

17 (ii) by striking “Commissioner of Im-  
18 migration and Naturalization” and insert-  
19 ing “Assistant Secretary for Immigration  
20 and Customs Enforcement”; and

21 (B) in paragraph (2), by striking “United  
22 States” and inserting “Federal Government”;  
23 and

24 (2) in subsection (c)—

1 (A) in paragraph (1), by striking “para-  
2 graphs (12)(A), (13), and (14) of section  
3 223(a) of this title” and inserting “the core re-  
4 quirements”; and

5 (B) in paragraph (2)—

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

9 (ii) by striking subparagraph (B) and  
10 inserting the following:

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

17 “(i) contains the recommendations de-  
18 scribed in subparagraph (A);

19 “(ii) includes a detailed account of the  
20 activities conducted by the Council during  
21 the fiscal year, including a complete de-  
22 tailed accounting of expenses incurred by  
23 the Council to conduct operations in ac-  
24 cordance with this section;

1           “(iii) is published on the websites of  
2           the Office of Juvenile Justice and Delin-  
3           quency Prevention, the Council, and the  
4           Department of Justice; and

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

7 **SEC. 203. ANNUAL REPORT.**

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

10           (1) in the matter preceding paragraph (1), by  
11           striking “a fiscal year” and inserting “each fiscal  
12           year”;

13           (2) in paragraph (1)—

14           (A) in subparagraph (B), by striking “and  
15           gender” and inserting “, gender, and ethnicity,  
16           as such term is defined by the Bureau of the  
17           Census,”;

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

20           (C) in subparagraph (F)—

21           (i) by inserting “and other” before  
22           “disabilities,”; and

23           (ii) by striking the period at the end  
24           and inserting a semicolon; and

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

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

6           “(H) the number of status offense cases  
7 petitioned to court, number of status offenders  
8 held in secure detention, the findings used to  
9 justify the use of secure detention, and the av-  
10 erage period of time a status offender was held  
11 in secure detention;

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

15           “(J) the number of juveniles whose offense  
16 originated on school grounds, during school-  
17 sponsored off-campus activities, or due to a re-  
18 ferral by a school official, as collected and re-  
19 ported by the Department of Education or simi-  
20 lar State educational agency; and

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

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



1           “(5) A description of the criteria used to deter-  
2 mine what programs qualify as evidence-based and  
3 promising programs under this title and title V and  
4 a comprehensive list of those programs the Adminis-  
5 trator has determined meet such criteria in both  
6 rural and urban areas.

7           “(6) A description of funding provided to In-  
8 dian tribes under this Act or for a juvenile delin-  
9 quency or prevention program under the Tribal Law  
10 and Order Act of 2010 (Public Law 111–211; 124  
11 Stat. 2261), including direct Federal grants and  
12 funding provided to Indian tribes through a State or  
13 unit of local government.

14           “(7) An analysis and evaluation of the internal  
15 controls at the Office of Juvenile Justice and Delin-  
16 quency Prevention to determine if grantees are fol-  
17 lowing the requirements of the Office of Juvenile  
18 Justice and Delinquency Prevention grant programs  
19 and what remedial action the Office of Juvenile Jus-  
20 tice and Delinquency Prevention has taken to re-  
21 cover any grant funds that are expended in violation  
22 of the grant programs, including instances—

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

1           “(B) where unauthorized expenditures oc-  
2           curred; or

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

5           “(8) An analysis and evaluation of the total  
6           amount of payments made to grantees that the Of-  
7           fice of Juvenile Justice and Delinquency Prevention  
8           recouped from grantees that were found to be in vio-  
9           lation of policies and procedures of the Office of Ju-  
10          venile Justice and Delinquency Prevention grant  
11          programs, including—

12                   “(A) the full name and location of the  
13                   grantee;

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

15                   “(C) the amount of funds sought to be re-  
16                   couped by the Office of Juvenile Justice and  
17                   Delinquency Prevention; and

18                   “(D) the actual amount recouped by the  
19                   Office of Juvenile Justice and Delinquency Pre-  
20                   vention.”.

21 **SEC. 204. ALLOCATION OF FUNDS.**

22           (a) TECHNICAL ASSISTANCE.—Section 221(b)(1) of  
23 the Juvenile Justice and Delinquency Prevention Act of  
24 1974 (42 U.S.C. 5631(b)(1)) is amended by striking “2  
25 percent” and inserting “5 percent”.

1 (b) OTHER ALLOCATIONS.—Section 222 of the Juve-  
2 nile Justice and Delinquency Prevention Act of 1974 (42  
3 U.S.C. 5632) is amended—

4 (1) in subsection (a)—

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

9 (B) by striking paragraphs (2) and (3) and  
10 inserting the following:

11 “(2)(A) If the aggregate amount appropriated  
12 for a fiscal year to carry out this title is less than  
13 \$75,000,000, then—

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

18 “(ii) the amount allocated to the United  
19 States Virgin Islands, Guam, American Samoa,  
20 and the Commonwealth of the Northern Mar-  
21 iana Islands for that fiscal year shall be not less  
22 than \$75,000.

23 “(B) If the aggregate amount appropriated for  
24 a fiscal year to carry out this title is not less than  
25 \$75,000,000, then—

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

5           “(ii) the amount allocated to the United  
6           States Virgin Islands, Guam, American Samoa,  
7           and the Commonwealth of the Northern Mar-  
8           iana Islands for that fiscal year shall be not less  
9           than \$100,000.”;

10          (2) in subsection (c), by striking “efficient ad-  
11          ministration, including monitoring, evaluation, and  
12          one full-time staff position” and inserting “effective  
13          and efficient administration of funds, including the  
14          designation of not less than 1 individual who shall  
15          coordinate efforts to achieve and sustain compliance  
16          with the core requirements and certify whether the  
17          State is in compliance with such requirements”; and

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

21 **SEC. 205. STATE PLANS.**

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

24          (1) in subsection (a)—

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

16 (B) in paragraph (3)—

17 (i) in subparagraph (A)—

18 (I) in clause (i), by inserting “ad-  
19 olescent development,” after “con-  
20 cerning”;

21 (II) in clause (ii)—

22 (aa) in subclause (II), by  
23 striking “counsel for children and  
24 youth” and inserting “publicly  
25 supported court-appointed legal

1 counsel for juveniles charged with  
2 an act of juvenile delinquency or  
3 a status offense, consistent with  
4 other Federal law”;

5 (bb) in subclause (III), by  
6 striking “mental health, edu-  
7 cation, special education” and in-  
8 sserting “child and adolescent  
9 mental health, education, child  
10 and adolescent substance abuse,  
11 special education, services for  
12 youth with disabilities”;

13 (cc) in subclause (V), by  
14 striking “delinquents or potential  
15 delinquents” and inserting “de-  
16 linquent youth or youth at risk of  
17 delinquency”;

18 (dd) in subclause (VI), by  
19 striking “youth workers involved  
20 with” and inserting “representa-  
21 tives of”;

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

1                   (ff) by striking subclause  
2                   (VIII) and inserting the fol-  
3                   lowing:

4                   “(VIII) persons, licensed or cer-  
5                   tified by the applicable State, with ex-  
6                   pertise and competence in preventing  
7                   and addressing mental health and  
8                   substance abuse needs in juvenile  
9                   delinquents and those at-risk of delin-  
10                  quency;

11                  “(IX) representatives of victim or  
12                  witness advocacy groups, including at  
13                  least 1 individual with expertise in ad-  
14                  dressing the challenges of sexual  
15                  abuse and exploitation and trauma;  
16                  and

17                  “(X) for a State in which one or  
18                  more Indian tribes are located, an In-  
19                  dian tribal representative or, if such  
20                  Indian tribal representative is unavail-  
21                  able, other individual with significant  
22                  expertise in tribal law enforcement  
23                  and juvenile justice in Indian tribal  
24                  communities;”;

1 (III) in clause (iv), by striking  
2 “24 at the time of appointment” and  
3 inserting “28 at the time of initial ap-  
4 pointment”; and

5 (IV) in clause (v) by inserting  
6 “or, if not feasible and in appropriate  
7 circumstances, who is the parent or  
8 guardian of someone who has been or  
9 is currently under the jurisdiction of  
10 the juvenile justice system” after “ju-  
11 venile justice system”;

12 (ii) in subparagraph (C), by striking  
13 “30 days” and inserting “45 days”; and

14 (iii) in subparagraph (D)(ii), by strik-  
15 ing “at least annually recommendations re-  
16 garding State compliance with the require-  
17 ments of paragraphs (11), (12), and (13)”  
18 and inserting “at least every 2 years a re-  
19 port and necessary recommendations re-  
20 garding State compliance with the core re-  
21 quirements”; and

22 (iv) in subparagraph (E)—

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



1 (II) in clause (ii), by striking the  
2 period at the end and inserting a  
3 semicolon;

4 (C) in paragraph (5)(C), by striking “In-  
5 dian tribes” and all that follows through “appli-  
6 cable to the detention and confinement of juve-  
7 niles” and inserting “Indian tribes that agree  
8 to attempt to comply with the core require-  
9 ments applicable to the detention and confine-  
10 ment of juveniles”;

11 (D) in paragraph (7)—

12 (i) in subparagraph (A), by striking  
13 “performs law enforcement functions” and  
14 inserting “has jurisdiction”; and

15 (ii) in subparagraph (B)—

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

18 (II) by striking clause (iv) and  
19 inserting the following:

20 “(iv) a plan to provide alternatives to  
21 detention for status offenders, juveniles  
22 who have been induced to perform com-  
23 mercial sex acts, and others, where appro-  
24 priate, such as specialized or problem-solv-  
25 ing courts or diversion to home-based or

1 community-based services or treatment for  
2 those youth in need of mental health, sub-  
3 stance abuse, or co-occurring disorder serv-  
4 ices at the time such juveniles first come  
5 into contact with the juvenile justice sys-  
6 tem;

7 “(v) a plan to reduce the number of  
8 children housed in secure detention and  
9 corrections facilities who are awaiting  
10 placement in residential treatment pro-  
11 grams;

12 “(vi) a plan to engage family mem-  
13 bers, where appropriate, in the design and  
14 delivery of juvenile delinquency prevention  
15 and treatment services, particularly post-  
16 placement;

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

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

24 “(ix) not later than 1 year after the  
25 date of enactment of the Juvenile Justice

1 and Delinquency Prevention Reauthoriza-  
2 tion Act of 2017, a plan, which shall be  
3 implemented not later than 2 years after  
4 the date of enactment of the Juvenile Jus-  
5 tice and Delinquency Prevention Reauthor-  
6 ization Act of 2017, to—

7 “(I) eliminate the use of re-  
8 straints of known pregnant juveniles  
9 housed in secure juvenile detention  
10 and correction facilities, during labor,  
11 delivery, and post-partum recovery,  
12 unless credible, reasonable grounds  
13 exist to believe the detainee presents  
14 an immediate and serious threat of  
15 hurting herself, staff, or others; and

16 “(II) eliminate the use of abdom-  
17 inal restraints, leg and ankle re-  
18 straints, wrist restraints behind the  
19 back, and four-point restraints on  
20 known pregnant juveniles, unless—

21 “(aa) credible, reasonable  
22 grounds exist to believe the de-  
23 tainee presents an immediate and  
24 serious threat of hurting herself,  
25 staff, or others; or

1                   “(bb) reasonable grounds  
2                   exist to believe the detainee pre-  
3                   sents an immediate and credible  
4                   risk of escape that cannot be rea-  
5                   sonably minimized through any  
6                   other method;”;

7                   (E) in paragraph (8), by striking “exist-  
8                   ing” and inserting “evidence-based and prom-  
9                   ising”;

10                  (F) in paragraph (9)—

11                   (i) in the matter preceding subpara-  
12                   graph (A), by inserting “, with priority in  
13                   funding given to entities meeting the cri-  
14                   teria for evidence-based or promising pro-  
15                   grams” after “used for”;

16                   (ii) in subparagraph (A)(i), by insert-  
17                   ing “status offenders and other” before  
18                   “youth who need”;

19                   (iii) in subparagraph (B)(i)—

20                   (I) by striking “parents and  
21                   other family members” and inserting  
22                   “status offenders, other youth, and  
23                   the parents and other family members  
24                   of such offenders and youth”; and

- 1 (II) by striking “be retained”  
2 and inserting “remain”;  
3 (iv) in subparagraph (E)—  
4 (I) in the matter preceding clause  
5 (i), by striking “delinquent” and in-  
6 serting “at-risk or delinquent youth”;  
7 and  
8 (II) in clause (i), by inserting “,  
9 including for truancy prevention and  
10 reduction” before the semicolon;  
11 (v) by redesignating subparagraphs  
12 (G) through (S) as subparagraphs (H)  
13 through (T), respectively;  
14 (vi) in subparagraph (F), in the mat-  
15 ter preceding clause (i), by striking “ex-  
16 panding” and inserting “programs to ex-  
17 pand”;  
18 (vii) by inserting after subparagraph  
19 (F), the following:  
20 “(G) expanding access to publicly sup-  
21 ported, court-appointed legal counsel and en-  
22 hancing capacity for the competent representa-  
23 tion of every child, consistent with other Fed-  
24 eral law;”;

1 (viii) in subparagraph (H), as so re-  
2 designated, by striking “State,” each place  
3 the term appears and inserting “State,  
4 tribal,”;

5 (ix) in subparagraph (M), as so redesi-  
6 gnated—

7 (I) in clause (i)—

8 (aa) by inserting “pre-adju-  
9 dication and” before “post-adju-  
10 dication”;

11 (bb) by striking “restraints”  
12 and inserting “alternatives”; and

13 (cc) by inserting “specialized  
14 or problem-solving courts,” after  
15 “(including”;

16 (II) in clause (ii)—

17 (aa) by striking “by the pro-  
18 vision by the Administrator”; and

19 (bb) by striking “to States”;

20 (x) in subparagraph (N), as redesi-  
21 gnated—

22 (I) by inserting “and reduce the  
23 risk of recidivism” after “families”;  
24 and

1 (II) by striking “so that juveniles  
2 may be retained in their homes”;

3 (xi) in subparagraph (S), as so reded-  
4 igned, by striking “and” at the end;

5 (xii) in subparagraph (T), as so reded-  
6 igned—

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

9 (II) by inserting “court-involved  
10 or” before “incarcerated”;

11 (III) by striking “suspected to  
12 be”;

13 (IV) by striking “and discharge  
14 plans” and inserting “provision of  
15 treatment, and development of dis-  
16 charge plans”; and

17 (V) by striking the period at the  
18 end and inserting a semicolon; and

19 (xiii) by inserting after subparagraph  
20 (T) the following:

21 “(U) programs and projects designed to in-  
22 form juveniles of the opportunity and process  
23 for expunging juvenile records and to assist ju-  
24 veniles in pursuing juvenile record expunge-

1           ments for both adjudications and arrests not  
2           followed by adjudications;

3           “(V) programs that address the needs of  
4           girls in or at risk of entering the juvenile justice  
5           system, including pregnant girls, young moth-  
6           ers, survivors of commercial sexual exploitation  
7           or domestic child sex trafficking, girls with dis-  
8           abilities, and girls of color, including girls who  
9           are members of an Indian tribe; and

10           “(W) monitoring for compliance with the  
11           core requirements and providing training and  
12           technical assistance on the core requirements to  
13           secure facilities;”;

14           (G) by striking paragraph (11) and insert-  
15           ing the following:

16           “(11)(A) in accordance with rules issued by the  
17           Administrator, provide that a juvenile shall not be  
18           placed in a secure detention facility or a secure cor-  
19           rectional facility, if—

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

23           “(I) a juvenile who is charged with or  
24           has committed a violation of section



1                   922(x)(2) of title 18, United States Code,  
2                   or of a similar State law;

3                   “(II) a juvenile who is charged with  
4                   or has committed a violation of a valid  
5                   court order issued and reviewed in accord-  
6                   ance with paragraph (23); and

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

10                  “(ii) the juvenile—

11                   “(I) is not charged with any offense;  
12                  and

13                   “(II)(aa) is an alien; or

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

16                  “(B) require that—

17                   “(i) not later than 3 years after the date  
18                  of enactment of the Juvenile Justice and Delin-  
19                  quency Prevention Reauthorization Act of 2017,  
20                  unless a court finds, after a hearing and in  
21                  writing, that it is in the interest of justice, juve-  
22                  niles awaiting trial or other legal process who  
23                  are treated as adults for purposes of prosecu-  
24                  tion in criminal court and housed in a secure  
25                  facility—

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

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

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

11           “(I) the age of the juvenile;

12           “(II) the physical and mental matu-  
13           rity of the juvenile;

14           “(III) the present mental state of the  
15           juvenile, including whether the juvenile  
16           presents an imminent risk of harm to the  
17           juvenile;

18           “(IV) the nature and circumstances of  
19           the alleged offense;

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

22           “(VI) the relative ability of the avail-  
23           able adult and juvenile detention facilities  
24           to not only meet the specific needs of the  
25           juvenile but also to protect the safety of

1 the public as well as other detained youth;  
2 and

3 “(VII) any other relevant factor; and

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

8 “(I) the court shall hold a hearing not  
9 less frequently than once every 30 days, or  
10 in the case of a rural jurisdiction, not less  
11 frequently than once every 45 days, to re-  
12 view whether it is still in the interest of  
13 justice to permit the juvenile to be so held  
14 or have such sight or sound contact; and

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

22 (H) in paragraph (12)(A), by striking  
23 “contact” and inserting “sight or sound con-  
24 tact”;

1 (I) in paragraph (13), by striking “con-  
2 tact” each place it appears and inserting “sight  
3 or sound contact”;

4 (J) by striking paragraphs (22) and (27);

5 (K) by redesignating paragraph (28) as  
6 paragraph (27);

7 (L) by redesignating paragraphs (15)  
8 through (21) as paragraphs (16) through (22),  
9 respectively;

10 (M) by inserting after paragraph (14) the  
11 following:

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

19 “(A) establishing or designating existing  
20 coordinating bodies, composed of juvenile jus-  
21 tice stakeholders, (including representatives of  
22 the educational system) at the State, local, or  
23 tribal levels, to advise efforts by States, units of  
24 local government, and Indian tribes to reduce  
25 racial and ethnic disparities;

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

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

12           (N) in paragraph (15), as so redesign-  
13 nated—

14           (i) by striking “adequate system” and  
15 inserting “effective system”;

16           (ii) by inserting “lock-ups,” after  
17 “monitoring jails,”;

18           (iii) by inserting “and” after “deten-  
19 tion facilities,”;

20           (iv) by striking “, and non-secure fa-  
21 cilities”;

22           (v) by striking “insure” and inserting  
23 “ensure”;

24           (vi) by striking “requirements of  
25 paragraph (11),” and all that follows

1 through “monitoring to the Administrator”  
2 and inserting “core requirements are met,  
3 and for annual reporting to the Adminis-  
4 trator”; and

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

7 (O) in paragraph (16), as so redesignated,  
8 by inserting “ethnicity,” after “race,”;

9 (P) in paragraph (21), as so redesignated,  
10 by striking “local,” each place the term appears  
11 and inserting “local, tribal,”;

12 (Q) in paragraph (23)—

13 (i) in subparagraphs (A), (B), and  
14 (C), by striking “juvenile” each place it  
15 appears and inserting “status offender”;

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

18 (iii) in subparagraph (C)—

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

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

23 (III) by adding at the end the  
24 following:

1           “(iii) if such court determines the sta-  
2           tus offender should be placed in a secure  
3           detention facility or correctional facility for  
4           violating such order—

5                   “(I) the court shall issue a writ-  
6                   ten order that—

7                           “(aa) identifies the valid  
8                           court order that has been vio-  
9                           lated;

10                           “(bb) specifies the factual  
11                           basis for determining that there  
12                           is reasonable cause to believe  
13                           that the status offender has vio-  
14                           lated such order;

15                           “(cc) includes findings of  
16                           fact to support a determination  
17                           that there is no appropriate less  
18                           restrictive alternative available to  
19                           placing the status offender in  
20                           such a facility, with due consider-  
21                           ation to the best interest of the  
22                           juvenile;

23                           “(dd) specifies the length of  
24                           time, not to exceed 7 days, that  
25                           the status offender may remain

1 in a secure detention facility or  
2 correctional facility, and includes  
3 a plan for the status offender's  
4 release from such facility; and

5 “(ee) may not be renewed or  
6 extended; and

7 “(II) the court may not issue a  
8 second or subsequent order described  
9 in subclause (I) relating to a status  
10 offender, unless the status offender  
11 violates a valid court order after the  
12 date on which the court issues an  
13 order described in subclause (I);” and  
14 (iv) by adding at the end the fol-  
15 lowing:

16 “(D) there are procedures in place to en-  
17 sure that any status offender held in a secure  
18 detention facility or correctional facility pursu-  
19 ant to a court order described in this paragraph  
20 does not remain in custody longer than 7 days  
21 or the length of time authorized by the court,  
22 whichever is shorter; and

23 “(E) not later than 3 years after the date  
24 of enactment of the Juvenile Justice and Delin-  
25 quency Prevention Reauthorization Act of 2017,



1 the State will eliminate the use of valid court  
2 orders to provide secure confinement of status  
3 offenders, except that juveniles may be held in  
4 secure confinement in accordance with the  
5 Interstate Compact for Juveniles if the judge  
6 issues a written order that—

7 “(i) specifies the factual basis to be-  
8 lieve that the State has the authority to  
9 detain the juvenile under the terms of the  
10 Interstate Compact for Juveniles;

11 “(ii) includes findings of fact to sup-  
12 port a determination that there is no ap-  
13 propriate less restrictive alternative avail-  
14 able to placing the juvenile in such a facil-  
15 ity, with due consideration to the best in-  
16 terest of the juvenile;

17 “(iii) specifies the length of time a ju-  
18 venile may remain in secure confinement,  
19 not to exceed 15 days, and includes a plan  
20 for the return of the juvenile to the home  
21 State of the juvenile; and

22 “(iv) may not be renewed or ex-  
23 tended;”;

24 (R) in paragraph (26)—

1 (i) by inserting “and in accordance  
2 with confidentiality concerns,” after “max-  
3 imum extent practicable,”; and

4 (ii) by striking the semicolon at the  
5 end and inserting the following: “, so as to  
6 provide for—

7 “(A) data in child abuse or neglect reports  
8 relating to juveniles entering the juvenile justice  
9 system with a prior reported history of arrest,  
10 court intake, probation and parole, juvenile de-  
11 tention, and corrections; and

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

16 (S) in paragraph (27), as so redesignated,  
17 by striking the period at the end and inserting  
18 a semicolon; and

19 (T) by adding at the end the following:

20 “(28) provide for the coordinated use of funds  
21 provided under this Act with other Federal and  
22 State funds directed at juvenile delinquency preven-  
23 tion and intervention programs;

24 “(29) describe the policies, procedures, and  
25 training in effect for the staff of juvenile State cor-

1 rectional facilities to eliminate the use of dangerous  
2 practices, unreasonable restraints, and unreasonable  
3 isolation, including by developing effective behavior  
4 management techniques;

5 “(30) describe—

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

10 “(i) request a screening;

11 “(ii) show signs of needing a screen-  
12 ing; or

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

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

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

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

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

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

5                   “(iii) any other plans developed for  
6                   the juveniles based on an individualized as-  
7                   sessment; and

8                   “(B) review processes;

9                   “(32) provide that the agency of the State re-  
10                  ceiving funds under this Act collaborate with the  
11                  State educational agency receiving assistance under  
12                  part A of title I of the Elementary and Secondary  
13                  Education Act of 1965 (20 U.S.C. 6311 et seq.) to  
14                  develop and implement a plan to ensure that, in  
15                  order to support educational progress—

16                  “(A) the student records of adjudicated ju-  
17                  veniles, including electronic records if available,  
18                  are transferred in a timely manner from the  
19                  educational program in the juvenile detention or  
20                  secure treatment facility to the educational or  
21                  training program into which the juveniles will  
22                  enroll;

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

1           “(C) adjudicated juveniles receive full or  
2 partial credit toward high school graduation for  
3 secondary school coursework satisfactorily com-  
4 pleted before and during the period of time dur-  
5 ing which the juveniles are held in custody, re-  
6 gardless of the local educational agency or enti-  
7 ty from which the credits were earned; and

8           “(33) describe policies and procedures to—

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

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

16           (2) in subsection (d)—

17           (A) by striking “described in paragraphs  
18 (11), (12), (13), and (21) of subsection (a)”  
19 and inserting “described in the core require-  
20 ments”; and

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

25           (3) in subsection (f)(2)—

1 (A) by striking subparagraph (A); and  
2 (B) by redesignating subparagraphs (B)  
3 through (E) and subparagraphs (A) through  
4 (D), respectively; and  
5 (4) by adding at the end the following:

6 “(g) COMPLIANCE DETERMINATION.—

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

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

13 “(A) issue an annual public report—

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

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

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

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

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

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

12 **SEC. 206. REALLOCATION OF GRANT FUNDS.**

13           Section 223(c) of the Juvenile Justice and Delin-  
14           quency Prevention Act of 1974 (42 U.S.C. 5633(c)) is  
15           amended to read as follows:

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

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

23           “(B) the State shall be ineligible to receive any  
24           allocation under such section for such fiscal year un-  
25           less—

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

6           “(ii) the Administrator determines that the  
7 State—

8                   “(I) has achieved substantial compli-  
9 ance with such applicable requirements  
10 with respect to which the State was not in  
11 compliance; and

12                   “(II) has made, through appropriate  
13 executive or legislative action, an unequivocal  
14 commitment to achieving full compli-  
15 ance with such applicable requirements  
16 within a reasonable time.

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

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

22                   “(B) 50 percent of the unallocated funds shall  
23 be used by the Administrator to provide additional  
24 training and technical assistance to States for the



1 purpose of promoting compliance with the core re-  
2 quirements.”.

3 **SEC. 207. AUTHORITY TO MAKE GRANTS.**

4 Section 241(a) of the Juvenile Justice and Delin-  
5 quency Prevention Act of 1974 (42 U.S.C. 5651(a)) is  
6 amended—

7 (1) in paragraph (1), by inserting “status of-  
8 fenders,” before “juvenile offenders, and juveniles”;

9 (2) in paragraph (2)(A), by inserting before the  
10 semicolon at the end the following: “, including for  
11 truancy prevention and reduction and social and  
12 independent living skills development”;

13 (3) in paragraph (4), by striking “State,” each  
14 place the term appears and inserting “State, trib-  
15 al,”;

16 (4) in paragraph (5), by striking “juvenile of-  
17 fenders and juveniles” and inserting “status offend-  
18 ers, juvenile offenders, and juveniles”; and

19 (5) in paragraph (10), by inserting “, including  
20 juveniles with disabilities” before the semicolon.

21 **SEC. 208. ELIGIBILITY OF STATES.**

22 Section 243(a)(1)(A) of the Juvenile Justice and De-  
23 linquency Prevention Act of 1974 (42 U.S.C.  
24 5653(a)(1)(A)) is amended by striking “5” and inserting  
25 “10”.

1 **SEC. 209. GRANTS TO INDIAN TRIBES.**

2 Section 246(a)(2) of the Juvenile Justice and Delin-  
3 quency Prevention Act of 1974 (42 U.S.C. 5656(a)(2)) is  
4 amended—

5 (1) by striking subparagraph (A);

6 (2) by redesignating subparagraphs (B)  
7 through (E) as subparagraphs (A) through (D), re-  
8 spectively; and

9 (3) in subparagraph (B)(ii), as redesignated, by  
10 striking “subparagraph (B)” and inserting “sub-  
11 paragraph (A)”.

12 **SEC. 210. RESEARCH AND EVALUATION; STATISTICAL**  
13 **ANALYSES; INFORMATION DISSEMINATION.**

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

16 (1) in subsection (a)—

17 (A) in paragraph (1)—

18 (i) in the matter preceding subpara-  
19 graph (A), by striking “may” and inserting  
20 “shall”;

21 (ii) in subparagraph (A), by striking  
22 “plan and identify” and inserting “annu-  
23 ally publish a plan to identify”; and

24 (iii) in subparagraph (B)—

25 (I) by striking clause (iii) and in-  
26 serting the following:

1           “(iii) successful efforts to prevent sta-  
2           tus offenders and first-time minor offend-  
3           ers from subsequent involvement with the  
4           juvenile justice and criminal justice sys-  
5           tems;”;

6                         (II) by striking clause (vii) and  
7           inserting the following:

8           “(vii) the prevalence and duration of  
9           behavioral health needs (including mental  
10          health, substance abuse, and co-occurring  
11          disorders) among juveniles pre-placement  
12          and post-placement when held in the cus-  
13          tody of secure detention and corrections fa-  
14          cilities, including an examination of the ef-  
15          fects of confinement;”;

16                        (III) by redesignating clauses  
17           (ix), (x), and (xi) as clauses (xv),  
18           (xvi), and (xvii), respectively; and

19                        (IV) by inserting after clause  
20           (viii) the following:

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

24           “(x) methods to improve the recruit-  
25           ment, selection, training, and retention of

1 professional personnel who are focused on  
2 the prevention, identification, and treat-  
3 ment of delinquency;

4 “(xi) methods to improve the identi-  
5 fication and response to victims of domes-  
6 tic child sex trafficking within the juvenile  
7 justice system;

8 “(xii) identifying positive outcome  
9 measures, such as attainment of employ-  
10 ment and educational degrees, that States  
11 and units of local government should use  
12 to evaluate the success of programs aimed  
13 at reducing recidivism of youth who have  
14 come in contact with the juvenile justice  
15 system or criminal justice system;

16 “(xiii) evaluating the impact and out-  
17 comes of the prosecution and sentencing of  
18 juveniles as adults;

19 “(xiv) successful and cost-effective ef-  
20 forts by States and units of local govern-  
21 ment to reduce recidivism through policies  
22 that provide for consideration of appro-  
23 priate alternative sanctions to incarcer-  
24 ation of youth facing nonviolent charges,

1 while ensuring that public safety is pre-  
2 served;” and

3 (B) in paragraph (4)—

4 (i) in the matter preceding subpara-  
5 graph (A), by striking “date of enactment  
6 of this paragraph, the” and inserting “date  
7 of enactment of the Juvenile Justice and  
8 Delinquency Prevention Reauthorization  
9 Act of 2017, the”;

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

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

14 (iv) in subparagraph (G), by striking  
15 the period at the end and inserting a semi-  
16 colon; and

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

18 “(H) a description of the best practices in  
19 discharge planning; and

20 “(I) an assessment of living arrangements  
21 for juveniles who, upon release from confine-  
22 ment in a State correctional facility, cannot re-  
23 turn to the residence they occupied prior to  
24 such confinement.”;

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

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

5           “(f) NATIONAL RECIDIVISM MEASURE.—The Admin-  
6           istrator, in consultation with experts in the field of juve-  
7           nile justice research, recidivism, and data collection,  
8           shall—

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

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

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

16          “(g) GAO REVIEW.—Not later than 1 year after the  
17          date of enactment of the Juvenile Justice and Delinquency  
18          Prevention Reauthorization Act of 2017, the Comptroller  
19          General of the United States shall conduct a review of  
20          available research conducted by the Attorney General, the  
21          Secretary of the Interior, and other Federal entities relat-  
22          ing to Indian youth who may come into contact with the  
23          juvenile justice system, which shall include—

24          “(1) an examination of the extent of Indian  
25          youth involvement in the juvenile justice system, in-

1 cluding the number of Indian youth in Federal,  
2 State, or tribal custody or detention for offenses  
3 committed while under the age of 18;

4 “(2) a description of the unique barriers faced  
5 by Indian tribes in providing adequate services to re-  
6 habilitate youth who have been adjudicated as delin-  
7 quent; and

8 “(3) recommendations to improve effectiveness  
9 of prevention and treatment services for Indian  
10 youth who may come into contact with the juvenile  
11 justice system.”.

12 **SEC. 211. TRAINING AND TECHNICAL ASSISTANCE.**

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

15 (1) in subsection (a)—

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

18 (B) in paragraph (1)—

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

21 (ii) by striking “and” after the semi-  
22 colon;

23 (C) in paragraph (2)—

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

1 (ii) by striking the period and insert-  
2 ing “; and”; and

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

4 “(3) shall provide periodic training for States  
5 regarding implementation of the core requirements,  
6 current protocols and best practices for achieving  
7 and monitoring compliance, and information sharing  
8 regarding relevant Office resources on evidence-  
9 based and promising programs or practices that pro-  
10 mote the purposes of this Act.”;

11 (2) in subsection (b)—

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

14 (B) in paragraph (1)—

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

17 (ii) by inserting “, including compli-  
18 ance with the core requirements” after  
19 “this title”; and

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

21 (C) in paragraph (2)—

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

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



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

2 “(3) shall provide technical assistance to States  
3 and units of local government on achieving compli-  
4 ance with the amendments to the core requirements  
5 and State Plans made by the Juvenile Justice and  
6 Delinquency Prevention Reauthorization Act of  
7 2017, including training and technical assistance  
8 and, when appropriate, pilot or demonstration  
9 projects intended to develop and replicate best prac-  
10 tices for achieving sight and sound separation in fa-  
11 cilities or portions of facilities that are open and  
12 available to the general public and that may or may  
13 not contain a jail or a lock-up; and

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

25 (3) in subsection (c)—

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

3 (B) by inserting “status offenders and”  
4 after “needs of”; and

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

6 “(d) TECHNICAL ASSISTANCE TO STATES REGARD-  
7 ING LEGAL REPRESENTATION OF CHILDREN.—In con-  
8 sultation with experts in the field of juvenile defense, the  
9 Administrator shall—

10 “(1) develop and issue standards of practice for  
11 attorneys representing children; and

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

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

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

1           “(2) encourage alternative behavior manage-  
2           ment techniques based on positive youth develop-  
3           ment approaches.

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

14           “(1) juvenile justice intake personnel;

15           “(2) probation officers;

16           “(3) juvenile court judges and court services  
17 personnel;

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

19           and

20           “(5) family members of juveniles and family ad-  
21 vocates.

22           “(g) GRANTS FOR JUVENILE COURT JUDGES AND  
23 PERSONNEL.—The Attorney General, acting through the  
24 Office of Juvenile Justice and Delinquency Prevention and  
25 the Office of Justice Programs, shall make grants to im-

1 prove training, education, technical assistance, evaluation,  
2 and research to enhance the capacity of State and local  
3 courts, judges, and related judicial personnel to—

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

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

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

18 **SEC. 212. ADMINISTRATIVE AUTHORITY.**

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

22           (1) in subsection (d)—

23                   (A) by inserting “(1)” before “The Admin-  
24                   istrator”;

1 (B) by striking “, after appropriate con-  
2 sultation with representatives of States and  
3 units of local government,”;

4 (C) by inserting “guidance,” after “regula-  
5 tions,”; and

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

13 “(2) The Administrator shall ensure that—

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

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

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

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

4 **SEC. 301. DEFINITIONS.**

5 Section 502 of the Incentive Grants for Local Delin-  
6 quency Prevention Programs Act of 2002 (42 U.S.C.  
7 5781) is amended—

8 (1) in the section heading, by striking “DEFINI-  
9 TION” and inserting “DEFINITIONS”; and

10 (2) by striking “this title, the term” and insert-  
11 ing the following: “this title—

12 “(1) the term ‘mentoring’ means matching 1  
13 adult with one or more youths for the purpose of  
14 providing guidance, support, and encouragement  
15 through regularly scheduled meetings for not less  
16 than 9 months; and

17 “(2) the term”.

18 **SEC. 302. GRANTS FOR DELINQUENCY PREVENTION PRO-**  
19 **GRAMS.**

20 Section 504(a) of the Incentive Grants for Local De-  
21 linquency Prevention Programs Act of 2002 (42 U.S.C.  
22 5783(a)) is amended—

23 (1) in paragraph (7), by striking “and” at the  
24 end;

1           (2) in paragraph (8), by striking the period at  
2           the end and inserting “; and”; and

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

4           “(9) mentoring, parent training and support, or  
5           in-home family services programs, if such programs  
6           are evidence-based or promising.”.

7   **SEC. 303. TECHNICAL AND CONFORMING AMENDMENT.**

8           The Juvenile Justice and Delinquency Prevention Act  
9           of 1974 is amended by striking title V, as added by the  
10          Juvenile Justice and Delinquency Prevention Act of 1974  
11          (Public Law 93–415; 88 Stat. 1133) (relating to miscella-  
12          neous and conforming amendments).

13                   **TITLE IV—MISCELLANEOUS**  
14                                   **PROVISIONS**

15   **SEC. 401. EVALUATION BY GOVERNMENT ACCOUNTABILITY**  
16                                   **OFFICE.**

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

20               (1) conduct a comprehensive analysis and eval-  
21               uation regarding the performance of the Office of  
22               Juvenile Justice and Delinquency Prevention (re-  
23               ferred to in this section as “the agency”), its func-  
24               tions, its programs, and its grants;

1           (2) conduct a comprehensive audit and evalua-  
2           tion of a selected, sample of grantees (as determined  
3           by the Comptroller General) that receive Federal  
4           funds under grant programs administered by the  
5           agency including a review of internal controls (as de-  
6           fined in section 103 of the Juvenile Justice and De-  
7           linquency Prevention Act of 1974 (42 U.S.C. 5603),  
8           as amended by this Act) to prevent fraud, waste,  
9           and abuse of funds by grantees; and

10           (3) submit a report in accordance with sub-  
11           section (d).

12           (b) CONSIDERATIONS FOR EVALUATION.—In con-  
13           ducting the analysis and evaluation under subsection  
14           (a)(1), and in order to document the efficiency and public  
15           benefit of the Juvenile Justice and Delinquency Preven-  
16           tion Act of 1974 (42 U.S.C. 5601 et seq.), excluding the  
17           Runaway and Homeless Youth Act (42 U.S.C. 5701 et  
18           seq.) and the Missing Children’s Assistance Act (42  
19           U.S.C. 5771 et seq.), the Comptroller General shall take  
20           into consideration—

21           (1) the outcome and results of the programs  
22           carried out by the agency and those programs ad-  
23           ministered through grants by the agency;



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

4           (3) the extent to which the jurisdiction of, and  
5 the programs administered by, the agency duplicate  
6 or conflict with the jurisdiction and programs of  
7 other agencies;

8           (4) the potential benefits of consolidating pro-  
9 grams administered by the agency with similar or  
10 duplicative programs of other agencies, and the po-  
11 tential for consolidating those programs;

12           (5) whether less restrictive or alternative meth-  
13 ods exist to carry out the functions of the agency  
14 and whether current functions or operations are im-  
15 peded or enhanced by existing statutes, rules, and  
16 procedures;

17           (6) the number and types of beneficiaries or  
18 persons served by programs carried out by the agen-  
19 cy;

20           (7) the manner with which the agency seeks  
21 public input and input from State and local govern-  
22 ments on the performance of the functions of the  
23 agency;

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

4           (9) whether greater oversight is needed of pro-  
5 grams developed with grants made by the agency;  
6 and

7           (10) the extent to which changes are necessary  
8 in the authorizing statutes of the agency in order for  
9 the functions of the agency to be performed in a  
10 more efficient and effective manner.

11       (c) CONSIDERATIONS FOR AUDITS.—In conducting  
12 the audit and evaluation under subsection (a)(2), and in  
13 order to document the efficiency and public benefit of the  
14 Juvenile Justice and Delinquency Prevention Act of 1974  
15 (42 U.S.C. 5601 et seq.), excluding the Runaway and  
16 Homeless Youth Act (42 U.S.C. 5701 et seq.) and the  
17 Missing Children’s Assistance Act (42 U.S.C. 5771 et  
18 seq.), the Comptroller General shall take into consider-  
19 ation—

20           (1) whether grantees timely file Financial Sta-  
21 tus Reports;

22           (2) whether grantees have sufficient internal  
23 controls to ensure adequate oversight of grant fund  
24 received;

1           (3) whether disbursements were accompanied  
2 with adequate supporting documentation (including  
3 invoices and receipts);

4           (4) whether expenditures were authorized;

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

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

9           (7) whether contracts were bid in accordance  
10 with program guidelines; and

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

13 (d) REPORT.—

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

17           (A) submit a report regarding the evalua-  
18 tion conducted under subsection (a) and audit  
19 under subsection (b), to the Speaker of the  
20 House of Representatives and the President pro  
21 tempore of the Senate; and

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

24           (2) CONTENTS.—The report submitted in ac-  
25 cordance with paragraph (1) shall include all audit

1 findings determined by the selected, statistically sig-  
 2 nificant sample of grantees as required by subsection  
 3 (a)(2) and shall include the name and location of  
 4 any selected grantee as well as any findings required  
 5 by subsection (a)(2).

6 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

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

10 **“TITLE VI—AUTHORIZATION OF**  
 11 **APPROPRIATIONS; ACCOUNT-**  
 12 **ABILITY AND OVERSIGHT**

13 **“SEC. 601. AUTHORIZATION OF APPROPRIATIONS.**

14 “(a) IN GENERAL.—There are authorized to be ap-  
 15 propriated to carry out this Act—

16 “(1) \$160,000,000 for fiscal year 2017;

17 “(2) \$162,400,000 for fiscal year 2018;

18 “(3) \$164,836,000 for fiscal year 2019;

19 “(4) \$167,308,540 for fiscal year 2020; and

20 “(5) \$169,818,168 for fiscal year 2021.

21 “(b) MENTORING PROGRAMS.—Not more than 20  
 22 percent of the amount authorized to be appropriated  
 23 under subsection (a) for a fiscal year may be used for  
 24 mentoring programs.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
2 The Juvenile Justice and Delinquency Prevention Act of  
3 1974 is amended by striking—

4 (1) section 299 (42 U.S.C. 5671);

5 (2) section 388 (42 U.S.C. 5751);

6 (3) section 408 (42 U.S.C. 5777); and

7 (4) section 505 (42 U.S.C. 5784).

8 **SEC. 403. ACCOUNTABILITY AND OVERSIGHT.**

9 (a) IN GENERAL.—Title VI of the Juvenile Justice  
10 and Delinquency Prevention Act of 1974, as added by this  
11 Act, is amended by adding at the end the following:

12 **“SEC. 602. ACCOUNTABILITY AND OVERSIGHT.**

13 “(a) SENSE OF CONGRESS.—It is the sense of Con-  
14 gress that, in order to ensure that at-risk youth and youth  
15 who come into contact with the juvenile justice system or  
16 the criminal justice system are treated fairly and the out-  
17 come of that contact is beneficial to the Nation—

18 “(1) the Department of Justice, through its Of-  
19 fice of Juvenile Justice and Delinquency Prevention,  
20 must restore meaningful enforcement of the core re-  
21 quirements in this Act;

22 “(2) the Attorney General should, not later  
23 than 90 days after the date of enactment of this  
24 Act, issue a proposed rule to update existing Federal  
25 regulations used to make State compliance deter-

1 minations and provide participating States with  
2 technical assistance to develop more effective and  
3 comprehensive data collection systems; and

4 “(3) States, which are entrusted with a fiscal  
5 stewardship role if they accept funds under this Act,  
6 must exercise vigilant oversight to ensure full com-  
7 pliance with the core requirements for juveniles pro-  
8 vided for in this Act.

9 “(b) ACCOUNTABILITY.—

10 “(1) AGENCY PROGRAM REVIEW.—

11 “(A) PROGRAMMATIC AND FINANCIAL AS-  
12 SESSMENT.—

13 “(i) IN GENERAL.—Not later than 60  
14 days after the date of enactment of this  
15 section, the Director of the Office of Audit,  
16 Assessment, and Management of the Office  
17 of Justice Programs at the Department of  
18 Justice (referred to in this section as the  
19 ‘Director’) shall—

20 “(I) conduct a comprehensive  
21 analysis and evaluation of the internal  
22 controls of the Office of Juvenile Jus-  
23 tice and Delinquency Prevention (re-  
24 ferred to in this section as the ‘agen-  
25 cy’) to determine if States and Indian

1 tribes receiving grants are following  
2 the requirements of the agency grant  
3 programs and what remedial action  
4 the agency has taken to recover any  
5 grant funds that are expended in vio-  
6 lation of grant programs, including in-  
7 stances where—

8 “(aa) supporting documen-  
9 tation was not provided for cost  
10 reports;

11 “(bb) unauthorized expendi-  
12 tures occurred; and

13 “(cc) subrecipients of grant  
14 funds were not compliance with  
15 program requirements;

16 “(II) conduct a comprehensive  
17 audit and evaluation of a selected sta-  
18 tistically significant sample of States  
19 and Indian tribes (as determined by  
20 the Director) that have received Fed-  
21 eral funds under this Act, including a  
22 review of internal controls to prevent  
23 fraud, waste, and abuse of funds by  
24 grantees;

1                   “(III) submit a report in accord-  
2                   ance with clause (iv).

3                   “(ii) CONSIDERATIONS FOR EVALUA-  
4                   TIONS.—In conducting the analysis and  
5                   evaluation under clause (i)(I), and in order  
6                   to document the efficiency and public ben-  
7                   efit of this Act, excluding the Runaway  
8                   and Homeless Youth Act and the Missing  
9                   Children’s Assistance Act, the Director  
10                  shall take into consideration the extent to  
11                  which—

12                   “(I) greater oversight is needed  
13                   of programs developed with grants  
14                   made by the agency;

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

20                   “(III) the agency has imple-  
21                   mented recommendations issued by  
22                   the Comptroller General or Office of  
23                   Inspector General relating to the  
24                   grant making and grant monitoring  
25                   responsibilities of the agency.



1                   “(iii) CONSIDERATIONS FOR AU-  
2                   DITS.—In conducting the audit and evalua-  
3                   tion under clause (i)(II), and in order to  
4                   document the efficiency and public benefit  
5                   of this Act, excluding the Runaway and  
6                   Homeless Youth Act and the Missing Chil-  
7                   dren’s Assistance Act, the Director shall  
8                   take into consideration—

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

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

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

19                               “(IV) whether expenditures were  
20                               authorized;

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

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

4                   “(iv) REPORT.—The Director shall  
5                   submit to Congress a report outlining the  
6                   results of the analysis, evaluation, and  
7                   audit conducted under clause (i), including  
8                   supporting materials, to the Speaker of the  
9                   House of Representatives and the Presi-  
10                  dent pro tempore of the Senate and shall  
11                  make such report available to the public  
12                  online, not later than 1 year after the date  
13                  of enactment of this section.

14                  “(B) ANALYSIS OF INTERNAL CON-  
15                  TROLS.—

16                  “(i) IN GENERAL.—Not later than 30  
17                  days after the date of enactment of this  
18                  section, the Administrator shall initiate a  
19                  comprehensive analysis and evaluation of  
20                  the internal controls of the agency to de-  
21                  termine whether, and to what extent,  
22                  States and Indian tribes that receive  
23                  grants under this Act are following the re-  
24                  quirements of the grant programs author-  
25                  ized under this Act.

1           “(ii) REPORT.—Not later than 180  
2 days after the date of enactment of this  
3 section, the Administrator shall submit to  
4 Congress a report containing—

5                   “(I) the findings of the analysis  
6 and evaluation conducted under clause  
7 (i);

8                   “(II) a description of remedial  
9 actions, if any, that will be taken by  
10 the Administrator to enhance the in-  
11 ternal controls of the agency and re-  
12 coup funds that may have been ex-  
13 pended in violation of law, regulations,  
14 or program requirements issued under  
15 this Act; and

16                   “(III) a description of—

17                           “(aa) the analysis conducted  
18 under clause (i);

19                           “(bb) whether the funds  
20 awarded under this Act have  
21 been used in accordance with  
22 law, regulations, program guid-  
23 ance, and applicable plans; and

24                           “(cc) the extent to which  
25 funds awarded to States and In-

1                   dian tribes under this Act en-  
2                   hanced the ability of grantees to  
3                   fulfill the core requirements.

4                   “(C) REPORT BY THE ATTORNEY GEN-  
5                   ERAL.—Not later than 180 days after the date  
6                   of enactment of this section, the Attorney Gen-  
7                   eral shall submit to the appropriate committees  
8                   of Congress a report on the estimated amount  
9                   of grant funds disbursed by the agency since  
10                  fiscal year 2010 that did not meet the require-  
11                  ments for awards of formula grants to States  
12                  under this Act.

13                  “(2) OFFICE OF INSPECTOR GENERAL PER-  
14                  FORMANCE AUDITS.—

15                  “(A) IN GENERAL.—In order to ensure the  
16                  effective and appropriate use of grants adminis-  
17                  tered under this Act and to prevent waste,  
18                  fraud, and abuse of funds by grantees, the In-  
19                  specter General of the Department of Justice  
20                  each year shall periodically conduct audits of  
21                  States and Indian tribes that receive grants  
22                  under this Act.

23                  “(B) DETERMINING SAMPLES.—The sam-  
24                  ple selected for audits under subparagraph (A)  
25                  shall be—

1 “(i) of an appropriate size to—

2 “(I) assess the grant programs  
3 authorized under this Act; and

4 “(II) act as a deterrent to finan-  
5 cial mismanagement; and

6 “(ii) selected based on—

7 “(I) the size of the grants award-  
8 ed to the recipient;

9 “(II) the past grant management  
10 performance of the recipient;

11 “(III) concerns identified by the  
12 Administrator, including referrals  
13 from the Administrator; and

14 “(IV) such other factors as deter-  
15 mined by the Inspector General of the  
16 Department of Justice.

17 “(C) PUBLIC AVAILABILITY ON  
18 WEBSITE.—The Attorney General shall make  
19 the summary of each review conducted under  
20 this section available on the website of the De-  
21 partment of Justice, subject to redaction as the  
22 Attorney General determines necessary to pro-  
23 tect classified and other sensitive information.

24 “(D) MANDATORY EXCLUSION.—A recipi-  
25 ent of grant funds under this Act that is found

1 to have an unresolved audit finding shall not be  
2 eligible to receive grant funds under this Act  
3 during the first 2 fiscal years beginning after  
4 the 12-month period beginning on the date on  
5 which the audit report is issued.

6 “(E) PRIORITY.—In awarding grants  
7 under this Act, the Administrator shall give pri-  
8 ority to a State or Indian tribe that did not  
9 have an unresolved audit finding during the 3  
10 fiscal years prior to the date on which the eligi-  
11 ble entity submits an application for a grant  
12 under this Act.

13 “(F) REIMBURSEMENT.—If a State or In-  
14 dian tribe is awarded grant funds under this  
15 Act during the 2-fiscal-year period in which the  
16 entity is barred from receiving grants under  
17 subparagraph (I), the Attorney General shall—

18 “(i) deposit an amount equal to the  
19 amount of the grant funds that were im-  
20 properly awarded to the grantee into the  
21 General Fund of the Treasury; and

22 “(ii) seek to recoup the costs of the  
23 repayment to the General Fund under  
24 clause (i) from the grantee that was erro-  
25 neously awarded grant funds.

1           “(G) DEFINITION.—In this paragraph, the  
2 term ‘unresolved audit finding’ means a finding  
3 in the final audit report of the Inspector Gen-  
4 eral—

5           “(i) that the audited State or Indian  
6 tribe has used grant funds for an unau-  
7 thorized expenditure or otherwise unallow-  
8 able cost; and

9           “(ii) that is not closed or resolved  
10 during the 12-month period beginning on  
11 the date on which the final audit report is  
12 issued.

13           “(3) NONPROFIT ORGANIZATION REQUIRE-  
14 MENTS.—

15           “(A) DEFINITION.—For purposes of this  
16 paragraph and the grant programs described in  
17 this Act, the term ‘nonprofit organization’  
18 means an organization that is described in sec-  
19 tion 501(c)(3) of the Internal Revenue Code of  
20 1986 and is exempt from taxation under section  
21 501(a) of such Code.

22           “(B) PROHIBITION.—The Administrator  
23 may not award a grant under any grant pro-  
24 gram described in this Act to a nonprofit orga-  
25 nization that holds money in offshore accounts

1 for the purpose of avoiding paying the tax de-  
2 scribed in section 511(a) of the Internal Rev-  
3 enue Code of 1986.

4 “(C) DISCLOSURE.—

5 “(i) IN GENERAL.—Each nonprofit or-  
6 ganization that is awarded a grant under  
7 a grant program described in this Act and  
8 uses the procedures prescribed in regula-  
9 tions to create a rebuttable presumption of  
10 reasonableness for the compensation of its  
11 officers, directors, trustees, and key em-  
12 ployees, shall disclose to the Administrator,  
13 in the application for the grant, the proc-  
14 ess for determining such compensation, in-  
15 cluding—

16 “(I) the independent persons in-  
17 volved in reviewing and approving  
18 such compensation;

19 “(II) the comparability data  
20 used; and

21 “(III) contemporaneous substan-  
22 tiation of the deliberation and deci-  
23 sion.

24 “(ii) PUBLIC INSPECTION UPON RE-  
25 QUEST.—Upon request, the Administrator



1           shall make the information disclosed under  
2           clause (i) available for public inspection.

3           “(4) CONFERENCE EXPENDITURES.—

4           “(A) LIMITATION.—No amounts author-  
5           ized to be appropriated to the Department of  
6           Justice under this Act may be used by the At-  
7           torney General, or by any individual or organi-  
8           zation awarded discretionary funds through a  
9           cooperative agreement under this Act, to host  
10          or support any expenditure for conferences that  
11          uses more than \$20,000 in funds made avail-  
12          able to the Department of Justice, unless the  
13          Deputy Attorney General or such Assistant At-  
14          torney Generals, Directors, or principal deputies  
15          as the Deputy Attorney General may designate,  
16          provides prior written authorization that the  
17          funds may be expended to host a conference.

18          “(B) WRITTEN APPROVAL.—Written ap-  
19          proval under subparagraph (A) shall include a  
20          written estimate of all costs associated with the  
21          conference, including the cost of all food and  
22          beverages, audiovisual equipment, honoraria for  
23          speakers, and entertainment.

24          “(C) REPORT.—The Deputy Attorney Gen-  
25          eral shall submit an annual report to the Com-

1 mittee on the Judiciary of the Senate and the  
2 Committee on the Judiciary of the House of  
3 Representatives on all conference expenditures  
4 approved under this paragraph.

5 “(5) PROHIBITION ON LOBBYING ACTIVITY.—

6 “(A) IN GENERAL.—Amounts authorized  
7 to be appropriated under this Act may not be  
8 utilized by any recipient of a grant made using  
9 such amounts to—

10 “(i) lobby any representative of the  
11 Department of Justice regarding the  
12 award of grant funding; or

13 “(ii) lobby any representative of a  
14 Federal, State, local, or tribal government  
15 regarding the award of grant funding.

16 “(B) PENALTY.—If the Attorney General  
17 determines that any recipient of a grant made  
18 using amounts authorized to be appropriated  
19 under this Act has violated subparagraph (A),  
20 the Attorney General shall—

21 “(i) require the grant recipient to  
22 repay the grant in full; and

23 “(ii) prohibit the grant recipient from  
24 receiving another grant under this Act for  
25 not less than 5 years.

1           “(6) ANNUAL CERTIFICATION.—Beginning in  
2 the first fiscal year beginning after the date of en-  
3 actment of this section, the Attorney General shall  
4 submit, to the Committee on the Judiciary and the  
5 Committee on Appropriations of the Senate and the  
6 Committee on the Judiciary and the Committee on  
7 Appropriations of the House of Representatives, an  
8 annual certification that—

9           “(A) all audits issued by the Office of the  
10 Inspector General of the Department of Justice  
11 under paragraph (2) have been completed and  
12 reviewed by the appropriate Assistant Attorney  
13 General or Director;

14           “(B) all mandatory exclusions required  
15 under paragraph (2)(I) have been issued;

16           “(C) all reimbursements required under  
17 paragraph (2)(K)(i) have been made; and

18           “(D) includes a list of any grant recipients  
19 excluded under paragraph (2)(I) during the  
20 preceding fiscal year.

21           “(c) PREVENTING DUPLICATIVE GRANTS.—

22           “(1) IN GENERAL.—Before the Attorney Gen-  
23 eral awards a grant to an applicant under this Act,  
24 the Attorney General shall compare potential grant  
25 awards with other grants awarded under this Act to

1 determine if duplicate grant awards are awarded for  
2 the same purpose.

3 “(2) REPORT.—If the Attorney General awards  
4 duplicate grants to the same applicant for the same  
5 purpose the Attorney General shall submit to the  
6 Committee on the Judiciary of the Senate and the  
7 Committee on the Judiciary of the House of Rep-  
8 resentatives a report that includes—

9 “(A) a list of all duplicate grants awarded,  
10 including the total dollar amount of any dupli-  
11 cate grants awarded; and

12 “(B) the reason the Attorney General  
13 awarded the duplicative grant.

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

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—

21 (1) IN GENERAL.—The Juvenile Justice and  
22 Delinquency Prevention Act of 1974 is amended by  
23 striking section 407 (42 U.S.C. 5776a).

24 (2) EFFECTIVE DATE.—The amendment made  
25 by paragraph (1) shall take effect on the first day

1 of the first fiscal year beginning after the date of en-  
2 actment of this Act.

3 (3) SAVINGS CLAUSE.—In the case of an entity  
4 that is barred from receiving grant funds under  
5 paragraph (2) or (7)(B)(ii) of section 407 of the Ju-  
6 venile Justice and Delinquency Prevention Act of  
7 1974 (42 U.S.C. 5776a), the amendment made by  
8 paragraph (1) of this subsection shall not affect the  
9 applicability to the entity, or to the Attorney Gen-  
10 eral with respect to the entity, of paragraph (2), (3),  
11 or (7) of such section 407, as in effect on the day  
12 before the effective date under paragraph (2) of this  
13 subsection.

14 **TITLE V—JUVENILE ACCOUNT-**  
15 **ABILITY BLOCK GRANTS**

16 **SEC. 501. GRANT ELIGIBILITY.**

17 Section 1802(a) of title I of the Omnibus Crime Con-  
18 trol and Safe Streets Act of 1968 (42 U.S.C. 3796ee-  
19 2(a)) is amended—

20 (1) in paragraph (1), by striking “and” at the  
21 end;

22 (2) in paragraph (2), by striking the period at  
23 the end and inserting “; and”; and

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

1           “(3) assurances that the State agrees to comply  
2           with the core requirements, as defined in section 103  
3           of the Juvenile Justice and Delinquency Prevention  
4           Act of 1974 (42 U.S.C. 5603), applicable to the de-  
5           tention and confinement of juveniles.”.

○