

## JUVENILE JUSTICE REFORM ACT OF 2017

MAY 4, 2017.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Ms. FOXX, from the Committee on Education and the Workforce,  
submitted the following

### R E P O R T

[To accompany H.R. 1809]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 1809) to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Juvenile Justice Reform Act of 2017”.

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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

#### TITLE I—DECLARATION OF FINDINGS, PURPOSE, AND DEFINITIONS

Sec. 101. Findings.  
Sec. 102. Purposes.  
Sec. 103. 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. Repeal of juvenile delinquency prevention block grant program.  
Sec. 207. Research and evaluation; statistical analyses; information dissemination.  
Sec. 208. Training and technical assistance.  
Sec. 209. Authorization of appropriations.  
Sec. 210. Administrative authority.

#### TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 301. Short Title.  
Sec. 302. Definitions.  
Sec. 303. Duties and functions of the administrator.  
Sec. 304. Grants for delinquency prevention programs.

Sec. 305. Grants for tribal delinquency prevention and response programs.  
 Sec. 306. Authorization of appropriations.  
 Sec. 307. Technical amendment.

TITLE IV—MISCELLANEOUS PROVISIONS

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

**TITLE I—DECLARATION OF FINDINGS,  
 PURPOSE, AND DEFINITIONS**

**SEC. 101. FINDINGS.**

Section 101(a)(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)(9)) is amended by inserting “, including offenders who enter the juvenile justice system as the result of sexual abuse, exploitation, and trauma,” after “young juvenile offenders”.

**SEC. 102. PURPOSES.**

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

- (1) in paragraph (1), by inserting “, tribal,” after “State”;
- (2) in paragraph (2)—
  - (A) by inserting “, tribal,” after “State”; and
  - (B) by striking “and” at the end;

(3) by amending paragraph (3) to read as follows:

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

(4) by adding at the end the following:

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

**SEC. 103. DEFINITIONS.**

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

- (1) in paragraph (8)—
  - (A) in subparagraph (B)(ii), by adding “or” at the end;
  - (B) by striking subparagraph (C); and
  - (C) by redesignating subparagraph (D) as subparagraph (C);
- (2) in paragraph (18)—

- (A) by inserting “for purposes of title II,” before “the term”; and
- (B) by adding at the end the following:

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

(3) by amending paragraph (22) to read as follows:

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

(4) by amending paragraph (25) to read as follows:

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

(5) by amending paragraph (26) to read as follows:

“(26) the term ‘adult inmate’—

“(A) means an individual who—

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

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

“(B) does not include an individual who—

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

“(ii) was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency

- by a court of competent jurisdiction or by operation of applicable State law;”;
- (6) in paragraph (28), by striking “and” at the end;
- (7) in paragraph (29), by striking the period at the end and inserting a semicolon; and
- (8) by adding at the end the following:
- “(30) the term ‘core requirements’—
- “(A) means the requirements described in paragraphs (11), (12), (13), and (15) of section 223(a); and
- “(B) does not include the data collection requirements described in subparagraphs (A) through (K) of section 207(1);
- “(31) the term ‘chemical agent’ means a spray or injection used to temporarily incapacitate a person, including oleoresin capsicum spray, tear gas, and 2-chlorobenzalmalonitrile gas;
- “(32) the term ‘isolation’—
- “(A) means any instance in which a youth is confined alone for more than 10 minutes in a room or cell; and
- “(B) does not include—
- “(i) confinement during regularly scheduled sleeping hours;
- “(ii) separation based on a treatment program approved by a licensed medical or mental health professional;
- “(iii) confinement or separation that is requested by the youth; or
- “(iv) the separation of the youth from a group in a nonlocked setting for the limited purpose of calming;
- “(33) the term ‘restraints’ has the meaning given that term in section 591 of the Public Health Service Act (42 U.S.C. 290ii);
- “(34) the term ‘evidence-based’ means a program or practice that—
- “(A) is demonstrated to be effective when implemented with fidelity;
- “(B) is based on a clearly articulated and empirically supported theory;
- “(C) has measurable outcomes relevant to juvenile justice, including a detailed description of the outcomes produced in a particular population, whether urban or rural; and
- “(D) has been scientifically tested and proven effective through randomized control studies or comparison group studies and with the ability to replicate and scale;
- “(35) the term ‘promising’ means a program or practice that—
- “(A) is demonstrated to be effective based on positive outcomes relevant to juvenile justice from 1 or more objective, independent, and scientifically valid evaluations, as documented in writing to the Administrator; and
- “(B) will be evaluated through a well-designed and rigorous study, as described in paragraph (34)(D);
- “(36) the term ‘dangerous practice’ means an act, procedure, or program that creates an unreasonable risk of physical injury, pain, or psychological harm to a juvenile subjected to the act, procedure, or program;
- “(37) the term ‘screening’ means a brief process—
- “(A) designed to identify youth who may have mental health, behavioral health, substance abuse, or other needs requiring immediate attention, intervention, and further evaluation; and
- “(B) the purpose of which is to quickly identify a youth with possible mental health, behavioral health, substance abuse, or other needs in need of further assessment;
- “(38) the term ‘assessment’ includes, at a minimum, an interview and review of available records and other pertinent information—
- “(A) by an appropriately trained professional who is licensed or certified by the applicable State in the mental health, behavioral health, or substance abuse fields; and
- “(B) which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth’s confinement;
- “(39) for purposes of section 223(a)(15), the term ‘contact’ means the points at which a youth and the juvenile justice system or criminal justice system officially intersect, including interactions with a juvenile justice, juvenile court, or law enforcement official;
- “(40) the term ‘trauma-informed’ means—
- “(A) understanding the impact that exposure to violence and trauma have on a youth’s physical, psychological, and psychosocial development;
- “(B) recognizing when a youth has been exposed to violence and trauma and is in need of help to recover from the adverse impacts of trauma; and
- “(C) responding in ways that resist retraumatization;

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

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

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

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

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

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

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

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

## **TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION**

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

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

(1) in subsection (a)—

(A) in paragraph (1), in the first sentence—

(i) by striking “a long-term plan, and implement” and inserting the following: “a long-term plan to improve the juvenile justice system in the United States, taking into account scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents, and shall implement”; and

(ii) by striking “research, and improvement of the juvenile justice system in the United States” and inserting “and research”; and

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

(2) in subsection (b)—

(A) by striking paragraph (7);

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

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

“(5) not later than 1 year after the date of enactment of the Juvenile Justice Reform Act of 2017, in consultation with Indian tribes, develop a policy for the Office of Juvenile Justice and Delinquency Prevention to collaborate with representatives of Indian tribes with a criminal justice function on the implementation of the provisions of this Act relating to Indian tribes;”;

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

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

(i) by striking “monitoring”;

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

and

(iii) by striking “to review the adequacy of such systems; and” and inserting “for monitoring compliance.”.

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

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

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “the Assistant Secretary for Mental Health and Substance Use, the Secretary of the Interior,” after “the Secretary of Health and Human Services,”; and

(ii) by striking “Commissioner of Immigration and Naturalization” and inserting “Assistant Secretary for Immigration and Customs Enforcement”; and

- (B) in paragraph (2), by striking “United States” and inserting “Federal Government”; and
- (2) in subsection (c)—
  - (A) in paragraph (1), by striking “paragraphs (12)(A), (13), and (14) of section 223(a) of this title” and inserting “the core requirements”; and
  - (B) in paragraph (2)—
    - (i) in the matter preceding subparagraph (A), by inserting “, on an annual basis” after “collectively”; and
    - (ii) by striking subparagraph (B) and inserting the following:
      - “(B) not later than 120 days after the completion of the last meeting of the Council during any fiscal year, submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate a report that—
        - “(i) contains the recommendations described in subparagraph (A);
        - “(ii) includes a detailed account of the activities conducted by the Council during the fiscal year, including a complete detailed accounting of expenses incurred by the Council to conduct operations in accordance with this section;
        - “(iii) is published on the Web sites of the Office of Juvenile Justice and Delinquency Prevention, the Council, and the Department of Justice; and
        - “(iv) is in addition to the annual report required under section 207.”.

**SEC. 203. ANNUAL REPORT.**

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

- (1) in the matter preceding paragraph (1), by striking “a fiscal year” and inserting “each fiscal year”;
- (2) in paragraph (1)—
  - (A) in subparagraph (B), by striking “and gender” and inserting “, gender, and ethnicity, as such term is defined by the Bureau of the Census,”;
  - (B) in subparagraph (E), by striking “and” at the end;
  - (C) in subparagraph (F)—
    - (i) by inserting “and other” before “disabilities,”; and
    - (ii) by striking the period at the end and inserting a semicolon; and
  - (D) by adding at the end the following:
    - “(G) a summary of data from 1 month of the applicable fiscal year of the use of restraints and isolation upon juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government;
    - “(H) the number of status offense cases petitioned to court, number of status offenders held in secure detention, the findings used to justify the use of secure detention, and the average period of time a status offender was held in secure detention;
    - “(I) the number of juveniles released from custody and the type of living arrangement to which they are released;
    - “(J) the number of juveniles whose offense originated on school grounds, during school-sponsored off-campus activities, or due to a referral by a school official, as collected and reported by the Department of Education or similar State educational agency; and
    - “(K) the number of juveniles in the custody of secure detention and correctional facilities operated by a State or unit of local government who report being pregnant.”; and
- (3) by adding at the end the following:
  - “(5) A description of the criteria used to determine what programs qualify as evidence-based and promising programs under this title and title V and a comprehensive list of those programs the Administrator has determined meet such criteria in both rural and urban areas.
  - “(6) A description of funding provided to Indian tribes under this Act or for a juvenile delinquency or prevention program under the Tribal Law and Order Act of 2010 (Public Law 111–211; 124 Stat. 2261), including direct Federal grants and funding provided to Indian tribes through a State or unit of local government.
  - “(7) An analysis and evaluation of the internal controls at the Office of Juvenile Justice and Delinquency Prevention to determine if grantees are following the requirements of the Office of Juvenile Justice and Delinquency Prevention grant programs and what remedial action the Office of Juvenile Justice and Delinquency Prevention has taken to recover any grant funds that are expended in violation of the grant programs, including instances—

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

“(B) where unauthorized expenditures occurred; or

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

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

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

“(B) the violation of the program found;

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

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

#### SEC. 204. ALLOCATION OF FUNDS.

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

(b) OTHER ALLOCATIONS.—Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

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

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

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

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

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

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

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

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

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

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

#### SEC. 205. STATE PLANS.

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

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “and shall describe the status of compliance with State plan requirements.” and inserting “and shall describe how the State plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents. Not later than 60 days after the date on which a plan or amended plan submitted under this subsection is finalized, a State shall make the plan or amended plan publicly available by posting the plan or amended plan on the State’s publicly available website.”;

(B) in paragraph (1), by striking “described in section 299(c)(1)” and inserting “as designated by the chief executive officer of the State”;

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (i), by inserting “adolescent development,” after “concerning”;

(II) in clause (ii)—

(aa) in subclause (II), by inserting “publicly supported court-appointed legal counsel with experience representing juveniles in delinquency proceedings,” after “youth,”;

(bb) in subclause (III), by striking “mental health, education, special education” and inserting “child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities”;

(cc) in subclause (V), by striking “delinquents or potential delinquents” and inserting “delinquent youth or youth at risk of delinquency”;

(dd) in subclause (VI), by striking “youth workers involved with” and inserting “representatives of”;

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

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

“(IX) representatives of victim or witness advocacy groups, including at least 1 individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma, particularly the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and trauma before entering the juvenile justice system; and

“(X) for a State in which 1 or more Indian tribes are located, an Indian tribal representative or other individual with significant expertise in tribal law enforcement and juvenile justice in Indian tribal communities;”;

(III) in clause (iv), by striking “24 at the time of appointment” and inserting “28 at the time of initial appointment”; and

(IV) in clause (v) by inserting “or, if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system” after “juvenile justice system”;

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

(iii) in subparagraph (D)—

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

(II) in clause (ii), by striking “at least annually recommendations regarding State compliance with the requirements of paragraphs (11), (12), and (13)” and inserting “at least every 2 years a report and necessary recommendations regarding State compliance with the core requirements”; and

(iv) in subparagraph (E)—

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

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

(D) in paragraph (5)(C), by striking “Indian tribes” and all that follows through “applicable to the detention and confinement of juveniles” and inserting “Indian tribes that agree to attempt to comply with the core requirements applicable to the detention and confinement of juveniles”;

(E) in paragraph (7)—

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

(ii) in subparagraph (B)—

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

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

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

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

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

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

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

“(ix) not later than 1 year after the date of enactment of the Juvenile Justice Reform Act of 2017, a plan, which shall be implemented not later than 2 years after the date of enactment of the Juvenile Justice Reform Act of 2017, to—

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

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

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

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

(F) in paragraph (8), by striking “existing” and inserting “evidence-based and promising”;

(G) in paragraph (9)—

(i) in the matter preceding subparagraph (A), by inserting “, with priority in funding given to entities meeting the criteria for evidence-based or promising programs” after “used for”;

(ii) in subparagraph (A)—

(I) in clause (i)—

(aa) by inserting “status offenders and other” before “youth who need”; and

(bb) by striking “and” at the end;

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

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

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

(iii) in subparagraph (B)(i)—

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

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

(iv) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking “delinquent” and inserting “at-risk or delinquent youth”; and

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

(v) in subparagraph (F), in the matter preceding clause (i), by striking “expanding” and inserting “programs to expand”;

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

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

“(G) programs—

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

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

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

(viii) in subparagraph (H), as so redesignated, by striking “State,” each place the term appears and inserting “State, tribal,”;

(ix) in subparagraph (M), as so redesignated—

(I) in clause (i)—

- (aa) by inserting “pre-adjudication and” before “post-adjudication”;
- (bb) by striking “restraints” and inserting “alternatives”; and
- (cc) by inserting “specialized or problem-solving courts,” after “(including”); and
- (II) in clause (ii)—
  - (aa) by striking “by the provision by the Administrator”; and
  - (bb) by striking “to States”;
- (x) in subparagraph (N), as redesignated—
  - (I) by inserting “and reduce the risk of recidivism” after “families”; and
  - (II) by striking “so that such juveniles may be retained in their homes”;
- (xi) in subparagraph (S), as so redesignated, by striking “and” at the end;
- (xii) in subparagraph (T), as so redesignated—
  - (I) by inserting “or co-occurring disorder” after “mental health”;
  - (II) by inserting “court-involved or” before “incarcerated”;
  - (III) by striking “suspected to be”;
  - (IV) by striking “and discharge plans” and inserting “provision of treatment, and development of discharge plans”; and
  - (V) by striking the period at the end and inserting a semicolon; and
- (xiii) by inserting after subparagraph (T) the following:
  - “(U) programs and projects designed—
    - “(i) to inform juveniles of the opportunity and process for sealing and expunging juvenile records; and
    - “(ii) to assist juveniles in pursuing juvenile record sealing and expungements for both adjudications and arrests not followed by adjudications;
      - except that the State may not use more than 2 percent of the funds received under section 222 for these purposes;
      - “(V) programs that address the needs of girls in or at risk of entering the juvenile justice system, including pregnant girls, young mothers, victims of sexual abuse, survivors of commercial sexual exploitation or domestic child sex trafficking, girls with disabilities, and girls of color, including girls who are members of an Indian tribe; and
      - “(W) monitoring for compliance with the core requirements and providing training and technical assistance on the core requirements to secure facilities.”;
  - (H) by striking paragraph (11) and inserting the following:
    - “(11)(A) in accordance with rules issued by the Administrator, provide that a juvenile shall not be placed in a secure detention facility or a secure correctional facility, if—
      - “(i) the juvenile is charged with or has committed an offense that would not be criminal if committed by an adult, excluding—
        - “(I) a juvenile who is charged with or has committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;
        - “(II) a juvenile who is charged with or has committed a violation of a valid court order issued and reviewed in accordance with paragraph (23); and
        - “(III) a juvenile who is held in accordance with the Interstate Compact on Juveniles as enacted by the State; or
      - “(ii) the juvenile—
        - “(I) is not charged with any offense; and
        - “(II)(aa) is an alien; or
        - “(bb) is alleged to be dependent, neglected, or abused; and
- “(B) require that—
  - “(i) not later than 3 years after the date of enactment of the Juvenile Justice Reform Act of 2017, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—
    - “(I) shall not have sight or sound contact with adult inmates; and
    - “(II) except as provided in paragraph (13), may not be held in any jail or lockup for adults;

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

“(I) the age of the juvenile;

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

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

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

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

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

“(VII) any other relevant factor; and

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

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

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

(I) in paragraph (12)(A), by striking “contact” and inserting “sight or sound contact”;

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

(K) in paragraph (14)—

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

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

(iii) by inserting “and” after “detention facilities,”;

(iv) by striking “, and non-secure facilities”;

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

(vi) by striking “requirements of paragraphs (11), (12), and (13)” and inserting “core requirements”; and

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

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

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

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

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

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

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

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

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

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

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

(R) in paragraph (23)—

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

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

(iii) in subparagraph (C)—

- (I) in clause (i), by striking “and” at the end;
- (II) in clause (ii), by adding “and” at the end; and
- (III) by adding at the end the following:

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

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

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

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

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

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

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

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

(iv) by adding at the end the following:

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

“(E) not later than September 30, 2020 (with a 1-year extension for each additional fiscal year that a State can demonstrate hardship, as determined by the State, and submits in writing evidence of such hardship to the Administrator which shall be considered approved unless the Administrator justifies to the State in writing that the hardship does not qualify for an exemption), the State will eliminate the use of valid court orders to provide secure confinement of status offenders, except that juveniles may be held in secure confinement in accordance with the Interstate Compact for Juveniles if the judge issues a written order that—

“(i) specifies the factual basis to believe that the State has the authority to detain the juvenile under the terms of the Interstate Compact for Juveniles;

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

“(iii) specifies the length of time a juvenile may remain in secure confinement, not to exceed 15 days, and includes a plan for the return of the juvenile to the home State of the juvenile; and

“(iv) may not be renewed or extended;”;

(S) in paragraph (26)—

(i) by inserting “and in accordance with confidentiality concerns,” after “maximum extent practicable;”;

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

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

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

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

(U) by adding at the end the following:

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

“(29) describe the policies, procedures, and training in effect for the staff of juvenile State correctional facilities to eliminate the use of dangerous practices,

unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques;

“(30) describe—

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

“(i) request a screening;

“(ii) show signs of needing a screening; or

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

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

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

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

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

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

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

“(B) review processes;

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

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

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

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

“(33) describe policies and procedures to—

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

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

(2) by amending subsection (c) to read as follows:

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

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

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

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

“(ii) the Administrator determines that the State—

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

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

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

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

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

(3) in subsection (d)—

(A) by striking “described in paragraphs (11), (12), (13), and (22) of subsection (a)” and inserting “described in the core requirements”; and

(B) by striking “the requirements under paragraphs (11), (12), (13), and (22) of subsection (a)” and inserting “the core requirements”;

(4) in subsection (f)(2)—

(A) by striking subparagraph (A); and

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

(5) by adding at the end the following:

“(g) COMPLIANCE DETERMINATION.—

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

“(2) REPORTING.—The Administrator shall—

“(A) issue an annual public report—

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

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

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

“(3) DETERMINATIONS REQUIRED.—The Administrator may not—

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

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

**SEC. 206. REPEAL OF JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.**

Part C of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651 et seq.) is repealed.

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

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

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “may” and inserting “shall”;

(ii) in subparagraph (A), by striking “plan and identify” and inserting “annually publish a plan to identify”; and

(iii) in subparagraph (B)—

(I) by striking clause (iii) and inserting the following:

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

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

“(vii) the prevalence and duration of behavioral health needs (including mental health, substance abuse, and co-occurring disorders) among juveniles pre-placement and post-placement in the juvenile justice system, including an examination of the effects of secure confinement;”;

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

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

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

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

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

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

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

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

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

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “date of enactment of this paragraph, the” and inserting “date of enactment of the Juvenile Justice Reform Act of 2017, the”; and

(II) by inserting “in accordance with relevant confidentiality requirements” after “wards of the State”; and

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

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

(iv) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

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

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

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

(3) by adding at the end the following:

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

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

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

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

#### SEC. 208. TRAINING AND TECHNICAL ASSISTANCE.

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

(1) in subsection (a)—

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

(B) in paragraph (1)—

(i) by inserting “shall” before “develop and carry out projects”; and

(ii) by striking “and” after the semicolon;

(C) in paragraph (2)—

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

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

(D) by adding at the end the following:

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

(2) in subsection (b)—

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

(B) in paragraph (1)—

(i) by inserting “shall” before “develop and implement projects”;

(ii) by inserting “, including compliance with the core requirements” after “this title”; and

(iii) by striking “and” at the end;

(C) in paragraph (2)—

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

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

(D) by adding at the end the following:

“(3) shall provide technical assistance to States and units of local government on achieving compliance with the amendments to the core requirements and State Plans made by the Juvenile Justice Reform Act of 2017, including training and technical assistance and, when appropriate, pilot or demonstration projects intended to develop and replicate best practices for achieving sight and sound separation in facilities or portions of facilities that are open and available to the general public and that may or may not contain a jail or a lock-up; and

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

(3) in subsection (c)—

(A) by inserting “prosecutors,” after “public defenders,”; and

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

(4) by adding at the end the following:

“(d) BEST PRACTICES REGARDING LEGAL REPRESENTATION OF CHILDREN.—In consultation with experts in the field of juvenile defense, the Administrator shall—

“(1) share best practices, which may include sharing standards of practice developed by recognized entities in the profession, for attorneys representing children; and

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

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

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

“(2) to encourage alternative behavior management techniques based on positive youth development approaches, which may include policies and procedures to train personnel to be culturally competent.

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

“(1) juvenile justice intake personnel;

“(2) probation officers;

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

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

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

“(g) TRAINING AND TECHNICAL ASSISTANCE TO SUPPORT JUVENILE COURT JUDGES AND PERSONNEL.—The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention and the Office of Justice Programs, shall provide training and technical assistance, in conjunction with the appropriate public agencies, to enhance the capacity of State and local courts, judges, and related judicial personnel to—

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

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

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

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

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsections (b) and (c), and redesignating subsection (d) as subsection (b);

(2) in subsection (a)—

(A) in the heading, by striking “(EXCLUDING PARTS C AND E)”;

(B) by striking paragraph (1) and inserting the following:

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

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

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

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

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

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

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “(other than parts C and E)”; and

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

**SEC. 210. ADMINISTRATIVE AUTHORITY.**

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

(1) in subsection (d)—

(A) by inserting “(1)” before “The Administrator”;

(B) by striking “, after appropriate consultation with representatives of States and units of local government.”;

(C) by inserting “guidance,” after “regulations.”; and

(D) by adding at the end the following: “In developing guidance and procedures, the Administrator shall consult with representatives of States and units of local government, including those individuals responsible for administration of this Act and compliance with the core requirements.”

“(2) The Administrator shall ensure that—

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

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

(2) in subsection (e), by striking “requirements described in paragraphs (11), (12), and (13) of section 223(a)” and inserting “core requirements”.

## **TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS**

**SEC. 301. SHORT TITLE.**

Section 501 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5601 note) is amended—

(1) by inserting “Youth Promise” before “Incentive Grants”; and

(2) by striking “2002” and inserting “2017”.

**SEC. 302. DEFINITIONS.**

Section 502 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5781) is amended to read as follows:

**“SEC. 502. DEFINITIONS.**

“In this title—

“(1) the term ‘at-risk’ has the meaning given that term in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472);

“(2) the term ‘eligible entity’ means—

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

“(B) a nonprofit organization in partnership with a unit of local government described in subparagraph (A);

“(3) the term ‘delinquency prevention program’ means a delinquency prevention program that is evidence-based or promising and that may include—

“(A) alcohol and substance abuse prevention or treatment services;

“(B) tutoring and remedial education, especially in reading and mathematics;

“(C) child and adolescent health and mental health services;

- “(D) recreation services;
- “(E) leadership and youth development activities;
- “(F) the teaching that individuals are and should be held accountable for their actions;
- “(G) assistance in the development of job training skills;
- “(H) youth mentoring programs;
- “(I) after-school programs;
- “(J) coordination of a continuum of services, which may include—
  - “(i) early childhood development services;
  - “(ii) voluntary home visiting programs;
  - “(iii) nurse-family partnership programs;
  - “(iv) parenting skills training;
  - “(v) child abuse prevention programs;
  - “(vi) family stabilization programs;
  - “(vii) child welfare services;
  - “(viii) family violence intervention programs;
  - “(ix) adoption assistance programs;
  - “(x) emergency, transitional and permanent housing assistance;
  - “(xi) job placement and retention training;
  - “(xii) summer jobs programs;
  - “(xiii) alternative school resources for youth who have dropped out of school or demonstrate chronic truancy;
  - “(xiv) conflict resolution skill training;
  - “(xv) restorative justice programs;
  - “(xvi) mentoring programs;
  - “(xvii) targeted gang prevention, intervention and exit services;
  - “(xviii) training and education programs for pregnant teens and teen parents; and
  - “(xix) pre-release, post-release, and reentry services to assist detained and incarcerated youth with transitioning back into and reentering the community; and
- “(K) other data-driven evidence-based or promising prevention programs;
- “(4) the term ‘local policy board’, when used with respect to an eligible entity, means a policy board that the eligible entity will engage in the development of the eligible entity’s plan described in section 504(e)(5), and that includes—
  - “(A) not fewer than 15 and not more than 21 members; and
  - “(B) a balanced representation of—
    - “(i) public agencies and private nonprofit organizations serving juveniles and their families; and
    - “(ii) business and industry;
  - “(C) at least one representative of the faith community, one adjudicated youth, and one parent of an adjudicated youth; and
  - “(D) in the case of an eligible entity described in paragraph (1)(B), a representative of the nonprofit organization of the eligible entity;
- “(5) the term ‘mentoring’ means matching 1 adult with 1 or more youths for the purpose of providing guidance, support, and encouragement through regularly scheduled meetings for not less than 9 months;
- “(6) the term ‘State advisory group’ means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a); and
- “(7) the term ‘State entity’ means the State agency designated under section 223(a)(1) or the entity receiving funds under section 223(d).”.

**SEC. 303. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.**

Section 503 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5782) is amended—

- (1) by striking paragraph (1); and
- (2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

**SEC. 304. GRANTS FOR DELINQUENCY PREVENTION PROGRAMS.**

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

**“SEC. 504. GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.**

“(a) PURPOSE.—The purpose of this section is to enable local communities to address the unmet needs of at-risk or delinquent youth, including through a continuum of delinquency prevention programs for juveniles who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system.

- “(b) PROGRAM AUTHORIZED.—The Administrator shall—
- “(1) for each fiscal year for which less than \$25,000,000 is appropriated under section 506, award grants to not fewer than 3 State entities, but not more than 5 State entities, that apply under subsection (c) and meet the requirements of subsection (d); or
- “(2) for each fiscal year for which \$25,000,000 or more is appropriated under section 506, award grants to not fewer than 5 State entities that apply under subsection (c) and meet the requirements of subsection (d).
- “(c) STATE APPLICATION.—To be eligible to receive a grant under this section, a State entity shall submit an application to the Administrator, which includes the following:
- “(1) An assurance the State entity will use—
- “(A) not more than 10 percent of such grant, in the aggregate—
- “(i) for the costs incurred by the State entity to carry out this section, except that not more than 3 percent of such grant may be used for such costs; and
- “(ii) to provide technical assistance to eligible entities receiving a subgrant under subsection (e) in carrying out delinquency prevention programs under the subgrant; and
- “(B) the remainder of such grant to award subgrants to eligible entities under subsection (e).
- “(2) An assurance that such grant will supplement, and not supplant, State and local efforts to prevent juvenile delinquency.
- “(3) An assurance the State entity will evaluate the capacity of eligible entities receiving a subgrant under subsection (e) to fulfill the requirements under such subsection.
- “(4) An assurance that such application was prepared after consultation with, and participation by, the State advisory group, units of local government, community-based organizations, and organizations that carry out programs, projects, or activities to prevent juvenile delinquency in the local juvenile justice system served by the State entity.
- “(d) APPROVAL OF STATE APPLICATIONS.—In awarding grants under this section for a fiscal year, the Administrator may not award a grant to a State entity for a fiscal year unless—
- “(1)(A) the State that will be served by the State entity submitted a plan under section 223 for such fiscal year; and
- “(B) such plan is approved by the Administrator for such fiscal year; or
- “(2) after finding good cause for a waiver, the Administrator waives the plan required under subparagraph (A) for such State for such fiscal year.
- “(e) SUBGRANT PROGRAM.—
- “(1) PROGRAM AUTHORIZED.—
- “(A) IN GENERAL.—Each State entity receiving a grant under this section shall award subgrants to eligible entities in accordance with this subsection.
- “(B) PRIORITY.—In awarding subgrants under this subsection, the State entity shall give priority to eligible entities that demonstrate ability in—
- “(i) plans for service and agency coordination and collaboration including the collocation of services;
- “(ii) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities;
- “(iii) developing data-driven prevention plans, employing evidence-based prevention strategies, and conducting program evaluations to determine impact and effectiveness;
- “(iv) identifying under the plan submitted under paragraph (5) potential savings and efficiencies associated with successful implementation of such plan; and
- “(v) describing how such savings and efficiencies may be used to carry out delinquency prevention programs and be reinvested in the continuing implementation of such programs after the end of the subgrant period.
- “(C) SUBGRANT PROGRAM PERIOD AND DIVERSITY OF PROJECTS.—
- “(i) PROGRAM PERIOD.—A subgrant awarded to an eligible entity by a State entity under this section shall be for a period of not more than 5 years, of which the eligible entity—
- “(I) may use not more than 18 months for completing the plan submitted by the eligible entity under paragraph (5); and
- “(II) shall use the remainder of the subgrant period, after planning period described in subclause (I), for the implementation of such plan.

- “(ii) DIVERSITY OF PROJECTS.—In awarding subgrants under this subsection, a State entity shall ensure, to the extent practicable and applicable, that such subgrants are distributed throughout different areas, including urban, suburban, and rural areas.
- “(2) LOCAL APPLICATION.—An eligible entity that desires a subgrant under this subsection shall submit an application to the State entity in the State of the eligible entity, at such time and in such manner as determined by the State entity, and that includes—
- “(A) a description of—
- “(i) the local policy board and local partners the eligible entity will engage in the development of the plan described in paragraph (5);
- “(ii) the unmet needs of at-risk or delinquent youth in the community;
- “(iii) available resources in the community to meet the unmet needs identified in the needs assessment described in paragraph (5)(A);
- “(iv) potential costs to the community if the unmet needs are not addressed;
- “(B) a specific time period for the planning and subsequent implementation of its continuum of local delinquency prevention programs;
- “(C) the steps the eligible entity will take to implement the plan under subparagraph (A); and
- “(D) a plan to continue the grant activity with non-Federal funds, if proven successful according to the performance evaluation process under paragraph (5)(D), after the grant period.
- “(3) MATCHING REQUIREMENT.—An eligible entity desiring a subgrant under this subsection shall agree to provide a 50 percent match of the amount of the subgrant, which may include the value of in-kind contributions.
- “(4) SUBGRANT REVIEW.—
- “(A) REVIEW.—Not later than the end of the second year of a subgrant period for a subgrant awarded to an eligible entity under this subsection and before awarding the remaining amount of the subgrant to the eligible entity, the State entity shall—
- “(i) ensure that the eligible entity has completed the plan submitted under paragraph (2) and that the plan meets the requirements of such paragraph; and
- “(ii) verify that the eligible entity will begin the implementation of its plan upon receiving the next installment of its subgrant award.
- “(B) TERMINATION.—If the State entity finds through the review conducted under subparagraph (A) that the eligible entity has not met the requirements of clause (i) of such subparagraph, the State entity shall reallocate the amount remaining on the subgrant of the eligible entity to other eligible entities receiving a subgrant under this subsection or award the amount to an eligible entity during the next subgrant competition under this subsection.
- “(5) LOCAL USES OF FUNDS.—An eligible entity that receives a subgrant under this subsection shall use the funds to implement a plan to carry out delinquency prevention programs in the community served by the eligible entity in a coordinated manner with other delinquency prevention programs or entities serving such community, which includes—
- “(A) an analysis of the unmet needs of at-risk or delinquent youth in the community—
- “(i) which shall include—
- “(I) the available resources in the community to meet the unmet needs; and
- “(II) factors present in the community that may contribute to delinquency, such as homelessness, food insecurity, teen pregnancy, youth unemployment, family instability, lack of educational opportunity; and
- “(ii) may include an estimate—
- “(I) for the most recent year for which reliable data is available, the amount expended by the community and other entities for delinquency adjudication for juveniles and the incarceration of adult offenders for offenses committed in such community; and
- “(II) of potential savings and efficiencies that may be achieved through the implementation of the plan;
- “(B) a minimum 3-year comprehensive strategy to address the unmet needs and an estimate of the amount or percentage of non-Federal funds that are available to carry out the strategy;

“(C) a description of how delinquency prevention programs under the plan will be coordinated;

“(D) a description of the performance evaluation process of the delinquency prevention programs to be implemented under the plan, which shall include performance measures to assess efforts to address the unmet needs of youth in the community analyzed under subparagraph (A);

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

“(F) if such delinquency prevention programs are proven successful according to the performance evaluation process under subparagraph (D), a strategy to continue such programs after the subgrant period with non-Federal funds, including a description of how any estimated savings or efficiencies created by the implementation of the plan may be used to continue such programs.”.

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

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

**“SEC. 505. GRANTS FOR TRIBAL DELINQUENCY PREVENTION AND RESPONSE PROGRAMS.**

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

“(1) to support and enhance—

“(A) tribal juvenile delinquency prevention services; and

“(B) the ability of Indian tribes to respond to, and care for, at-risk or delinquent youth upon release; and

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

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

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

“(1) juvenile delinquency rates;

“(2) school dropout rates; and

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

“(d) AVAILABILITY OF FUNDS.—Of the amount available for a fiscal year to carry out this title, 11 percent shall be available to carry out this section.”.

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

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

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

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

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

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

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

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

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

**SEC. 307. TECHNICAL AMENDMENT.**

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

## TITLE IV—MISCELLANEOUS PROVISIONS

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

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

(1) conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice and Delinquency Prevention (referred to in this section as “the agency”), its functions, its programs, and its grants;

(2) conduct a comprehensive audit and evaluation of a selected, sample of grantees (as determined by the Comptroller General) that receive Federal funds under grant programs administered by the agency including a review of internal

controls (as defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603), as amended by this Act) to prevent fraud, waste, and abuse of funds by grantees; and

(3) submit a report in accordance with subsection (d).

(b) CONSIDERATIONS FOR EVALUATION.—In conducting the analysis and evaluation under subsection (a)(1), and in order to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), the Comptroller General shall take into consideration—

(1) the outcome and results of the programs carried out by the agency and those programs administered through grants by the agency;

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

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

(4) the potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating those programs;

(5) whether less restrictive or alternative methods exist to carry out the functions of the agency and whether current functions or operations are impeded or enhanced by existing statutes, rules, and procedures;

(6) the number and types of beneficiaries or persons served by programs carried out by the agency;

(7) the manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency;

(8) the extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the Freedom of Information Act);

(9) whether greater oversight is needed of programs developed with grants made by the agency; and

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

(c) CONSIDERATIONS FOR AUDITS.—In conducting the audit and evaluation under subsection (a)(2), and in order to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), the Comptroller General shall take into consideration—

(1) whether grantees timely file Financial Status Reports;

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

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

(4) whether expenditures were authorized;

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

(6) whether salaries and fringe benefits of personnel were adequately supported by documentation;

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

(8) whether grant funds were spent in accordance with program goals and guidelines.

(d) REPORT.—

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

(A) submit a report regarding the evaluation conducted under subsection (a) and audit under subsection (b), to the Speaker of the House of Representatives and the President pro tempore of the Senate; and

(B) make the report described in subparagraph (A) available to the public.

(2) CONTENTS.—The report submitted in accordance with paragraph (1) shall include all audit findings determined by the selected, statistically significant sample of grantees as required by subsection (a)(2) and shall include the name and location of any selected grantee as well as any findings required by subsection (a)(2).

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

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

**“TITLE VI—ACCOUNTABILITY AND OVERSIGHT****“SEC. 601. ACCOUNTABILITY AND OVERSIGHT.**

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

“(1) the Department of Justice, through its Office of Juvenile Justice and Delinquency Prevention, must restore meaningful enforcement of the core requirements in title II; and

“(2) States, which are entrusted with a fiscal stewardship role if they accept funds under title II must exercise vigilant oversight to ensure full compliance with the core requirements for juveniles provided for in title II.

“(b) ACCOUNTABILITY.—

“(1) AGENCY PROGRAM REVIEW.—

“(A) PROGRAMMATIC AND FINANCIAL ASSESSMENT.—

“(i) IN GENERAL.—Not later than 60 days after the date of enactment of the Juvenile Justice Reform Act of 2017, the Director of the Office of Audit, Assessment, and Management of the Office of Justice Programs at the Department of Justice (referred to in this section as the ‘Director’) shall—

“(I) conduct a comprehensive analysis and evaluation of the internal controls of the Office of Juvenile Justice and Delinquency Prevention (referred to in this section as the ‘agency’) to determine if States and Indian tribes receiving grants are following the requirements of the agency grant programs and what remedial action the agency has taken to recover any grant funds that are expended in violation of grant programs, including instances where—

“(aa) supporting documentation was not provided for cost reports;

“(bb) unauthorized expenditures occurred; and

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

“(II) conduct a comprehensive audit and evaluation of a selected statistically significant sample of States and Indian tribes (as determined by the Director) that have received Federal funds under title II, including a review of internal controls to prevent fraud, waste, and abuse of funds by grantees; and

“(III) submit a report in accordance with clause (iv).

“(ii) CONSIDERATIONS FOR EVALUATIONS.—In conducting the analysis and evaluation under clause (i)(I), and in order to document the efficiency and public benefit of titles II and V, the Director shall take into consideration the extent to which—

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

“(II) changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner; and

“(III) the agency has implemented recommendations issued by the Comptroller General or Office of Inspector General relating to the grant making and grant monitoring responsibilities of the agency.

“(iii) CONSIDERATIONS FOR AUDITS.—In conducting the audit and evaluation under clause (i)(II), and in order to document the efficiency and public benefit of titles II and V, the Director shall take into consideration—

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

“(II) whether grantees have sufficient internal controls to ensure adequate oversight of grant funds received;

“(III) whether grantees’ assertions of compliance with the core requirements were accompanied with adequate supporting documentation;

“(IV) whether expenditures were authorized;

“(V) whether subrecipients of grant funds were complying with program requirements; and

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

“(iv) REPORT.—The Director shall—

“(I) submit to the Congress a report outlining the results of the analysis, evaluation, and audit conducted under clause (i), including supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate; and

“(II) shall make such report available to the public online, not later than 1 year after the date of enactment of this section.

“(B) ANALYSIS OF INTERNAL CONTROLS.—

“(i) IN GENERAL.—Not later than 30 days after the date of enactment of the Juvenile Justice Reform Act of 2017, the Administrator shall initiate a comprehensive analysis and evaluation of the internal controls of the agency to determine whether, and to what extent, States and Indian tribes that receive grants under titles II and V are following the requirements of the grant programs authorized under titles II and V.

“(ii) REPORT.—Not later than 180 days after the date of enactment of the Juvenile Justice Reform Act of 2017, the Administrator shall submit to Congress a report containing—

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

“(II) a description of remedial actions, if any, that will be taken by the Administrator to enhance the internal controls of the agency and recoup funds that may have been expended in violation of law, regulations, or program requirements issued under titles II and V; and

“(III) a description of—

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

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

“(cc) the extent to which funds awarded to States and Indian tribes under titles II and V enhanced the ability of grantees to fulfill the core requirements.

“(C) REPORT BY THE ATTORNEY GENERAL.—Not later than 180 days after the date of enactment of the Juvenile Justice Reform Act of 2017, the Attorney General shall submit to the appropriate committees of the Congress a report on the estimated amount of formula grant funds disbursed by the agency since fiscal year 2010 that did not meet the requirements for awards of formula grants to States under title II.

“(2) OFFICE OF INSPECTOR GENERAL PERFORMANCE AUDITS.—

“(A) IN GENERAL.—In order to ensure the effective and appropriate use of grants administered under this Act (excluding title III) and to prevent waste, fraud, and abuse of funds by grantees, the Inspector General of the Department of Justice shall periodically conduct audits of grantees that receive grants under this Act covering each grant recipient at least once every 3 years.

“(B) PUBLIC AVAILABILITY ON WEBSITE.—The Attorney General shall make the summary of each review conducted under this section available on the website of the Department of Justice, subject to redaction as the Attorney General determines necessary to protect classified and other sensitive information.

“(C) MANDATORY EXCLUSION.—A recipient of grant funds under this Act (excluding titles II and III) that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act (excluding title III) during the first 2 fiscal years beginning after the 12-month period beginning on the date on which the audit report is issued.

“(D) PRIORITY.—In awarding grants under this Act (excluding title III), the Administrator shall give priority to an eligible entity that did not have an unresolved audit finding during the 3 fiscal years prior to the date on which the eligible entity submits an application for the grant involved.

“(E) REIMBURSEMENT.—If a grant recipient under this Act (excluding title III) is awarded such funds under this Act during the 2-fiscal-year period in which the recipient is barred from receiving grants under subparagraph (C), the Attorney General shall—

“(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the general fund of the Treasury; and

“(ii) seek to recoup the costs of the repayment to the general fund under clause (i) from the grantee that was erroneously awarded grant funds.

“(F) DEFINITION.—In this paragraph, the term ‘unresolved audit finding’ means a finding in the final audit report of the Inspector General—

“(i) that the audited recipient has used grant funds for an unauthorized expenditure or otherwise unallowable cost; and

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

“(3) CONFERENCE EXPENDITURES.—

“(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General, or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available to the Department of Justice, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

“(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and entertainment.

“(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on Education and the Workforce of the House of Representatives on all conference expenditures approved under this paragraph.

“(4) PROHIBITION ON LOBBYING ACTIVITY.—

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

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

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

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

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

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

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

“(c) PREVENTING DUPLICATIVE GRANTS.—

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

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

“(A) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

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

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

(b) TECHNICAL AND CONFORMING AMENDMENT.—

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

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) TITLE III.—Section 388(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U. S. C. 5751(a)) is amended—

(A) in paragraph (1), by striking “140,000,000” and all that follows through “2013”, and inserting “101,980,000 for each of the fiscal years 2018 through 2022” before the period;

(B) in paragraph (3)(B), by striking “There” and all that follows through “2013”, and inserting “Of the amount made available for a fiscal year to carry out this title, not more than 1 percent may be used to carry out section 345” before the period; and

(C) in paragraph (4), by striking “\$25,000,000” and all that follows through “2013”, and inserting “\$17,141,000 for each of the fiscal years 2018 through 2022”.

(2) TITLE IV.—Section 408 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U. S. C. 5777) is amended by striking “2018” and inserting “2022”.

#### PURPOSE

H.R. 1809, the *Juvenile Justice Reform Act of 2017*, reauthorizes the *Juvenile Justice and Delinquency Prevention Act* (JJJPA), which supports state and local efforts to address the needs of at-risk youth and juvenile offenders. JJJPA provides both core protections for youth in the juvenile justice system and federal assistance to encourage innovative and evidence-based approaches in the delivery of services to youth. By promoting delinquency prevention and practices grounded in research on adolescent development, JJJPA fosters the growth and holistic rehabilitation of at-risk youth and juvenile offenders at the state and local levels.

#### COMMITTEE ACTION

##### 114TH CONGRESS

##### *Full Committee hearing on Reviewing the Juvenile Justice System and How It Serves At-Risk Youth*

On October 8, 2015, the Committee on Education and the Workforce (Committee) held a hearing in Washington, D.C., on “Reviewing the Juvenile Justice System and How It Serves At-Risk Youth.” The purpose of the hearing was to examine the juvenile justice system and federal, state, and local efforts to serve at-risk youth and juvenile offenders. Testifying before the committee were Mr. Derek Cohen, Deputy Director, Center for Effective Justice, Texas Public Policy Foundation, Austin, Texas; Mr. Sloane Baxter, Youth Advocate, Washington, D.C.; The Honorable Steven Teske, Chief Judge, Clayton County Juvenile Court, Jonesboro, Georgia; and Dr. Tim Goldsmith, Chief Clinical Officer, Youth Villages, Memphis, Tennessee.

##### *Introduction of H.R. 5963, Supporting Youth Opportunity and Preventing Delinquency Act of 2016*

On September 8, 2016, Rep. Carlos Curbelo (R-FL) and Ranking Member Robert C. “Bobby” Scott (D-VA), along with then-Chairman John Kline (R-MN) and Reps. Susan Davis (D-CA), Earl

“Buddy” Carter (R–GA), and Frederica Wilson (D–FL), introduced H.R. 5963, the *Supporting Youth Opportunity and Preventing Delinquency Act of 2016*. The bill reauthorized and reformed federal juvenile justice programs to focus on long-term success for at-risk youth and juvenile offenders, prioritized effective services, and provided accountability for federal funds.

*Committee passage of H.R. 5963, Supporting Youth Opportunity and Preventing Delinquency Act of 2016*

On September 14, 2016, the Committee considered H.R. 5963, the *Supporting Youth Opportunity and Preventing Delinquency Act of 2016*, in legislative session and reported the bill favorably, as amended, to the U.S. House of Representatives (House) by voice vote. There were two amendments offered:

- Amendment in the Nature of a Substitute: Rep. Curbelo offered an amendment in the nature of a substitute. The amendment (1) updated the definition of “Indian tribe” to include Alaska Natives; (2) added “victims of sexual abuse” to the categories of girls for whom states may consider creating specific programs; (3) added “after-school programs” to the definition of juvenile delinquency program; and (4) made other technical and clarifying changes. The amendment was adopted by voice vote.

- Amendment 1: Rep. Jared Polis (D–CO) offered an amendment to prohibit corporal punishment in public schools. The amendment was withdrawn.

Rep. David P. Roe (R–TN) offered a motion to report the bill as amended. The motion was adopted by voice vote.

*House passage of H.R. 5963, Supporting Youth Opportunity and Preventing Delinquency Act of 2016*

On September 22, 2016, H.R. 5963 passed the House by a vote of 382 to 29. On September 27, H.R. 5963 was received in the U.S. Senate; however, there was no further action taken during the 114th Congress.

115TH CONGRESS

*Subcommittee hearing on Providing Vulnerable Youth the Hope of a Brighter Future Through Juvenile Justice Reform*

On February 15, 2017, the Subcommittee on Early Childhood, Elementary, and Secondary Education (Subcommittee) held a hearing in Washington, D.C., on “Providing Vulnerable Youth the Hope of a Brighter Future Through Juvenile Justice Reform.” The purpose of the hearing was to examine JJDPA and the state of the juvenile justice system. Testifying before the subcommittee were Ms. Meg Williams, MPA, Manager, Office of Adult and Juvenile Justice Assistance, Division of Criminal Justice, Colorado Department of Public Safety, Denver, Colorado; Chief Patrick J. Flannelly, Chief of Police, Lafayette Police Department, Lafayette, Indiana; The Honorable Denise Navarre Cubbon, Juvenile Judge, Lucas County, Ohio; and Mr. Matt Reed, Executive Director, Safe Place Services, YMCA of Greater Louisville, Louisville, Kentucky.

*Introduction of H.R. 1809, Juvenile Justice Reform Act of 2017*

On March 30, 2017, Rep. Jason Lewis (R–MN) and Ranking Member Scott, along with Chairwoman Virginia Foxx (R–NC) and Reps. Susan Davis (D–CA), Todd Rokita (R–IN), and Frederica Wilson (D–FL), introduced H.R. 1809, the *Juvenile Justice Reform Act of 2017*. The bill reauthorizes and reforms federal juvenile justice programs to focus on long-term success for at-risk youth and juvenile offenders, prioritizes effective services, and improves accountability for federal funds.

*Committee passage of H.R. 1809, Juvenile Justice Reform Act of 2017*

On April 4, 2017, the Committee considered H.R. 1809, Juvenile Justice Reform Act of 2017, in legislative session and reported the bill favorably, as amended, to the House by voice vote. There was one amendment offered:

- Amendment in the Nature of a Substitute: Rep. Lewis offered an amendment in the nature of a substitute. The amendment was adopted by voice vote.

Rep. Glenn “GT” Thompson (R–PA) offered a motion to report the bill as amended. The motion was adopted by voice vote.

## SUMMARY OF H.R. 1809

The first juvenile court was established in Illinois in 1899, and by 1925, nearly every state had established a juvenile court system. The capacity to rehabilitate, rather than punish, children became the focus of the system. As a result, there continues to be significant procedural and substantive differences between juvenile and adult courts.

In 1974, Congress passed JJDPA to formalize the federal government’s efforts to improve state juvenile justice systems. To receive grants, states must adhere to core protections regarding the treatment of children in the juvenile justice system. JJDPA authorizes formula and competitive grants to assist states in the administration of their juvenile justice systems and to help states prevent youth from entering the system. Finally, it authorizes the Office of Juvenile Justice Delinquency Prevention (OJJDP) to oversee federal juvenile justice programs.

*The 21st Century Department of Justice Appropriations Authorization Act* reauthorized JJDPA in 2002, but many of the programs expired in fiscal years 2007 and 2008 and have continued to receive appropriations. In the 2002 reauthorization, Congress continued federal support of state and local initiatives to administer juvenile justice systems and combat juvenile delinquency. Congress placed a focus on the education and rehabilitation needs of, and services for, at-risk youth and offenders. At its core, JJDPA encourages every state to have a juvenile justice system that provides a healthy intervention in the lives of delinquent youth and supports state and local efforts to deliver effective delinquency prevention services. These activities should limit juveniles’ contact with the juvenile justice system or keep children at-risk of involvement with the juvenile justice system from entering the system.

H.R. 1809 continues these efforts by providing states and local entities with flexibility to offer juveniles and at-risk youth impor-

tant services to address their offenses and acquire skills that will foster growth and reintegration into society. Further, the bill strengthens protections for juveniles in secure confinement. Specifically, the legislation improves current law in the following areas:

**Prioritizing Evidence-Based Strategies in Juvenile Systems and Delinquency Prevention**

- The Administrator of OJJDP (Administrator) coordinates the federal government’s activities related to the treatment of juvenile offenders and develops objectives, priorities, strategies, and long-term plans concerning juvenile offenders. To meet the needs of these juveniles, H.R. 1809 requires the Administrator to prioritize evidence-based and promising strategies and to use current, reliable data to reduce juvenile delinquency. Prioritizing programs and strategies proven to work ensures the Administrator focuses on solutions for addressing juvenile delinquency that are based on science and research and designed to yield the best results for juveniles.

**Improving the Protection of Youth in the Juvenile Justice System**

- JJJPA provides core protections for youth in the juvenile justice system that are designed to reinforce the distinct differences between the juvenile and adult justice systems. H.R. 1809 updates each of these core protections, increasing the chances that a juvenile’s time in secure detention is productive and results in rehabilitation and growth.

- Under current law, the “jail removal” core protection prohibits youth under the jurisdiction of a juvenile court from being held in adult jails. H.R. 1809 furthers the goal of this protection by requiring a judge to determine whether it is in the “interest of justice” for the youth awaiting trial in an adult criminal court to be held in an adult facility.

- Current law promotes the deinstitutionalization of status offenders by prohibiting juveniles charged with status offenses—crimes that would not be crimes if committed by an adult (e.g., under-age drinking, truancy)—from being placed in a secure detention facility. There are two exceptions to this requirement under JJJPA: (1) if the youth violates a valid court order (VCO) or (2) if a youth is being held by the interstate compact on juveniles.<sup>1</sup> H.R. 1809 eliminates the blanket VCO exception and provides hardship exemptions awarded to states through OJJDP. If a VCO is used, H.R. 1809 provides additional safeguards for status offenders in locked facilities, including limits on how long status offenders may be detained and requirements for periodic hearings to determine if the detention is still necessary.

- Current law also includes the disproportionate minority contact (DMC) core protection that directs states to assess and address the disproportionate contact of minority youth at all points in the juvenile justice system—from arrest to detention to confinement. H.R. 1809 updates the DMC core requirement by requiring states to collect data at all points in the juvenile justice system, so the

<sup>1</sup>The interstate compact on juveniles is an agreement between the states that regulates the interstate movement of children who are under court supervision or who have run away from home and left their state of residence.

state can analyze the key decision points where racial and ethnic disparities are created or increased.

### **Increasing Oversight of Federal Activities**

- To ensure the federal interest in juvenile justice is conducted and administered properly, H.R. 1809 updates the purpose, duties, and panel for the Coordinating Council on Juvenile Justice and Delinquency Prevention (Council). The Council serves as an independent entity that coordinates all federal juvenile delinquency programs and activities. The Council also is required to review the programs and practices conducted by federal agencies relating to juvenile justice and report on the degree to which those programs and practices are consistent with the core requirements outlined in state plans. With proper oversight, federal efforts for addressing juvenile delinquency will result in positive outcomes.

- H.R. 1809 updates the information included in the Administrator's annual report to Congress and requires information on the treatment of juveniles and their circumstances prior to and after release. In addition, the annual report now must provide information on whether state and local programs receiving funding are considered promising and if they are built upon current, reliable evidence. These updates will provide a more accurate and transparent accounting of juvenile justice efforts occurring across the country.

### **Ensuring Effective State and Local Services and Programs for Juveniles and At-Risk Youth**

- To ensure states and local entities that receive funding provide evidence-based and promising services to juveniles, H.R. 1809 ensures the state advisory group assisting each state be knowledgeable and active in the multiple disciplines required to successfully provide juvenile justice and delinquency prevention services.

- The bill updates requirements in a state's plan to ensure vulnerable juvenile populations receive the services they need. Such services include identifying alternatives to detention; screening for human trafficking victims; and providing appropriate accommodations for pregnant juveniles. Additionally, H.R. 1809 encourages state agencies to collaborate on providing youth a smooth transition out of the juvenile justice system, specifically in the areas of education and re-entry as well as family engagement and community-based services and strategies.

### **Research and Evaluation of Juvenile Justice**

- H.R. 1809 requires the Administrator to issue an annual plan for research and evaluation in order to better understand juveniles' experiences and needs, with emphasis on reentry, mental and behavioral health, and the conditions in secure confinement settings. In addition, H.R. 1809 adds new areas for research, including identifying successful methods used to recruit and retain personnel in the juvenile justice system; examining the effects of involvement with the juvenile justice system; and identifying successful, cost-effective efforts to reduce recidivism. H.R. 1809 also requires the Administrator to study the barriers faced by states and Indian tribes in providing services to juveniles, to provide a description of best practices in discharge planning, and to provide an assessment of

living arrangements for juveniles who cannot return to their homes. This information will help efforts to understand how best to serve at-risk youth.

#### **Technical Assistance and Professional Development for States and Local Entities**

- H.R. 1809 requires the Administrator to provide technical assistance and professional development to help states properly administer and comply with the requirements of the Act. H.R. 1809 also requires the Administrator to issue best practices regarding legal representation of children and provide technical assistance to the states if requested. This will help ensure juveniles receive appropriate representation during court proceedings and individuals who work with juveniles have access to education and resources needed to meet the unique needs of this population.

#### **Support for State and Local Initiatives**

- H.R. 1809 restructures the existing local delinquency prevention grant program to allow localities to better assess and respond to the unmet needs within the community. Eligible states award five-year grants to local communities to deliver a continuum of evidence-based prevention and intervention programs to at-risk youth, with a focus on community engagement and coordination among existing efforts and programs. The engagement and coordination are designed to ensure the cost-saving potential of these programs is realized and to increase the chances they will continue after federal funding is no longer available. This comprehensive assessment and response will help states and local communities improve public safety and meet unique needs in a systematic way that offers opportunities for long-term success for at-risk and delinquent youth.

#### **Program Accountability Within Federal Efforts**

- H.R. 1809 requires the Department of Justice to conduct accountability and oversight related to state and tribal compliance with the legislative requirements, and internal controls at OJJDP. This accountability is necessary to prevent waste, fraud, and abuse within the system. Additionally, H.R. 1809 encourages meaningful enforcement of the core requirements and state compliance with federal law through a Sense of Congress reinforcing the importance of federal oversight of taxpayer dollars.

### COMMITTEE VIEWS

#### *Introduction*

Helping juvenile offenders and at-risk youth reject a life of crime and violence requires more than a detention facility or incarceration. Successful juvenile justice systems rely on collaboration among community leaders, parents, guardians, and teachers to prevent youth from starting down a path of delinquency and entering the system; responsive juvenile courts focused on intervening and making a difference in children's lives if they do become delinquent; and—only when necessary—appropriate detention facilities that encourage a juvenile's rehabilitation, education, and reintegration into society. With this focus, the Committee worked with stakeholders, including young people who have been in the system,

to draft legislation that assists, not hampers, the actions of the states and local entities as they work to combat and address juvenile delinquency within their communities.

H.R. 1809 helps states, parents, teachers, and community members come together to prevent more children from becoming delinquent, intervene in the lives of those that do, and provide secure, safe, and nurturing environments for juvenile offenders to restore ownership and purpose to their lives. H.R. 1809 re-emphasizes the belief that juvenile justice is rooted not in punishment but rehabilitation. Decades of research into adolescent behavior show that with the right support services for young offenders can change their life trajectories.

In order to provide more young people that chance, H.R. 1809 prioritizes the use of promising programs and strategies that are based on research and proven effective with at-risk youth and juvenile offenders to help ensure that widely-used resources have the greatest impact. It provides states and local communities more flexibility to address the unique needs and circumstances of every child. In addition to a renewed focus on what works, the bill strives to ensure that federal agencies focused on juvenile delinquency are working in collaboration by updating the membership of the established Coordinating Council on Juvenile Justice and Delinquency Prevention (Council). Bringing diverse perspectives to the table to coordinate federal efforts means more opportunities to succeed for affected youth who have a variety of challenges and needs that may not be met by a single entity. Updating the required contents of the Council's annual report to Congress allows for better information about whether federal efforts are meeting the intended purposes.

#### *Annual Report*

Accurate information on state juvenile systems is necessary for effective oversight and administration of federal resources. Under JJJPA, the Administrator is required to submit to Congress and the President an annual report providing in-depth statistical information and analysis of the juvenile justice system. This information provides policymakers and practitioners with feedback useful for understanding how state systems are administered.

The bill updates the requirements of the annual report to ensure that Congress continues to have the pertinent information needed to advance effective juvenile justice policy.

Since the last reauthorization of JJJPA, many trends have emerged regarding the number and types of juveniles entering the system, the offenses they commit, and their disposition and treatment. For example, 2014 data reported by OJJDP shows that while the male arrest rate for aggravated assault reached its lowest level since at least 1980, the female arrest rate for aggravated assault in 2014 was 14 percent above its 1980 low-point.<sup>2</sup> Statistics like these demonstrate that while juvenile crime is falling nationwide, more girls are entering the juvenile justice system now than in the past.

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<sup>2</sup>OJJDP Statistical Briefing Book. Online. Available: <http://www.ojjdp.gov/ojstatbb/crime/JAR—Display.asp?ID=qa05235>. December 13, 2015.

The bill requires better information about girls in the juvenile justice system to ensure we have an accurate reflection of the population, including their rates of pregnancy. Additionally, annual report provisions in H.R. 1809 require data on the usage of restraints and other conditions of confinement and reporting on the characteristics of juvenile cases involving status offenses. H.R. 1809 will also phase-out the VCO exception to the deinstitutionalization of status offenders core protection, and the Committee believes information about the use of VCOs will aid in the phase-out of this practice. Reliable information on the number of status offense cases petitioned to court, the number of status offenders held in secure detention, the findings used to justify the use of secure detention, and the average period of time a status offender was held in secure detention will improve transparency as well as ensure young people are placed in the best possible setting. Also, it is the view of the Committee that institutionalization of a status offender as a result of a failure to remit a fee, fine, or any other cost assessed by the juvenile justice system arising from the underlying status offense is generally not in the interest of justice and hinders a status offender's ability to be successful in society.

Additionally, H.R. 1809 requires the Administrator's annual report to provide data on the number of juveniles whose offenses originated on school grounds, occurred during school activities, or were referred by school officials. This information will help policymakers determine whether school-based referrals serve as the predominant point of entry for many children, particularly low-income and minority children, into the juvenile justice system, as research has suggested.<sup>3</sup> The escalation of a school-based offense into a juvenile delinquency case can be the start of a child's descent into the adult criminal justice system, contributing to what the Federal Advisory Committee on Juvenile Justice refers to as the "school to prison pipeline."<sup>4</sup> In a recent report, the Children's Defense Fund cites a number of factors that resulted in its estimate that African-American boys born in the year 2000 had a one in three chance of going to prison in their lifetimes.<sup>5</sup>

Data providing a comprehensive look at the characteristics of the juvenile justice system will help policymakers better understand what services are needed, if gaps in services exist, or if policies have unintended consequences resulting in poor outcomes for youth. With better data, intervention and prevention services can keep more young people from becoming involved with the system and provide young people the support they need after release from secure confinement or community-based programs to improve their chances at success.

### *State plans*

JJDPAs require states seeking federal funding through the Act to submit to the Administrator a plan outlining their juvenile justice efforts. Included in this plan are designations for what state agency will have jurisdiction over the state's system and the make-

<sup>3</sup>E.g., National Academy of Science, *Reforming Juvenile Justice* 82 (2013)

<sup>4</sup>Federal Advisory Committee on Juvenile Justice Annual Report. Online. Available: <http://www.facjj.org/annualreports/00-facjj%20annual%20report-final%20508.pdf>. November 2010.

<sup>5</sup>Children's Defense Fund, *America's Cradle to Prison Pipeline* 16 (2007). available at <http://www.childrensdefense.org/library/data/cradle-prison-pipeline-report-2007-full-lowres.pdf>.

up of the state's advisory group (SAG) that will bring their expertise to the creation of the plan. While each state looks to JJDPa in developing its plan, the plan itself is a creation of state and local officials and reflects the state's priorities in juvenile justice.

Each young person has unique challenges that are best met by those closest to him or her. A program that achieves positive results with the young people of New York City may not be as successful in assisting those living in rural Oklahoma, and vice versa. States have distinct challenges and different perspectives, and JJDPa allows those differences to flourish while providing clear protections for juveniles and requirements for states to address in their plans. The Committee believes this balance in federal policy encourages state and local innovation to address the circumstances facing the young people in their communities while protecting the ability for those children to succeed. Helping at-risk youth make decisions that improve their future requires commitment from their communities, their states, and the federal government. Part of that help requires flexibility for state and local governments to address the needs of this population, and H.R. 1809 includes provisions to protect that flexibility.

The bill promotes the use by states of relevant data relating to adolescent development and juvenile delinquency to improve efficiency and effectiveness. In juvenile justice, states have truly been the laboratories of democracy, and in the 14 years since JJDPa was last reauthorized, several states have developed, implemented, evaluated, and expanded successful approaches to juvenile justice.<sup>6</sup> While the work of these states varied, H.R. 1809 recognizes there is a core framework of ideas states have implemented successfully. These include reserving secure detention for only the most severe cases; placing lower-level offenders in community-based alternatives to secure detention; prioritizing mental and behavioral services; recognizing that delinquent behavior can often be a response to sexual abuse, exploitation, and other traumas; and using assessments and screening tools to determine effective allocations of services. Over the last decade, states have consistently shown these reforms can be implemented at lower public costs, while maintaining public safety.

As more states implement reforms, we will see success and failure. However, H.R. 1809 recognizes the evidence has grown enough to encourage more states to adopt these common-sense reforms, and it allows states that have begun to reform their systems to innovate even further in the delivery of services and administration of justice.

Without the proper information, it is difficult to develop, create, or administer effective programs. This foundation is necessary to

<sup>6</sup> See, e.g., Adam Gelb, West Virginia's 2015 Juvenile Justice Reform, The Pew Charitable Trusts, May 12, 2016, available at: <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/05/west-virginias-2015-juvenile-justice-reform>, Jim Shuler, Juvenile Justice Reforms (Georgia) Spotlited in 2014, (January 21, 2014), <https://georgia.gov/blog/2014-01-24/juvenile-justice-reforms-spotlighted-2014>, Richard Mendel, Juvenile Justice Reform in Connecticut: How Collaboration and Commitment Have Improved Public Safety and Outcomes for Youth, Justice Policy Institute, 2013 available at <http://www.justicepolicy.org/uploads/justicepolicy/documents/jpi-juvenile-justice-reform-in-ct.pdf>; Marc Levin, The Texas Model, Comprehensive Juvenile Justice Reform: Cutting Costs, Saving Lives, Texas Public Policy Foundation, 2011 available at <http://www.texaspolicy.com/library/doclib/2011-09-PB43-TexasModel-JuvenileJustice-CEJ-MarcLevinJeanetteMoll-online.pdf>; Richard Mendel, The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders, Annie E. Casey Foundation, 2010, available at <http://www.aecf.org/m/resourcedoc/aecf-MissouriModelFullreport-2010.pdf>.

inform actions, make logical choices, and proceed with the expectation of success. However, this cannot happen if knowledgeable individuals involved in the field are not engaged in creating the goals. They are most familiar with the children and the system; therefore, their input is essential to the thoughtful development of the goals in the state plans. This is a critical way communities and local stakeholders can be engaged in helping address juveniles' needs at the local level.

For example, Mr. Sloane Baxter, a youth activist from Washington, D.C., testified before the Committee about his firsthand experience in the juvenile justice system. Mr. Baxter, at age 14 and in retaliation to family problems at home, tried to steal a car. After being apprehended by the police, Mr. Baxter was placed on probation. As he explained, "There was no positive intervention with me at this point. Probation monitored me but didn't do anything to implement help or assistance in my circumstances."<sup>7</sup>

Mr. Baxter continued to explain that he was placed in a detention facility that was an arena for fights and unsupervised actions. At age 15, Mr. Baxter faced depression and did not see hope for his future. However, Boys Town, an organization that provides at-risk youth and their families with services to help them succeed, interviewed Mr. Baxter for a spot within their program. He explained,

I didn't know what to expect, but when I arrived, it was so different from the institutional, locked facilities where I had been. Boys Town was the first place that I had went where I felt that people actually cared about what they did and they actually care[d] about what I did.

It was a positive, non-hostile environment. The expectations to learn and succeed were clear. It was a family oriented atmosphere.<sup>8</sup>

Today, because of the alternative interventions he received, Mr. Baxter has been continuously employed for four years and has begun his own home improvement business. He is self-reliant and has cultivated a relationship with his parents. This was all possible due to the positive reinforcement and guidance he received through an alternative, community-based setting.

*Research and evaluation, statistical analyses, and information dissemination*

Recognizing the positive impact of reliable, up-to-date information, the Juvenile Justice Reform Act of 2017 requires the Administrator annually to support new research, evaluations, statistical analyses, and information dissemination on topics related to improving the juvenile justice system. The Administrator is required to review recidivism; health needs; possible ways to reduce dangerous practices; recruiting, educating, and retaining qualified, high-quality personnel; and changes in victim treatment and response. The Administrator is also required to identify positive out-

<sup>7</sup> Full Committee hearing entitled "Reviewing the Juvenile Justice System and How it Serves At-Risk Youth" on October 8, 2015. Testimony from Mr. Sloane Baxter, Youth Advocate, Washington, D.C. U.S. House of Representatives, Committee on Education and the Workforce, Washington, D.C.

<sup>8</sup> Ibid.

comes and the most cost-effective efforts to reduce recidivism, and to evaluate the impact of trying juveniles as adults.

*Professional development, technical assistance, and accountability and oversight*

To successfully adhere to program requirements at the state and local levels, states and grant recipients need technical assistance. The more states and local entities are able to innovate, the more programs and initiatives on the local level will succeed in positively addressing juvenile justice. To ensure continuous growth, H.R. 1809 requires oversight and accountability, particularly in relation to the adherence to the core requirements. For example, the bill requires a Government Accountability Office review of the internal controls at OJJDP to ensure the appropriate grant management structures are in place. Additionally, the Committee recognizes professional development can bridge cultural gaps between local and state juvenile detention and corrections personnel and the youth they serve. Incorporating policies and procedures responsive to cultural differences and cultural competency, the bill supports professional development that will be more effective and result in better administration of safer facilities for youth and personnel. Effective professional development and technical assistance outlined in H.R. 1809 ensures states properly implement reforms to their juvenile justice systems.

*Youth promise incentive grants for local delinquency prevention programs*

While reform of state juvenile justice facilities is timely and necessary, the Committee believes if states and localities wait until a youth has committed a detainable offense to begin offering support, they have missed opportunities to change the course of that child's life. Primary prevention and intervention programs have the potential to stop the youth from becoming involved initially with the juvenile or criminal justice system. Research shows that a continuum of comprehensive, evidence-based prevention and intervention programs for youth identified as being at risk of delinquent behavior, and for those already involved, can greatly reduce juvenile delinquency and crime and save money as compared to law enforcement, corrections, and social welfare expenditures.

By restructuring the Title V Delinquency Prevention Grant Program, H.R. 1809 includes provisions long championed by members of Congress to help address the many challenges facing at-risk youth. Those efforts include targeting reforms for young people who are at-risk of becoming involved, or who are involved, in gangs or the criminal justice system, and redirecting them toward productive and law-abiding alternatives. Title III of H.R. 1809 is modeled on the *Youth PROMISE Act* and provides states and localities with competitive grants to implement continuums of locally-tailored, evidence-based and promising delinquency prevention and intervention programs. The flexibility and reforms included in the bill allow communities to assess and identify where additional services are needed to address the needs of at-risk and delinquent youth. These services are designed to be offered in a continuum focused on long-term success for vulnerable youth and may include mentoring, workforce development, mental health, and substance abuse pre-

vention and treatment or a combination of services identified by the community, recognizing the continuum of services will vary based on the needs of each community. The Committee believes this continuum-based approach will provide communities the opportunity to streamline and increase the efficiency of existing programs in order to serve at-risk and delinquent youth in a more cost-effective manner.

#### CONCLUSION

H.R. 1809 prioritizes what works; provides flexibility for states and local communities to meet the needs of delinquent and at-risk youth; and improves accountability of juvenile justice programs at all levels. Ultimately, this bill will help more children acquire the skills and knowledge to hold themselves accountable for their actions, grow into productive members of society, and seize opportunities to work toward a brighter future.

#### SECTION-BY-SECTION

The following is a section-by-section analysis of the Amendment in the Nature of a Substitute offered by Rep. Lewis and reported favorably by the Committee.

##### *Section 1. Short title*

Lists the short title of the Act as the “Juvenile Justice Reform Act of 2017.”

##### *Section 1. Table of contents*

Lays out the table of contents for the Act.

#### TITLE I—DECLARATION OF FINDINGS, PURPOSE, AND DEFINITIONS

##### *Section 101. Findings*

Updates the findings of the Act.

##### *Section 102. Purposes*

Updates the purposes of the Act.

##### *Section 103. Definitions*

Updates and provides the definitions for the Act.

#### TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

##### *Section 201. Concentration of Federal efforts*

Clarifies the Administrator (the Administrator) of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) must develop and issue a long-term plan to improve juvenile justice systems in the country. The plan must reflect the latest scientific knowledge regarding adolescent development and behavior and consider the effects prevention and intervention programs have on adolescents.

##### *Section 202. Coordinating Council on Juvenile Justice and Delinquency Prevention*

Updates the panel, procedures, rules, and purpose for the Coordinating Council on Juvenile Justice and Delinquency Prevention

(the Council). The primary function of the Council is to coordinate all federal juvenile delinquency programs or activities that detain or care for delinquent youth or youth at risk of delinquency. Updates the reviews required of the Council.

*Section 203. Annual report*

Updates the timeline for the submission of the annual report by the Administrator. The report must contain a detailed summary and analysis regarding the current landscape of the juvenile justice system in the country. Updates the requirements in the report to include specific information related to juveniles, juvenile cases, and the internal controls at OJJDP.

*Section 204. Allocation of funds*

Limits the amount of technical assistance grants to five percent of the total funds made available for state formula grants.

Updates the formula for state grants to be based on the most recent census data for state populations under 18 years of age. Updates the ratios for appropriated and allocated funds to states and select territories.<sup>9</sup>

*Section 205. State plans*

Makes changes to the state plan to include a description of how the state plan is supported by, or takes into account, scientific knowledge regarding adolescent development and requires the plan to be made public after submission. Updates the state advisory group to include publicly-supported, court-appointed legal counsel; Indian tribes in states that have Indian tribes; victim advocacy groups; and parents of juveniles currently involved in the juvenile justice system, as appropriate.

Updates the state plan to include alternatives to detention for status offenders and juveniles who have been induced to perform commercial sex acts and plans to reduce the number of children housed in secure detention and corrections facilities. The plan also includes descriptions on how states will engage family members, use community-based services, and promote evidence-based and trauma-informed programs and practices. The plan also requires a description of how the state will eliminate the use of restraints on known pregnant juveniles during labor, delivery, and recovery.

Updates the plan to include a review when a juvenile may be placed in an adult facility or in contact with adult inmates to ensure it is in the interest of justice and requires regular periodic reviews if a juvenile stays in an adult facility or in sight and sound contact with adult inmates. Also updates the plan to ensure there is a system to monitor facilities, that states are examining key decision points in the system that contribute to disproportionate minority contact, and phases out the use of the valid court order exception for status offenders by September 30, 2020, with a one-year hardship exemption for each year a state can prove hardship in removing this exception. Further updates the plan to include descriptions of reentry planning, mental health and substance abuse services, coordination of funding, identification of human trafficking

<sup>9</sup>United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

survivors, professional development for personnel working with juveniles, and an assurance that the state juvenile justice agency will work with the state educational agency to ensure continuity of education services.

Adds new uses of funds under state grants and requires a priority for evidence-based or promising programs. The uses of funds now include programs that provide community-based services for youth who have been in, or are at-risk of being involved in, gangs and access to appropriate legal representation; inform juveniles of the opportunity and process for sealing and expungements of records; address the needs of girls at risk of entering the system, including human trafficking survivors; provide services for youths whose parents or guardians are or were incarcerated or under federal jurisdiction; and provide monitoring and professional development for compliance with the core requirements.

Updates the Administrator's responsibilities in determining state compliance with the core requirements to ensure a determination is made each fiscal year and improves the transparency of the determination as well as action taken.

*Section 206. Repeal of Juvenile Delinquency Prevention Block Grant Program*

Repeals a grant program for local delinquency prevention programs that has never been funded.

*Section 207. Research and evaluation; statistical analyses; information dissemination*

Requires the Administrator to annually publish a plan for research and evaluation of issues in juvenile justice and juvenile justice programs. The section adds new research to be considered, including (1) successful efforts to prevent reentry for first-time offenders; (2) behavioral health needs among juveniles; (3) professional development efforts and reforms that result in the reduction or elimination of dangerous practices; (4) methods to improve recruitment, selection, and retention of personnel who work in the juvenile justice system; (5) reforms in sex trafficking identification and response; (6) identifying positive outcome measures to evaluate success; (7) the effects of prosecution and sentencing of juveniles as adults; and (8) successful and cost-effective efforts to reduce recidivism.

Requires the Administrator to conduct a study no later than one year after enactment that analyzes the barriers faced by states and Indian tribes providing services to juveniles, a description of best practices in discharge planning, and an assessment of living arrangements for juveniles who cannot return home. Requires the Administrator to develop a metric to determine recidivism rates that states may use.

*Section 208. Training and technical assistance*

Updates the requirement that the Administrator provide professional development and technical assistance to public and private agencies in order to help them successfully meet the requirements of the Act.

*Section 209. Authorization of appropriations*

Authorizes appropriations for Title II.

*Section 210. Administrative authority*

Updates the administrative authority to ensure the Administrator requests information in a manner that respects confidentiality, encourages efficiency, and reduces duplicative reporting. Also, requires the Administrator to ensure states meeting the core requirements are encouraged to attempt innovative, data-driven programs designed to improve the states' juvenile justice systems.

TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

*Section 301. Title*

States the short title as “Youth Promise Incentive Grants for Local Delinquency Prevention Programs Act of 2017.”

*Section 302. Definitions*

Adds definitions for state entity, mentoring, eligible entities for local grants, local policy board, and juvenile delinquency program.

*Section 303. Duties and functions of the administrator*

Strikes the explicit requirement that the Administrator issue regulations for this Title.

*Section 304. Grants for delinquency prevention programs*

Lists the purpose of this section as helping local communities address the unmet needs of youth involved in, or at risk of being involved in, juvenile delinquency or gang activity, which includes a continuum of evidence-based or promising prevention programs and activities. Also specifies the number of states eligible to receive an award depending on the appropriated amount.

Updates the state application to limit the amount a state can spend on administrative costs, prohibits grants from supplanting state and local efforts in preventing juvenile delinquency, requires states to properly evaluate subgrantees' capacity to carry out the duties for receiving the grants, and requires the application be prepared in consultation with those in the field. States must submit state plans under Title II to be eligible for this program; however, the Administrator can waive that requirement for due cause.

States that receive grants under this section are authorized to make subgrants to local entities for a five-year period of which no more than 18 months can be used for planning. Eligible local entities applying for a subgrant must analyze the unmet needs of youth in the community in terms of delinquency prevention, develop a minimum three-year comprehensive strategy to address the unmet needs with a description of the delinquency prevention programs to be used and how they are to be coordinated, and potential savings and efficiencies that may be achieved as a result of the implementation. The plan must also describe how the continuum of services will be evaluated, the evidence on which they will be based, and how they plan to continue the program after the period of federal investment.

*Section 305. Grants for tribal delinquency prevention and response programs*

Moves the existing grant program for Indian tribes to its own section and makes minor updates to reflect the terminology used in juvenile justice.

*Section 306. Authorization of appropriations*

Authorizes appropriations for the title.

*Section 307. Technical and conforming amendment*

Makes a technical and conforming change.

TITLE IV—MISCELLANEOUS PROVISIONS

*Section 401. Evaluation by government accountability office*

Requires an evaluation by the Government Accountability Office no later than one year after enactment of the performance of OJJDP and its grantees to prevent waste, fraud, and abuse.

*Section 402. Accountability and oversight*

SENSE OF CONGRESS

Adds a Sense of Congress that states OJJDP should meaningfully enforce the core requirements of the Act and states should exercise oversight of compliance with the core requirements.

ACCOUNTABILITY

Requires the Director of the Office of Audit, Assessment, and Management of the Office of Justice Programs at the Department of Justice (DOJ) to, within 60 days of enactment, conduct oversight relating to states' and tribes' compliance with agency grant program requirements, review and audit internal controls of OJJDP, and use the information provided to determine additional oversight where needed and the circumstances relating to the audits. The Director is required to submit the report to Congress and make it available to the public.

Requires the Administrator to, within 30 days after enactment, evaluate and analyze whether states and tribes are following the requirements of the grant programs authorized under this Act. And, within 180 days of enactment, the Administrator shall submit the findings and recommended actions to Congress.

Requires the U.S. Attorney General to submit a report on the estimated amount of grant funds disbursed since 2010 that failed to meet the requirements for awards no later than 180 days after enactment.

Prohibits the use of funds for conference expenditures above \$20,000 without written approval by DOJ and prohibits using funds for lobbying activity.

Requires the U.S. Attorney General to compare potential grant awards with other grants awarded to prevent duplication, and if duplication occurs, submit to the Senate Committee on the Judiciary and the House Committee on Education and the Workforce that information and reasons for duplicative grants.

Extends the authorization of appropriations for Titles III and IV of JJDP.

## EXPLANATION OF AMENDMENTS

The amendments, including the amendment in the nature of a substitute, are explained in the body of this report.

## APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. H.R. 1809 supports state and local efforts to address the needs of at-risk youth and juvenile offenders.

## UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement of whether the provisions of the reported bill include unfunded mandates. This issue is addressed in the CBO letter.

## EARMARK STATEMENT

H.R. 1809 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of House rule XXI.

## ROLL CALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee Report to include for each record vote on a motion to report the measure or matter and on any amendments offered to the measure or matter the total number of votes for and against and the names of the Members voting for and against. No roll call votes were taken for H.R. 1809.

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of House Rule XIII, the goal of H.R. 1809 is to support state and local efforts to address the needs of at-risk youth and juvenile offenders.

## DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 1809 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

## DISCLOSURE OF DIRECTED RULE MAKINGS

The committee estimates that enacting H.R. 1809 does not specifically direct the completion of any specific rule makings within the meaning of 5 U.S.C. 551.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF  
THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the committee's oversight findings and recommendations are reflected in the body of this report.

NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the committee has received the following estimate for H.R. 1809 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, April 28, 2017.*

Hon. VIRGINIA FOXX,  
*Chairwoman, Committee on Education and the Workforce,  
House of Representatives, Washington, DC.*

DEAR MADAM CHAIRWOMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1809, the Juvenile Justice Reform Act of 2017.

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

Sincerely,

MARK P. HADLEY  
(For Keith Hall, Director).

Enclosure.

*H.R. 1809—Juvenile Justice Reform Act of 2017*

Summary: H.R. 1809 would authorize the appropriation of about \$1.6 billion over the 2018–2022 period for the Department of Justice (DOJ) and the Department of Health and Human Services (HHS) to operate programs to reduce juvenile justice delinquency, assist runaway and homeless youths, and locate missing children. Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 1809 would cost about \$1.1 billion over the 2018–2022 period, with the remaining \$500 million being spent in years after 2022.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 1809 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1809 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1809 is shown in the following table. The costs of this legislation fall within budget functions 500 (education, train-

ing, employment, and social services) and 750 (administration of justice).

	By fiscal year, in millions of dollars						
	2017	2018	2019	2020	2021	2022	2017– 2022
INCREASES IN SPENDING SUBJECT TO APPROPRIATION							
Department of Justice:							
Authorization Level .....	0	168	208	211	213	216	1,015
Estimated Outlays .....	0	20	72	125	170	205	593
Department of Health and Human Services:							
Authorization Level .....	0	119	119	119	119	119	596
Estimated Outlays .....	0	13	107	117	119	119	475
Total							
Authorization Level .....	0	287	327	330	332	335	1,611
Estimated Outlays .....	0	33	179	243	289	324	1,068

Note: Components may not sum to totals because of rounding.

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted by the end of fiscal year 2017, that authorized amounts will be appropriated each year, and that outlays will follow the historical rate of spending for the programs authorized by the legislation.

#### *Department of Justice*

H.R. 1809 would authorize the appropriation of \$855 million over the 2018–2022 period, mostly for DOJ to make grants to state, local, and tribal governments for programs aimed at reducing juvenile delinquency and improving the juvenile justice system. The bill also would authorize the appropriation of \$40 million annually over that period for programs to help locate missing children and prevent child abductions. A full year appropriation has not been enacted for 2017, but on an annualized basis, about \$240 million was appropriated for similar programs in 2017. CBO estimates that implementing the DOJ provisions would cost \$593 million over the 2018–2022 period; the remaining funds would be spent in years after 2022.

#### *Department of Health and Human Services*

H.R. 1809 would authorize the appropriation of \$102 million annually over the 2018–2022 period for HHS programs to assist run-away and homeless youth, including outreach services and the provision of temporary and long-term shelter. The bill also would authorize the appropriation of \$17 million annually over the five-year period for a program to prevent sexual abuse of homeless street youth. A full year appropriation has not been enacted for 2017, but on an annualized basis, about \$119 million for those programs was appropriated for 2017. CBO estimates that implementing those HHS provisions would cost \$475 million over the 2018–2022 period; the remaining funds would be spent in years after 2022.

Pay-as-you-go considerations: None

Increase in long-term direct spending and deficits: CBO estimates that enacting H.R. 1809 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

Intergovernmental and private-sector impact: H.R. 1809 contains no intergovernmental or private-sector mandates as defined in

UMRA. State, local, and tribal governments could benefit from authorized appropriations for juvenile justice programs. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

Estimate prepared by: Federal Costs: Mark Grabowicz (DOJ); Jennifer Gray (HHS); Impact on State, Local, and Tribal Governments: Rachel Austin; Impact on the Private Sector: Paige Piper/Bach.

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

#### COMMITTEE COST ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison of the costs that would be incurred in carrying out H.R. 1809. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

### **JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974**

\* \* \* \* \*

#### TITLE I—FINDINGS AND DECLARATION OF PURPOSE

##### FINDINGS

SEC. 101. (a) The Congress finds the following:

(1) Although the juvenile violent crime arrest rate in 1999 was the lowest in the decade, there remains a consensus that the number of crimes and the rate of offending by juveniles nationwide is still too high.

(2) According to the Office of Juvenile Justice and Delinquency Prevention, allowing 1 youth to leave school for a life of crime and of drug abuse costs society \$1,700,000 to \$2,300,000 annually.

(3) One in every 6 individuals (16.2 percent) arrested for committing violent crime in 1999 was less than 18 years of age. In 1999, juveniles accounted for 9 percent of murder arrests, 17 percent of forcible rape arrests, 25 percent of robbery arrests, 14 percent of aggravated assault arrests, and 24 percent of weapons arrests.

(4) More than  $\frac{1}{2}$  of juvenile murder victims are killed with firearms. Of the nearly 1,800 murder victims less than 18 years of age, 17 percent of the victims less than 13 years of age were murdered with a firearm, and 81 percent of the victims 13 years of age or older were killed with a firearm.

(5) Juveniles accounted for 13 percent of all drug abuse violation arrests in 1999. Between 1990 and 1999, juvenile arrests for drug abuse violations rose 132 percent.

(6) Over the last 3 decades, youth gang problems have increased nationwide. In the 1970's, 19 States reported youth gang problems. By the late 1990's, all 50 States and the District of Columbia reported gang problems. For the same period, the number of cities reporting youth gang problems grew 843 percent, and the number of counties reporting gang problems increased more than 1,000 percent.

(7) According to a national crime survey of individuals 12 years of age or older during 1999, those 12 to 19 years old are victims of violent crime at higher rates than individuals in all other age groups. Only 30.8 percent of these violent victimizations were reported by youth to police in 1999.

(8) One-fifth of juveniles 16 years of age who had been arrested were first arrested before attaining 12 years of age. Juveniles who are known to the juvenile justice system before attaining 13 years of age are responsible for a disproportionate share of serious crimes and violence.

(9) The increase in the arrest rates for girls and young juvenile offenders, *including offenders who enter the juvenile justice system as the result of sexual abuse, exploitation, and trauma*, has changed the composition of violent offenders entering the juvenile justice system.

(10) These problems should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

(A) quality prevention programs that—

(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

(B) programs that assist in holding juveniles accountable for their actions and in developing the competencies necessary to become responsible and productive members of their communities, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for

increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

(11) Coordinated juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter can help prevent juveniles from becoming delinquent and help delinquent youth return to a productive life.

(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts and which provide opportunities for competency development. Without true reform, the juvenile justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 18 percent between 2000 and 2030.

#### PURPOSES

SEC. 102. The purposes of this title and title II are—

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

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

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

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

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

#### DEFINITIONS

SEC. 103. For purposes of this Act—

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

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

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

(4)(A) the term “Bureau of Justice Assistance” means the bureau established by section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968;

(B) the term “Office of Justice Programs” means the office established by section 101 of title I of the Omnibus Crime Control and Safe Streets Act of 1968;

(C) the term “National Institute of Justice” means the institute established by section 202(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968; and

(D) the term “Bureau of Justice Statistics” means the bureau established by section 302(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968;

(5) the term “Administrator” means the agency head designated by section 201(b);

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

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

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

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

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

(i) is established under applicable State law; and

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

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

[(D)] (C) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

(i) the District of Columbia; *or*

(ii) any Trust Territory of the United States;

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States;

(17) the term “Council” means the Coordinating Council on Juvenile Justice and Delinquency Prevention established in section 206(a)(1);

(18) *for purposes of title II*, the term “Indian tribe” means—

(A) a federally recognized Indian tribe; or

(B) an Alaskan Native organization;

*that has a law enforcement function, as determined by the Secretary of the Interior in consultation with the Attorney General;*

(19) the term “comprehensive and coordinated system of services” means a system that—

(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

(B) identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency;

(20) the term “gender-specific services” means services designed to address needs unique to the gender of the individual to whom such services are provided;

(21) the term “home-based alternative services” means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention;

[(22) the term “jail or lockup for adults” means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

[(A) pending the filing of a charge of violating a criminal law;

[(B) awaiting trial on a criminal charge; or

[(C) convicted of violating a criminal law;]

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

(23) the term “nonprofit organization” means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986;

(24) the term “graduated sanctions” means an accountability-based, graduated series of sanctions (including incentives, treatment, and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing

their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

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

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

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

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

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

*(26) the term “adult inmate”—*

*(A) means an individual who—*

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

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

*(B) does not include an individual who—*

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

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

(27) the term “violent crime” means—

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

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

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

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

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

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

(30) the term “core requirements”—

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

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

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

- (32) the term “isolation”—
- (A) means any instance in which a youth is confined alone for more than 10 minutes in a room or cell; and
  - (B) does not include—
    - (i) confinement during regularly scheduled sleeping hours;
    - (ii) separation based on a treatment program approved by a licensed medical or mental health professional;
    - (iii) confinement or separation that is requested by the youth; or
    - (iv) the separation of the youth from a group in a nonlocked setting for the limited purpose of calming;
- (33) the term “restraints” has the meaning given that term in section 591 of the Public Health Service Act (42 U.S.C. 290ii);
- (34) the term “evidence-based” means a program or practice that—
- (A) is demonstrated to be effective when implemented with fidelity;
  - (B) is based on a clearly articulated and empirically supported theory;
  - (C) has measurable outcomes relevant to juvenile justice, including a detailed description of the outcomes produced in a particular population, whether urban or rural; and
  - (D) has been scientifically tested and proven effective through randomized control studies or comparison group studies and with the ability to replicate and scale;
- (35) the term “promising” means a program or practice that—
- (A) is demonstrated to be effective based on positive outcomes relevant to juvenile justice from 1 or more objective, independent, and scientifically valid evaluations, as documented in writing to the Administrator; and
  - (B) will be evaluated through a well-designed and rigorous study, as described in paragraph (34)(D);
- (36) the term “dangerous practice” means an act, procedure, or program that creates an unreasonable risk of physical injury, pain, or psychological harm to a juvenile subjected to the act, procedure, or program;
- (37) the term “screening” means a brief process—
- (A) designed to identify youth who may have mental health, behavioral health, substance abuse, or other needs requiring immediate attention, intervention, and further evaluation; and
  - (B) the purpose of which is to quickly identify a youth with possible mental health, behavioral health, substance abuse, or other needs in need of further assessment;
- (38) the term “assessment” includes, at a minimum, an interview and review of available records and other pertinent information—
- (A) by an appropriately trained professional who is licensed or certified by the applicable State in the mental health, behavioral health, or substance abuse fields; and
  - (B) which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth’s confinement;

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

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

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

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

(C) responding in ways that resist retraumatization;

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

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

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

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

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

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

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

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

## TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

### PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

\* \* \* \* \*

#### CONCENTRATION OF FEDERAL EFFORTS

SEC. 204. (a)(1) The Administrator shall develop objectives, priorities, and [a long-term plan, and implement] a long-term plan to improve the juvenile justice system in the United States, taking into account scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents, and shall implement overall policy and a strategy to carry out such plan, for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, [research, and improvement of the juvenile justice system in the United States] and research. In carrying out the functions of

the Administrator, the Administrator shall consult with the Council.

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

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

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

(B) The Administrator shall review the plan described in paragraph (1) annually, revise the plan as the Administrator considers appropriate, and publish the plan in the ~~【Federal Register—】~~ *Federal Register during the 30-day period ending on October 1 of each year.*

~~【(i) not later than 240 days after the date of enactment of this paragraph, in the case of the initial plan required by paragraph (1); and~~

~~【(ii) except as provided in clause (i), in the 30-day period ending on October 1 of each year.】~~

(b) In carrying out the purposes of this Act, the Administrator shall—

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

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

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

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

*(5) not later than 1 year after the date of enactment of the Juvenile Justice Reform Act of 2017, in consultation with Indian tribes, develop a policy for the Office of Juvenile Justice and Delinquency Prevention to collaborate with representatives of Indian tribes with a criminal justice function on the implementation of the provisions of this Act relating to Indian tribes;*

~~【(5)】~~ (6)(A) develop for each fiscal year, and publish annually in the Federal Register for public comment, a proposed comprehensive plan describing the particular activities which the Administrator intends to carry out under parts D and E in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts D and E; and

(B) taking into consideration comments received during the 45-day period beginning on the date the proposed plan is pub-

lished, develop and publish a final plan, before December 31 of such fiscal year, describing the particular activities which the Administrator intends to carry out under parts D and E in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts D and E; *and*

[(6)] (7) provide for the auditing of [monitoring] systems required under [section 223(a)(15)] *section 223(a)(14)* [to review the adequacy of such systems; and] *for monitoring compliance.*

[(7) not later than 1 year after the date of the enactment of this paragraph, issue model standards for providing mental health care to incarcerated juveniles.]

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

(d) The Administrator shall have the sole authority to delegate any of the functions of the Administrator under this Act.

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

(f) All functions of the Administrator under this title shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under title III of this Act.

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#### COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 206. (a)(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention composed of the Attorney General, the Secretary of Health and Human Services, *the Assistant Secretary for Mental Health and Substance Use, the Secretary of the Interior, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, the [Commissioner of Immigration and Naturalization] Assistant Secretary for Immigration and Customs Enforcement*, such other officers of Federal agencies who hold significant decisionmaking authority as the President may designate, and individuals appointed under paragraph (2).

(2)(A) Ten members shall be appointed, without regard to political affiliation, to the Council in accordance with this paragraph from among individuals who are practitioners in the field of juvenile justice and who are not officers or employees of the [United States] *Federal Government.*

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

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

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

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

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

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

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

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

as designated at the time of appointment.

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

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

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

(c)(1) The function of the Council shall be to coordinate all Federal juvenile delinquency programs (in cooperation with State and local juvenile justice programs) all Federal programs and activities that detain or care for unaccompanied juveniles, and all Federal programs relating to missing and exploited children. The Council shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles and shall make recommendations to the President and to the Congress at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities and all Federal programs and activities that detain or care for unaccompanied juveniles. The Council shall review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of [paragraphs (12)(A), (13), and (14) of section 223(a) of this title] *the core requirements*. The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council. The Council shall review the reasons why Federal agencies take juveniles into custody and shall make recommendations regarding how to improve Federal practices and facilities for holding juveniles in custody.

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

(A) make recommendations regarding the development of the objectives, priorities, and the long-term plan, and the imple-

mentation of overall policy and the strategy to carry out such plan, referred to in section 204(a)(1); and

**[(B) not later than 180 days after the date of the enactment of this paragraph, submit such recommendations to the Administrator, the Chairman of the Committee on Education and the Workforce of the House of Representatives, and the Chairman of the Committee on the Judiciary of the Senate.]**

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

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

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

*(iii) is published on the Web sites of the Office of Juvenile Justice and Delinquency Prevention, the Council, and the Department of Justice; and*

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

(d) The Council shall meet at least quarterly.

(e) The Administrator shall, with the approval of the Council, appoint such personnel or staff support as the Administrator considers necessary to carry out the purposes of this title.

(f) Members appointed under subsection (a)(2) shall serve without compensation. Members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

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

#### ANNUAL REPORT

SEC. 207. Not later than 180 days after the end of **[a fiscal year]** *each fiscal year*, the Administrator shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains the following with respect to such fiscal year:

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

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

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

(C) the ages of the juveniles;

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

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

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

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

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

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

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

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

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

(3) A description, based on the most recent data available, of the extent to which each State complies with section 223 and with the plan submitted under such section by the State for such fiscal year.

(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.

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

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

(7) *An analysis and evaluation of the internal controls at the Office of Juvenile Justice and Delinquency Prevention to determine if grantees are following the requirements of the Office of*

*Juvenile Justice and Delinquency Prevention grant programs and what remedial action the Office of Juvenile Justice and Delinquency Prevention has taken to recover any grant funds that are expended in violation of the grant programs, including instances—*

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

*(B) where unauthorized expenditures occurred; or*

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

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

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

*(B) the violation of the program found;*

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

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

#### PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

##### AUTHORITY TO MAKE GRANTS AND CONTRACTS

SEC. 221. (a) The Administrator is authorized to make grants to States and units of local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

(b)(1) With not to exceed ~~2 percent~~ *5 percent* of the funds available in a fiscal year to carry out this part, the Administrator shall make grants to and enter into contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local governments (and combinations thereof), and local private agencies to facilitate compliance with section 223 and implementation of the State plan approved under section 223(c).

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

##### ALLOCATION

SEC. 222. (a)(1) Subject to paragraph (2) and in accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under ~~age eighteen~~ *18 years of age, based on the most recent data available from the Bureau of the Census.*

[(2)(A) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this title is less than

\$75,000,000, then the amount allocated to each State for such fiscal year shall be not less than \$325,000, or such greater amount up to \$400,000 as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 2000, except that the amount allocated to the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be not less than \$75,000, or such greater amount up to \$100,000 as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 2000, each.

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

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

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

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

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

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

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

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

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

(c) In accordance with regulations promulgated under this part, a portion of any allocation to any State under this part shall be available to develop a State plan or for other pre-award activities

associated with such State plan, and to pay that portion of the expenditures which are necessary for **efficient administration, including monitoring, evaluation, and one full-time staff position** *effective and efficient administration of funds, including the designation of not less than 1 individual who shall coordinate efforts to achieve and sustain compliance with the core requirements and certify whether the State is in compliance with such requirements.* Not more than 10 percent of the total annual allocation of such State shall be available for such purposes, except that any amount expended or obligated by such State, or by units of local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State, or by such units or combinations, from State or local funds, as the case may be. The State shall make available needed funds for planning and administration to units of local government or combinations thereof within the State on an equitable basis.

(d) In accordance with regulations promulgated under this part, **5 per centum of the minimum** *not more than 5 percent of the annual allocation to any State under this part shall be available to assist the advisory group established under section 223(a)(3) of this Act.*

#### STATE PLANS

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs, projects, and activities. The State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, **and shall describe the status of compliance with State plan requirements.** *and shall describe how the State plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents. Not later than 60 days after the date on which a plan or amended plan submitted under this subsection is finalized, a State shall make the plan or amended plan publicly available by posting the plan or amended plan on the State's publicly available website.* In accordance with regulations which the Administrator shall prescribe, such plan shall—

(1) designate the State agency **described in section 299(c)(1)** *as designated by the chief executive officer of the State* as the sole agency for supervising the preparation and administration of the plan;

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

(3) provide for an advisory group that—

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

(i) which members have training, experience, or special knowledge concerning *adolescent development*, the

prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency;

(ii) which members include—

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

(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, *publicly supported court-appointed legal counsel with experience representing juveniles in delinquency proceedings*, and probation workers;

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

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

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

(VI) **[youth workers involved with]** *representatives of programs that are alternatives to incarceration, including programs providing organized recreation activities*;

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

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

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

*(IX) representatives of victim or witness advocacy groups, including at least 1 individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma, particularly the needs of you who experience disproportionate*

*levels of sexual abuse, exploitation, and trauma before entering the juvenile justice system; and*

*(X) for a State in which 1 or more Indian tribes are located, an Indian tribal representative or other individual with significant expertise in tribal law enforcement and juvenile justice in Indian tribal communities;*

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

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

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

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

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

(D) shall, consistent with this title—

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

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

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

(E) may, consistent with this title—

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

(ii) review progress and accomplishments of projects funded under the State plan**[.];**

(4) provide for the active consultation with and participation of units of local government or combinations thereof in the development of a State plan which adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;

(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least  $66\frac{2}{3}$  per centum of funds received by the State under section 222 reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding funds made available to the state advisory group under section 222(d), shall be expended—

(A) through programs of units of local government or combinations thereof, to the extent such programs are consistent with the State plan;

(B) through programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of local government or combination thereof; and

(C) to provide funds for programs of [Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior) and that agree to attempt to comply with the requirements specified in paragraphs (11), (12), and (13), applicable to the detention and confinement of juveniles] *Indian tribes that agree to attempt to comply with the core requirements applicable to the detention and confinement of juveniles*, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the State population under 18 years of age.

(6) provide for an equitable distribution of the assistance received under section 222 within the State, including in rural areas;

(7)(A) provide for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State (including any geographical area in which an Indian tribe [performs law enforcement functions] *has jurisdiction*), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State; and

(B) contain—

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

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

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

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

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

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

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

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

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

*(ix) not later than 1 year after the date of enactment of the Juvenile Justice Reform Act of 2017, a plan, which shall be implemented not later than 2 years after the date of enactment of the Juvenile Justice Reform Act of 2017, to—*

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

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

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

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

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

(9) provide that not less than 75 percent of the funds available to the State under section 222, other than funds made available to the State advisory group under section 222(d), whether expended directly by the State, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for, *with priority in funding given to entities meeting the criteria for evidence-based or promising programs—*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) **[expanding]** *programs to expand* the use of probation officers—

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

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

(G) *programs—*

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

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

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

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

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

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

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

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

- (i) a sense of safety and structure;
- (ii) a sense of belonging and membership;
- (iii) a sense of self-worth and social contribution;
- (iv) a sense of independence and control over one's life; and
- (v) a sense of closeness in interpersonal relationships;

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

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

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

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

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

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

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

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

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

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

(U) programs and projects designed—

(i) *to inform juveniles of the opportunity and process for sealing and expunging juvenile records; and*

(ii) *to assist juveniles in pursuing juvenile record sealing and expungements for both adjudications and arrests not followed by adjudications;*

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

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

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

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

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

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

**[(i)]** juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

**[(ii)]** juveniles who are charged with or who have committed a violation of a valid court order; and

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

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

**[(B)]** juveniles—

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

**[(ii)]** who are—

**[(I)]** aliens; or

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

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

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

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

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

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

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

(ii) *the juvenile—*

(I) *is not charged with any offense; and*

(II)(aa) *is an alien; or*

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

(B) *require that—*

(i) *not later than 3 years after the date of enactment of the Juvenile Justice Reform Act of 2017, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—*

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

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

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

(I) *the age of the juvenile;*

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

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

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

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

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

(VII) *any other relevant factor; and*

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

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

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

(12) provide that—

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

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

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

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

(i) for processing or release;

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

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

and only if such juveniles do not have **[contact]** *sight or sound contact* with adult inmates and only if there is in effect in the State a policy that requires individuals who work with both such juveniles and adult inmates in collocated facilities have been trained and certified to work with juveniles;

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

(i) in which—

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

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

(ii) that—

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

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

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

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

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

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

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

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

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

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

[(17)] (18) provide for procedures to be established for protecting the rights of recipients of services and for assuring ap-

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

[(18)] (19) provide assurances that—

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

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

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

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

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

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

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

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

(C) not expend funds to carry out a program if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the State agency;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ee) may not be renewed or extended; and

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

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

(E) not later than September 30, 2020 (with a 1-year extension for each additional fiscal year that a State can demonstrate hardship, as determined by the State, and submits in writing evidence of such hardship to the Admin-

*istrator which shall be considered approved unless the Administrator justifies to the State in writing that the hardship does not qualify for an exemption), the State will eliminate the use of valid court orders to provide secure confinement of status offenders, except that juveniles may be held in secure confinement in accordance with the Interstate Compact for Juveniles if the judge issues a written order that—*

*(i) specifies the factual basis to believe that the State has the authority to detain the juvenile under the terms of the Interstate Compact for Juveniles;*

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

*(iii) specifies the length of time a juvenile may remain in secure confinement, not to exceed 15 days, and includes a plan for the return of the juvenile to the home State of the juvenile; and*

*(iv) may not be renewed or extended;*

(24) provide an assurance that if the State receives under section 222 for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 2000, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services;

(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the State advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units;

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

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

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

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

【(28)】 (27) provide assurances that juvenile offenders whose placement is funded through section 472 of the Social Security

Act (42 U.S.C. 672) receive the protections specified in section 471 of such Act (42 U.S.C. 671), including a case plan and case plan review as defined in section 475 of such Act (42 U.S.C. 675) [1];

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

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

(30) describe—

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

(i) request a screening;

(ii) show signs of needing a screening; or

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

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

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

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

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

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

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

(B) review processes;

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

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

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

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

(33) describe policies and procedures to—

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

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

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

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

[(1) subject to paragraph (2), the amount allocated to such State under section 222 for the subsequent fiscal year shall be reduced by not less than 20 percent for each such paragraph with respect to which the failure occurs, and

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

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

[(B) the Administrator determines that the State—

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

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

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

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

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

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

(ii) the Administrator determines that the State—

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

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

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

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

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

(d) In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 802, 803, and 804 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall endeavor to make that State's allocation under the provisions of section 222(a), excluding funds the Administrator shall make available to satisfy the requirement specified in section 222(d), available to local public and private non-profit agencies within such State for use in carrying out activities of the kinds **described in paragraphs (11), (12), (13), and (22) of subsection (a)] described in the core requirements.** The Administrator shall make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds, available on an equitable basis to those States that have achieved full compliance with **the requirements under paragraphs (11), (12), (13), and (22) of subsection (a)] the core requirements.**

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

(f) TECHNICAL ASSISTANCE.—

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

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

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

**[(B)] (A) disseminating information, data, standards, advanced techniques, and program models;**

**[(C)] (B) reviewing Federal policies regarding juvenile justice and delinquency prevention;**

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

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

(g) *COMPLIANCE DETERMINATION.*—

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

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

(A) issue an annual public report—

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

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

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

(3) *DETERMINATIONS REQUIRED.*—The Administrator may not—

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

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

## **[PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM**

### **[SEC. 241. AUTHORITY TO MAKE GRANTS.**

[(a) *GRANTS TO ELIGIBLE STATES.*—The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

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

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

[(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

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

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

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

[(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

【(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;

【(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or

【(H) to provide services to juveniles with serious mental and emotional disturbances (SED) in need of mental health services;

【(3) projects which expand the use of probation officers—

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

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

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

【(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

【(6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

【(7) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

【(8) projects which provide for an initial intake screening of each juvenile taken into custody—

【(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

【(B) to provide appropriate interventions (including mental health services) to prevent such juvenile from committing subsequent offenses;

[(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

[(10) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies (including collaboration on appropriate prenatal care for pregnant juvenile offenders), private non-profit agencies, and public recreation agencies offering services to juveniles;

[(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

[(12) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

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

[(14) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

[(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

[(16) projects which provide for—

[(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

[(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

[(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

[(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

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

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

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

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

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

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

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

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

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

[(b) GRANTS TO ELIGIBLE INDIAN TRIBES.—The Administrator may make grants to eligible Indian tribes from funds allocated under section 242(b), to carry out projects of the kinds described in subsection (a).

**[SEC. 242. ALLOCATION.**

[(a) ALLOCATION AMONG ELIGIBLE STATES.—Subject to subsection (b), funds appropriated to carry out this part shall be allocated among eligible States proportionately based on the population that is less than 18 years of age in the eligible States.

[(b) ALLOCATION AMONG INDIAN TRIBES COLLECTIVELY.—Before allocating funds under subsection (a) among eligible States, the Administrator shall allocate among eligible Indian tribes as determined under section 246(a), an aggregate amount equal to the amount such tribes would be allocated under subsection (a), and without regard to this subsection, if such tribes were treated collectively as an eligible State.

**[SEC. 243. ELIGIBILITY OF STATES.**

**[(a) APPLICATION.—**To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

**[(1) An assurance that the State will use—**

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

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

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

**[(B) the remainder of such grant to make grants under section 244.**

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

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

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

**[(5) An assurance that each eligible entity described in section 244 that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.**

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

**[(b) APPROVAL OF APPLICATIONS.—**

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

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

**[(A)(i) the State submitted a plan under section 223 for such fiscal year; and**

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

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

**[SEC. 244. GRANTS FOR LOCAL PROJECTS.**

[(a) GRANTS BY STATES.—Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State, and reviewed by the State advisory group, to carry out projects and activities described in section 241.

[(b) SPECIAL CONSIDERATION.—For purposes of making grants under subsection (a), the State shall give special consideration to eligible entities that—

[(1) propose to carry out such projects in geographical areas in which there is—

[(A) a disproportionately high level of serious crime committed by juveniles; or

[(B) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

[(2)(A) agreed to carry out such projects or activities that are multidisciplinary and involve more than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles; or

[(B) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

[(3) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

**[SEC. 245. ELIGIBILITY OF ENTITIES.**

[(a) ELIGIBILITY.—Except as provided in subsection (b), to be eligible to receive a grant under section 244, a unit of general purpose local government, acting jointly with not fewer than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles, shall submit to the State an application that contains the following:

[(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (25) of section 241(a) as specified in, such application.

[(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

[(3) A statement identifying the research (if any) such entity relied on in preparing such application.

[(b) LIMITATION.—If an eligible entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.

**[SEC. 246. GRANTS TO INDIAN TRIBES.****[(a) ELIGIBILITY.—**

**[(1) APPLICATION.—**To be eligible to receive a grant under section 241(b), an Indian tribe shall submit to the Administrator an application in accordance with this section, in such form and containing such information as the Administrator may require by rule.

**[(2) PLANS.—**Such application shall include a plan for conducting programs, projects, and activities described in section 241(a), which plan shall—

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

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

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

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

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

**[(D)** comply with the requirements specified in section 223(a) (excluding any requirement relating to consultation with a State advisory group) and with the requirements specified in section 222(c); and

**[(E)** contain such other information, and be subject to such additional requirements, as the Administrator may reasonably require by rule to ensure the effectiveness of the projects for which grants are made under section 241(b).

**[(b) FACTORS FOR CONSIDERATION.—**For the purpose of selecting eligible applicants to receive grants under section 241(b), the Administrator shall consider—

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

**[(2)** with respect to each such applicant—

**[(A)** the juvenile population; and

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

**[(c) GRANT PROCESS.—**

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

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

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

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

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

[(2) EXCEPTION.—If—

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

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

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

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

[(d) REPORTING REQUIREMENT.—Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

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

[(2) Paragraph (1) shall not apply with respect to funds appropriated before the date of the enactment of the Juvenile Justice and Delinquency Prevention Act of 2002.

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

## **PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING**

### **SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION.**

(a) RESEARCH AND EVALUATION.—(1) The Administrator [may] *shall*—

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

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

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

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

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

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

(iv) successful efforts to prevent recidivism;

(v) the juvenile justice system;

(vi) juvenile violence;

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

*(vii) the prevalence and duration of behavioral health needs (including mental health, substance abuse, and co-occurring disorders) among juveniles pre-placement and post-placement in the juvenile justice system, including an examination of the effects of secure confinement;*

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

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

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

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

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

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

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

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

[(ix)] *(xvi) evaluating services, treatment, and aftercare placement of juveniles who were under the care of the*

State child protection system before their placement in the juvenile justice system;

[(x)] (xvii) determining—

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

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

(aa) the relationship between victims and perpetrators;

(bb) demographic characteristics of victims and perpetrators; and

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

[(xi)] (xviii) other purposes consistent with the purposes of this title and title I.

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

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

(4) Not later than 1 year after the [date of enactment of this paragraph, the] *date of enactment of the Juvenile Justice Reform Act of 2017*, the Administrator shall conduct a study with respect to juveniles who, prior to placement in the juvenile justice system, were under the care or custody of the State child welfare system, and to juveniles who are unable to return to their family after completing their disposition in the juvenile justice system and who remain wards of the State *in accordance with relevant confidentiality requirements*. Such study shall include—

(A) the number of juveniles in each category;

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

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

(D) barriers faced by State *and Indian tribes* in providing services to these juveniles;

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

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

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

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

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

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

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

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

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

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

(e) INFORMATION DISSEMINATION.—The Administrator may—

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

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

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

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

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

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

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

**SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.**

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

(1) shall develop and carry out projects for the purpose of training representatives and personnel of public and private

agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, to carry out the purposes specified in section 102; **[and]**

(2) *may* make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, to carry out the purposes specified in section 102**[.]**; *and*

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

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

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

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

(3) *shall provide technical assistance to States and units of local government on achieving compliance with the amendments to the core requirements and State Plans made by the Juvenile Justice Reform Act of 2017, including training and technical assistance and, when appropriate, pilot or demonstration projects intended to develop and replicate best practices for achieving sight and sound separation in facilities or portions of facilities that are open and available to the general public and that may or may not contain a jail or a lock-up; and*

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

(c) **TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.**—The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, *prosecutors*, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models (including model juvenile and family courts), programs, or delivery systems that address the needs of *status offenders and juveniles* who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placements.

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

(1) *share best practices, which may include sharing standards of practice developed by recognized entities in the profession, for attorneys representing children; and*

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

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

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

(2) *to encourage alternative behavior management techniques based on positive youth development approaches, which may include policies and procedures to train personnel to be culturally competent.*

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

(1) *juvenile justice intake personnel;*

(2) *probation officers;*

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

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

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

(g) **TRAINING AND TECHNICAL ASSISTANCE TO SUPPORT JUVENILE COURT JUDGES AND PERSONNEL.**—*The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention and the Office of Justice Programs, shall provide training and technical assistance, in conjunction with the appropriate public agencies, to enhance the capacity of State and local courts, judges, and related judicial personnel to—*

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

(2) carry out the requirements of this Act.

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

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## PART F—GENERAL AND ADMINISTRATIVE PROVISIONS

### AUTHORIZATION OF APPROPRIATIONS

SEC. 299. (a) **AUTHORIZATION OF APPROPRIATIONS FOR TITLE II [(EXCLUDING PARTS C AND E)].**—[(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2003, 2004, 2005, 2006, and 2007.] (1) *There are authorized to be appropriated to carry out this title—*

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

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

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

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

(E) \$79,602,266 for fiscal year 2022.

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

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

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

(C) not more than 15 percent shall be available to carry out [part D] parts D and E.

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

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

[(d)] (b) No funds appropriated to carry out the purposes of this title may be used for any bio-medical or behavior control experimentation on individuals or any research involving such experimentation. For the purpose of this subsection, the term “behavior control” refers to experimentation or research employing methods which involve a substantial risk of physical or psychological harm to the individual subject and which are intended to modify or alter criminal and other anti-social behavior, including aversive conditioning therapy, drug therapy or chemotherapy (except as part of routine clinical care), physical therapy of mental disorders, electroconvulsive therapy, or physical punishment. The term does not apply to a limited class of programs generally recognized as involving no such risk, including methadone maintenance and certain

alcohol treatment programs, psychological counseling, parent training, behavior contracting, survival skills training, restitution, or community service, if safeguards are established for the informed consent of subjects (including parents or guardians of minors).

ADMINISTRATIVE AUTHORITY

SEC. 299A. (a) The Office shall be administered by the Administrator under the general authority of the Attorney General.

(b) Sections 809(c), 811(a), 811(b), 811(c), 812(a), 812(b), and 812(d) of the Omnibus Crime Control and Safe Streets Act of 1968, as so designated by the operation of the amendments made by the Justice Assistance Act of 1984, shall apply with respect to the administration of and compliance with this Act, except that for purposes of this Act—

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

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

(c) Sections 801(a), 801(c), and 806 of the Omnibus Crime Control and Safe Streets Act of 1968, as so designated by the operation of the amendments made by the Justice Assistance Act of 1984, shall apply with respect to the administration of and compliance with this Act, except that for purposes of this Act—

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

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

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

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

(2) *The Administrator shall ensure that—*

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

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

(e) If a State requires by law compliance with the [requirements described in paragraphs (11), (12), and (13) of section 223(a)] *core requirements*, then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.

### TITLE III—RUNAWAY AND HOMELESS YOUTH

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#### PART F—GENERAL PROVISIONS

\* \* \* \* \*

#### SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—

(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this title (other than section 345 and part E) \$[140,000,000 for fiscal year 2009, and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013] *101,980,000 for each of the fiscal years 2018 through 2022.*

(2) ALLOCATION.—

(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

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

(3) PARTS C AND D.—

(A) IN GENERAL.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D (other than section 345).

(B) PERIODIC ESTIMATE.—[There are authorized to be appropriated to carry out section 345 such sums as may be necessary for fiscal years 2009, 2010, 2011, 2012, and 2013] *Of the amount made available for a fiscal year to carry out this title, not more than 1 percent may be used to carry out section 345.*

(4) PART E.—There are authorized to be appropriated to carry out part E [\$25,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013] *\$17,141,000 for each of the fiscal years 2018 through 2022.*

(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary pay-

ment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.

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TITLE IV—MISSING CHILDREN

\* \* \* \* \*

**SEC. 407. OVERSIGHT AND ACCOUNTABILITY.**

All grants awarded by the Department of Justice that are authorized under this title shall be subject to the following:

(1) **AUDIT REQUIREMENT.**—For 2 of the fiscal years in the period of fiscal years 2014 through 2018, the Inspector General of the Department of Justice shall conduct audits of the recipient of grants under this title to prevent waste, fraud, and abuse by the grantee.

(2) **MANDATORY EXCLUSION.**—If the recipient of grant funds under this title is found to have an unresolved audit finding, then that entity shall not be eligible to receive grant funds under this title during the 2 fiscal years beginning after the 12-month period described in paragraph (4).

(3) **REPAYMENT OF GRANT FUNDS.**—If an entity is awarded grant funds under this title during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(4) **DEFINED TERM.**—In this section, the term “unresolved audit finding” means an audit report finding in the final report of the Inspector General of the Department of Justice that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 12-month period beginning on the date when the final audit report is issued.

(5) **NONPROFIT ORGANIZATION REQUIREMENTS.**—

(A) **DEFINITION.**—For purposes of this section and the grant programs described in this title, the term “nonprofit”, relating to an entity, means the entity is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) **PROHIBITION.**—The Attorney General shall not award a grant under any grant program described in this title to a nonprofit organization that holds money in off-shore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) **DISCLOSURE.**—Each nonprofit organization that is awarded a grant under this title and uses the procedures prescribed in regulations under section 53.4958–6 of title 26 of the Code of Federal Regulations to create a rebuttable presumption of reasonableness of the compensation for its officers, directors, trustees and key employees, shall

disclose to the Attorney General the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information available for public inspection.

**[(6) CONFERENCE EXPENDITURES.—**

**[(A) LIMITATION.—**No amounts authorized to be appropriated under this title may be used to host or support any expenditure for conferences that uses more than \$20,000 unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy director as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

**[(B) WRITTEN APPROVAL.—**Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

**[(C) REPORT.—**The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Education and the Workforce of the House of Representatives on all conference expenditures approved by operation of this paragraph.

**[(7) PROHIBITION ON LOBBYING ACTIVITY.—**

**[(A) IN GENERAL.—**Amounts authorized to be appropriated under this title may not be utilized by any grant recipient to—

**[(i)** lobby any representative of the Department of Justice regarding the award of any grant funding; or

**[(ii)** lobby any representative of a Federal, State, local, or tribal government regarding the award of grant funding.

**[(B) PENALTY.—**If the Attorney General determines that any recipient of a grant under this title has violated subparagraph (A), the Attorney General shall—

**[(i)** require the grant recipient to repay the grant in full; and

**[(ii)** prohibit the grant recipient from receiving another grant under this title for not less than 5 years.

**[(C) CLARIFICATION.—**For purposes of this paragraph, submitting an application for a grant under this title shall not be considered lobbying activity in violation of subparagraph (A).]

\* \* \* \* \*

AUTHORIZATION OF APPROPRIATIONS

SEC. 408. (a) IN GENERAL.—To carry out the provisions of this title, there are authorized to be appropriated \$40,000,000 for each of the fiscal years 2014 through **[2018]** 2022, up to \$32,200,000 of

which shall be used to carry out section 404(b) for each such fiscal year.

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

## [TITLE V—MISCELLANEOUS AND CONFORMING AMENDMENTS

### [PART A—AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

[SEC. 501. Section 5031 of title 18, United States Code, is amended to read as follows:

#### [“§ 5031. Definitions

["For the purposes of this chapter, a ‘juvenile’ is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-first birthday, and ‘juvenile delinquency’ is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult.”

#### [DELINQUENCY PROCEEDINGS IN DISTRICT COURTS

[SEC. 502. Section 5032 of title 18, United States Code, is amended to read as follows:

#### [“§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution

["A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the needs of juveniles.

["If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

["If an alleged juvenile delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

["A juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult, except that, with respect to a juvenile sixteen years and older alleged to have committed an act after his sixteenth birthday

which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, such transfer would be in the interest of justice.

["Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing whether a transfer would be in the interest of justice: the age and social background of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; the availability of programs designed to treat the juvenile's behavioral problems.

["Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

["Once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

["Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions."

#### 【CUSTODY

【SEC. 503. Section 5083 of title 18, United States Code is amended to read as follows:

##### 【“§ 5033. Custody prior to appearance before magistrate

【“Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensive to a juvenile, and shall immediately notify the Attorney General and the juvenile's parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.

【“The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for longer than a reasonable period of time before being brought before a magistrate.”

#### 【DUTIES OF MAGISTRATE

【SEC. 504. Section 5034 of title 18, United States Code, is amended to read as follows:

##### 【“§ 5034. Duties of magistrate

【“The magistrate shall insure that the juvenile is represented by counsel before proceeding with critical stages of the proceedings. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian, or custodian are financially unable to obtain adequate representation. In cases where the juvenile and his

parents, guardian, or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian, or custodian to retain private counsel within a specified period of time.

["The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

["If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents, guardian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, at which the juvenile is represented by counsel, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others."

#### 【DETENTION

【SEC. 505. Section 5035 of this title is amended to read as follows:

#### 【"§ 5035. Detention prior to disposition

【"A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment."

#### 【SPEEDY TRIAL

【SEC. 506. Section 5036 of this title is amended to read as follows:

#### 【"§ 5036. Speedy trial

【"If an alleged delinquent who is in detention pending trial is not brought to trial within thirty days from the date upon which such detention was begun, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay was caused by the juvenile or his counsel, or consented to by the juvenile and his counsel, or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice. Except in extraordinary cir-

cumstance, an information dismissed under this section may not be reinstated.”

【DISPOSITION】

【SEC. 507. Section 5037 is amended to read as follows:

**【“§ 5037. Dispositional hearing**

【“(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than twenty court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the Government a reasonable time in advance of the hearing.

【“(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment, or commitment in accordance with subsection (c) shall not extend beyond the juvenile’s twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner, unless the juvenile has attained his nineteenth birthday at the time of disposition, in which case probation, commitment, or commitment in accordance with subsection (c) shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

【“(c) If the court desires more detailed information concerning an alleged or adjudicated delinquent, it may commit him, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and his attorney. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time.”

【JUVENILE RECORDS】

【SEC. 508. Section 5038 is added, to read as follows:

**【“§ 5038. Use of juvenile records**

【“(a) Throughout the juvenile delinquency proceeding the court shall safeguard the records from disclosure. Upon the completion of any juvenile delinquency proceeding whether or not there is an adjudication the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except to the extent necessary to meet the following circumstances:

【“(1) inquiries received from another court of law;

【“(2) inquiries from an agency preparing a presentence report for another court;

【“(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

【“(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; and

【“(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

Unless otherwise authorized by this section, information about the sealed record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

【“(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to the sealing of his juvenile record.

【“(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.

【“(d) Unless a juvenile who is taken into custody is prosecuted as an adult—

【“(1) neither the fingerprints nor a photograph shall be taken without the written consent of the judge; and

【“(2) neither the name nor picture of any juvenile shall be made public by any medium of public information in connection with a juvenile delinquency proceeding.”

#### 【COMMITMENT

【SEC. 509. Section 5039 is added, to read as follows:

#### 【“§ 5039. Commitment

【“No juvenile committed to the custody of the Attorney General may be placed or retained in an adult jail or correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

【“Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

【“Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.”

## 【SUPPORT

【SEC. 510. Section 5040 is added, to read as follows.

## 【“§ 5040. Support

【“The Attorney General may contract with any public or private agency or individual and such community-based facilities as half-way houses and foster homes for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for ‘support of United States prisoners’ or such other appropriations as he may designate.”

## 【PAROLE

【SEC. 511. Section 5041 is added to read as follows:

## 【§ 5041. Parole

【“The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice.”

## 【REVOCATION

【SEC. 512. Section 5042 is added to read as follows.

## 【“§ 5042. Revocation of parole or probation

【“Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked.”

【SEC. 513. The table of sections of chapter 403 of this title is amended to read as follows:

- 【“Sec.
- 【“5031. Definitions.
- 【“5032. Delinquency proceedings in district courts; transfer for criminal prosecution.
- 【“5033. Custody prior to appearance before magistrate.
- 【“5034. Duties of magistrate.
- 【“5035. Detention prior to disposition.
- 【“5036. Speedy trial.
- 【“5037. Dispositional hearing.
- 【“5038. Use of juvenile records.
- 【“5039. Commitment.
- 【“5040. Support.
- 【“5041. Parole.
- 【“5042. Revocation of parole or probation.”.

## 【PART B—NATIONAL INSTITUTE OF CORRECTIONS

【SEC. 521. Title 18, United States Code, is amended by adding a new chapter 319 to read as follows:

## 【“CHAPTER 319.—NATIONAL INSTITUTE OF CORRECTIONS

【“SEC. 4351. (a) There is hereby established within the Bureau of Prisons a National Institute of Corrections.

【“(b) The overall policy and operations of the National Institute of Corrections shall be under the supervision of an Advisory Board. The Board shall consist of sixteen members. The following six indi-

viduals shall serve as members of the Commission ex officio: the Director of the Federal Bureau of Prisons or his designee, the Administrator of the Law Enforcement Assistance Administration or his designee, Chairman of the United States Parole Board or his designee, the Director of the Federal Judicial Center or his designee, the Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention or his designee, and the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare or his designee.

【“(c) The remaining ten members of the Board shall be selected as follows:

【“(1) Five shall be appointed initially by the Attorney General of the United States for staggered terms; one member shall serve for one year, one member for two years, and three members for three years. Upon the expiration of each member’s term, the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be qualified as a practitioner (Federal, State, or local) in the field of corrections, probation, or parole.

【“(2) Five shall be appointed initially by the Attorney General of the United States for staggered terms, one member shall serve for one year, three members for two years, and one member for three years.” Upon the expiration of each member’s term the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be from the private sector, such as business, labor, and education, having demonstrated an active interest in corrections, probation, or parole.

【“(d) The members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States. Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Commission pursuant to this title, be entitled to receive compensation at the rate not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code, including travel-time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

【“(e) The Board shall elect a chairman from among its members who shall serve for a term of one year. The members of the Board shall also elect one or more members as a vice-chairman.

【“(f) The Board is authorized to appoint, without regard to the civil service laws, technical, or other advisory committees to advise the Institute with respect to the administration of this title as it deems appropriate. Members of these committees not otherwise employed by the United States, while engaged in advising the Institute or attending meetings of the committees, shall be entitled to receive compensation at the rate fixed by the Board but not to

exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

【“(g) The Board is authorized to delegate its powers under this title to such persons as it deems appropriate.

【“(h) The Institute shall be under the supervision of an officer to be known as the Director, who shall be appointed by the Attorney General after consultation with the Board. The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel, subject to the civil service and classification laws, as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Board. The Director is authorized to delegate his powers under this title to such persons as he deems appropriate.

【“SEC. 4352. (a) In addition to the other powers, express and implied, the National Institute of Corrections shall have authority—

【“(1) to receive from or make grants to and enter into contracts with Federal, State, and general units of local government, public and private agencies, educational institutions, organizations, and individuals to carry out the purposes of this chapter;

【“(2) to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on corrections, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal and juvenile offenders;

【“(3) to assist and serve in a consulting capacity to Federal, State, and local courts, departments, and agencies in the development, maintenance, and coordination of programs, facilities, and services, training, treatment, and rehabilitation with respect to criminal and juvenile offenders;

【“(4) to encourage and assist Federal, State, and local government programs and services, and programs and services of other public and private agencies, institutions, and organizations in their efforts to develop and implement improved corrections programs;

【“(5) to devise and conduct, in various geographical locations, seminars, workshops, and training programs for law enforcement officers, judges, and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay ex-offenders, and paraprofessional personnel, connected with the treatment and rehabilitation of criminal and juvenile offenders;

【“(6) to develop technical training teams to aid in the development of seminars, workshops, and training programs within the several States and with the State and local agencies which

work with prisoners, parolees, probationers, and other offenders;

【“(7) to conduct, encourage, and coordinate research relating to corrections, including the causes, prevention, diagnosis, and treatment of criminal offenders;

【“(8) to formulate and disseminate correctional policy, goals, standards, and recommendations for Federal, State, and local correctional agencies, organizations, institutions, and personnel;

【“(9) to conduct evaluation programs which study the effectiveness of new approaches, techniques, systems, programs, and devices employed to improve the corrections system;

【“(10) to receive from any Federal department or agency such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information to the Institute;

【“(11) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel, facilities, or equipment of such departments and agencies;

【“(12) to confer with and avail itself of the assistance, services, records, and facilities of State and local governments or other public or private agencies, organizations, or individuals;

【“(13) to enter into contracts with public or private agencies, organizations, or individuals, for the performance of any of the functions of the Institute; and

【“(14) to procure the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code, at rates of compensation not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code.

【“(b) The Institute shall on or before the 31st day of December of each year submit an annual report for the preceding fiscal year to the President and to the Congress. The report shall include a comprehensive and detailed report of the Institute’s operations, activities, financial condition, and accomplishments under this title and may include such recommendations related to corrections as the Institute deems appropriate.

【“(c) Each recipient of assistance under this shall keep such records as the Institute shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

【“(d) The Institute, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purposes of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

【“(e) The provision of this section shall apply to all recipients of assistance under this title, whether by direct grant or contract from

the Institute or by subgrant or subcontract from primary grantees or contractors of the Institute.

【“SEC. 4353. There is hereby authorized to be appropriated such funds as may be required to carry out the purposes of this chapter.”

【PART C—CONFORMING AMENDMENTS

【SEC. 541. (a) The section titled “DECLARATION AND PURPOSE” in title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended by inserting immediately after the second paragraph thereof the following new paragraph:

【“Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources, and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.”

【(b) Such section is further amended by adding at the end thereof the following new paragraph:

【“It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination to (1) develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile justice and delinquency prevention.”

【SEC. 542. The third sentence of section 203(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended to read as follows: “The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations including organizations directly related to delinquency prevention.”

【SEC. 543. Section 303(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after the first sentence the following: “In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act.”

【SEC. 544. Section 520 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by (1) inserting “(a)” after “SEC. 520.” and (2) by inserting at the end thereof the following:

["(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall expend from other Law Enforcement Assistance Administration appropriations, other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs as was expended by the Administration during fiscal year 1972."]

[SEC. 545. Part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new sections:

[SEC. 526. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

[SEC. 527. All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

[SEC. 528. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

["(b) Notwithstanding the provisions of section 5108 of title 5, United States Code, and without prejudice with respect to the number of positions otherwise placed in the Administration under such section 5108, the Administrator may place three positions in GS-16, GS-17, and GS-18 under section 5332 of such title 5."]

## **TITLE V—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS**

### **SEC. 501. SHORT TITLE.**

This title may be cited as the "*Youth Promise Incentive Grants for Local Delinquency Prevention Programs Act of [2002] 2017*".

### **[SEC. 502. DEFINITION.**

[In this title, the term "State advisory group" means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a).]

### **SEC. 502. DEFINITIONS.**

*In this title—*

(1) *the term "at-risk" has the meaning given that term in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472);*

(2) *the term "eligible entity" means—*

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

(B) *a nonprofit organization in partnership with a unit of local government described in subparagraph (A);*

(3) *the term "delinquency prevention program" means a delinquency prevention program that is evidence-based or promising and that may include—*

- (A) alcohol and substance abuse prevention or treatment services;
  - (B) tutoring and remedial education, especially in reading and mathematics;
  - (C) child and adolescent health and mental health services;
  - (D) recreation services;
  - (E) leadership and youth development activities;
  - (F) the teaching that individuals are and should be held accountable for their actions;
  - (G) assistance in the development of job training skills;
  - (H) youth mentoring programs;
  - (I) after-school programs;
  - (J) coordination of a continuum of services, which may include—
    - (i) early childhood development services;
    - (ii) voluntary home visiting programs;
    - (iii) nurse-family partnership programs;
    - (iv) parenting skills training;
    - (v) child abuse prevention programs;
    - (vi) family stabilization programs;
    - (vii) child welfare services;
    - (viii) family violence intervention programs;
    - (ix) adoption assistance programs;
    - (x) emergency, transitional and permanent housing assistance;
    - (xi) job placement and retention training;
    - (xii) summer jobs programs;
    - (xiii) alternative school resources for youth who have dropped out of school or demonstrate chronic truancy;
    - (xiv) conflict resolution skill training;
    - (xv) restorative justice programs;
    - (xvi) mentoring programs;
    - (xvii) targeted gang prevention, intervention and exit services;
    - (xviii) training and education programs for pregnant teens and teen parents; and
    - (xix) pre-release, post-release, and reentry services to assist detained and incarcerated youth with transitioning back into and reentering the community; and
  - (K) other data-driven evidence-based or promising prevention programs;
- (4) the term “local policy board”, when used with respect to an eligible entity, means a policy board that the eligible entity will engage in the development of the eligible entity’s plan described in section 504(e)(5), and that includes—
- (A) not fewer than 15 and not more than 21 members; and
  - (B) a balanced representation of—
    - (i) public agencies and private nonprofit organizations serving juveniles and their families; and
    - (ii) business and industry;

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

(D) in the case of an eligible entity described in paragraph (1)(B), a representative of the nonprofit organization of the eligible entity;

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

(6) the term “State advisory group” means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a); and

(7) the term “State entity” means the State agency designated under section 223(a)(1) or the entity receiving funds under section 223(d).

#### **SEC. 503. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.**

The Administrator shall—

[(1) issue such rules as are necessary or appropriate to carry out this title;]

[(2)] (1) make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention (including the preparation of an annual comprehensive plan for facilitating such coordination and policy development);

[(3)] (2) provide adequate staff and resources necessary to properly carry out this title; and

[(4)] (3) not later than 180 days after the end of each fiscal year, submit a report to the chairman of the Committee on Education and the Workforce of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate—

(A) describing activities and accomplishments of grant activities funded under this title;

(B) describing procedures followed to disseminate grant activity products and research findings;

(C) describing activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and

(D) identifying successful approaches and making recommendations for future activities to be conducted under this title.

#### **[SEC. 504. GRANTS FOR DELINQUENCY PREVENTION PROGRAMS.**

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

[(1) alcohol and substance abuse prevention services;

[(2) tutoring and remedial education, especially in reading and mathematics;

[(3) child and adolescent health and mental health services;

[(4) recreation services;

[(5) leadership and youth development activities;

[(6) the teaching that people are and should be held accountable for their actions;

[(7) assistance in the development of job training skills; and

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

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

[(1) the unit is in compliance with the requirements of part B of title II;

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

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

[(4) pursuant to its minimum 3-year comprehensive plan, the unit has appointed a local policy board of not fewer than 15 and not more than 21 members, with balanced representation of public agencies and private nonprofit organizations serving juveniles, their families, and business and industry;

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

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

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

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

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

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

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

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

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

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

[(1) IN GENERAL.—The Administrator shall make grants under this section, on a competitive basis, to eligible Indian

tribes or consortia of Indian tribes, as described in paragraph (2)—

[(A) to support and enhance—

[(i) tribal juvenile delinquency prevention services; and

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

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

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

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

[(A) juvenile crime rates;

[(B) dropout rates; and

[(C) number of at-risk youth.

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

**SEC. 504. GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.**

(a) *PURPOSE.*—*The purpose of this section is to enable local communities to address the unmet needs of at-risk or delinquent youth, including through a continuum of delinquency prevention programs for juveniles who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system.*

(b) *PROGRAM AUTHORIZED.*—*The Administrator shall—*

(1) *for each fiscal year for which less than \$25,000,000 is appropriated under section 506, award grants to not fewer than 3 State entities, but not more than 5 State entities, that apply under subsection (c) and meet the requirements of subsection (d); or*

(2) *for each fiscal year for which \$25,000,000 or more is appropriated under section 506, award grants to not fewer than 5 State entities that apply under subsection (c) and meet the requirements of subsection (d).*

(c) *STATE APPLICATION.*—*To be eligible to receive a grant under this section, a State entity shall submit an application to the Administrator, which includes the following:*

(1) *An assurance the State entity will use—*

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

(i) *for the costs incurred by the State entity to carry out this section, except that not more than 3 percent of such grant may be used for such costs; and*

(ii) *to provide technical assistance to eligible entities receiving a subgrant under subsection (e) in carrying out delinquency prevention programs under the subgrant; and*

(B) *the remainder of such grant to award subgrants to eligible entities under subsection (e).*

(2) *An assurance that such grant will supplement, and not supplant, State and local efforts to prevent juvenile delinquency.*

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

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

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

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

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

(2) *after finding good cause for a waiver, the Administrator waives the plan required under subparagraph (A) for such State for such fiscal year.*

(e) **SUBGRANT PROGRAM.**—

(1) **PROGRAM AUTHORIZED.**—

(A) **IN GENERAL.**—*Each State entity receiving a grant under this section shall award subgrants to eligible entities in accordance with this subsection.*

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

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

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

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

(iv) *identifying under the plan submitted under paragraph (5) potential savings and efficiencies associated with successful implementation of such plan; and*

(v) *describing how such savings and efficiencies may be used to carry out delinquency prevention programs and be reinvested in the continuing implementation of such programs after the end of the subgrant period.*

(C) **SUBGRANT PROGRAM PERIOD AND DIVERSITY OF PROJECTS.**—

(i) **PROGRAM PERIOD.**—*A subgrant awarded to an eligible entity by a State entity under this section shall be for a period of not more than 5 years, of which the eligible entity—*

(I) may use not more than 18 months for completing the plan submitted by the eligible entity under paragraph (5); and

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

(ii) *DIVERSITY OF PROJECTS.*—In awarding subgrants under this subsection, a State entity shall ensure, to the extent practicable and applicable, that such subgrants are distributed throughout different areas, including urban, suburban, and rural areas.

(2) *LOCAL APPLICATION.*—An eligible entity that desires a subgrant under this subsection shall submit an application to the State entity in the State of the eligible entity, at such time and in such manner as determined by the State entity, and that includes—

(A) a description of—

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

(ii) the unmet needs of at-risk or delinquent youth in the community;

(iii) available resources in the community to meet the unmet needs identified in the needs assessment described in paragraph (5)(A);

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

(B) a specific time period for the planning and subsequent implementation of its continuum of local delinquency prevention programs;

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

(D) a plan to continue the grant activity with non-Federal funds, if proven successful according to the performance evaluation process under paragraph (5)(D), after the grant period.

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

(4) *SUBGRANT REVIEW.*—

(A) *REVIEW.*—Not later than the end of the second year of a subgrant period for a subgrant awarded to an eligible entity under this subsection and before awarding the remaining amount of the subgrant to the eligible entity, the State entity shall—

(i) ensure that the eligible entity has completed the plan submitted under paragraph (2) and that the plan meets the requirements of such paragraph; and

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

(B) *TERMINATION.*—If the State entity finds through the review conducted under subparagraph (A) that the eligible entity has not met the requirements of clause (i) of such

*subparagraph, the State entity shall reallocate the amount remaining on the subgrant of the eligible entity to other eligible entities receiving a subgrant under this subsection or award the amount to an eligible entity during the next subgrant competition under this subsection.*

*(5) LOCAL USES OF FUNDS.—An eligible entity that receives a subgrant under this subsection shall use the funds to implement a plan to carry out delinquency prevention programs in the community served by the eligible entity in a coordinated manner with other delinquency prevention programs or entities serving such community, which includes—*

*(A) an analysis of the unmet needs of at-risk or delinquent youth in the community—*

*(i) which shall include—*

*(I) the available resources in the community to meet the unmet needs; and*

*(II) factors present in the community that may contribute to delinquency, such as homelessness, food insecurity, teen pregnancy, youth unemployment, family instability, lack of educational opportunity; and*

*(ii) may include an estimate—*

*(I) for the most recent year for which reliable data is available, the amount expended by the community and other entities for delinquency adjudication for juveniles and the incarceration of adult offenders for offenses committed in such community; and*

*(II) of potential savings and efficiencies that may be achieved through the implementation of the plan;*

*(B) a minimum 3-year comprehensive strategy to address the unmet needs and an estimate of the amount or percentage of non-Federal funds that are available to carry out the strategy;*

*(C) a description of how delinquency prevention programs under the plan will be coordinated;*

*(D) a description of the performance evaluation process of the delinquency prevention programs to be implemented under the plan, which shall include performance measures to assess efforts to address the unmet needs of youth in the community analyzed under subparagraph (A);*

*(E) the evidence or promising evaluation on which such delinquency prevention programs are based; and*

*(F) if such delinquency prevention programs are proven successful according to the performance evaluation process under subparagraph (D), a strategy to continue such programs after the subgrant period with non-Federal funds, including a description of how any estimated savings or efficiencies created by the implementation of the plan may be used to continue such programs.*

**SEC. 505. GRANTS FOR TRIBAL DELINQUENCY PREVENTION AND RESPONSE PROGRAMS.**

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

(1) to support and enhance—

(A) tribal juvenile delinquency prevention services; and

(B) the ability of Indian tribes to respond to, and care for, at-risk or delinquent youth upon release; and

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

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

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

(1) juvenile delinquency rates;

(2) school dropout rates; and

(3) number of youth at risk of delinquency.

(d) *AVAILABILITY OF FUNDS.*—Of the amount available for a fiscal year to carry out this title, 11 percent shall be available to carry out this section.

**[SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

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

**SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title—

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

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

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

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

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

## **TITLE VI—ACCOUNTABILITY AND OVERSIGHT**

**SEC. 601. ACCOUNTABILITY AND OVERSIGHT.**

(a) *SENSE OF CONGRESS.*—It is the sense of Congress that, in order to ensure that at-risk youth, and youth who come into contact with the juvenile justice system or the criminal justice system, are treated fairly and that the outcome of that contact is beneficial to the Nation—

(1) the Department of Justice, through its Office of Juvenile Justice and Delinquency Prevention, must restore meaningful enforcement of the core requirements in title II; and

(2) States, which are entrusted with a fiscal stewardship role if they accept funds under title II must exercise vigilant oversight to ensure full compliance with the core requirements for juveniles provided for in title II.

## (b) ACCOUNTABILITY.—

## (1) AGENCY PROGRAM REVIEW.—

## (A) PROGRAMMATIC AND FINANCIAL ASSESSMENT.—

(i) *IN GENERAL.*—Not later than 60 days after the date of enactment of the Juvenile Justice Reform Act of 2017, the Director of the Office of Audit, Assessment, and Management of the Office of Justice Programs at the Department of Justice (referred to in this section as the “Director”) shall—

(I) conduct a comprehensive analysis and evaluation of the internal controls of the Office of Juvenile Justice and Delinquency Prevention (referred to in this section as the “agency”) to determine if States and Indian tribes receiving grants are following the requirements of the agency grant programs and what remedial action the agency has taken to recover any grant funds that are expended in violation of grant programs, including instances where—

(aa) supporting documentation was not provided for cost reports;

(bb) unauthorized expenditures occurred; and

(cc) subrecipients of grant funds were not in compliance with program requirements;

(II) conduct a comprehensive audit and evaluation of a selected statistically significant sample of States and Indian tribes (as determined by the Director) that have received Federal funds under title II, including a review of internal controls to prevent fraud, waste, and abuse of funds by grantees; and

(III) submit a report in accordance with clause (iv).

(ii) *CONSIDERATIONS FOR EVALUATIONS.*—In conducting the analysis and evaluation under clause (i)(I), and in order to document the efficiency and public benefit of titles II and V, the Director shall take into consideration the extent to which—

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

(II) changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner; and

(III) the agency has implemented recommendations issued by the Comptroller General or Office of Inspector General relating to the grant making and grant monitoring responsibilities of the agency.

(iii) *CONSIDERATIONS FOR AUDITS.*—In conducting the audit and evaluation under clause (i)(II), and in order to document the efficiency and public benefit of titles II and V, the Director shall take into consideration—

(I) whether grantees timely file Financial Status Reports;

(II) whether grantees have sufficient internal controls to ensure adequate oversight of grant funds received;

(III) whether grantees' assertions of compliance with the core requirements were accompanied with adequate supporting documentation;

(IV) whether expenditures were authorized;

(V) whether subrecipients of grant funds were complying with program requirements; and

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

(iv) REPORT.—The Director shall—

(I) submit to the Congress a report outlining the results of the analysis, evaluation, and audit conducted under clause (i), including supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate; and

(II) shall make such report available to the public online, not later than 1 year after the date of enactment of this section.

(B) ANALYSIS OF INTERNAL CONTROLS.—

(i) IN GENERAL.—Not later than 30 days after the date of enactment of the Juvenile Justice Reform Act of 2017, the Administrator shall initiate a comprehensive analysis and evaluation of the internal controls of the agency to determine whether, and to what extent, States and Indian tribes that receive grants under titles II and V are following the requirements of the grant programs authorized under titles II and V.

(ii) REPORT.—Not later than 180 days after the date of enactment of the Juvenile Justice Reform Act of 2017, the Administrator shall submit to Congress a report containing—

(I) the findings of the analysis and evaluation conducted under clause (i);

(II) a description of remedial actions, if any, that will be taken by the Administrator to enhance the internal controls of the agency and recoup funds that may have been expended in violation of law, regulations, or program requirements issued under titles II and V; and

(III) a description of—

(aa) the analysis conducted under clause (i);

(bb) whether the funds awarded under titles II and V have been used in accordance with law, regulations, program guidance, and applicable plans; and

(cc) the extent to which funds awarded to States and Indian tribes under titles II and V enhanced the ability of grantees to fulfill the core requirements.

(C) *REPORT BY THE ATTORNEY GENERAL.*—Not later than 180 days after the date of enactment of the Juvenile Justice Reform Act of 2017, the Attorney General shall submit to the appropriate committees of the Congress a report on the estimated amount of formula grant funds disbursed by the agency since fiscal year 2010 that did not meet the requirements for awards of formula grants to States under title II.

(2) *OFFICE OF INSPECTOR GENERAL PERFORMANCE AUDITS.*—

(A) *IN GENERAL.*—In order to ensure the effective and appropriate use of grants administered under this Act (excluding title III) and to prevent waste, fraud, and abuse of funds by grantees, the Inspector General of the Department of Justice shall periodically conduct audits of grantees that receive grants under this Act covering each grant recipient at least once every 3 years.

(B) *PUBLIC AVAILABILITY ON WEBSITE.*—The Attorney General shall make the summary of each review conducted under this section available on the website of the Department of Justice, subject to redaction as the Attorney General determines necessary to protect classified and other sensitive information.

(C) *MANDATORY EXCLUSION.*—A recipient of grant funds under this Act (excluding titles II and III) that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act (excluding title III) during the first 2 fiscal years beginning after the 12-month period beginning on the date on which the audit report is issued.

(D) *PRIORITY.*—In awarding grants under this Act (excluding title III), the Administrator shall give priority to an eligible entity that did not have an unresolved audit finding during the 3 fiscal years prior to the date on which the eligible entity submits an application for the grant involved.

(E) *REIMBURSEMENT.*—If a grant recipient under this Act (excluding title III) is awarded such funds under this Act during the 2-fiscal-year period in which the recipient is barred from receiving grants under subparagraph (C), the Attorney General shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the general fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the general fund under clause (i) from the grantee that was erroneously awarded grant funds.

(F) *DEFINITION.*—In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General—

(i) that the audited recipient has used grant funds for an unauthorized expenditure or otherwise unallowable cost; and

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

(3) *CONFERENCE EXPENDITURES.*—

(A) *LIMITATION.*—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General, or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available to the Department of Justice, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

(B) *WRITTEN APPROVAL.*—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and entertainment.

(C) *REPORT.*—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on Education and the Workforce of the House of Representatives on all conference expenditures approved under this paragraph.

(4) *PROHIBITION ON LOBBYING ACTIVITY.*—

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

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

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

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

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

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

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

(c) *PREVENTING DUPLICATIVE GRANTS.*—

(1) *IN GENERAL.*—Before the Attorney General awards a grant to an applicant under this Act, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine if duplicate grant awards are awarded for the same purpose.

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

(A) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

(B) the reason the Attorney General awarded the duplicative grant.

(d) COMPLIANCE WITH AUDITING STANDARDS.—The Administrator shall comply with the Generally Accepted Government Auditing Standards, published by the General Accountability Office (commonly known as the “Yellow Book”), in the conduct of fiscal, compliance, and programmatic audits of States.

