

111TH CONGRESS  
2D SESSION

# H. R. 6029

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2010

Mr. ELLISON (for himself and Mr. SCOTT of Virginia) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Juvenile Justice and  
5 Delinquency Prevention Reauthorization Act of 2010”.

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

- 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. Authority to make grants.
- Sec. 207. Grants to Indian tribes.
- Sec. 208. Research and evaluation; statistical analyses; information dissemination.
- Sec. 209. Training and technical assistance.
- Sec. 210. Grants for youth and family serving organizations.
- Sec. 211. Incentive grants for State and local programs.
- Sec. 212. Authorization of appropriations.
- Sec. 213. Administrative authority.
- Sec. 214. Authority for Federal pretrial services with respect to juveniles.
- Sec. 215. Technical and conforming amendments.

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

- Sec. 301. Definitions.
- Sec. 302. Grants for delinquency prevention programs.
- Sec. 303. Authorization of appropriations.
- Sec. 304. Technical and conforming amendment.

## TITLE IV—PRECAUTION ACT

- Sec. 401. Short title.
- Sec. 402. Purposes.
- Sec. 403. Definitions.
- Sec. 404. National Commission on Public Safety Through Crime Prevention.
- Sec. 405. Innovative crime prevention and intervention strategies.
- Sec. 406. Funding.

## TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Evaluation by General Accounting Office.

# 1           **TITLE I—FINDINGS AND** 2           **DECLARATION OF PURPOSE**

## 3   **SEC. 101. FINDINGS.**

4           Section 101 of the Juvenile Justice and Delinquency  
5 Prevention Act of 1974 (42 U.S.C. 5601) is amended to  
6 read as follows:

1 **“SEC. 101. FINDINGS.**

2 “Congress finds the following:

3 “(1) A growing body of adolescent development  
4 research supports the use of developmentally appro-  
5 priate services and sanctions for youth in the juve-  
6 nile justice system and those at risk for delinquent  
7 behavior to help prevent youth crime and to success-  
8 fully intervene with youth who have already entered  
9 the system.

10 “(2) Research has shown that targeted invest-  
11 ments to redirect offending juveniles onto a different  
12 path are cost effective and can help reduce juvenile  
13 recidivism and adult crime.

14 “(3) Detention of youth who are arrested for  
15 nonviolent crime in secure facilities is not an effec-  
16 tive way to enhance public safety. Youth who are de-  
17 tained in secure facilities are almost 5 times more  
18 likely to be rearrested than youth who have com-  
19 mitted the same offense and have not been detained.

20 “(4) African-American and other youth of color  
21 are disproportionately represented in the juvenile  
22 justice system. In 2003, African-American youth  
23 constituted 16 percent of the adolescent population  
24 of the United States, but constituted 28 percent of  
25 youth arrested, 37 percent of youth securely de-  
26 tained before adjudication, 30 percent of youth adju-

1       dicated in juvenile court, 35 percent of youth judi-  
2       cially waived to adult criminal court, 38 percent of  
3       youth sent to residential placement, and 58 percent  
4       of youth admitted to State prisons.

5       “(5) African-American and other youth of color  
6       are treated more harshly than White youth, even  
7       when charged with the same type of offense. Afri-  
8       can-American and other youth of color are dis-  
9       proportionately more likely than White youth to be  
10      arrested, referred to juvenile court, detained before  
11      adjudication, petitioned, judicially waived to adult  
12      court, ordered to residential placement, admitted to  
13      locked State public facilities, spend longer periods of  
14      time incarcerated, and admitted to State prisons,  
15      even for the same type of offense.

16      “(6) Youth of color charged with low-level of-  
17      fenses, technical violations, and minor misbehavior  
18      unnecessarily enter and move more deeply into the  
19      juvenile justice system. Youth of color constitute 69  
20      percent of the youth held in secure detention. In  
21      2006, only 21 percent of the youth in secure deten-  
22      tion were charged with serious violent crimes, while  
23      10 percent were charged with simple assaults and  
24      other offenses against persons, and 28 percent were  
25      charged with status offenses (offenses that are only

1 a crime if committed by a minor) and technical vio-  
2 lations of probation or court orders.

3 “(7) Comprehensive, collaborative, data-driven  
4 efforts and objective risk assessment instruments are  
5 necessary to achieve significant reductions in the  
6 number and percentage of youth of color at the key  
7 decision points of the juvenile justice system, as  
8 identified by the Office of Juvenile Justice and De-  
9 linquency Prevention, including arrest, referral, in-  
10 formal processing, detention, petition, adjudication,  
11 probation, placement, and transfer to adult court.  
12 Comprehensive, collaborative, data-driven efforts are  
13 also necessary to implement effective, gender-specific  
14 alternatives to detention. Jurisdictions that have  
15 made such efforts have enhanced the fairness of  
16 their juvenile justice systems.

17 “(8) Juvenile detention is a crucial decision  
18 point in the juvenile justice process. Juvenile deten-  
19 tion is the ‘gateway’ to processing and treatment of  
20 youth by the courts, probation, and State juvenile  
21 justice agencies. An estimated 400,000 youth are  
22 held in secure detention each year. Approximately  
23 26,000 are held each night.

24 “(9) Unnecessary and inappropriate detention  
25 has significant negative consequences for youth of

1 color and other youth in the juvenile justice system.  
2 Research shows that youth who are incarcerated are  
3 less likely to complete high school, find employment,  
4 and form stable families, and are more likely to be  
5 rearrested and to abuse drugs and alcohol.

6 “(10) Detention populations have been reduced  
7 by 35 percent in 78 jurisdictions that have followed  
8 comprehensive detention reform based upon national  
9 best practices. In 24 of those jurisdictions, detention  
10 populations were reduced by more than 50 percent.

11 “(11) Comprehensive detention reform based on  
12 national best practices does not jeopardize public  
13 safety. Jurisdictions that have followed such com-  
14 prehensive detention reform have seen reductions in  
15 the number of arrests of juveniles for serious of-  
16 fenses. In some jurisdictions the reductions have ex-  
17 ceeded 40 percent.

18 “(12) Jurisdictions that have followed com-  
19 prehensive detention reform based on national best  
20 practices have achieved substantial savings for tax-  
21 payers. Twenty-seven jurisdictions that have followed  
22 such comprehensive detention reform have closed de-  
23 tention units or entire facilities as a result of smaller  
24 detention populations, reducing the total number of  
25 detention beds in those 27 jurisdictions by 978 beds.

1           “(13) Between 1990 and 2004, the number of  
2 youth in adult jails increased by 208 percent.

3           “(14) Every day in the United States, an aver-  
4 age of 7,500 youth are incarcerated in adult jails.

5           “(15) Youth who have been previously tried as  
6 adults are, on average, 34 percent more likely to  
7 commit crimes than youth retained in the juvenile  
8 justice system.

9           “(16) Research has shown that every dollar  
10 spent on evidence-based programs can yield up to  
11 \$13 in cost savings.

12           “(17) Each child prevented from engaging in  
13 repeat criminal offenses can save the community  
14 \$1,700,000 to \$3,400,000.

15           “(18) Youth are 19 times more likely to commit  
16 suicide in jail than youth in the general population  
17 and 36 times more likely to commit suicide in an  
18 adult jail than in a juvenile detention facility.

19           “(19) Seventy percent of youth in detention are  
20 held for nonviolent charges, and more than  $\frac{2}{3}$  are  
21 charged with property offenses, public order of-  
22 fenses, technical probation violations, or status of-  
23 fenses, such as truancy, running away, or breaking  
24 curfew.

1           “(20) The prevalence of mental disorders  
2           among youth in juvenile justice systems is 2 to 3  
3           times higher than among youth in the general popu-  
4           lation.

5           “(21) Eighty percent of juveniles in juvenile  
6           justice systems have a nexus to substance abuse.

7           “(22) The proportion of females entering the  
8           justice system has increased steadily over the past  
9           several decades, rising from 20 percent in 1980 to  
10          29 percent in 2007. Most of the girls entering the  
11          system, up to 73 percent, have histories of physical  
12          and sexual victimization, and their entry into the  
13          criminal and juvenile justice system is often pre-  
14          ceded by their sexual and physical victimization. Fe-  
15          males are disproportionately arrested for status of-  
16          fenses, such as running away from violent and tur-  
17          bulent home situations. In 2003, while females rep-  
18          resented 15 percent of all juvenile offenders in cus-  
19          tody, they represented 40 percent of status offenders  
20          in custody. Recent statistics also show that female  
21          status offenders are held in custody twice as long as  
22          male status offenders.”.

23 **SEC. 102. PURPOSES.**

24          (a) PURPOSES.—The purposes of this Act are—



1           (1) to reduce recidivism by reiterating that the  
2           original purpose of the Juvenile Justice and Delin-  
3           quency Prevention Act of 1974 was to provide for  
4           education and rehabilitation of youth involved with  
5           the juvenile justice system, not punishment alone;

6           (2) to provide alternatives to detention for  
7           youth involved in the juvenile justice system;

8           (3) to support effective State and local efforts  
9           to reduce the disproportionate numbers of youth of  
10          color involved in the juvenile justice system;

11          (4) to support State and local efforts to provide  
12          effective gender-specific prevention, treatment, and  
13          intervention for youth involved in, or at risk of be-  
14          coming involved in, the juvenile justice system; and

15          (5) to support State and local efforts to achieve  
16          comprehensive detention reform based upon national  
17          best practices and evidence-based models that reduce  
18          recidivism, including reduction in the detention of  
19          youth of color and female youth who are awaiting  
20          adjudication hearings.

21          (b) AMENDMENTS.—Section 102 of the Juvenile Jus-  
22          tice and Delinquency Prevention Act of 1974 (42 U.S.C.  
23          5602) is amended—

24                (1) in paragraph (2), by striking “and” at the  
25                end;

1           (2) in paragraph (3), by striking the period at  
2           the end and inserting “; and”; and

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

4           “(4) to support a continuum of programs (in-  
5           cluding delinquency prevention, intervention, mental  
6           health and substance abuse treatment, and  
7           aftercare) to address the needs of at-risk youth and  
8           youth who come into contact with the justice sys-  
9           tem.”.

10 **SEC. 103. DEFINITIONS.**

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

13           (1) in paragraph (8), by amending subpara-  
14           graph (C) to read as follows:

15           “(C) an Indian tribe; or”;

16           (2) by amending paragraph (18) to read as fol-  
17           lows:

18           “(18) the term ‘Indian tribe’ has the meaning  
19           given that term in section 4 of the Indian Self-De-  
20           termination and Education Assistance Act (25  
21           U.S.C. 450b);”;

22           (3) in paragraph (22), by striking “or confine  
23           adults” and all that follows and inserting “or con-  
24           fine adult inmates;”;

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

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

4               “(A) means an individual who—

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

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

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

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

17                   “(ii) was committed to the care and  
18                   custody of a juvenile correctional agency by  
19                   a court of competent jurisdiction or by op-  
20                   eration of applicable State law;”;

21           (5) in paragraph (28), by striking “and” at the  
22       end;

23           (6) in paragraph (29), by striking the period at  
24       the end and inserting a semicolon; and

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

1 “(30) the term ‘core requirements’ means the  
2 requirements described in paragraphs (11), (12),  
3 (13), (14), and (15) of section 223(a);

4 “(31) the term ‘chemical agent’ means a spray  
5 used to temporarily incapacitate a person, including  
6 oleoresin capsicum spray, tear gas, and 2-  
7 chlorobenzalmalononitrile gas;

8 “(32) the term ‘isolation’—

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

12 “(B) does not include confinement during  
13 regularly scheduled sleeping hours, or for not  
14 more than 1 hour during any 24-hour period in  
15 the room or cell in which the youth usually  
16 sleeps, protective confinement (for injured  
17 youths or youths whose safety is threatened),  
18 separation based on an approved treatment pro-  
19 gram, confinement that is requested by the  
20 youth, or the separation of the youth from a  
21 group in a non-locked setting for the purpose of  
22 calming;

23 “(33) the term ‘restraint’ has the meaning  
24 given that term in section 591 of the Public Health  
25 Service Act (42 U.S.C. 290ii);

1           “(34) the term ‘evidence-based’ means a pro-  
2           gram or practice that is demonstrated to be effective  
3           and that—

4                   “(A) is based on a clearly articulated and  
5                   empirically supported theory;

6                   “(B) has measurable outcomes, including a  
7                   detailed description of what outcomes were pro-  
8                   duced in a particular population; and

9                   “(C) has been scientifically tested, opti-  
10                  mally through randomized control studies or  
11                  comparison group studies;

12           “(35) the term ‘promising’ means a program or  
13           practice that is demonstrated to be effective based  
14           on positive outcomes from 1 or more objective eval-  
15           uations, as documented in writing to the Adminis-  
16           trator;

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

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

24                   “(A) designed to identify youth who may  
25                   have mental health or substance abuse needs

1 requiring immediate attention, intervention, and  
2 further evaluation; and

3 “(B) the purpose of which is to quickly  
4 identify a youth with a possible mental health  
5 or substance abuse need in need of further as-  
6 sessment;

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

10 “(A) by a mental health or substance  
11 abuse professional who meets the criteria of the  
12 applicable State for licensing and education in  
13 the mental health or substance abuse field; and

14 “(B) which is designed to identify signifi-  
15 cant mental health or substance abuse treat-  
16 ment needs to be addressed during a youth’s  
17 confinement;

18 “(39) the term ‘contact with the juvenile justice  
19 system’ means the point at which a youth interacts  
20 with the juvenile justice system or criminal justice  
21 system, including interaction with a juvenile justice,  
22 juvenile court, or law enforcement official, and in-  
23 cluding brief, sustained, or repeated interaction;

24 “(40) the term ‘gender-specific services’ means  
25 juvenile justice programs, policies, practices, work-

1 force training, or direct services targeted to address  
2 needs unique to the gender of the juveniles being  
3 served, which may include—

4 “(A) treatment for trauma, domestic vio-  
5 lence, dating violence, sexual assault, child  
6 abuse, and witnessing domestic violence;

7 “(B) alternatives to detention and incar-  
8 ceration;

9 “(C) mental and physical health screening  
10 and services;

11 “(D) education and services related to  
12 health, pregnancy, and parenting;

13 “(E) training and vocational programs in  
14 high-demand, high-wage fields that are non-  
15 traditional fields for juveniles of the gender  
16 being served;

17 “(F) substance abuse screening and pre-  
18 vention;

19 “(G) methods used to protect safety and  
20 security in programs;

21 “(H) programs that foster positive rela-  
22 tionships of juveniles with the peers, family,  
23 and community of such juveniles; and

24 “(I) policies to reduce gender bias in pre-  
25 adjudication and post-adjudication placement,

1 particularly with respect to placement of female  
2 juvenile offenders when there are a lack of gen-  
3 der-specific, community-based placement op-  
4 tions; and

5 “(41) the term ‘comprehensive detention reform  
6 based upon national best practices’ means a collabo-  
7 rative, data-driven, interrelated set of changes to ju-  
8 venile justice policy, practice, and programming de-  
9 signed to safely eliminate unnecessary and inappro-  
10 priate reliance on secure detention of juveniles  
11 that—

12 “(A) may include—

13 “(i) participation of non-traditional  
14 stakeholders (such as communities of color  
15 and children and families impacted by the  
16 juvenile justice system); and

17 “(ii) other strategies and practices re-  
18 quired of States participating in the Juve-  
19 nile Detention Alternatives Initiative spon-  
20 sored by the Annie E. Casey Foundation;  
21 and

22 “(B) at a minimum, utilizes all of the fol-  
23 lowing strategies:

24 “(i) Collaborating among juvenile jus-  
25 tice agencies, other governmental entities,



1 and community organizations for planning  
2 and policymaking related to detention of  
3 juveniles.

4 “(ii) Using data to analyze system  
5 processes, develop interventions, and mon-  
6 itor reforms related to detention of juve-  
7 niles.

8 “(iii) Developing objective juvenile de-  
9 tention admissions criteria and instru-  
10 ments.

11 “(iv) Establishing new or enhanced al-  
12 ternatives to secure detention, particularly  
13 alternatives that permit juveniles to remain  
14 in their local communities.

15 “(v) Instituting case processing re-  
16 forms to expedite the flow of cases through  
17 the juvenile justice system.

18 “(vi) Identifying special populations of  
19 youth in contact with the juvenile justice  
20 system, including probation violators and  
21 youth awaiting out-of-home placement  
22 after adjudication, who may not need to be  
23 securely confined.

24 “(vii) Reducing racial, ethnic, and  
25 gender disparities in the juvenile justice

1 system, including overrepresentation of  
 2 youth of color in such system, and unnec-  
 3 essary entry and further progression of  
 4 such youth deeper into such system.

5 “(viii) Improving conditions of con-  
 6 finement for youth who are held in secure  
 7 detention.”.

## 8 **TITLE II—JUVENILE JUSTICE** 9 **AND DELINQUENCY PREVEN-** 10 **TION**

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

12 Section 204(a)(2)(B)(i) of the Juvenile Justice and  
 13 Delinquency Prevention Act of 1974 (42 U.S.C.  
 14 5614(a)(2)(B)(i)) is amended by striking “240 days after  
 15 the date of enactment of this paragraph” and inserting  
 16 “July 2, 2010”.

### 17 **SEC. 202. COORDINATING COUNCIL ON JUVENILE JUSTICE** 18 **AND DELINQUENCY PREVENTION.**

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

21 (1) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) by inserting “the Administrator of  
 24 the Substance Abuse and Mental Health  
 25 Services Administration, the Secretary of

1 Defense, the Secretary of Agriculture,”  
2 after “the Secretary of Health and Human  
3 Services,”; and

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

8 (B) in paragraph (2)(A), by inserting “(in-  
9 cluding at least 1 representative from the men-  
10 tal health fields)” after “field of juvenile jus-  
11 tice”; and

12 (2) in subsection (c)—

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

17 (B) in paragraph (2)—

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

21 (ii) in subparagraph (A), by striking  
22 “and” at the end;

23 (iii) in subparagraph (B),

24 (I) by striking “180 days after  
25 the date of the enactment of this

1 paragraph” and inserting “May 3,  
2 2010”;

3 (II) by striking “Committee on  
4 Education and the Workforce” and  
5 inserting “Committee on Education  
6 and Labor”; and

7 (III) by striking the period and  
8 inserting “; and”; and

9 (iv) by adding at the end the fol-  
10 lowing:

11 “(C) not later than 120 days after the comple-  
12 tion of the last meeting in any fiscal year, submit to  
13 Congress a report regarding the recommendations  
14 described in subparagraph (A), which shall—

15 “(i) include a detailed account of the ac-  
16 tivities conducted by the Council during the fis-  
17 cal year, including a complete detailed account-  
18 ing of expenses incurred by the Coordinating  
19 Council to conduct operations in accordance  
20 with this section;

21 “(ii) be published on the websites of the  
22 Department of Justice and the Coordinating  
23 Council; and

24 “(iii) be in addition to the annual report  
25 required by section 207.”.

1 **SEC. 203. ANNUAL REPORT.**

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

4 (1) in the matter preceding paragraph (1), by  
5 striking “a fiscal year” and inserting “each fiscal  
6 year”;

7 (2) in paragraph (1)—

8 (A) in subparagraph (B), by inserting “,  
9 ethnicity,” after “race”;

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

12 (C) in subparagraph (F)—

13 (i) by inserting “and other” before  
14 “disabilities,”; and

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

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

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

23 “(H) the number of juveniles released from  
24 custody and the type of living arrangement to  
25 which each such juvenile was released;

1           “(I) the number of status offense cases pe-  
2           titioned to court (including a breakdown by  
3           type of offense and disposition), number of sta-  
4           tus offenders held in secure detention, the find-  
5           ings used to justify the use of secure detention,  
6           and the average period of time a status of-  
7           fender was held in secure detention; and

8           “(J) the number of pregnant juveniles held  
9           in the custody of secure detention and correc-  
10          tional facilities operated by a State or unit of  
11          local government.”; and

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

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

18          “(6) A description of funding provided to In-  
19          dian tribes under this Act, including direct Federal  
20          grants and funding provided to Indian tribes  
21          through a State or unit of local government.

22          “(7) An analysis and evaluation of the internal  
23          controls at Office of Juvenile Justice and Delin-  
24          quency Prevention to determine if grantees are fol-  
25          lowing the requirements of Office of Juvenile Justice

1 and Delinquency Prevention grant programs and  
2 what remedial action Office of Juvenile Justice and  
3 Delinquency Prevention has taken to recover any  
4 grant funds that are expended in violation of the  
5 grant programs, including instances where sup-  
6 porting documentation was not provided for cost re-  
7 ports, where unauthorized expenditures occurred,  
8 and where subrecipients of grant funds were not  
9 compliant with program requirements.

10 “(8) An analysis and evaluation of the total  
11 amount of payments made to grantees that were re-  
12 couped by the Office of Juvenile Justice and Delin-  
13 quency Prevention from grantees that were found to  
14 be in violation of policies and procedures of the Of-  
15 fice of Juvenile Justice and Delinquency Prevention  
16 grant programs. This analysis shall include the full  
17 name and location of the grantee, the violation of  
18 the program found, the amount of funds sought to  
19 be recouped by the Office of Juvenile Justice and  
20 Delinquency Prevention, and the actual amount re-  
21 couped by the Office of Juvenile Justice and Delin-  
22 quency Prevention.”.

23 **SEC. 204. ALLOCATION OF FUNDS.**

24 (a) TECHNICAL ASSISTANCE.—Section 221(b)(1) of  
25 the Juvenile Justice and Delinquency Prevention Act of

1 1974 (42 U.S.C. 5631(b)(1)) is amended by striking “2  
2 percent” and inserting “5 percent”.

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

6 (1) in subsection (a)(1), by striking “age eight-  
7 een.” and inserting “18 years of age, based on the  
8 most recent census data to monitor any significant  
9 changes in the relative population of people under  
10 18 years of age occurring in the States.”;

11 (2) by redesignating subsections (c) and (d) as  
12 subsections (d) and (e), respectively;

13 (3) by inserting after subsection (b) the fol-  
14 lowing:

15 “(c)(1) If any amount allocated under subsection (a)  
16 is withheld from a State due to noncompliance with the  
17 core requirements, the funds shall be reallocated for an  
18 improvement grant designed to assist the State in achiev-  
19 ing compliance with the core requirements.

20 “(2) The Administrator shall condition a grant de-  
21 scribed in paragraph (1) on—

22 “(A) the State, with the approval of the Admin-  
23 istrator, developing specific action steps designed to  
24 restore compliance with the core requirements; and



1           “(B) submitting to the Administrator semi-  
2           annually a report on progress toward implementing  
3           the specific action steps developed under subpara-  
4           graph (A).

5           “(3) The Administrator shall provide appropriate and  
6           effective technical assistance directly or through an agree-  
7           ment with a contractor to assist a State receiving a grant  
8           described in paragraph (1) in achieving compliance with  
9           the core requirements.”;

10           (4) in subsection (d), as so redesignated, by  
11           striking “efficient administration, including moni-  
12           toring, evaluation, and one full-time staff position”  
13           and inserting “effective and efficient administration,  
14           including the designation of at least 1 person to co-  
15           ordinate efforts to achieve and sustain compliance  
16           with the core requirements”; and

17           (5) in subsection (e), as so redesignated, by  
18           striking “5 per centum of the minimum” and insert-  
19           ing “not more than 5 percent of the”.

20   **SEC. 205. STATE PLANS.**

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

23           (1) in subsection (a)—

24                   (A) in the matter preceding paragraph (1),

25                   by inserting “Not later than 30 days after the

1 date on which a plan or amended plan sub-  
2 mitted under this subsection is finalized, a  
3 State shall make the plan or amended plan pub-  
4 licly available by posting the plan or amended  
5 plan on a publicly available website.” after  
6 “compliance with State plan requirements.”;

7 (B) in paragraph (3)—

8 (i) in subparagraph (A)(ii)—

9 (I) in subclause (II), by striking  
10 “counsel for children and youth” and  
11 inserting “publicly supported court-  
12 appointed legal counsel for children  
13 and youth charged in delinquency  
14 matters”;

15 (II) in subclause (III), by strik-  
16 ing “mental health, education, special  
17 education” and inserting “children’s  
18 mental health, education, child and  
19 adolescent substance abuse, special  
20 education, services for youth with dis-  
21 abilities”;

22 (III) in subclause (IV), by insert-  
23 ing “youth violence,” before “youth  
24 development”;

1 (IV) in subclause (V), by striking  
2 “delinquents or potential delinquents”  
3 and inserting “delinquent youth or  
4 youth at risk of delinquency, including  
5 volunteers who work with youth of  
6 color”;

7 (V) in subclause (VII), by strik-  
8 ing “and” at the end;

9 (VI) by redesignating subclause  
10 (VIII) as subclause (XII);

11 (VII) by inserting after subclause  
12 (VII) the following:

13 “(VIII) the executive director or  
14 the designee of the executive director  
15 of a public or nonprofit entity that is  
16 located in the State and receiving a  
17 grant under part A of title III;

18 “(IX) persons with expertise and  
19 competence in preventing and ad-  
20 dressing mental health or substance  
21 abuse needs in juvenile delinquents  
22 and those at-risk of delinquency;

23 “(X) representatives of victim or  
24 witness advocacy groups;

1 “(XI) individuals with special ex-  
2 pertise or competence in addressing  
3 the needs of female youth or imple-  
4 menting gender-specific juvenile serv-  
5 ices; and”; and

6 (VIII) in subclause (XII), as so  
7 redesignated—

8 (aa) by striking “disabil-  
9 ities” and inserting “and other  
10 disabilities, truancy reduction or  
11 school failure”; and

12 (bb) by striking “and youth  
13 violence” and inserting “domestic  
14 violence, sexual assault, or other  
15 sexual victimization”;

16 (ii) in subparagraph (D)(ii), by strik-  
17 ing “requirements of paragraphs (11),  
18 (12), and (13)” and inserting “core re-  
19 quirements”; and

20 (iii) in subparagraph (E)(i), by adding  
21 “and” at the end;

22 (C) in paragraph (5)—

23 (i) in the matter preceding subpara-  
24 graph (A), by striking “section 222(d)”  
25 and inserting “section 222(e)”; and

1 (ii) in subparagraph (C), by striking  
2 “Indian tribes” and all that follows  
3 through “applicable to the detention and  
4 confinement of juveniles” and inserting  
5 “Indian tribes that agree to attempt to  
6 comply with the core requirements applica-  
7 ble to the detention and confinement of ju-  
8 veniles”;

9 (D) in paragraph (7)(B)—

10 (i) by striking clause (i) and inserting  
11 the following:

12 “(i) a plan for ensuring that the chief ex-  
13 ecutive officer of the State, State legislature,  
14 and all appropriate public agencies in the State  
15 with responsibility for provision of services to  
16 children, youth and families are informed of the  
17 requirements of the State plan and compliance  
18 with the core requirements;”;

19 (ii) in clause (ii), by inserting “, in-  
20 cluding identifiable needs related to phys-  
21 ical and sexual victimization” after “delin-  
22 quency”;

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

1 (iv) by striking clause (iv) and insert-  
2 ing the following:

3 “(iv) a plan to provide alternatives to de-  
4 tention, including diversion to home-based or  
5 community-based services that are culturally  
6 and linguistically competent or treatment for  
7 those youth in need of mental health, substance  
8 abuse, or co-occurring disorder services at the  
9 time such juveniles first come into contact with  
10 the juvenile justice system;

11 “(v) a plan to reduce the number of chil-  
12 dren housed in secure detention and corrections  
13 facilities who are awaiting placement in residen-  
14 tial treatment programs;

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

19 “(vii) a plan for providing easily accessible,  
20 community-based and operated, culturally, lin-  
21 guistically, and developmentally competent serv-  
22 ices to youth at risk or in contact with the juve-  
23 nile justice system;”;

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

4 (F) in paragraph (9)—

5 (i) in the matter preceding subpara-  
6 graph (A), by striking “section 222(d)”  
7 and inserting “section 222(e)”;

8 (ii) in subparagraph (A)(i), by insert-  
9 ing “status offenders and other” before  
10 “youth who need”;

11 (iii) in subparagraph (B)(i)—

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

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

19 (iv) in subparagraph (D), by inserting  
20 “or physical or sexual violence” after  
21 “child abuse or neglect”;

22 (v) by redesignating subparagraphs  
23 (G) through (S) as subparagraphs (J)  
24 through (V), respectively;

1 (vi) by redesignating subparagraphs  
2 (E) and (F) as subparagraphs (F) and  
3 (G), respectively;

4 (vii) by inserting after subparagraph  
5 (D) the following:

6 “(E) providing training and technical as-  
7 sistance to, and consultation with, juvenile jus-  
8 tice and child welfare agencies of States and  
9 units of local government to develop coordinated  
10 plans for early intervention and treatment of  
11 youth who have a history of abuse and juveniles  
12 who have prior involvement with the juvenile  
13 justice system;”;

14 (viii) in subparagraph (G), as so re-  
15 designated, by striking “expanding” and  
16 inserting “programs to expand”;

17 (ix) by inserting after subparagraph  
18 (G), as so redesignated, the following:

19 “(H) programs to improve the recruitment,  
20 selection, training, and retention of professional  
21 personnel in the fields of medicine, law enforce-  
22 ment, judiciary, juvenile justice, social work and  
23 child protection, education, and other relevant  
24 fields who are engaged in, or intend to work in,



1 the field of prevention, identification, and treat-  
2 ment of delinquency;

3 “(I) expanding access to publicly sup-  
4 ported, court-appointed legal counsel and en-  
5 hancing capacity for the competent representa-  
6 tion of every child;”;

7 (x) in subparagraph (O), as so redes-  
8 ignated—

9 (I) in clause (i), by striking “re-  
10 straints” and inserting “alternatives”;  
11 and

12 (II) in clause (ii), by striking “by  
13 the provision”; and

14 (xi) in subparagraph (V), as so redes-  
15 ignated, by striking the period at the end  
16 and inserting a semicolon;

17 (G) in paragraph (11)—

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

20 (ii) in subparagraph (B), by adding  
21 “and” at the end; and

22 (iii) by adding at the end the fol-  
23 lowing:

24 “(C) encourage the use of community-  
25 based alternatives to secure detention, including

1 programs of public and nonprofit entities re-  
2 ceiving a grant under part A of title III;”;

3 (H) by striking paragraph (22);

4 (I) by redesignating paragraphs (23)  
5 through (28) as paragraphs (24) through (29),  
6 respectively;

7 (J) by redesignating paragraphs (14)  
8 through (21) as paragraphs (16) through (23),  
9 respectively;

10 (K) by inserting after paragraph (13) the  
11 following:

12 “(14) require that—

13 “(A) not later than 3 years after the date  
14 of enactment of the Juvenile Justice and Delin-  
15 quency Prevention Reauthorization Act of 2010,  
16 unless a court finds, after a hearing and in  
17 writing, that it is in the interest of justice, juve-  
18 niles awaiting trial or other legal process who  
19 are treated as adults for purposes of prosecu-  
20 tion in criminal court and housed in a secure  
21 facility—

22 “(i) shall not have contact with adult  
23 inmates; and

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

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

9 “(i) the age of the juvenile;

10 “(ii) the physical and mental maturity  
11 of the juvenile;

12 “(iii) the present mental state of the  
13 juvenile, including whether the juvenile  
14 presents an imminent risk of harm to the  
15 juvenile;

16 “(iv) the nature and circumstances of  
17 the alleged offense;

18 “(v) the juvenile’s history of prior de-  
19 linquent acts;

20 “(vi) the relative ability of the avail-  
21 able adult and juvenile detention facilities  
22 to meet the specific needs of the juvenile  
23 and to protect the public;

24 “(vii) whether placement in a juvenile  
25 facility will better serve the long-term in-

1           terests of the juvenile and be more likely to  
2           prevent recidivism;

3           “(viii) the availability of programs de-  
4           signed to treat the juvenile’s behavioral  
5           problems; and

6           “(ix) any other relevant factor; and

7           “(C) if a court determines under subpara-  
8           graph (A) that it is in the interest of justice to  
9           permit a juvenile to be held in any jail or lock-  
10          up for adults, or have contact with adult in-  
11          mates—

12           “(i) the court shall hold a hearing not  
13           less frequently than once every 30 days to  
14           review whether it is still in the interest of  
15           justice to permit the juvenile to be so held  
16           or have such contact; and

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

24           “(15) provide for juvenile justice policy, prac-  
25          tice, and system improvement strategies at the

1 State, territory, local, and tribal levels, as applicable,  
2 to identify and reduce racial, ethnic, and gender dis-  
3 parities among youth who come into contact with the  
4 juvenile justice system (without establishing or re-  
5 quiring numerical standards or quotas) by—

6 “(A) establishing coordinating bodies com-  
7 posed of juvenile justice stakeholders at the  
8 State, territory, local, or tribal levels, to oversee  
9 and monitor efforts by States, territories, units  
10 of local government, and Indian tribes to reduce  
11 racial, ethnic, and gender disparities;

12 “(B) identifying and analyzing in State,  
13 territory, local, or tribal juvenile justice systems  
14 key decision points of arrest, referral, informal  
15 resolution, detention, petition, adjudication,  
16 probation, and placement and transfer to the  
17 adult criminal justice system to determine  
18 which points create racial, ethnic, and gender  
19 disparities among youth who come into contact  
20 with the juvenile justice system;

21 “(C) developing and implementing data  
22 collection and analysis systems to identify  
23 where racial, ethnic, and gender disparities  
24 exist in the juvenile justice system and to track  
25 and analyze such disparities;

“(D) developing and implementing a plan of action that includes measurable objectives for policy, practice, or other system changes to reduce racial, ethnic, and gender disparities, based on the needs identified in the data collection and analysis under subparagraph (B); and

“(E) publicly reporting, on an annual basis, the efforts made in accordance with subparagraphs (B), (C), and (D);”;

(L) in paragraph (16), as so redesignated—

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

(ii) by striking “requirements of paragraph (11),” and all that follows through “monitoring to the Administrator” and inserting “the core requirements are met, and for annual reporting to the Administrator of such plan, including the results of such monitoring and all related enforcement and educational activities”; and

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

(M) in paragraph (17), as so redesignated, by striking “family income,” and inserting

1 “ethnicity, family income, sexual orientation,  
2 gender identity,”;

3 (N) in paragraph (24), as so redesign-  
4 nated—

5 (i) in subparagraph (B), by striking  
6 “and” at the end;

7 (ii) in subparagraph (C)—

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

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

12 (III) by adding at the end the  
13 following:

14 “(iii) if such court determines the ju-  
15 venile should be placed in a secure deten-  
16 tion facility or correctional facility for vio-  
17 lating such order—

18 “(I) the court shall issue a writ-  
19 ten order that—

20 “(aa) identifies the valid  
21 court order that has been vio-  
22 lated;

23 “(bb) specifies the factual  
24 basis for determining that there  
25 is reasonable cause to believe

1 that the juvenile has violated  
2 such order;

3 “(cc) includes findings of  
4 fact to support a determination  
5 that there is no appropriate less  
6 restrictive alternative available to  
7 placing the juvenile in such a fa-  
8 cility, with due consideration to  
9 the best interest of the juvenile;

10 “(dd) specifies the length of  
11 time, not to exceed 7 days, that  
12 the juvenile may remain in a se-  
13 cure detention facility or correc-  
14 tional facility, and includes a  
15 plan for the juvenile’s release  
16 from such facility; and

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

19 “(II) the court may not issue a  
20 second or subsequent order described  
21 in subclause (I) relating to a juvenile,  
22 unless the juvenile violates a valid  
23 court order after the date on which  
24 the court issues an order described in  
25 subclause (I);”; and



1 (iii) by adding at the end the fol-  
2 lowing:

3 “(D) there are procedures in place to en-  
4 sure that any juvenile held in a secure detention  
5 facility or correctional facility pursuant to a  
6 court order described in this paragraph does  
7 not remain in custody longer than 7 days or the  
8 length of time authorized by the court, which  
9 ever is shorter; and

10 “(E) not later than 3 years after the date  
11 of enactment of the Juvenile Justice and Delin-  
12 quency Prevention Reauthorization Act of 2010,  
13 with not more than one 1-year extension if the  
14 State can demonstrate hardship as determined  
15 by the Administrator, the State will eliminate  
16 the use of valid court orders to provide secure  
17 lockup of status offenders;”;

18 (O) in paragraph (26), as so redesignated,  
19 by striking “section 222(d)” and inserting “sec-  
20 tion 222(e)”;

21 (P) in paragraph (27), as so redesign-  
22 nated—

23 (i) by inserting “and in accordance  
24 with confidentiality concerns,” after “max-  
25 imum extent practicable,”; and

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

4                   “(A) a compilation of data reflecting infor-  
5                   mation on juveniles entering the juvenile justice  
6                   system with a prior reported history as victims  
7                   of child abuse or neglect through arrest, court  
8                   intake, probation and parole, juvenile detention,  
9                   and corrections; and

10                  “(B) a plan to use the data described in  
11                  subparagraph (A) to provide necessary services  
12                  for the treatment of victims of child abuse and  
13                  neglect who have entered, or are at risk of en-  
14                  tering, the juvenile justice system;”;

15                  (Q) in paragraph (28), as so redesign-  
16                  nated—

17                         (i) by striking “establish policies” and  
18                         inserting “establish protocols, policies, pro-  
19                         cedures,”; and

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

21                         (R) in paragraph (29), as so redesignated,  
22                         by striking the period at the end and inserting  
23                         a semicolon; and

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

1           “(30) provide for the coordinated use of funds  
2       provided under this Act with other Federal and  
3       State funds directed at juvenile delinquency preven-  
4       tion and intervention programs;

5           “(31) develop policies and procedures, and pro-  
6       vide training for facility staff to eliminate the use of  
7       dangerous practices, unreasonable restraints, and  
8       unreasonable isolation, including by developing effec-  
9       tive behavior management techniques;

10          “(32) describe—

11               “(A) how the State will ensure that mental  
12       health and substance abuse screening, assess-  
13       ment, referral, and treatment for juveniles in  
14       the juvenile justice system includes efforts to  
15       implement an evidence-based mental health and  
16       substance abuse disorder screening and assess-  
17       ment program for all juveniles held in a secure  
18       facility for a period of more than 24 hours that  
19       provides for 1 or more initial screenings and, if  
20       an initial screening of a juvenile demonstrates  
21       a need, further assessment;

22               “(B) the method to be used by the State  
23       to provide screening and, where needed, assess-  
24       ment, referral, and treatment for youth who re-  
25       quest or show signs of needing mental health or

1 substance abuse screening, assessment, referral,  
2 or treatment during the period after the initial  
3 screening that the youth is incarcerated;

4 “(C) the method to be used by the State  
5 to provide or arrange for mental health and  
6 substance abuse disorder treatment for juve-  
7 niles determined to be in need of such treat-  
8 ment; and

9 “(D) the policies of the State designed to  
10 develop and implement comprehensive collabo-  
11 rative State or local plans to meet the service  
12 needs of juveniles with mental health or sub-  
13 stance abuse needs who come into contact with  
14 the justice system and the families of the juve-  
15 niles;

16 “(33) provide procedural safeguards to adju-  
17 dicated juveniles, including—

18 “(A) a written case plan for each juvenile,  
19 based on an assessment of the needs of the ju-  
20 venile and developed and updated in consulta-  
21 tion with the juvenile, the family of the juvenile,  
22 and, if appropriate, counsel for the juvenile,  
23 that—

1 “(i) describes the pre-release and  
2 post-release programs and reentry services  
3 that will be provided to the juvenile;

4 “(ii) describes the living arrangement  
5 to which the juvenile is to be discharged;  
6 and

7 “(iii) establishes a plan for the enroll-  
8 ment of the juvenile in post-release health  
9 care, behavioral health care, educational,  
10 vocational, training, family support, preg-  
11 nancy and parenting support, public assist-  
12 ance, and legal services programs, as ap-  
13 propriate;

14 “(B) as appropriate, a hearing that—

15 “(i) shall take place in a family or ju-  
16 venile court or another court (including a  
17 tribal court) of competent jurisdiction, or  
18 by an administrative body appointed or ap-  
19 proved by the court, not earlier than 30  
20 days before the date on which the juvenile  
21 is scheduled to be released, and at which  
22 the juvenile shall be represented by coun-  
23 sel; and

24 “(ii) shall determine the discharge  
25 plan for the juvenile, including a deter-

mination of whether a safe, appropriate, and permanent living arrangement has been secured for the juvenile and whether enrollment in health care, behavioral health care, educational, vocational, training, family support, pregnancy and parenting support, public assistance, and legal services programs, as appropriate, has been arranged for the juvenile; and

“(C) policies to ensure that discharge planning and procedures—

“(i) are accomplished in a timely fashion prior to the release from custody of each adjudicated juvenile; and

“(ii) do not delay the release from custody of the juvenile; and

“(34) provide a description of the use by the State of funds for reentry and aftercare services for juveniles released from the juvenile justice system.”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking “applicable requirements of paragraphs (11), (12), (13), and

1 (22) of subsection (a)” and inserting “core  
2 requirements”; and

3 (ii) by striking “2001, then” and in-  
4 serting “2010”;

5 (B) in paragraph (1)—

6 (i) by striking “the subsequent fiscal  
7 year” and inserting “that fiscal year”; and

8 (ii) by striking “, and” at the end and  
9 inserting a semicolon;

10 (C) in paragraph (2)(B)(ii)—

11 (i) by inserting “, administrative,”  
12 after “appropriate executive”; and

13 (ii) by striking the period at the end  
14 and inserting “, as specified in section  
15 222(c); and”; and

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

17 “(3) the State shall submit to the Adminis-  
18 trator a report detailing the reasons for noncompli-  
19 ance with the core requirements, including the plan  
20 of the State to regain full compliance, and the State  
21 shall make publicly available such report, not later  
22 than 30 days after the date on which the Adminis-  
23 trator approves the report, by posting the report on  
24 a publicly available website.”;

25 (3) in subsection (d)—

1 (A) by striking “section 222(d)” and in-  
2 serting “section 222(e)”;

3 (B) by striking “described in paragraphs  
4 (11), (12), (13), and (22) of subsection (a)”  
5 and inserting “described in the core require-  
6 ments”; and

7 (C) by striking “the requirements under  
8 paragraphs (11), (12), (13), and (22) of sub-  
9 section (a)” and inserting “the core require-  
10 ments”; and

11 (4) by striking subsection (f) and inserting the  
12 following:

13 “(f) COMPLIANCE DETERMINATION.—

14 “(1) IN GENERAL.—Not later than 60 days  
15 after the date of receipt of information indicating  
16 that a State may be out of compliance with any of  
17 the core requirements, the Administrator shall deter-  
18 mine whether the State is in compliance with the  
19 core requirements.

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

21 “(A) issue an annual public report—

22 “(i) describing any determination de-  
23 scribed in paragraph (1) made during the  
24 previous year, including a summary of the  
25 information on which the determination is



1 based and the actions to be taken by the  
2 Administrator (including a description of  
3 any reduction imposed under subsection  
4 (c)); and

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

9 “(B) make the report described in sub-  
10 paragraph (A) available on a publicly available  
11 website.

12 “(g) TECHNICAL ASSISTANCE.—

13 “(1) ORGANIZATION OF STATE ADVISORY  
14 GROUP MEMBER REPRESENTATIVES.—The Adminis-  
15 trator shall provide technical and financial assist-  
16 ance to an agency, institution, or organization to as-  
17 sist in carrying out the activities described in para-  
18 graph (3). The functions and activities of an agency,  
19 institution, or organization under this subsection  
20 shall not be subject to the Federal Advisory Com-  
21 mittee Act.

22 “(2) COMPOSITION.—To be eligible to receive  
23 assistance under this subsection, an agency, institu-  
24 tion, or organization shall—

25 “(A) be governed by individuals who—

1 “(i) have been appointed by a chief  
2 executive of a State to serve as a member  
3 of a State advisory group established  
4 under subsection (a)(3); and

5 “(ii) are elected to serve as a gov-  
6 erning officer of such an agency, institu-  
7 tion, or organization by a majority of the  
8 member Chairs (or the designees of the  
9 member Chairs) of all State advisory  
10 groups established under subsection (a)(3);

11 “(B) include member representatives—

12 “(i) from a majority of the State advi-  
13 sory groups established under subsection  
14 (a)(3); and

15 “(ii) who are representative of region-  
16 ally and demographically diverse State ju-  
17 risdictions; and

18 “(C) annually seek advice from the Chairs  
19 (or the designees of the member Chairs) of each  
20 State advisory group established under sub-  
21 section (a)(3) to implement the advisory func-  
22 tions specified in subparagraphs (D) and (E) of  
23 paragraph (3) of this subsection.

1           “(3) ACTIVITIES.—To be eligible to receive as-  
2           sistance under this subsection, an agency, institu-  
3           tion, or organization shall agree to—

4                   “(A) conduct an annual conference of the  
5           member representatives of the State advisory  
6           groups established under subsection (a)(3) for  
7           purposes relating to the activities of such State  
8           advisory groups;

9                   “(B) disseminate information, data, stand-  
10          ards, advanced techniques, and program mod-  
11          els;

12                  “(C) review Federal policies regarding ju-  
13          venile justice and delinquency prevention;

14                  “(D) advise the Administrator regarding  
15          particular functions or aspects of the work of  
16          the Office; and

17                  “(E) advise the President and Congress re-  
18          garding State perspectives on the operation of  
19          the Office and Federal legislation relating to ju-  
20          venile justice and delinquency prevention.”.

21   **SEC. 206. AUTHORITY TO MAKE GRANTS.**

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

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

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

6           (3) in paragraph (10), by inserting “, including  
7       juveniles with disabilities” before the semicolon;

8           (4) in paragraph (17), by inserting “truancy  
9       prevention and reduction,” after “mentoring,”;

10          (5) in paragraph (24), by striking “and” at the  
11       end;

12          (6) by redesignating paragraph (25) as para-  
13       graph (26); and

14          (7) by inserting after paragraph (24) the fol-  
15       lowing:

16           “(25) projects that support the establishment of  
17       partnerships between a State and a university, insti-  
18       tution of higher education, or research center de-  
19       signed to improve the recruitment, selection, train-  
20       ing, and retention of professional personnel in the  
21       fields of medicine, law enforcement, judiciary, juve-  
22       nile justice, social work and child protection, edu-  
23       cation, and other relevant fields who are engaged in,  
24       or intend to work in, the field of prevention, identi-  
25       fication, and treatment of delinquency; and”.

1 **SEC. 207. GRANTS TO INDIAN TRIBES.**

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

5 (1) by striking subparagraph (A);

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

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

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
13 Section 223(a)(7)(A) of the Juvenile Justice and Delin-  
14 quency Prevention Act of 1974 (42 U.S.C. 5633(a)(7)(A))  
15 is amended by striking “(including any geographical area  
16 in which an Indian tribe performs law enforcement func-  
17 tions)” and inserting “(including any geographical area of  
18 which an Indian tribe has jurisdiction)”.

19 **SEC. 208. RESEARCH AND EVALUATION; STATISTICAL**  
20 **ANALYSES; INFORMATION DISSEMINATION.**

21 (a) IN GENERAL.—Section 251 of the Juvenile Jus-  
22 tice and Delinquency Prevention Act of 1974 (42 U.S.C.  
23 5661) is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) in the matter proceeding subpara-  
2 graph (A), by striking “may” and inserting  
3 “shall”;

4 (ii) in subparagraph (A), by striking  
5 “plan and identify” and inserting “annu-  
6 ally provide a written and publicly avail-  
7 able plan to identify”; and

8 (iii) in subparagraph (B)—

9 (I) by amending clause (iii) to  
10 read as follows:

11 “(iii) successful efforts to prevent status  
12 offenders and first-time minor offenders from  
13 subsequent involvement with the criminal jus-  
14 tice system;”;

15 (II) by amending clause (vii) to  
16 read as follows:

17 “(vii) the prevalence and duration of be-  
18 havioral health needs (including mental health,  
19 substance abuse, and co-occurring disorders)  
20 among juveniles pre-placement and post-place-  
21 ment when held in the custody of secure deten-  
22 tion and corrections facilities, including an ex-  
23 amination of the effects of confinement;”;

1 (III) by redesignating clauses  
2 (ix), (x), and (xi) as clauses (xi), (xii),  
3 and (xiii), respectively; and

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

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

9 “(x) methods to improve the recruitment,  
10 selection, training, and retention of professional  
11 personnel in the fields of medicine, law enforce-  
12 ment, judiciary, juvenile justice, social work and  
13 child protection, education, and other relevant  
14 fields who are engaged in, or intend to work in,  
15 the field of prevention, identification, and treat-  
16 ment of delinquency;”;

17 (B) in paragraph (4)—

18 (i) in the matter preceding subpara-  
19 graph (A), by inserting “and not later than  
20 1 year after the date of enactment of the  
21 Juvenile Justice and Delinquency Preven-  
22 tion Reauthorization Act of 2010” after  
23 “date of enactment of this paragraph”;

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

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

4 (iv) by adding at the end the fol-  
5 lowing:

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

8 “(I) an assessment of living arrangements for  
9 juveniles who cannot return to the homes of the ju-  
10 veniles.”; and

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

12 “(5) Not later than 3 years after the date of  
13 enactment of this paragraph, the Administrator  
14 shall—

15 “(A) complete a study with respect to  
16 meeting the needs of female youth and of youth  
17 with a prior history of sexual or physical victim-  
18 ization, which shall include—

19 “(i) identifying screening and assess-  
20 ment tools that have a favorable gender-  
21 based performance rating and that effec-  
22 tively identify histories of child abuse, sex-  
23 ual assault, dating violence, other sexual  
24 victimization, and witnessing domestic vio-  
25 lence;



1 “(ii) identifying links between expo-  
2 sure to violence and abuse (including do-  
3 mestic violence, dating violence, and sexual  
4 assault) and behaviors that bring youth  
5 into contact with the juvenile justice sys-  
6 tem that could assist with the goal of de-  
7 veloping better services and care for youth  
8 who are exposed to such violence and  
9 abuse and who come into contact with the  
10 juvenile justice system;

11 “(iii) assessing whether the provision  
12 of educational and recreational programs  
13 for female youth is equitable compared to  
14 the provision of such programs for males;  
15 and

16 “(iv) identifying and evaluating gen-  
17 der-specific care and practices for juvenile  
18 offenders, including—

19 “(I) care and practices related to  
20 hygiene needs, pregnancy and sexual  
21 health, access to family (including  
22 children of offenders), and the provi-  
23 sion of services and treatment for cur-  
24 rent and past physical or sexual vic-  
25 timization;

1 “(II) the availability of equal ac-  
2 cess for males and females to pro-  
3 grams and services, including opportu-  
4 nities for physical exercise; and

5 “(III) practices related to gen-  
6 der-responsive training for staff, su-  
7 pervision of female youth by female  
8 staff, restraint and isolation practices;  
9 and protection from abuse while in in-  
10 stitutions; and

11 “(v) evaluating prevention, treatment,  
12 or rehabilitation programs for female youth  
13 that are promising or research-based with  
14 the goal of identifying a set of evidence-  
15 based programs for such youth; and

16 “(B) submit to Congress and the President  
17 a report on the results of the study carried out  
18 under subparagraph (A), including rec-  
19 ommendations on the following:

20 “(i) A standard set of screening and  
21 assessment tools described in subpara-  
22 graph (A)(i), based on the study of tools  
23 conducted under such subparagraph, that  
24 may be used to screen and assess juvenile  
25 offenders.

1 “(ii) Appropriate training for per-  
2 sonnel working with female juveniles who  
3 are victims of sexual violence.

4 “(iii) Referral to services or treat-  
5 ment.

6 “(iv) Cross-agency collaboration.

7 “(v) Issues related to confidentiality.

8 “(vi) Standards for gender-specific  
9 care and practices for juvenile offenders,  
10 based on the study of such care and prac-  
11 tices conducted under subparagraph  
12 (A)(iv).”;

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

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

17 “(f) NATIONAL RECIDIVISM MEASURE.—The Admin-  
18 istrator, in consultation with experts in the field of juve-  
19 nile justice research, recidivism, and data collection,  
20 shall—

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

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

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

4           (b) STUDIES.—

5           (1) ASSESSMENT OF TREATING JUVENILES AS  
6           ADULTS.—The Administrator shall—

7                   (A) not later than 3 years after the date  
8                   of enactment of this Act, assess the effective-  
9                   ness of the practice of treating youth under 18  
10                  years of age as adults for purposes of prosecu-  
11                  tion in criminal court; and

12                   (B) not later than 42 months after the  
13                   date of enactment of this Act, submit to Con-  
14                   gress and the President, and make publicly  
15                   available, a report on the findings and conclu-  
16                   sions of the assessment under subparagraph  
17                   (A) and any recommended changes in law iden-  
18                   tified as a result of the assessment under sub-  
19                   paragraph (A).

20           (2) OUTCOME STUDY OF FORMER JUVENILE  
21           OFFENDERS.—The Administrator shall conduct a  
22           study of adjudicated juveniles and publish a report  
23           on the outcomes for juveniles who have reintegrated  
24           into the community, which shall include information  
25           on the outcomes relating to family reunification,

1 housing, education, employment, health care, behav-  
2 ioral health care, and repeat offending.

3 (3) DISABILITIES.—Not later than 2 years  
4 after the date of enactment of this Act, the Adminis-  
5 trator shall conduct a study that addresses the prev-  
6 alence of disability and various types of disabilities  
7 in the juvenile justice population.

8 (4) DEFINITION OF ADMINISTRATOR.—In this  
9 subsection, the term “Administrator” means the  
10 head of the Office of Juvenile Justice and Delin-  
11 quency Prevention.

12 **SEC. 209. TRAINING AND TECHNICAL ASSISTANCE.**

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

15 (1) in subsection (a)—

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

18 (B) in paragraph (1), by inserting “shall”  
19 before “develop and carry out projects”; and

20 (C) in paragraph (2), by inserting “may”  
21 before “make grants to and contracts with”;

22 (2) in subsection (b)—

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

25 (B) in paragraph (1)—

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

3 (ii) by striking “and” at the end;

4 (C) in paragraph (2)—

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

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

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

10 “(3) shall provide technical assistance to States  
11 and units of local government on achieving compli-  
12 ance with the amendments made by the Juvenile  
13 Justice and Delinquency Prevention Reauthorization  
14 Act of 2010; and

15 “(4) shall provide technical assistance to States  
16 in support of efforts to establish partnerships be-  
17 tween the State and an institution of higher edu-  
18 cation or research center designed to improve the re-  
19 cruitment, selection, training, and retention of pro-  
20 fessional personnel in the fields of medicine, law en-  
21 forcement, judiciary, juvenile justice, social work and  
22 child protection, education, and other relevant fields  
23 who are engaged in, or intend to work in, the field  
24 of prevention, identification, and treatment of delin-  
25 quency.”; and

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

2           “(d) TECHNICAL ASSISTANCE TO STATES REGARD-  
3   ING LEGAL REPRESENTATION OF CHILDREN.—The Ad-  
4   ministrator shall develop and issue standards of practice  
5   for attorneys representing children, and ensure that the  
6   standards are adapted for use in States.

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

13           “(1) promote methods for improving conditions  
14       of juvenile confinement, including those that are de-  
15       signed to minimize the use of dangerous practices,  
16       unreasonable restraints, and isolation; and

17           “(2) encourage alternative behavior manage-  
18       ment techniques.

19           “(f) TRAINING AND TECHNICAL ASSISTANCE TO  
20   SUPPORT MENTAL HEALTH OR SUBSTANCE ABUSE  
21   TREATMENT INCLUDING HOME-BASED OR COMMUNITY-  
22   BASED CARE.—The Administrator shall provide training  
23   and technical assistance, in conjunction with the appro-  
24   priate public agencies, to individuals involved in making  
25   decisions regarding the disposition of cases for youth who

1 enter the juvenile justice system about the appropriate  
2 services and placement for youth with mental health or  
3 substance abuse needs, including—

4 “(1) juvenile justice intake personnel;

5 “(2) probation officers;

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

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

9 and

10 “(5) family members of juveniles and family ad-  
11 vocates.

12 “(g) TRAINING TO MEET THE NEEDS OF FEMALE  
13 YOUTH IN CONTACT WITH THE JUVENILE JUSTICE SYS-  
14 TEM.—The Administrator shall provide training to law en-  
15 forcement, juvenile court judges, attorneys, and staff who  
16 work with youth in detention related to—

17 “(1) the benefits and availability of community-  
18 based alternatives to incarceration, especially for  
19 youth who have experienced physical or sexual abuse  
20 or other trauma;

21 “(2) indicators of possible abuse (including  
22 child abuse, domestic violence, dating violence, and  
23 sexual assault), and proper referral of youth who  
24 demonstrate such indicators for further assessment  
25 and services;



1           “(3) examples of possible bias in arrest patterns  
2           and case processing, such as detention for technical  
3           violations, detention to protect female youth from  
4           sexual victimization, and intolerance of female youth  
5           who violate social norms related to sexuality and  
6           compliance; and

7           “(4) strength-based and gender-responsive pro-  
8           gramming.”.

9   **SEC. 210. GRANTS FOR YOUTH AND FAMILY SERVING ORGA-**  
10                   **NIZATIONS.**

11           Section 261 of the Juvenile Justice and Delinquency  
12   Prevention Act of 1974 (42 U.S.C. 5665) is amended by  
13   adding at the end the following:

14           “(c) GRANTS FOR YOUTH AND FAMILY SERVING OR-  
15   GANIZATIONS.—

16           “(1) IN GENERAL.—The Administrator, using a  
17           competitive process, may make grants to and enter  
18           contracts with qualified youth and family serving or-  
19           ganizations, or combinations thereof, to provide an  
20           integrated continuum of services and programs for  
21           the prevention, control, or reduction of juvenile de-  
22           linquency.

23           “(2) DEFINITIONS.—In this subsection—

24                   “(A) the term ‘integrated continuum of  
25           services and programs’ means a variety of serv-

ices and programs for youth at risk of becoming juvenile offenders and families of such youth, with each service or program—

“(i) sharing a well-defined set of procedures and practices that are applied similarly in different situations and programs;

“(ii) being replicable and producing results that can be observed, tracked, and measured;

“(iii) sharing a common theory and philosophy of care;

“(iv) operating in a manner that allows youth and families to move across different service levels and expect and experience the same teaching methods, language, expectations, and outcome goals from caregivers and other providers; and

“(v) allowing each youth and family to maintain and build on the success achieved at a previous level of service; and

“(B) the term ‘qualified youth and family serving organization’ means a private, nonprofit youth and family serving organization that—

1 “(i) provides an integrated continuum  
2 of programs and services for youth at risk  
3 of becoming juvenile offenders and the  
4 families of such youth in areas affected by  
5 poverty and violence;

6 “(ii) serves a large percentage of eligi-  
7 ble youth at risk of becoming juvenile of-  
8 fenders and provides evidence-based, or  
9 evidence-informed, services and programs;

10 “(iii) teaches social and independent  
11 living skills for youth and families, builds  
12 healthy relationships between youth and  
13 families, and promotes self-government and  
14 self-determination for all youth and fami-  
15 lies served; and

16 “(iv) is successful in balancing public  
17 funds with private donations and maxi-  
18 mizing community involvement.”.

19 **SEC. 211. INCENTIVE GRANTS FOR STATE AND LOCAL PRO-**  
20 **GRAMS.**

21 Title II of the Juvenile Justice and Delinquency Pre-  
22 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amend-  
23 ed—

24 (1) by redesignating part F as part G; and

25 (2) by inserting after part E the following:

1   **“PART F—INCENTIVE GRANTS FOR STATE AND**  
2                           **LOCAL PROGRAMS**

3   **“SEC. 271. INCENTIVE GRANTS.**

4       “(a) INCENTIVE GRANT FUNDS.—

5               “(1) IN GENERAL.—The Administrator may  
6       make incentive grants to a State, unit of local gov-  
7       ernment, or combination of States and local govern-  
8       ments to assist a State, unit of local government, or  
9       combination thereof in carrying out an activity iden-  
10      tified in subsection (b)(1).

11             “(2) LIMITED ELIGIBILITY.—Notwithstanding  
12      paragraph (1), the Administrator may only make in-  
13      centive grants to carry out the activities described in  
14      subparagraph (F) of subsection (b)(1) to eligible  
15      States. For the purposes of this paragraph, an eligi-  
16      ble State is—

17             “(A) a State that the Administrator deter-  
18      mines, at the time of application for such a  
19      grant, is not engaged in comprehensive deten-  
20      tion reform based upon national best practices  
21      (as defined in section 103); or

22             “(B) a State that the Administrator deter-  
23      mines, at the time of application for such a  
24      grant, is engaged in such comprehensive deten-  
25      tion reform based upon national best practices,  
26      but that demonstrates to the Administrator

1           that the State will use such a grant to enhance  
2           or expand such reform (such as by expanding  
3           such reform to include additional local jurisdic-  
4           tions in the State, or by building a State infra-  
5           structure capable of supporting and sustaining  
6           detention reform at the local level).

7           “(b) USE OF FUNDS.—

8           “(1) IN GENERAL.—An incentive grant made by  
9           the Administrator under this section may be used  
10          to—

11               “(A) increase the use of evidence-based or  
12               promising prevention and intervention pro-  
13               grams;

14               “(B) improve the recruitment, selection,  
15               training, and retention of professional personnel  
16               (including in the fields of medicine, law enforce-  
17               ment, judiciary, juvenile justice, social work,  
18               and child prevention) who are engaged in, or in-  
19               tend to work in, the field of prevention, inter-  
20               vention, and treatment of juveniles to reduce  
21               delinquency;

22               “(C) establish or support a partnership be-  
23               tween juvenile justice agencies of a State or  
24               unit of local government and mental health au-  
25               thorities of State or unit of local government to

1 establish and implement programs to ensure  
2 there are adequate mental health and substance  
3 abuse screening, assessment, referral, treat-  
4 ment, and after-care services for juveniles who  
5 come into contact with the juvenile justice sys-  
6 tem by—

7 “(i) carrying out programs that divert  
8 from incarceration juveniles who come into  
9 contact with the juvenile justice system  
10 (including facilities contracted for oper-  
11 ation by State or local juvenile authorities)  
12 and have mental health or substance abuse  
13 needs—

14 “(I) when such juveniles are at  
15 imminent risk of being taken into cus-  
16 tody;

17 “(II) at the time such juveniles  
18 are initially taken into custody;

19 “(III) after such juveniles are  
20 charged with an offense or act of juve-  
21 nile delinquency;

22 “(IV) after such juveniles are ad-  
23 judicated delinquent and before case  
24 disposition; and

1                   “(V) after such juveniles are  
2                   committed to secure placement; or

3                   “(ii) improving treatment of juveniles  
4                   with mental health needs by working to en-  
5                   sure—

6                   “(I) that—

7                   “(aa) initial mental health  
8                   screening is—

9                   “(AA) completed for a  
10                  juvenile immediately upon  
11                  entering the juvenile justice  
12                  system or a juvenile facility;  
13                  and

14                  “(BB) conducted by  
15                  qualified health and mental  
16                  health professionals or by  
17                  staff who have been trained  
18                  by qualified health, mental  
19                  health, and substance abuse  
20                  professionals; and

21                  “(bb) in the case of screen-  
22                  ing, results that indicate possible  
23                  need for mental health or sub-  
24                  stance abuse services are re-  
25                  viewed by qualified mental health

1 or substance abuse treatment  
2 professionals not later than 24  
3 hours after the screening;

4 “(II) that a juvenile who suffers  
5 from an acute mental disorder, is sui-  
6 cidal, or is in need of medical atten-  
7 tion due to intoxication is—

8 “(aa) placed in or imme-  
9 diately transferred to an appro-  
10 priate medical or mental health  
11 facility; and

12 “(bb) only admitted to a se-  
13 cure correctional facility with  
14 written medical clearance;

15 “(III) that—

16 “(aa) for a juvenile identi-  
17 fied by a screening as needing a  
18 mental health assessment, the  
19 mental health assessment and  
20 any indicated comprehensive eval-  
21 uation or individualized treat-  
22 ment plan are written and imple-  
23 mented—

24 “(AA) not later than 2  
25 weeks after the date on



1 which the juvenile enters the  
2 juvenile justice system; or

3 “(BB) if a juvenile is  
4 entering a secure facility,  
5 not later than 1 week after  
6 the date on which the juve-  
7 nile enters the juvenile jus-  
8 tice system; and

9 “(bb) the assessments de-  
10 scribed in item (aa) are com-  
11 pleted by qualified health, mental  
12 health, and substance abuse pro-  
13 fessionals;

14 “(IV) that—

15 “(aa) if the need for treat-  
16 ment is indicated by the assess-  
17 ment of a juvenile, the juvenile is  
18 referred to or treated by a quali-  
19 fied professional;

20 “(bb) a juvenile who is re-  
21 ceiving treatment for a mental  
22 health or substance abuse need  
23 on the date of the assessment  
24 continues to receive treatment;

1           “(cc) treatment of a juvenile  
2 continues until a qualified mental  
3 health professional determines  
4 that the juvenile is no longer in  
5 need of treatment; and

6           “(dd) treatment plans for  
7 juveniles are reevaluated at least  
8 every 30 days;

9           “(V) that—

10           “(aa) discharge plans are  
11 prepared for an incarcerated ju-  
12 venile when the juvenile enters  
13 the correctional facility in order  
14 to integrate the juvenile back  
15 into the family and the commu-  
16 nity;

17           “(bb) discharge plans for an  
18 incarcerated juvenile are updated,  
19 in consultation with the family or  
20 guardian of a juvenile, before the  
21 juvenile leaves the facility; and

22           “(cc) discharge plans ad-  
23 dress the provision of aftercare  
24 services;

1 “(VI) that any juvenile in the ju-  
2 venile justice system receiving psycho-  
3 tropic medications is—

4 “(aa) under the care of a li-  
5 censed psychiatrist; and

6 “(bb) monitored regularly by  
7 trained staff to evaluate the effi-  
8 cacy and side effects of the psy-  
9 chotropic medications; and

10 “(VII) that specialized treatment  
11 and services are continually available  
12 to a juvenile in the juvenile justice  
13 system who has—

14 “(aa) a history of mental  
15 health needs or treatment;

16 “(bb) a documented history  
17 of sexual offenses or sexual  
18 abuse, as a victim or perpetrator;

19 “(cc) substance abuse needs  
20 or a health problem, learning dis-  
21 ability, or history of family abuse  
22 or violence; or

23 “(dd) developmental disabil-  
24 ities;

1           “(D) provide training, in conjunction with  
2           the public or private agency that provides men-  
3           tal health services, to individuals involved in  
4           making decisions involving youth who enter the  
5           juvenile justice system (including intake per-  
6           sonnel, law enforcement, prosecutors, juvenile  
7           court judges, public defenders, mental health  
8           and substance abuse service providers and ad-  
9           ministrators, probation officers, and parents)  
10          that focuses on—

11               “(i) the availability of screening and  
12               assessment tools and the effective use of  
13               such tools;

14               “(ii) the purpose, benefits, and need  
15               to increase availability of mental health or  
16               substance abuse treatment programs (in-  
17               cluding home-based and community-based  
18               programs) available to juveniles within the  
19               jurisdiction of the recipient;

20               “(iii) the availability of public and pri-  
21               vate services available to juveniles to pay  
22               for mental health or substance abuse treat-  
23               ment programs; or

24               “(iv) the appropriate use of effective  
25               home-based and community-based alter-

1 natives to juvenile justice or mental health  
2 system institutional placement;

3 “(E) develop comprehensive collaborative  
4 plans to address the service needs of juveniles  
5 with mental health or substance abuse disorders  
6 who are at risk of coming into contact with the  
7 juvenile justice system that—

8 “(i) revise and improve the delivery of  
9 intensive home-based and community-based  
10 services to juveniles who have been in con-  
11 tact with (or who are at risk of coming  
12 into contact with) the juvenile justice sys-  
13 tem;

14 “(ii) determine how the service needs  
15 of juveniles with mental health or sub-  
16 stance abuse disorders who come into con-  
17 tact with the juvenile justice system will be  
18 furnished from the initial detention stage  
19 until after discharge in order for these ju-  
20 veniles to avoid further contact with the  
21 justice system;

22 “(iii) demonstrate that the State or  
23 unit of local government has entered into  
24 appropriate agreements with all entities re-  
25 sponsible for providing services under the

1 plan, such as the agency of the State or  
2 unit of local government charged with ad-  
3 ministering juvenile justice programs, the  
4 agency of the State or unit of local govern-  
5 ment charged with providing mental health  
6 services, the agency of the State or unit of  
7 local government charged with providing  
8 substance abuse treatment services, the  
9 educational agency of the State or unit of  
10 local government, the child welfare system  
11 of the State or local government, and pri-  
12 vate nonprofit community-based organiza-  
13 tions;

14 “(iv) ensure that the State or unit of  
15 local government has in effect any laws  
16 necessary for services to be delivered in ac-  
17 cordance with the plan;

18 “(v) establish a network of individuals  
19 (or incorporates an existing network) to  
20 provide coordination between mental health  
21 service providers, substance abuse service  
22 providers, probation and parole officers,  
23 judges, corrections personnel, law enforce-  
24 ment personnel, State and local edu-  
25 cational agency personnel, parents and

1 families, and other appropriate parties re-  
2 garding effective treatment of juveniles  
3 with mental health or substance abuse dis-  
4 orders;

5 “(vi) provide for cross-system training  
6 among law enforcement personnel, correc-  
7 tions personnel, State and local educational  
8 agency personnel, mental health service  
9 providers, and substance abuse service pro-  
10 viders to enhance collaboration among sys-  
11 tems;

12 “(vii) provide for coordinated and ef-  
13 fective aftercare programs for juveniles  
14 who have been diagnosed with a mental  
15 health or substance abuse disorder and  
16 who are discharged from home-based care,  
17 community-based care, any other treat-  
18 ment program, secure detention facilities,  
19 secure correctional facilities, or jail;

20 “(viii) provide for the purchase of  
21 technical assistance to support the imple-  
22 mentation of the plan;

23 “(ix) estimate the costs of imple-  
24 menting the plan and proposes funding  
25 sources sufficient to meet the non-Federal

1 funding requirements for implementation  
2 of the plan under subsection (c)(2)(E);

3 “(x) describe the methodology to be  
4 used to identify juveniles at risk of coming  
5 into contact with the juvenile justice sys-  
6 tem;

7 “(xi) provide a written plan to ensure  
8 that all training and services provided  
9 under the plan will be culturally and lin-  
10 guistically competent; and

11 “(xii) describe the outcome measures  
12 and benchmarks that will be used to evalu-  
13 ate the progress and effectiveness of the  
14 plan; and

15 “(F) support State and local efforts to pro-  
16 mote comprehensive detention reform based  
17 upon national best practices (as defined in sec-  
18 tion 103), including—

19 “(i) providing funding to States for  
20 use by such States and units of local gov-  
21 ernment within such States to conduct  
22 planning and implementation of such com-  
23 prehensive detention reform; and

24 “(ii) providing training, technical as-  
25 sistance, travel costs, and other resources



1 to States for use by such States and units  
2 of local government within such States for  
3 efforts to implement the comprehensive de-  
4 tention reform strategies described in para-  
5 graph (41)(B) of section 103.

6 “(2) COORDINATION AND ADMINISTRATION.—A  
7 State or unit of local government receiving a grant  
8 under this section shall ensure that—

9 “(A) the use of the grant under this sec-  
10 tion is developed as part of the State plan re-  
11 quired under section 223(a); and

12 “(B) not more than 5 percent of the  
13 amount received under this section is used for  
14 administration of the grant under this section.

15 “(c) APPLICATION.—

16 “(1) IN GENERAL.—A State or unit of local  
17 government desiring a grant under this section shall  
18 submit an application at such time, in such manner,  
19 and containing such information as the Adminis-  
20 trator may prescribe.

21 “(2) CONTENTS.—In accordance with guide-  
22 lines that shall be established by the Administrator,  
23 each application for incentive grant funding under  
24 this section shall—

1           “(A) describe any activity or program the  
2           funding would be used for and how the activity  
3           or program is designed to carry out 1 or more  
4           of the activities described in subsection (b);

5           “(B) if any of the funds provided under  
6           the grant would be used for evidence-based or  
7           promising prevention or intervention programs,  
8           include a detailed description of the studies,  
9           findings, or practice knowledge that support the  
10          assertion that such programs qualify as evi-  
11          dence-based or promising;

12          “(C) for any program for which funds pro-  
13          vided under the grant would be used that is not  
14          evidence-based or promising, include a detailed  
15          description of any studies, findings, or practice  
16          knowledge which support the effectiveness of  
17          the program;

18          “(D) if the funds provided under the grant  
19          will be used for an activity described in sub-  
20          section (b)(1)(D), include a certification that  
21          the State or unit of local government—

22                 “(i) will work with public or private  
23                 entities in the area to administer the train-  
24                 ing funded under subsection (b)(1)(D), to  
25                 ensure that such training is comprehensive,

1 constructive, linguistically and culturally  
2 competent, and of a high quality;

3 “(ii) is committed to a goal of increas-  
4 ing the diversion of juveniles coming under  
5 its jurisdiction into appropriate home-  
6 based or community-based care when the  
7 interest of the juvenile and public safety  
8 allow;

9 “(iii) intends to use amounts provided  
10 under a grant under this section for an ac-  
11 tivity described in subsection (b)(1)(D) to  
12 further such goal; and

13 “(iv) has a plan to demonstrate, using  
14 appropriate benchmarks, the progress of  
15 the agency in meeting such goal; and

16 “(E) if the funds provided under the grant  
17 will be used for an activity described in sub-  
18 section (b)(1)(D), include a certification that  
19 not less than 25 percent of the total cost of the  
20 training described in subsection (b)(1)(D) that  
21 is conducted with the grant under this section  
22 will be contributed by non-Federal sources.

23 “(d) REQUIREMENTS FOR GRANTS TO ESTABLISH  
24 PARTNERSHIPS.—

1           “(1) MANDATORY REPORTING.—A State or unit  
2           of local government receiving a grant for an activity  
3           described in subsection (b)(1)(C) shall keep records  
4           of the incidence and types of mental health and sub-  
5           stance abuse disorders in their juvenile justice popu-  
6           lations, the range and scope of services provided,  
7           and barriers to service. The State or unit of local  
8           government shall submit an analysis of this informa-  
9           tion yearly to the Administrator.

10           “(2) STAFF RATIOS FOR CORRECTIONAL FA-  
11           CILITIES.—A State or unit of local government re-  
12           ceiving a grant for an activity described in sub-  
13           section (b)(1)(C) shall require that a secure correc-  
14           tional facility operated by or on behalf of that State  
15           or unit of local government—

16                   “(A) has a minimum ratio of not fewer  
17                   than 1 mental health and substance abuse  
18                   counselor for every 50 juveniles, who shall be  
19                   professionally trained and certified or licensed;

20                   “(B) has a minimum ratio of not fewer  
21                   than 1 clinical psychologist for every 100 juve-  
22                   niles; and

23                   “(C) has a minimum ratio of not fewer  
24                   than 1 licensed psychiatrist for every 100 juve-  
25                   niles receiving psychiatric care.

1           “(3) LIMITATION ON ISOLATION.—A State or  
2           unit of local government receiving a grant for an ac-  
3           tivity described in subsection (b)(1)(C) shall require  
4           that—

5                   “(A) isolation is used only for immediate  
6                   and short-term security or safety reasons;

7                   “(B) no juvenile is placed in isolation with-  
8                   out approval of the facility superintendent or  
9                   chief medical officer or their official staff des-  
10                  ignee;

11                  “(C) all instances in which a juvenile is  
12                  placed in isolation are documented in the file of  
13                  a juvenile along with the justification;

14                  “(D) a juvenile is in isolation only the  
15                  amount of time necessary to achieve security  
16                  and safety of the juvenile and staff;

17                  “(E) staff monitor each juvenile in isola-  
18                  tion once every 15 minutes and conduct a pro-  
19                  fessional review of the need for isolation at least  
20                  every 4 hours; and

21                  “(F) any juvenile held in isolation for 24  
22                  hours is examined by a physician or licensed  
23                  psychologist.

24           “(4) MEDICAL AND MENTAL HEALTH EMER-  
25           GENCIES.—A State or unit of local government re-

1       ceiving a grant for an activity described in sub-  
2       section (b)(1)(C) shall require that a correctional fa-  
3       cility operated by or on behalf of that State or unit  
4       of local government has written policies and proce-  
5       dures on suicide prevention. All staff working in a  
6       correctional facility operated by or on behalf of a  
7       State or unit of local government receiving a grant  
8       for an activity described in subsection (b)(1)(C) shall  
9       be trained and certified annually in suicide preven-  
10      tion. A correctional facility operated by or on behalf  
11      of a State or unit of local government receiving a  
12      grant for an activity described in subsection  
13      (b)(1)(C) shall have a written arrangement with a  
14      hospital or other facility for providing emergency  
15      medical and mental health care. Physical and mental  
16      health services shall be available to an incarcerated  
17      juvenile 24 hours per day, 7 days per week.

18           “(5) IDEA AND REHABILITATION ACT.—A  
19      State or unit of local government receiving a grant  
20      for an activity described in subsection (b)(1)(C) shall  
21      require that all juvenile facilities operated by or on  
22      behalf of the State or unit of local government abide  
23      by all mandatory requirements and timelines set  
24      forth under the Individuals with Disabilities Edu-

1 cation Act (20 U.S.C. 1400 et seq.) and section 504  
 2 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

3 “(6) FISCAL RESPONSIBILITY.—A State or unit  
 4 of local government receiving a grant for an activity  
 5 described in subsection (b)(1)(C) shall provide for  
 6 such fiscal control and fund accounting procedures  
 7 as may be necessary to ensure prudent use, proper  
 8 disbursement, and accurate accounting of funds re-  
 9 ceived under this section that are used for an activ-  
 10 ity described in subsection (b)(1)(C).”.

11 **SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

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

14 (1) in subsection (a)—

15 (A) in the subsection heading, by striking  
 16 “PARTS C AND E” and inserting “PARTS C, E,  
 17 AND F”;

18 (B) in paragraph (1), by striking “this  
 19 title” and all that follows and inserting the fol-  
 20 lowing: “this title—

21 “(A) \$245,900,000 for fiscal year 2011;

22 “(B) \$295,100,000 for fiscal year 2012;

23 “(C) \$344,300,000 for fiscal year 2013;

24 “(D) \$393,500,000 for fiscal year 2014; and

25 “(E) \$442,700,000 for fiscal year 2015.”; and

1 (C) in paragraph (2), in the matter pre-  
2 ceding subparagraph (A), by striking “parts C  
3 and E” and inserting “parts C, E, and F”;

4 (2) in subsection (b), by striking “fiscal years  
5 2003, 2004, 2005, 2006, and 2007” and inserting  
6 “fiscal years 2011, 2012, 2013, 2014, and 2015”;

7 (3) in subsection (c)—

8 (A) by inserting “(other than section  
9 216(c))” after “Part E”; and

10 (B) by striking “fiscal years 2003, 2004,  
11 2005, 2006, and 2007” and inserting “fiscal  
12 years 2011, 2012, 2013, 2014, and 2015”;

13 (4) by redesignating subsection (d) as sub-  
14 section (f); and

15 (5) by inserting after subsection (c) the fol-  
16 lowing:

17 “(d) AUTHORIZATION OF APPROPRIATIONS FOR  
18 PART E, SECTION 261(c).—There are authorized to be  
19 appropriated to carry out section 261(c), and authorized  
20 to remain available until expended—

21 “(1) \$23,000,000 for each of fiscal years 2011,  
22 2012, and 2013;

23 “(2) \$8,000,000 for fiscal year 2014; and

24 “(3) \$3,000,000 for fiscal year 2015.



1       “(e) AUTHORIZATION OF APPROPRIATIONS FOR PART  
2 F.—

3               “(1) IN GENERAL.—There are authorized to be  
4 appropriated to carry out part F, and authorized to  
5 remain available until expended, \$80,000,000 for  
6 each of fiscal years 2011, 2012, 2013, 2014, and  
7 2015.

8               “(2) ALLOCATION.—Of the sums that are ap-  
9 propriated for a fiscal year to carry out part F—

10                   “(A) not less than 40 percent shall be used  
11 to fund programs that are carrying out an ac-  
12 tivity described in subparagraph (C), (D), or  
13 (E) of section 271(b)(1);

14                   “(B) not less than 50 percent shall be used  
15 to fund programs that are carrying out an ac-  
16 tivity described in subparagraph (A) of such  
17 section; and

18                   “(C) not less than 5 percent shall be used  
19 to fund activities described in subparagraph (F)  
20 of such section.”.

21 **SEC. 213. ADMINISTRATIVE AUTHORITY.**

22       Section 299A(e) of the Juvenile Justice and Delin-  
23 quency Prevention Act of 1974 (42 U.S.C. 5672(e)) is  
24 amended by striking “requirements described in para-

1 graphs (11), (12), and (13) of section 223(a)” and insert-  
2 ing “core requirements”.

3 **SEC. 214. AUTHORITY FOR FEDERAL PRETRIAL SERVICES**  
4 **WITH RESPECT TO JUVENILES.**

5 Section 3154 of title 18, United States Code, is  
6 amended—

7 (1) by redesignating paragraph (14) as para-  
8 graph (15); and

9 (2) by inserting after paragraph (13) the fol-  
10 lowing:

11 “(14) Perform, in a manner appropriate for ju-  
12 veniles, any of the functions identified in this section  
13 with respect to juveniles awaiting adjudication, trial,  
14 or disposition under chapter 403 of this title who  
15 are not detained.”.

16 **SEC. 215. TECHNICAL AND CONFORMING AMENDMENTS.**

17 The Juvenile Justice and Delinquency Prevention Act  
18 of 1974 (42 U.S.C. 5601 et seq.) is amended—

19 (1) in section 204(b)(6), by striking “section  
20 223(a)(15)” and inserting “section 223(a)(16)”;

21 (2) in section 246(a)(2)(D), by striking “section  
22 222(c)” and inserting “section 222(d)”;

23 (3) in section 299D(b), of by striking “section  
24 222(c)” and inserting “section 222(d)”.

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

4 **SEC. 301. DEFINITIONS.**

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

8 (1) in the section heading, by striking “**DEFI-**  
9 **NITION**” and inserting “**DEFINITIONS**”; and

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

12 “(1) the term ‘mentoring’ means matching 1  
13 adult with 1 or more youths (not to exceed 4 youths)  
14 for the purpose of providing guidance, support, and  
15 encouragement aimed at developing the character of  
16 the youths, where the adult and youths meet regu-  
17 larly for not less than 4 hours each month for not  
18 less than a 9-month period; and

19 “(2) the term”.

20 **SEC. 302. GRANTS FOR DELINQUENCY PREVENTION PRO-**  
21 **GRAMS.**

22 Section 504(a) of the Incentive Grants for Local De-  
23 linquency Prevention Programs Act of 2002 (42 U.S.C.  
24 5783(a)) is amended—

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

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

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

6 “(9) mentoring programs.”.

7 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 505 of the Incentive Grants for Local Delin-  
9 quency Prevention Programs Act of 2002 (42 U.S.C.  
10 5784) is amended to read as follows:

11 **“SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

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

14 “(1) \$322,800,000 for fiscal year 2011;

15 “(2) \$373,400,000 for fiscal year 2012;

16 “(3) \$424,000,000 for fiscal year 2013;

17 “(4) \$474,600,000 for fiscal year 2014; and

18 “(5) \$525,200,000 for fiscal year 2015.”.

19 **SEC. 304. TECHNICAL AND CONFORMING AMENDMENT.**

20 The Juvenile Justice and Delinquency Prevention Act  
21 of 1974 is amended by striking title V, as added by the  
22 Juvenile Justice and Delinquency Prevention Act of 1974  
23 (Public Law 93–415; 88 Stat. 1133) (relating to miscella-  
24 neous and conforming amendments).

# 1       **TITLE IV—PRECAUTION ACT**

## 2   **SEC. 401. SHORT TITLE.**

3       This title may be cited as the “Prevention Resources  
4 for Eliminating Criminal Activity Using Tailored Inter-  
5 ventions in Our Neighborhoods Act of 2010” or the  
6 “PRECAUTION Act”.

## 7   **SEC. 402. PURPOSES.**

8       The purposes of this title are to—

9           (1) establish a commitment on the part of the  
10       Federal Government to provide leadership on suc-  
11       cessful crime prevention and intervention strategies;

12          (2) further the integration of crime prevention  
13       and intervention strategies into traditional law en-  
14       forcement practices of State and local law enforce-  
15       ment offices around the country;

16          (3) develop a plain-language, implementation-  
17       focused assessment of those current crime and delin-  
18       quency prevention and intervention strategies that  
19       are supported by rigorous evidence;

20          (4) provide additional resources to the National  
21       Institute of Justice to administer grants, contracts,  
22       and cooperative agreements for research and devel-  
23       opment for promising crime prevention and interven-  
24       tion strategies;

1           (5) develop recommendations for Federal prior-  
2       ities for crime and delinquency prevention and inter-  
3       vention research, development, and funding that  
4       may augment important Federal grant programs, in-  
5       cluding the Edward Byrne Memorial Justice Assist-  
6       ance Grant Program under subpart 1 of part E of  
7       title I of the Omnibus Crime Control and Safe  
8       Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant  
9       programs administered by the Office of Community  
10      Oriented Policing Services of the Department of  
11      Justice, grant programs administered by the Office  
12      of Safe and Drug-Free Schools of the Department  
13      of Education, and other similar programs; and

14           (6) reduce the costs that rising violent crime  
15      imposes on interstate commerce.

16 **SEC. 403. DEFINITIONS.**

17      In this title, the following definitions shall apply:

18           (1) COMMISSION.—The term “Commission”  
19      means the National Commission on Public Safety  
20      Through Crime Prevention established under section  
21      404(a).

22           (2) RIGOROUS EVIDENCE.—The term “rigorous  
23      evidence” means evidence generated by scientifically  
24      valid forms of outcome evaluation, particularly ran-  
25      domized trials (where practicable).

1           (3) SUBCATEGORY.—The term “subcategory”  
2 means 1 of the following categories:

3           (A) Family and community settings (in-  
4 cluding public health-based strategies).

5           (B) Law enforcement settings (including  
6 probation-based strategies).

7           (C) School settings (including anti-gang  
8 and general anti-violence strategies).

9           (4) TOP-TIER.—The term “top-tier” means any  
10 strategy supported by rigorous evidence of the siz-  
11 able, sustained benefits to participants in the strat-  
12 egy or to society.

13 **SEC. 404. NATIONAL COMMISSION ON PUBLIC SAFETY**  
14 **THROUGH CRIME PREVENTION.**

15       (a) ESTABLISHMENT.—There is established a com-  
16 mission to be known as the National Commission on Pub-  
17 lic Safety Through Crime Prevention.

18       (b) MEMBERS.—

19           (1) IN GENERAL.—The Commission shall be  
20 composed of 9 members, of whom—

21           (A) 3 shall be appointed by the President,  
22 1 of whom shall be the Assistant Attorney Gen-  
23 eral for the Office of Justice Programs or a  
24 representative of such Assistant Attorney Gen-  
25 eral;

1 (B) 2 shall be appointed by the Speaker of  
2 the House of Representatives, unless the Speak-  
3 er is of the same party as the President, in  
4 which case 1 shall be appointed by the Speaker  
5 of the House of Representatives and 1 shall be  
6 appointed by the minority leader of the House  
7 of Representatives;

8 (C) 1 shall be appointed by the minority  
9 leader of the House of Representatives (in addi-  
10 tion to any appointment made under subpara-  
11 graph (B));

12 (D) 2 shall be appointed by the majority  
13 leader of the Senate, unless the majority leader  
14 is of the same party as the President, in which  
15 case 1 shall be appointed by the majority leader  
16 of the Senate and 1 shall be appointed by the  
17 minority leader of the Senate; and

18 (E) 1 shall be appointed by the minority  
19 leader of the Senate (in addition to any ap-  
20 pointment made under subparagraph (D)).

21 (2) PERSONS ELIGIBLE.—

22 (A) IN GENERAL.—Each member of the  
23 Commission shall be an individual who has  
24 knowledge or expertise in matters to be studied  
25 by the Commission.



1 (B) REQUIRED REPRESENTATIVES.—At  
2 least—

3 (i) 2 members of the Commission  
4 shall be respected social scientists with ex-  
5 perience implementing or interpreting rig-  
6 orous, outcome-based trials; and

7 (ii) 2 members of the Commission  
8 shall be law enforcement practitioners.

9 (3) CONSULTATION REQUIRED.—The President,  
10 the Speaker of the House of Representatives, the mi-  
11 nority leader of the House of Representatives, and  
12 the majority leader and minority leader of the Sen-  
13 ate shall consult prior to the appointment of the  
14 members of the Commission to achieve, to the max-  
15 imum extent possible, fair and equitable representa-  
16 tion of various points of view with respect to the  
17 matters to be studied by the Commission.

18 (4) TERM.—Each member shall be appointed  
19 for the life of the Commission.

20 (5) TIME FOR INITIAL APPOINTMENTS.—The  
21 appointment of the members shall be made not later  
22 than 60 days after the date of enactment of this  
23 Act.

24 (6) VACANCIES.—A vacancy in the Commission  
25 shall be filled in the manner in which the original

1        appointment was made, and shall be made not later  
2        than 60 days after the date on which the vacancy  
3        occurred.

4            (7) EX OFFICIO MEMBERS.—The Director of  
5        the National Institute of Justice, the Director of the  
6        Office of Juvenile Justice and Delinquency Preven-  
7        tion, the Director of the Community Capacity Devel-  
8        opment Office, the Director of the Bureau of Justice  
9        Statistics, the Director of the Bureau of Justice As-  
10       sistance, and the Director of Community Oriented  
11       Policing Services (or a representative of each such  
12       director) shall each serve in an ex officio capacity on  
13       the Commission to provide advice and information to  
14       the Commission.

15        (c) OPERATION.—

16            (1) CHAIRPERSON.—At the initial meeting of  
17        the Commission, the members of the Commission  
18        shall elect a chairperson from among its voting  
19        members, by a vote of  $\frac{2}{3}$  of the members of the  
20        Commission. The chairperson shall retain this posi-  
21        tion for the life of the Commission. If the chair-  
22        person leaves the Commission, a new chairperson  
23        shall be selected, by a vote of  $\frac{2}{3}$  of the members of  
24        the Commission.

1           (2) MEETINGS.—The Commission shall meet at  
2           the call of the chairperson. The initial meeting of the  
3           Commission shall take place not later than 30 days  
4           after the date on which all the members of the Com-  
5           mission have been appointed.

6           (3) QUORUM.—A majority of the members of  
7           the Commission shall constitute a quorum to con-  
8           duct business, and the Commission may establish a  
9           lesser quorum for conducting hearings scheduled by  
10          the Commission.

11          (4) RULES.—The Commission may establish by  
12          majority vote any other rules for the conduct of  
13          Commission business, if such rules are not incon-  
14          sistent with this title or other applicable law.

15          (d) PUBLIC HEARINGS.—

16               (1) IN GENERAL.—The Commission shall hold  
17               public hearings. The Commission may hold such  
18               hearings, sit and act at such times and places, take  
19               such testimony, and receive such evidence as the  
20               Commission considers advisable to carry out its du-  
21               ties under this section.

22               (2) FOCUS OF HEARINGS.—The Commission  
23               shall hold at least 3 separate public hearings, each  
24               of which shall focus on 1 of the subcategories.

1           (3) WITNESS EXPENSES.—Witnesses requested  
2       to appear before the Commission shall be paid the  
3       same fees as are paid to witnesses under section  
4       1821 of title 28, United States Code. The per diem  
5       and mileage allowances for witnesses shall be paid  
6       from funds appropriated to the Commission.

7       (e) COMPREHENSIVE STUDY OF EVIDENCE-BASED  
8       CRIME PREVENTION AND INTERVENTION STRATEGIES.—

9           (1) IN GENERAL.—The Commission shall carry  
10      out a comprehensive study of the effectiveness of  
11      crime and delinquency prevention and intervention  
12      strategies, organized around the 3 subcategories.

13          (2) MATTERS INCLUDED.—The study under  
14      paragraph (1) shall include—

15           (A) a review of research on the general ef-  
16      fectiveness of incorporating crime prevention  
17      and intervention strategies into an overall law  
18      enforcement plan;

19           (B) an evaluation of how to more effec-  
20      tively communicate the wealth of social science  
21      research to practitioners;

22           (C) a review of evidence regarding the ef-  
23      fectiveness of specific crime prevention and  
24      intervention strategies, focusing on those strate-  
25      gies supported by rigorous evidence;

1 (D) an identification of—

2 (i) promising areas for further re-  
3 search and development; and

4 (ii) other areas representing gaps in  
5 the body of knowledge that would benefit  
6 from additional research and development;

7 (E) an assessment of the best practices for  
8 implementing prevention and intervention strat-  
9 egies;

10 (F) an assessment of the best practices for  
11 gathering rigorous evidence regarding the im-  
12 plementation of intervention and prevention  
13 strategies; and

14 (G) an assessment of those top-tier strate-  
15 gies best suited for duplication efforts in a  
16 range of settings across the country.

17 (3) INITIAL REPORT ON TOP-TIER CRIME PRE-  
18 VENTION AND INTERVENTION STRATEGIES.—

19 (A) DISTRIBUTION.—Not later than 18  
20 months after the date on which all members of  
21 the Commission have been appointed, the Com-  
22 mission shall submit a public report on the  
23 study carried out under this subsection to—

24 (i) the President;

25 (ii) Congress;

- 1 (iii) the Attorney General;
- 2 (iv) the Chief Federal Public Defender
- 3 of each district;
- 4 (v) the chief executive of each State;
- 5 (vi) the Director of the Administrative
- 6 Office of the Courts of each State;
- 7 (vii) the Director of the Administra-
- 8 tive Office of the United States Courts;
- 9 and
- 10 (viii) the attorney general of each
- 11 State.

12 (B) CONTENTS.—The report under sub-

13 paragraph (A) shall include—

- 14 (i) the findings and conclusions of the
- 15 Commission;
- 16 (ii) a summary of the top-tier strate-
- 17 gies, including—
  - 18 (I) a review of the rigorous evi-
  - 19 dence supporting the designation of
  - 20 each strategy as top-tier;
  - 21 (II) a brief outline of the keys to
  - 22 successful implementation for each
  - 23 strategy; and
  - 24 (III) a list of references and
  - 25 other information on where further in-

1 formation on each strategy can be  
2 found;

3 (iii) recommended protocols for imple-  
4 menting crime and delinquency prevention  
5 and intervention strategies generally;

6 (iv) recommended protocols for evalu-  
7 ating the effectiveness of crime and delin-  
8 quency prevention and intervention strate-  
9 gies; and

10 (v) a summary of the materials relied  
11 upon by the Commission in preparation of  
12 the report.

13 (C) CONSULTATION WITH OUTSIDE AU-  
14 THORITIES.—In developing the recommended  
15 protocols for implementation and rigorous eval-  
16 uation of top-tier crime and delinquency preven-  
17 tion and intervention strategies under this para-  
18 graph, the Commission shall consult with the  
19 Committee on Law and Justice at the National  
20 Academy of Science and with national associa-  
21 tions representing the law enforcement and so-  
22 cial science professions, including the National  
23 Sheriffs' Association, the Police Executive Re-  
24 search Forum, the International Association of  
25 Chiefs of Police, the Consortium of Social

1 Science Associations, and the American Society  
2 of Criminology.

3 (f) RECOMMENDATIONS REGARDING INNOVATIVE  
4 CRIME PREVENTION AND INTERVENTION STRATEGIES.—

5 (1) SUBMISSION.—

6 (A) IN GENERAL.—Not later than 30 days  
7 after the date of the final hearing under sub-  
8 section (d) relating to a subcategory, the Com-  
9 mission shall provide the Director of the Na-  
10 tional Institute of Justice and the Attorney  
11 General with recommendations on qualifying  
12 considerations relating to that subcategory for  
13 selecting recipients of contracts, cooperative  
14 agreements, and grants under section 405.

15 (B) DEADLINE.—Not later than 13  
16 months after the date on which all members of  
17 the Commission have been appointed, the Com-  
18 mission shall provide all recommendations re-  
19 quired under this subsection.

20 (2) MATTERS INCLUDED.—The recommenda-  
21 tions provided under paragraph (1) shall include rec-  
22 ommendations relating to—

23 (A) the types of strategies for the applica-  
24 ble subcategory that would best benefit from  
25 additional research and development;



1 (B) any geographic or demographic tar-  
2 gets;

3 (C) the types of partnerships with other  
4 public or private entities that might be perti-  
5 nent and prioritized; and

6 (D) any classes of crime and delinquency  
7 prevention and intervention strategies that  
8 should not be given priority because of a pre-  
9 existing base of knowledge that would benefit  
10 less from additional research and development.

11 (g) FINAL REPORT ON THE RESULTS OF INNOVA-  
12 TIVE CRIME PREVENTION AND INTERVENTION STRATE-  
13 GIES.—

14 (1) IN GENERAL.—Following the close of the 3-  
15 year period for the evaluation of an innovative strat-  
16 egy under section 405, the Commission shall collect  
17 the results of the evaluation and shall submit a pub-  
18 lic report to the President, the Attorney General,  
19 Congress, the chief executive of each State, and the  
20 attorney general of each State describing each strat-  
21 egy funded under section 405 and the results of the  
22 strategy. The report under this paragraph shall be  
23 submitted not later than 5 years after the date of  
24 the selection of the chairperson of the Commission.

1           (2) COLLECTION OF INFORMATION AND EVI-  
2       DENCE REGARDING RECIPIENTS.—The collection of  
3       information and evidence by the Commission regard-  
4       ing each recipient of a contract, cooperative agree-  
5       ment, or grant under section 405 shall be carried  
6       out by—

7           (A) ongoing communications with the  
8       grant administrator at the National Institute of  
9       Justice and other appropriate officers at other  
10      components of the Department of Justice;

11          (B) visits by representatives of the Com-  
12      mission (including at least 1 member of the  
13      Commission) to the site where the recipient of  
14      a contract, cooperative agreement, or grant is  
15      carrying out the strategy funded under section  
16      405, at least once in the second and once in the  
17      third year of the contract, cooperative agree-  
18      ment, or grant;

19          (C) a review of the data generated by the  
20      study monitoring the effectiveness of the strat-  
21      egy; and

22          (D) other means as necessary.

23      (3) MATTERS INCLUDED.—The report sub-  
24      mitted under paragraph (1) shall include a review of  
25      each strategy carried out with a contract, coopera-

1       tive agreement, or grant under section 405, detail-  
2       ing—

3               (A) the type of crime or delinquency pre-  
4       vention or intervention strategy;

5               (B) where the activities under the strategy  
6       were carried out, including geographic and de-  
7       mographic targets;

8               (C) any partnerships with public or private  
9       entities through the course of the period of the  
10      contract, cooperative agreement, or grant;

11              (D) the type and design of the effective-  
12      ness study conducted under section 405(b)(4)  
13      or section 405(c)(2)(C) for that strategy;

14              (E) the results of the effectiveness study  
15      conducted under section 405(b)(4) or section  
16      405(c)(2)(C) for that strategy;

17              (F) lessons learned regarding implementa-  
18      tion of that strategy or of the effectiveness  
19      study conducted under section 405(b)(4) or sec-  
20      tion 405(c)(2)(C), including recommendations  
21      regarding which types of environments might  
22      best be suited for successful replication; and

23              (G) recommendations regarding the need  
24      for further research and development of the  
25      strategy.

1 (h) PERSONNEL MATTERS.—

2 (1) TRAVEL EXPENSES.—The members of the  
3 Commission shall be allowed travel expenses, includ-  
4 ing per diem in lieu of subsistence, at rates author-  
5 ized for employees of agencies under subchapter I of  
6 chapter 57 of title 5, United States Code, while  
7 away from their homes or regular places of business  
8 in the performance of service for the Commission.

9 (2) COMPENSATION OF MEMBERS.—Members of  
10 the Commission shall serve without compensation.

11 (3) STAFF.—

12 (A) IN GENERAL.—The chairperson of the  
13 Commission may, without regard to the civil  
14 service laws and regulations, appoint and termi-  
15 nate an executive director and such other addi-  
16 tional personnel as may be necessary to enable  
17 the Commission to perform its duties. The em-  
18 ployment of an executive director shall be sub-  
19 ject to confirmation by the Commission.

20 (B) COMPENSATION.—The chairperson of  
21 the Commission may fix the compensation of  
22 the executive director and other personnel with-  
23 out regard to the provisions of chapter 51 and  
24 subchapter III of chapter 53 of title 5, United  
25 States Code, relating to classification of posi-

1           tions and General Schedule pay rates, except  
2           that the rate of pay for the executive director  
3           and other personnel may not exceed the rate  
4           payable for level V of the Executive Schedule  
5           under section 5316 of such title.

6           (4) DETAIL OF FEDERAL EMPLOYEES.—With  
7           the affirmative vote of  $\frac{2}{3}$  of the members of the  
8           Commission, any Federal Government employee,  
9           with the approval of the head of the appropriate  
10          Federal agency, may be detailed to the Commission  
11          without reimbursement, and such detail shall be  
12          without interruption or loss of civil service status,  
13          benefits, or privileges.

14          (i) CONTRACTS FOR RESEARCH.—

15               (1) NATIONAL INSTITUTE OF JUSTICE.—With a  
16                $\frac{2}{3}$  affirmative vote of the members of the Commis-  
17               sion, the Commission may select nongovernmental  
18               researchers and experts to assist the Commission in  
19               carrying out its duties under this title. The National  
20               Institute of Justice shall contract with the research-  
21               ers and experts selected by the Commission to pro-  
22               vide funding in exchange for their services.

23               (2) OTHER ORGANIZATIONS.—Nothing in this  
24               subsection shall be construed to limit the ability of  
25               the Commission to enter into contracts with other

1 entities or organizations for research necessary to  
2 carry out the duties of the Commission under this  
3 section.

4 (j) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are authorized to be appropriated \$5,000,000 to carry out  
6 this section.

7 (k) TERMINATION.—The Commission shall terminate  
8 on the date that is 30 days after the date on which the  
9 Commission submits the last report required by this sec-  
10 tion.

11 (l) EXEMPTION.—The Commission shall be exempt  
12 from the Federal Advisory Committee Act.

13 **SEC. 405. INNOVATIVE CRIME PREVENTION AND INTERVEN-**  
14 **TION STRATEGIES.**

15 (a) IN GENERAL.—The Attorney General may fund  
16 the implementation and evaluation of innovative crime or  
17 delinquency prevention or intervention strategies though  
18 coordinated initiatives, as described in subsection (b),  
19 through grants authorized under subsection (c), or a com-  
20 bination of the coordinated initiatives and grants.

21 (b) COORDINATED INITIATIVES.—

22 (1) IN GENERAL.—The Attorney General, act-  
23 ing through the Director of the National Institute of  
24 Justice, may coordinate efforts between the National  
25 Institute of Justice and other appropriate compo-

1 nents of the Department of Justice to implement  
2 and rigorously evaluate innovative crime or delin-  
3 quency prevention or intervention strategies.

4 (2) SELECTION OF STRATEGIES.—The Director  
5 of the National Institute of Justice, in consultation  
6 with the heads of other appropriate components of  
7 the Department of Justice, shall identify innovative  
8 crime or delinquency prevention or intervention  
9 strategies that would best benefit from additional  
10 funding and evaluation, taking into consideration the  
11 recommendations of the Commission under section  
12 404(f).

13 (3) PROGRAM OFFICE ROLE.—The head of any  
14 appropriate component of the Department of Jus-  
15 tice, as determined by the Attorney General, may  
16 provide incentives under a contract, cooperative  
17 agreement, or grant entered into or made by the  
18 component, including a competitive preference pri-  
19 ority and providing additional funds, for a public or  
20 private entity to—

21 (A) implement a strategy identified under  
22 paragraph (2); or

23 (B) participate in the evaluation under  
24 paragraph (4) of the strategies identified under  
25 paragraph (2).

1           (4) NATIONAL INSTITUTE OF JUSTICE EVALUA-  
2           TION.—

3           (A) IN GENERAL.—The Director of the  
4           National Institute of Justice may enter into or  
5           make contracts, cooperative agreements, or  
6           grants to conduct a rigorous study of the effec-  
7           tiveness of each strategy relating to which an  
8           incentive is provided under paragraph (3).

9           (B) AMOUNT AND DURATION.—A contract,  
10          cooperative agreement, or grant under subpara-  
11          graph (A) shall be for not more than \$700,000,  
12          and shall be for a period of not more than 3  
13          years.

14          (C) METHODOLOGY OF STUDY.—Each  
15          study conducted under subparagraph (A) shall  
16          use a study design that is likely to produce rig-  
17          orous evidence of the effectiveness of the strat-  
18          egy and, where feasible, measure outcomes  
19          using available administrative data, such as po-  
20          lice arrest records, so as to minimize the costs  
21          of the study.

22          (c) GRANTS AUTHORIZED.—

23          (1) IN GENERAL.—The Director of the National  
24          Institute of Justice may make grants to public and  
25          private entities to fund the implementation and eval-



1 uation of innovative crime or delinquency prevention  
2 or intervention strategies. The purpose of grants  
3 under this subsection shall be to provide funds for  
4 all expenses related to the implementation of such a  
5 strategy and to conduct a rigorous study on the ef-  
6 fectiveness of that strategy.

7 (2) GRANT DISTRIBUTION.—

8 (A) PERIOD.—A grant under this sub-  
9 section shall be made for a period of not more  
10 than 3 years.

11 (B) AMOUNT.—The amount of each grant  
12 under this subsection—

13 (i) shall be sufficient to ensure that  
14 rigorous evaluations may be performed;  
15 and

16 (ii) shall not exceed \$2,000,000.

17 (C) EVALUATION SET-ASIDE.—

18 (i) IN GENERAL.—A grantee shall use  
19 not less than \$300,000 and not more than  
20 \$700,000 of the funds from a grant under  
21 this subsection for a rigorous study of the  
22 effectiveness of the strategy during the 3-  
23 year period of the grant for that strategy.

24 (ii) METHODOLOGY OF STUDY.—

1 (I) IN GENERAL.—Each study  
2 conducted under clause (i) shall use  
3 an evaluator and a study design ap-  
4 proved by the employee of the Na-  
5 tional Institute of Justice hired or as-  
6 signed under subsection (e) and,  
7 where feasible, measure outcomes  
8 using available administrative data,  
9 such as police arrest records, so as to  
10 minimize the costs of the study.

11 (II) CRITERIA.—The employee of  
12 the National Institute of Justice hired  
13 or assigned under subsection (e) shall  
14 approve—

15 (aa) an evaluator that has  
16 successfully carried out multiple  
17 studies producing rigorous evi-  
18 dence of effectiveness; and

19 (bb) a proposed study design  
20 that is likely to produce rigorous  
21 evidence of the effectiveness of  
22 the strategy.

23 (III) APPROVAL.—Before a grant  
24 is awarded under this subsection, the  
25 evaluator and study design of a grant-

1                   ee shall be approved by the employee  
2                   of the National Institute of Justice  
3                   hired or assigned under subsection  
4                   (e).

5                   (D) DATE OF AWARD.—Not later than 6  
6                   months after the date of receiving recommenda-  
7                   tions relating to a subcategory from the Com-  
8                   mission under section 404(f), the Director of  
9                   the National Institute of Justice shall award all  
10                  grants under this subsection relating to that  
11                  subcategory.

12                  (E) TYPE OF GRANTS.—One-third of the  
13                  grants made under this subsection shall be  
14                  made in each subcategory. In distributing  
15                  grants, the recommendations of the Commission  
16                  under section 404(f) shall be considered.

17                  (d) AUTHORIZATION OF APPROPRIATIONS.—There  
18                  are authorized to be appropriated \$18,000,000 to carry  
19                  out subsections (b) and (c).

20                  (e) DEDICATED STAFF.—

21                  (1) IN GENERAL.—The Director of the National  
22                  Institute of Justice shall hire or assign a full-time  
23                  employee to oversee the contracts, cooperative agree-  
24                  ments, and grants under this section.

1           (2) STUDY OVERSIGHT.—The employee of the  
2       National Institute of Justice hired or assigned under  
3       paragraph (1) shall be responsible for ensuring that  
4       recipients of a contract, cooperative agreement, or  
5       grant under this section adhere to the study design  
6       approved before the contract, cooperative agreement,  
7       or grant was entered into or awarded.

8           (3) LIAISON.—The employee of the National  
9       Institute of Justice hired or assigned under para-  
10      graph (1) may be used as a liaison between the  
11      Commission and the recipients of a contract, cooper-  
12      ative agreement, or grant under this section. The  
13      employee shall be responsible for ensuring timely co-  
14      operation with Commission requests.

15          (4) AUTHORIZATION OF APPROPRIATIONS.—  
16      There are authorized to be appropriated \$150,000  
17      for each of fiscal years 2010 through 2014 to carry  
18      out this subsection.

19          (f) APPLICATIONS.—A public or private entity desir-  
20      ing a contract, cooperative agreement, or grant under this  
21      section shall submit an application at such time, in such  
22      manner, and accompanied by such information as the Di-  
23      rector of the National Institute of Justice or other appro-  
24      priate component of the Department of Justice may rea-  
25      sonably require.

1 (g) COOPERATION WITH THE COMMISSION.—A per-  
2 son entering into a contract or cooperative agreement or  
3 receiving a grant under this section shall cooperate with  
4 the Commission in providing the Commission with full in-  
5 formation on the progress of the strategy being carried  
6 out with a contract, cooperative agreement, or grant under  
7 this section, including—

8 (1) hosting visits by the members of the Com-  
9 mission to the site where the activities under the  
10 strategy are being carried out;

11 (2) providing pertinent information on the lo-  
12 gistics of establishing the strategy for which the con-  
13 tract, cooperative agreement, or grant under this  
14 section was received, including details on partner-  
15 ships, selection of participants, and any efforts to  
16 publicize the strategy; and

17 (3) responding to any specific inquiries that  
18 may be made by the Commission.

19 **SEC. 406. FUNDING.**

20 Section 524(c) of title 28, United States Code, is  
21 amended by adding at the end the following:

22 “(12) For the first full fiscal year after the date of  
23 enactment of the PRECAUTION Act, and each fiscal year  
24 thereafter through the end of the fifth full fiscal year after  
25 such date of enactment, there is appropriated to the Attor-

1 ney General from the Fund \$4,750,000 to carry out the  
2 PRECAUTION Act.”.

3       **TITLE V—MISCELLANEOUS**  
4                   **PROVISIONS**

5       **SEC. 501. EVALUATION BY GENERAL ACCOUNTING OFFICE.**

6       (a) EVALUATION.—Not later than October 1, 2010,  
7 the Comptroller General of the United States shall—

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

13              (2) conduct a comprehensive audit and evalua-  
14 tion of a selected, statistically significant sample of  
15 grantees (as determined by the Comptroller General)  
16 that receive Federal funds under grant programs ad-  
17 ministered by the Office of Juvenile Justice Delin-  
18 quency and Prevention including a review of internal  
19 controls to prevent fraud, waste, and abuse of funds  
20 by grantees; and

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

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

25 (a)(1), and in order to document the efficiency and public

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

7           (1) the extent to which the jurisdiction of, and  
8           the programs administered by, the agency duplicate  
9           or conflict with the jurisdiction and programs of  
10          other agencies;

11          (2) the potential benefits of consolidating pro-  
12          grams administered by the agency with similar or  
13          duplicative programs of other agencies; and the po-  
14          tential for consolidating those programs;

15          (3) whether present functions or operations are  
16          impeded or enhanced by existing statutes, rules and  
17          procedures;

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

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

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

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

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

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

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

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



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

4           (4) whether expenditures were authorized;

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

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

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

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

13          (d) REPORT.—

14           (1) IN GENERAL.—The Comptroller General of  
15           the United States shall submit a report regarding  
16           the evaluation conducted under subsection (a) and  
17           audit under subsection (b), together with supporting  
18           materials, to the Speaker of the House of Represent-  
19           atives and the President pro tempore of the Senate,  
20           and be made available to the public, not later than  
21           October 1, 2011.

22           (2) CONTENTS.—The report submitted in ac-  
23           cordance with paragraph (1) shall include all audit  
24           findings determined by the selected, statistically sig-  
25           nificant sample of grantees as required by subsection

1       (a)(2) and shall include the name and location of  
2       any selected grantee as well as any findings required  
3       by subsection (a)(2).

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