

115TH CONGRESS  
1ST SESSION

# S. 860

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## AN ACT

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

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

1 **SECTION 1. SHORT TITLE.**

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

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

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

Sec. 101. Purposes.

Sec. 102. Definitions.

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

Sec. 201. Concentration of Federal efforts.

Sec. 202. Coordinating Council on Juvenile Justice and Delinquency Preven-  
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Sec. 203. Annual report.

Sec. 204. Allocation of funds.

Sec. 205. State plans.

Sec. 206. Reallocation of grant funds.

Sec. 207. Authority to make grants.

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Sec. 209. Grants to Indian tribes.

Sec. 210. Research and evaluation; statistical analyses; information dissemina-  
tion.

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**TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY  
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Sec. 301. Definitions.

Sec. 302. Grants for delinquency prevention programs.

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**TITLE IV—MISCELLANEOUS PROVISIONS**

Sec. 401. Evaluation by Government Accountability Office.

Sec. 402. Authorization of appropriations.

Sec. 403. Accountability and oversight.

**TITLE V—JUVENILE ACCOUNTABILITY BLOCK GRANTS**

Sec. 501. Grant eligibility.

# **TITLE I—DECLARATION OF PURPOSE AND DEFINITIONS**

## **SEC. 101. PURPOSES.**

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

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

(2) in paragraph (2)—

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

and

(B) by striking “and” at the end;

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

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

(4) by adding at the end the following:

“(4) to support a continuum of evidence-based or promising programs (including delinquency prevention, intervention, mental health and substance abuse treatment, family services, and services for

1 children exposed to violence) that are trauma in-  
 2 formed, reflect the science of adolescent develop-  
 3 ment, and are designed to meet the needs of at-risk  
 4 youth and youth who come into contact with the jus-  
 5 tice system.”.

6 **SEC. 102. DEFINITIONS.**

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

9 (1) in paragraph (8)—

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

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

13 (C) by redesignating subparagraph (D) as  
 14 subparagraph (C);

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

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

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

24 “(22) the term ‘jail or lockup for adults’ means  
 25 a secure facility that is used by a State, unit of local

1 government, or law enforcement authority to detain  
 2 or confine adult inmates;”;

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

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

8 (5) by amending paragraph (26) to read as fol-  
 9 lows:

10 “(26) the term ‘adult inmate’—

11 “(A) means an individual who—

12 “(i) has reached the age of full crimi-  
 13 nal responsibility under applicable State  
 14 law; and

15 “(ii) has been arrested and is in cus-  
 16 tody for or awaiting trial on a criminal  
 17 charge, or is convicted of a criminal of-  
 18 fense; and

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

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

24 “(ii) was committed to the care and  
 25 custody or supervision, including post-

1 placement or parole supervision, of a juve-  
2 nile correctional agency by a court of com-  
3 petent jurisdiction or by operation of appli-  
4 cable State law;”;

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

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

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

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

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

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

17 “(31) the term ‘chemical agent’ means a spray  
18 or injection used to temporarily incapacitate a per-  
19 son, including oleoresin capsicum spray, tear gas,  
20 and 2-chlorobenzalmalononitrile gas;

21 “(32) the term ‘isolation’—

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

25 “(B) does not include—

1                   “(i) confinement during regularly  
2 scheduled sleeping hours;

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

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

8                   “(iv) the separation of the youth from  
9 a group in a nonlocked setting for the lim-  
10 ited purpose of calming;

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

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

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

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

20                   “(C) has measurable outcomes relevant to  
21 juvenile justice, including a detailed description  
22 of the outcomes produced in a particular popu-  
23 lation, whether urban or rural; and

24                   “(D) has been scientifically tested and  
25 proven effective through randomized control

1 studies or comparison group studies and with  
 2 the ability to replicate and scale;

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

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

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

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

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

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



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

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

8           “(A) by an appropriately trained profes-  
 9           sional who is licensed or certified by the appli-  
 10          cable State in the mental health, behavioral  
 11          health, or substance abuse fields; and

12          “(B) which is designed to identify signifi-  
 13          cant mental health, behavioral health, or sub-  
 14          stance abuse treatment needs to be addressed  
 15          during a youth’s confinement;

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

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

23               “(A) understanding the impact that expo-  
 24               sure to violence and trauma have on a youth’s

1 physical, psychological, and psychosocial devel-  
2 opment;

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

7 “(C) responding in ways that resist re-  
8 traumatization;

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

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

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

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

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

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

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

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

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

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

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

15 (1) in subsection (a)—

16 (A) in paragraph (1), in the first sen-  
17 tence—

18 (i) by striking “a long-term plan, and  
19 implement” and inserting the following: “a  
20 long-term plan to improve the juvenile jus-  
21 tice system in the United States, taking  
22 into account scientific knowledge regarding  
23 adolescent development and behavior and  
24 regarding the effects of delinquency pre-  
25 vention programs and juvenile justice

1 interventions on adolescents, and shall im-  
 2 plement”; and

3 (ii) by striking “research, and im-  
 4 provement of the juvenile justice system in  
 5 the United States” and inserting “and re-  
 6 search”; and

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

11 (2) in subsection (b)—

12 (A) by striking paragraph (7);

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

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

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

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

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

4 (i) by striking “monitoring”;

5 (ii) by striking “section 223(a)(15)”

6 and inserting “section 223(a)(16)”;

7 (iii) by striking “to review the ade-  
 8 quacy of such systems; and” and inserting  
 9 “for monitoring compliance.”.

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

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

14 (1) in subsection (a)

15 (A) in paragraph (1)—

16 (i) by inserting “the Administrator of  
 17 the Substance Abuse and Mental Health  
 18 Services Administration, the Secretary of  
 19 the Interior,” after “the Secretary of  
 20 Health and Human Services,”; and

21 (ii) by striking “Commissioner of Im-  
 22 migration and Naturalization” and insert-  
 23 ing “Assistant Secretary for Immigration  
 24 and Customs Enforcement”; and

(B) in paragraph (2), by striking “United States” and inserting “Federal Government”; and  
(2) in subsection (c)—

(A) in paragraph (1), by striking “paragraphs (12)(A), (13), and (14) of section 223(a) of this title” and inserting “the core requirements”; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting “, on an annual basis” after “collectively”; and

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

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

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

“(ii) includes a detailed account of the activities conducted by the Council during the fiscal year, including a complete de-

1           tailed accounting of expenses incurred by  
2           the Council to conduct operations in ac-  
3           cordance with this section;

4           “(iii) is published on the websites of  
5           the Office of Juvenile Justice and Delin-  
6           quency Prevention, the Council, and the  
7           Department of Justice; and

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

10 **SEC. 203. ANNUAL REPORT.**

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

13           (1) in the matter preceding paragraph (1), by  
14           striking “a fiscal year” and inserting “each fiscal  
15           year”;

16           (2) in paragraph (1)—

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

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

23           (C) in subparagraph (F)—

24               (i) by inserting “and other” before  
25               “disabilities,”; and

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

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

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

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

15 “(I) the number of juveniles released from  
16 custody and the type of living arrangement to  
17 which they are released;

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

24 “(K) the number of juveniles in the cus-  
25 tody of secure detention and correctional facili-



1           ties operated by a State or unit of local govern-  
2           ment who report being pregnant.”; and

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

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

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

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

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

3           “(B) where unauthorized expenditures oc-  
4           curred; or

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

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

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

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

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

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

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)—

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

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

13 “(2)(A) If the aggregate amount appropriated  
14 for a fiscal year to carry out this title is less than  
15 \$75,000,000, then—

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

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

1           “(B) If the aggregate amount appropriated for  
2           a fiscal year to carry out this title is not less than  
3           \$75,000,000, then—

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

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

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

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

1 **SEC. 205. STATE PLANS.**

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

4 (1) in subsection (a)—

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

20 (B) in paragraph (3)—

21 (i) in subparagraph (A)—

22 (I) in clause (i), by inserting “ad-  
23 olescent development,” after “con-  
24 cerning”;

25 (II) in clause (ii)—

1 (aa) in subclause (II), by  
2 striking “counsel for children and  
3 youth” and inserting “publicly  
4 supported court-appointed legal  
5 counsel for juveniles charged with  
6 an act of juvenile delinquency or  
7 a status offense, consistent with  
8 other Federal law”;

9 (bb) in subclause (III), by  
10 striking “mental health, edu-  
11 cation, special education” and in-  
12 serting “child and adolescent  
13 mental health, education, child  
14 and adolescent substance abuse,  
15 special education, services for  
16 youth with disabilities”;

17 (cc) in subclause (V), by  
18 striking “delinquents or potential  
19 delinquents” and inserting “de-  
20 linquent youth or youth at risk of  
21 delinquency”;

22 (dd) in subclause (VI), by  
23 striking “youth workers involved  
24 with” and inserting “representa-  
25 tives of”;

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

3 (ff) by striking subclause  
 4 (VIII) and inserting the fol-  
 5 lowing:

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

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

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

1 and juvenile justice in Indian tribal  
2 communities;”;

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

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

14 (ii) in subparagraph (C), by striking  
15 “30 days” and inserting “45 days”; and

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

24 (iv) in subparagraph (E)—



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

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

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

13 (D) in paragraph (7)—

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

17 (ii) in subparagraph (B)—

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

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

22 “(iv) a plan to provide alternatives to  
23 detention for status offenders, juveniles  
24 who have been induced to perform com-  
25 mercial sex acts, and others, where appro-

1           prate, such as specialized or problem-solv-  
2           ing courts or diversion to home-based or  
3           community-based services or treatment for  
4           those youth in need of mental health, sub-  
5           stance abuse, or co-occurring disorder serv-  
6           ices at the time such juveniles first come  
7           into contact with the juvenile justice sys-  
8           tem;

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

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

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

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

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

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

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

23 “(aa) credible, reasonable  
24 grounds exist to believe the de-  
25 tainee presents an immediate and

1                   serious threat of hurting herself,  
2                   staff, or others; or

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

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

12                  (F) in paragraph (9)—

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

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

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

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

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

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

5 (iv) in subparagraph (E)—

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

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

13 (v) by redesignating subparagraphs  
 14 (G) through (S) as subparagraphs (H)  
 15 through (T), respectively;

16 (vi) in subparagraph (F), in the mat-  
 17 ter preceding clause (i), by striking “ex-  
 18 panding” and inserting “programs to ex-  
 19 pand”;

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

22 “(G) expanding access to publicly sup-  
 23 ported, court-appointed legal counsel and en-  
 24 hancing capacity for the competent representa-

tion of every child, consistent with other Federal law;”;

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

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

(I) in clause (i)—

(aa) by inserting “pre-adjudication and” before “post-adjudication”;

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

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

(II) in clause (ii)—

(aa) by striking “by the provision by the Administrator”; and

(bb) by striking “to States”;

(x) in subparagraph (N), as redesignated—

1 (I) by inserting “and reduce the  
2 risk of recidivism” after “families”;  
3 and

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

6 (xi) in subparagraph (S), as so redes-  
7 ignated, by striking “and” at the end;

8 (xii) in subparagraph (T), as so redes-  
9 ignated—

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

12 (II) by inserting “court-involved  
13 or” before “incarcerated”;

14 (III) by striking “suspected to  
15 be”;

16 (IV) by striking “and discharge  
17 plans” and inserting “provision of  
18 treatment, and development of dis-  
19 charge plans”; and

20 (V) by striking the period at the  
21 end and inserting a semicolon; and

22 (xiii) by inserting after subparagraph  
23 (T) the following:

24 “(U) programs and projects designed to in-  
25 form juveniles of the opportunity and process

1 for expunging juvenile records and to assist ju-  
 2 veniles in pursuing juvenile record expunge-  
 3 ments for both adjudications and arrests not  
 4 followed by adjudications;

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

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

16 (G) by striking paragraph (11) and insert-  
 17 ing the following:

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

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



1 “(I) a juvenile who is charged with or  
 2 has committed a violation of section  
 3 922(x)(2) of title 18, United States Code,  
 4 or of a similar State law;

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

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

12 “(ii) the juvenile—

13 “(I) is not charged with any offense;  
 14 and

15 “(II)(aa) is an alien; or

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

18 “(B) require that—

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

tion in criminal court and housed in a secure facility—

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

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

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

“(I) the age of the juvenile;

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

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

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

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

“(VI) the relative ability of the available adult and juvenile detention facilities

1 to not only meet the specific needs of the  
2 juvenile but also to protect the safety of  
3 the public as well as other detained youth;  
4 and

5 “(VII) any other relevant factor; and

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

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

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

1 (H) in paragraph (12)(A), by striking  
 2 “contact” and inserting “sight or sound con-  
 3 tact”;

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

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

8 (K) by redesignating paragraph (28) as  
 9 paragraph (27);

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

13 (M) by inserting after paragraph (14) the  
 14 following:

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

22 “(A) establishing or designating existing  
 23 coordinating bodies, composed of juvenile jus-  
 24 tice stakeholders, (including representatives of  
 25 the educational system) at the State, local, or

1 tribal levels, to advise efforts by States, units of  
 2 local government, and Indian tribes to reduce  
 3 racial and ethnic disparities;

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

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

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

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

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

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

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

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

3 (vi) by striking “requirements of  
4 paragraph (11),” and all that follows  
5 through “monitoring to the Administrator”  
6 and inserting “core requirements are met,  
7 and for annual reporting to the Adminis-  
8 trator”; and

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

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

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

16 (Q) in paragraph (23)—

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

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

22 (iii) in subparagraph (C)—

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

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

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

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

9 “(I) the court shall issue a writ-  
10 ten order that—

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

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

19 “(cc) includes findings of  
20 fact to support a determination  
21 that there is no appropriate less  
22 restrictive alternative available to  
23 placing the status offender in  
24 such a facility, with due consider-

1                   ation to the best interest of the  
2                   juvenile;

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

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

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

19                  (iv) by adding at the end the fol-  
20                  lowing:

21                  “(D) there are procedures in place to en-  
22                  sure that any status offender held in a secure  
23                  detention facility or correctional facility pursu-  
24                  ant to a court order described in this paragraph  
25                  does not remain in custody longer than 7 days



1 or the length of time authorized by the court,  
2 whichever is shorter; and”

3 (R) in paragraph (26)—

4 (i) by inserting “and in accordance  
5 with confidentiality concerns,” after “max-  
6 imum extent practicable,”; and

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

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

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

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

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

23 “(28) provide for the coordinated use of funds  
24 provided under this Act with other Federal and

1 State funds directed at juvenile delinquency preven-  
2 tion and intervention programs;

3 “(29) describe the policies, procedures, and  
4 training in effect for the staff of juvenile State cor-  
5 rectional facilities to eliminate the use of dangerous  
6 practices, unreasonable restraints, and unreasonable  
7 isolation, including by developing effective behavior  
8 management techniques;

9 “(30) describe—

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

14 “(i) request a screening;

15 “(ii) show signs of needing a screen-  
16 ing; or

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

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

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

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

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

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

9           “(iii) any other plans developed for  
10 the juveniles based on an individualized as-  
11 sessment; and

12          “(B) review processes;

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

20          “(A) the student records of adjudicated ju-  
21 veniles, including electronic records if available,  
22 are transferred in a timely manner from the  
23 educational program in the juvenile detention or  
24 secure treatment facility to the educational or

1 training program into which the juveniles will  
2 enroll;

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

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

12 “(33) describe policies and procedures to—

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

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

20 (2) in subsection (d)—

21 (A) by striking “described in paragraphs  
22 (11), (12), (13), and (21) of subsection (a)”  
23 and inserting “described in the core require-  
24 ments”; and

1 (B) by striking “the requirements under  
 2 paragraphs (11), (12), (13), and (21) of sub-  
 3 section (a)” and inserting “the core require-  
 4 ments”;

5 (3) in subsection (f)(2)—

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

7 (B) by redesignating subparagraphs (B)  
 8 through (E) and subparagraphs (A) through  
 9 (D), respectively; and

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

11 “(g) COMPLIANCE DETERMINATION.—

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

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

18 “(A) issue an annual public report—

19 “(i) describing any determination de-  
 20 scribed in paragraph (1) made during the  
 21 previous year, including a summary of the  
 22 information on which the determination is  
 23 based and the actions to be taken by the  
 24 Administrator (including a description of

1           any reduction imposed under subsection  
2           (c)); and

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

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

10          “(3) DETERMINATIONS REQUIRED.—The Ad-  
11       ministrator may not—

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

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

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

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

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

24           “(A) subject to subparagraph (B), the amount  
25       allocated to such State under section 222 for the

1 subsequent fiscal year shall be reduced by not less  
2 than 20 percent for each core requirement with re-  
3 spect to which the failure occurs; and

4 “(B) the State shall be ineligible to receive any  
5 allocation under such section for such fiscal year un-  
6 less—

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

12 “(ii) the Administrator determines that the  
13 State—

14 “(I) has achieved substantial compli-  
15 ance with such applicable requirements  
16 with respect to which the State was not in  
17 compliance; and

18 “(II) has made, through appropriate  
19 executive or legislative action, an unequivocal  
20 commitment to achieving full compli-  
21 ance with such applicable requirements  
22 within a reasonable time.

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

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

4           “(B) 50 percent of the unallocated funds shall  
5           be used by the Administrator to provide additional  
6           training and technical assistance to States for the  
7           purpose of promoting compliance with the core re-  
8           quirements.”.

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

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

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

15               (2) in paragraph (2)(A), by inserting before the  
16               semicolon at the end the following: “, including for  
17               truancy prevention and reduction and social and  
18               independent living skills development”;

19               (3) in paragraph (4), by striking “State,” each  
20               place the term appears and inserting “State, trib-  
21               al,”;

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



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

3 **SEC. 208. ELIGIBILITY OF STATES.**

4       Section 243(a)(1)(A) of the Juvenile Justice and De-  
5 linquency Prevention Act of 1974 (42 U.S.C.  
6 5653(a)(1)(A)) is amended by striking “5” and inserting  
7 “10”.

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

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

12           (1) by striking subparagraph (A);

13           (2) by redesignating subparagraphs (B)  
14 through (E) as subparagraphs (A) through (D), re-  
15 spectively; and

16           (3) in subparagraph (B)(ii), as redesignated, by  
17 striking “subparagraph (B)” and inserting “sub-  
18 paragraph (A)”.

19 **SEC. 210. RESEARCH AND EVALUATION; STATISTICAL**  
20 **ANALYSES; INFORMATION DISSEMINATION.**

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

23           (1) in subsection (a)—

24           (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 publish a plan to identify”; and

7 (iii) in subparagraph (B)—

8 (I) by striking clause (iii) and in-  
 9 serting the following:

10 “(iii) successful efforts to prevent sta-  
 11 tus offenders and first-time minor offend-  
 12 ers from subsequent involvement with the  
 13 juvenile justice and criminal justice sys-  
 14 tems;”;

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

17 “(vii) the prevalence and duration of  
 18 behavioral health needs (including mental  
 19 health, substance abuse, and co-occurring  
 20 disorders) among juveniles pre-placement  
 21 and post-placement when held in the cus-  
 22 tody of secure detention and corrections fa-  
 23 cilities, including an examination of the ef-  
 24 fects of confinement;”;

1 (III) by redesignating clauses  
2 (ix), (x), and (xi) as clauses (xv),  
3 (xvi), and (xvii), 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  
8 of the use of dangerous practices;

9 “(x) methods to improve the recruit-  
10 ment, selection, training, and retention of  
11 professional personnel who are focused on  
12 the prevention, identification, and treat-  
13 ment of delinquency;

14 “(xi) methods to improve the identi-  
15 fication and response to victims of domes-  
16 tic child sex trafficking within the juvenile  
17 justice system;

18 “(xii) identifying positive outcome  
19 measures, such as attainment of employ-  
20 ment and educational degrees, that States  
21 and units of local government should use  
22 to evaluate the success of programs aimed  
23 at reducing recidivism of youth who have  
24 come in contact with the juvenile justice  
25 system or criminal justice system;

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

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

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by striking “date of enactment of this paragraph, the” and inserting “date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017, the”;

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

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

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

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

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

4 “(I) an assessment of living arrangements  
5 for juveniles who, upon release from confine-  
6 ment in a State correctional facility, cannot re-  
7 turn to the residence they occupied prior to  
8 such confinement.”;

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

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

13 “(f) NATIONAL RECIDIVISM MEASURE.—The Admin-  
14 istrator, in consultation with experts in the field of juve-  
15 nile justice research, recidivism, and data collection,  
16 shall—

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

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

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

24 “(g) GAO REVIEW.—Not later than 1 year after the  
25 date of enactment of the Juvenile Justice and Delinquency

1 Prevention Reauthorization Act of 2017, the Comptroller  
2 General of the United States shall conduct a review of  
3 available research conducted by the Attorney General, the  
4 Secretary of the Interior, and other Federal entities relat-  
5 ing to Indian youth who may come into contact with the  
6 juvenile justice system, which shall include—

7           “(1) an examination of the extent of Indian  
8 youth involvement in the juvenile justice system, in-  
9 cluding the number of Indian youth in Federal,  
10 State, or tribal custody or detention for offenses  
11 committed while under the age of 18;

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

16           “(3) recommendations to improve effectiveness  
17 of prevention and treatment services for Indian  
18 youth who may come into contact with the juvenile  
19 justice system.”.

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

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

23           (1) in subsection (a)—

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

1 (B) in paragraph (1)—

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

4 (ii) by striking “and” after the semi-  
5 colon;

6 (C) in paragraph (2)—

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

9 (ii) by striking the period and insert-  
10 ing “; and”; and

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

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

19 (2) in subsection (b)—

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

22 (B) in paragraph (1)—

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

1 (ii) by inserting “, including compli-  
 2 ance with the core requirements” after  
 3 “this title”; and

4 (iii) by striking “and” at the end;  
 5 (C) in paragraph (2)—

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

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

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

11 “(3) shall provide technical assistance to States  
 12 and units of local government on achieving compli-  
 13 ance with the amendments to the core requirements  
 14 and State Plans made by the Juvenile Justice and  
 15 Delinquency Prevention Reauthorization Act of  
 16 2017, including training and technical assistance  
 17 and, when appropriate, pilot or demonstration  
 18 projects intended to develop and replicate best prac-  
 19 tices for achieving sight and sound separation in fa-  
 20 cilities or portions of facilities that are open and  
 21 available to the general public and that may or may  
 22 not contain a jail or a lock-up; and

23 “(4) shall provide technical assistance to States  
 24 in support of efforts to establish partnerships be-  
 25 tween a State and a university, institution of higher



1 education, or research center designed to improve  
 2 the recruitment, selection, training, and retention of  
 3 professional personnel in the fields of medicine, law  
 4 enforcement, the judiciary, juvenile justice, social  
 5 work and child protection, education, and other rel-  
 6 evant fields who are engaged in, or intend to work  
 7 in, the field of prevention, identification, and treat-  
 8 ment of delinquency.”;

9 (3) in subsection (c)—

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

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

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

15 “(d) TECHNICAL ASSISTANCE TO STATES REGARD-  
 16 ING LEGAL REPRESENTATION OF CHILDREN.—In con-  
 17 sultation with experts in the field of juvenile defense, the  
 18 Administrator shall—

19 “(1) develop and issue standards of practice for  
 20 attorneys representing children; and

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

23 “(e) TRAINING AND TECHNICAL ASSISTANCE FOR  
 24 LOCAL AND STATE JUVENILE DETENTION AND CORREC-  
 25 TIONS PERSONNEL.—The Administrator shall coordinate

1 training and technical assistance programs with juvenile  
 2 detention and corrections personnel of States and units  
 3 of local government to—

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

8           “(2) encourage alternative behavior manage-  
 9       ment techniques based on positive youth develop-  
 10      ment approaches.

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

21           “(1) juvenile justice intake personnel;

22           “(2) probation officers;

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

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

3           “(5) family members of juveniles and family ad-  
4           vocates.

5           “(g) GRANTS FOR JUVENILE COURT JUDGES AND  
6 PERSONNEL.—The Attorney General, acting through the  
7 Office of Juvenile Justice and Delinquency Prevention and  
8 the Office of Justice Programs, shall make grants to im-  
9 prove training, education, technical assistance, evaluation,  
10 and research to enhance the capacity of State and local  
11 courts, judges, and related judicial personnel to—

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

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

16           “(h) FREE AND REDUCED PRICE SCHOOL LUNCHES  
17 FOR INCARCERATED JUVENILES.—The Attorney General,  
18 in consultation with the Secretary of Agriculture, shall  
19 provide guidance to States relating to existing options for  
20 school food authorities in the States to apply for reim-  
21 bursement for free or reduced price lunches under the  
22 Richard B. Russell National School Lunch Act (42 U.S.C.  
23 1751 et seq.) for juveniles who are incarcerated and  
24 would, if not incarcerated, be eligible for free or reduced  
25 price lunches under that Act.”.

1 **SEC. 212. ADMINISTRATIVE AUTHORITY.**

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

5 (1) in subsection (d)—

6 (A) by inserting “(1)” before “The Admin-  
7 istrator”;

8 (B) by striking “, after appropriate con-  
9 sultation with representatives of States and  
10 units of local government,”;

11 (C) by inserting “guidance,” after “regula-  
12 tions,”; and

13 (D) by adding at the end the following: “In  
14 developing guidance and procedures, the Ad-  
15 ministrator shall consult with representatives of  
16 States and units of local government, including  
17 those individuals responsible for administration  
18 of this Act and compliance with the core re-  
19 quirements.

20 “(2) The Administrator shall ensure that—

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

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

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

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

### **SEC. 301. DEFINITIONS.**

Section 502 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5781) is amended—

(1) in the section heading, by striking “DEFINITION” and inserting “DEFINITIONS”; and

(2) by striking “this title, the term” and inserting the following: “this title—

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

“(2) the term”.

1 **SEC. 302. GRANTS FOR DELINQUENCY PREVENTION PRO-**  
 2 **GRAMS.**

3 Section 504(a) of the Incentive Grants for Local De-  
 4 linquency Prevention Programs Act of 2002 (42 U.S.C.  
 5 5783(a)) is amended—

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

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

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

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

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

15 The Juvenile Justice and Delinquency Prevention Act  
 16 of 1974 is amended by striking title V, as added by the  
 17 Juvenile Justice and Delinquency Prevention Act of 1974  
 18 (Public Law 93–415; 88 Stat. 1133) (relating to miscella-  
 19 neous and conforming amendments).

20 **TITLE IV—MISCELLANEOUS**  
 21 **PROVISIONS**

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

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

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

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

15          (3) submit a report in accordance with sub-  
16          section (d).

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

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

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

7           (3) 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          (4) 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          (5) whether less restrictive or alternative meth-  
16      ods exist to carry out the functions of the agency  
17      and whether current functions or operations are im-  
18      peded or enhanced by existing statutes, rules, and  
19      procedures;

20          (6) the number and types of beneficiaries or  
21      persons served by programs carried out by the agen-  
22      cy;

23          (7) the manner with which the agency seeks  
24      public input and input from State and local govern-



1       ments on the performance of the functions of the  
2       agency;

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

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

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

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

22           (1) whether grantees timely file Financial Sta-  
23      tus Reports;

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

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

7           (4) whether expenditures were authorized;

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

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

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

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

16       (d) REPORT.—

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

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

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

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

#### 10 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

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

### 14 **“TITLE VI—AUTHORIZATION OF** 15 **APPROPRIATIONS; ACCOUNT-** 16 **ABILITY AND OVERSIGHT**

#### 17 **“SEC. 601. AUTHORIZATION OF APPROPRIATIONS.**

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

20 “(1) \$160,000,000 for fiscal year 2017;

21 “(2) \$162,400,000 for fiscal year 2018;

22 “(3) \$164,836,000 for fiscal year 2019;

23 “(4) \$167,308,540 for fiscal year 2020; and

24 “(5) \$169,818,168 for fiscal year 2021.

1       “(b) MENTORING PROGRAMS.—Not more than 20  
 2 percent of the amount authorized to be appropriated  
 3 under subsection (a) for a fiscal year may be used for  
 4 mentoring programs.”.

5       (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
 6 The Juvenile Justice and Delinquency Prevention Act of  
 7 1974 is amended by striking—

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

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

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

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

12 **SEC. 403. ACCOUNTABILITY AND OVERSIGHT.**

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

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

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

22               “(1) the Department of Justice, through its Of-  
 23 fice of Juvenile Justice and Delinquency Prevention,  
 24 must restore meaningful enforcement of the core re-  
 25 quirements in this Act;

1           “(2) the Attorney General should, not later  
2           than 90 days after the date of enactment of this  
3           Act, issue a proposed rule to update existing Federal  
4           regulations used to make State compliance deter-  
5           minations and provide participating States with  
6           technical assistance to develop more effective and  
7           comprehensive data collection systems; and

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

13       “(b) ACCOUNTABILITY.—

14           “(1) AGENCY PROGRAM REVIEW.—

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

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

24           “(I) conduct a comprehensive  
25           analysis and evaluation of the internal

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

12 “(aa) supporting documen-  
13 tation was not provided for cost  
14 reports;

15 “(bb) unauthorized expendi-  
16 tures occurred; and

17 “(cc) subrecipients of grant  
18 funds were not compliance with  
19 program requirements;

20 “(II) conduct a comprehensive  
21 audit and evaluation of a selected sta-  
22 tistically significant sample of States  
23 and Indian tribes (as determined by  
24 the Director) that have received Fed-  
25 eral funds under this Act, including a

1 review of internal controls to prevent  
2 fraud, waste, and abuse of funds by  
3 grantees;

4 “(III) submit a report in accord-  
5 ance with clause (iv).

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

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

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

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

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

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

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

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

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

22 “(IV) whether expenditures were  
23 authorized;



1                   “(V) whether subrecipients of  
2                   grant funds were complying with pro-  
3                   gram requirements; and

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

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

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

19                  “(i) IN GENERAL.—Not later than 30  
20                  days after the date of enactment of this  
21                  section, the Administrator shall initiate a  
22                  comprehensive analysis and evaluation of  
23                  the internal controls of the agency to de-  
24                  termine whether, and to what extent,  
25                  States and Indian tribes that receive

1 grants under this Act are following the re-  
2 quirements of the grant programs author-  
3 ized under this Act.

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

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

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

19 “(III) a description of—

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

22 “(bb) whether the funds  
23 awarded under this Act have  
24 been used in accordance with

1 law, regulations, program guid-  
2 ance, and applicable plans; and

3 “(cc) the extent to which  
4 funds awarded to States and In-  
5 dian tribes under this Act en-  
6 hanced the ability of grantees to  
7 fulfill the core requirements.

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

17 “(2) OFFICE OF INSPECTOR GENERAL PER-  
18 FORMANCE AUDITS.—

19 “(A) IN GENERAL.—In order to ensure the  
20 effective and appropriate use of grants adminis-  
21 tered under this Act and to prevent waste,  
22 fraud, and abuse of funds by grantees, the In-  
23 spector General of the Department of Justice  
24 each year shall periodically conduct audits of

1 States and Indian tribes that receive grants  
2 under this Act.

3 “(B) DETERMINING SAMPLES.—The sam-  
4 ple selected for audits under subparagraph (A)  
5 shall be—

6 “(i) of an appropriate size to—

7 “(I) assess the grant programs  
8 authorized under this Act; and

9 “(II) act as a deterrent to finan-  
10 cial mismanagement; and

11 “(ii) selected based on—

12 “(I) the size of the grants award-  
13 ed to the recipient;

14 “(II) the past grant management  
15 performance of the recipient;

16 “(III) concerns identified by the  
17 Administrator, including referrals  
18 from the Administrator; and

19 “(IV) such other factors as deter-  
20 mined by the Inspector General of the  
21 Department of Justice.

22 “(C) PUBLIC AVAILABILITY ON  
23 WEBSITE.—The Attorney General shall make  
24 the summary of each review conducted under  
25 this section available on the website of the De-

1       partment of Justice, subject to redaction as the  
2       Attorney General determines necessary to pro-  
3       tect classified and other sensitive information.

4               “(D) MANDATORY EXCLUSION.—A recipi-  
5       ent of grant funds under this Act that is found  
6       to have an unresolved audit finding shall not be  
7       eligible to receive grant funds under this Act  
8       during the first 2 fiscal years beginning after  
9       the 12-month period beginning on the date on  
10      which the audit report is issued.

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

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

23                      “(i) deposit an amount equal to the  
24                      amount of the grant funds that were im-

properly awarded to the grantee into the  
General Fund of the Treasury; and

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

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

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

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

“(3) NONPROFIT ORGANIZATION REQUIRE-  
MENTS.—

“(A) DEFINITION.—For purposes of this  
paragraph and the grant programs described in  
this Act, the term ‘nonprofit organization’  
means an organization that is described in sec-  
tion 501(c)(3) of the Internal Revenue Code of

1           1986 and is exempt from taxation under section  
2           501(a) of such Code.

3           “(B) PROHIBITION.—The Administrator  
4           may not award a grant under any grant pro-  
5           gram described in this Act to a nonprofit orga-  
6           nization that holds money in offshore accounts  
7           for the purpose of avoiding paying the tax de-  
8           scribed in section 511(a) of the Internal Rev-  
9           enue Code of 1986.

10          “(C) DISCLOSURE.—

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

22                       “(I) the independent persons in-  
23                       volved in reviewing and approving  
24                       such compensation;

1                   “(II) the comparability data  
2                   used; and

3                   “(III) contemporaneous substan-  
4                   tiation of the deliberation and deci-  
5                   sion.

6                   “(ii) PUBLIC INSPECTION UPON RE-  
7                   QUEST.—Upon request, the Administrator  
8                   shall make the information disclosed under  
9                   clause (i) available for public inspection.

10                  “(4) CONFERENCE EXPENDITURES.—

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



1           “(B) WRITTEN APPROVAL.—Written ap-  
2           proval under subparagraph (A) shall include a  
3           written estimate of all costs associated with the  
4           conference, including the cost of all food and  
5           beverages, audiovisual equipment, honoraria for  
6           speakers, and entertainment.

7           “(C) REPORT.—The Deputy Attorney Gen-  
8           eral shall submit an annual report to the Com-  
9           mittee on the Judiciary of the Senate and the  
10          Committee on the Judiciary of the House of  
11          Representatives on all conference expenditures  
12          approved under this paragraph.

13          “(5) PROHIBITION ON LOBBYING ACTIVITY.—

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

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

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

24               “(B) PENALTY.—If the Attorney General  
25               determines that any recipient of a grant made

1 using amounts authorized to be appropriated  
2 under this Act has violated subparagraph (A),  
3 the Attorney General shall—

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

6 “(ii) prohibit the grant recipient from  
7 receiving another grant under this Act for  
8 not less than 5 years.

9 “(6) ANNUAL CERTIFICATION.—Beginning in  
10 the first fiscal year beginning after the date of en-  
11 actment of this section, the Attorney General shall  
12 submit, to the Committee on the Judiciary and the  
13 Committee on Appropriations of the Senate and the  
14 Committee on the Judiciary and the Committee on  
15 Appropriations of the House of Representatives, an  
16 annual certification that—

17 “(A) all audits issued by the Office of the  
18 Inspector General of the Department of Justice  
19 under paragraph (2) have been completed and  
20 reviewed by the appropriate Assistant Attorney  
21 General or Director;

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

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

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

4           “(c) PREVENTING DUPLICATIVE GRANTS.—

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

11          “(2) REPORT.—If the Attorney General awards  
12          duplicate grants to the same applicant for the same  
13          purpose the Attorney General shall submit to the  
14          Committee on the Judiciary of the Senate and the  
15          Committee on the Judiciary of the House of Rep-  
16          resentatives a report that includes—

17               “(A) a list of all duplicate grants awarded,  
18               including the total dollar amount of any dupli-  
19               cate grants awarded; and

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

22          “(d) COMPLIANCE WITH AUDITING STANDARDS.—  
23          The Administrator shall comply with the Generally Ac-  
24          cepted Government Auditing Standards, published by the  
25          General Accountability Office (commonly known as the

1 ‘Yellow Book’), in the conduct of fiscal, compliance, and  
2 programmatic audits of States.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—

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

7 (2) EFFECTIVE DATE.—The amendment made  
8 by paragraph (1) shall take effect on the first day  
9 of the first fiscal year beginning after the date of en-  
10 actment of this Act.

11 (3) SAVINGS CLAUSE.—In the case of an entity  
12 that is barred from receiving grant funds under  
13 paragraph (2) or (7)(B)(ii) of section 407 of the Ju-  
14 venile Justice and Delinquency Prevention Act of  
15 1974 (42 U.S.C. 5776a), the amendment made by  
16 paragraph (1) of this subsection shall not affect the  
17 applicability to the entity, or to the Attorney Gen-  
18 eral with respect to the entity, of paragraph (2), (3),  
19 or (7) of such section 407, as in effect on the day  
20 before the effective date under paragraph (2) of this  
21 subsection.

1 **TITLE V—JUVENILE ACCOUNT-**  
2 **ABILITY BLOCK GRANTS**

3 **SEC. 501. GRANT ELIGIBILITY.**

4 Section 1802(a) of title I of the Omnibus Crime Con-  
5 trol and Safe Streets Act of 1968 (42 U.S.C. 3796ee-  
6 2(a)) is amended—

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

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

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

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

Passed the Senate August 1, 2017.

Attest:

*Secretary.*

115TH CONGRESS  
1ST Session

**S. 860**

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**AN ACT**

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