

Juvenile Justice and Delinquency Prevention Act of 1974
[Public Law 93-415; 88 Stat. 1109]

[As Amended through P.L., 115-385, Enacted December 21, 2018]

TITLE I – FINDINGS AND DECLARATION OF PURPOSE

34 U.S.C. 11101 [Sec. 101.]

(a) The Congress finds the following:

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

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

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

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

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

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

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

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

(9) The increase in the arrest rates for girls and young juvenile offenders has changed the composition of violent offenders entering the juvenile justice system.

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

(A) quality prevention programs that--

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

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

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

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

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

PURPOSES

34 U.S.C. 11102 [Sec. 102.] Purpose of this subchapter and subchapter II of this subchapter are--

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

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

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

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

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

DEFINITIONS

34 U.S.C. 11103 [Sec. 103.]

For purposes of this chapter—

- (1) the term "community based" facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services;
- (2) the term "Federal juvenile delinquency program" means any juvenile delinquency program which is conducted, directly, or indirectly, or is assisted by any Federal department or agency, including any program funded under this ~~chapter~~ Act;
- (3) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior;
- (4)(A) the term "Bureau of Justice Assistance" means the bureau established by section ~~3741 of this title~~ 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968;
- (B) the term "Office of Justice Programs" means the office established by section ~~3744 of this title~~ 101 of title I of the Omnibus Crime Control and Safe Streets Act of 1968;
- (C) the term "National Institute of Justice" means the institute established by section ~~3722(a) of this title~~ 202(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968; and
- (D) the term "Bureau of Justice Statistics" means the bureau established by section ~~3732(a) of this title~~ 302(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968;
- (5) the term "Administrator" means the agency head designated by section ~~5611(b) of this title~~ 201(b);
- (6) the term "law enforcement and criminal justice" means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction;

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

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

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

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

(i) is established under applicable State law; and

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

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

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

(i) the District of Columbia; or

(ii) any Trust Territory of the United States;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(17) the term “Council” means the Coordinating Council on Juvenile Justice and Delinquency Prevention established in section 5616(a)(1) of this title;

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

(A) a federally recognized Indian tribe; or

(B) an Alaskan Native organization; **that has a law enforcement function, as determined by the Secretary of the Interior in consultation with the Attorney General;**

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

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

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

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

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

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

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

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

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

- ~~(B) awaiting trial on a criminal charge; or~~
- ~~(C) convicted of violating a criminal law;~~

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

(23) the term “nonprofit organization” means an organization described in section 501(c)(3) of Title 26 of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of Title 26 the Internal Revenue Code of 1986;

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

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

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

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

- ~~(A) has reached the age of full criminal responsibility under applicable State law; and~~
- ~~(B) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal charge offense;~~

(26) the term “adult inmate” –

(A) means an individual who --

- (i) has reached the age of full criminal responsibility under applicable State law; and
- (ii) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal charge offense;

(B) does not include an individual who—

- (i) at the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable State law; and
- (ii) was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable State law;

(27) the term “violent crime” means –

- (A) murder or nonnegligent manslaughter, forcible rape, or robbery, or
- (B) aggravated assault committed with the use of a firearm;

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

- (29) the term “related complex of buildings” means 2 or more buildings that share
- (A) physical features such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or
 - (B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996;
- (30) the term ‘core requirements’—
- (A) means the requirements described in paragraphs (11), (12), (13), and (15) of section 223(a); and
 - (B) does not include the data collection requirements described in subparagraphs (A) through (K) of section 207(1);
- (31) the term ‘chemical agent’ means a spray or injection used to temporarily incapacitate a person, including oleoresin capsicum spray, tear gas, and 2-chlorobenzalmalononitrile gas;
- (32) the term ‘isolation’—
- (A) means any instance in which a youth is confined alone for more than 15 minutes in a room or cell; and
 - (B) does not include—
 - (i) confinement during regularly scheduled sleeping hours;
 - (ii) separation based on a treatment program approved by a licensed medical or mental health professional;
 - (iii) confinement or separation that is requested by the youth; or
 - (iv) the separation of the youth from a group in a nonlocked setting for the limited purpose of calming;
- (33) the term ‘restraints’ has the meaning given that term in section 591 of the Public Health Service Act (42 U.S.C. 290ii);
- (34) the term ‘evidence-based’ means a program or practice that—
- (A) is demonstrated to be effective when implemented with fidelity;
 - (B) is based on a clearly articulated and empirically supported theory;
 - (C) has measurable outcomes relevant to juvenile justice, including a detailed description of the outcomes produced in a particular population, whether urban or rural; and
 - (D) has been scientifically tested and proven effective through randomized control studies or comparison group studies and with the ability to replicate and scale;
- (35) the term ‘promising’ means a program or practice that—
- (A) is demonstrated to be effective based on positive outcomes relevant to juvenile justice from one or more objective, independent, and scientifically valid evaluations, as documented in writing to the Administrator; and
 - (B) will be evaluated through a well-designed and rigorous study, as described in paragraph (34)(D);
- (36) the term ‘dangerous practice’ means an act, procedure, or program that creates an unreasonable risk of physical injury, pain, or psychological harm to a juvenile subjected to the act, procedure, or program;
- (37) the term ‘screening’ means a brief process—

- (A) designed to identify youth who may have mental health, behavioral health, substance abuse, or other needs requiring immediate attention, intervention, and further evaluation; and
 - (B) the purpose of which is to quickly identify a youth with possible mental health, behavioral health, substance abuse, or other needs in need of further assessment;
- (38) the term 'assessment' includes, at a minimum, an interview and review of available records and other pertinent information—
- (A) by an appropriately trained professional who is licensed or certified by the applicable State in the mental health, behavioral health, or substance abuse fields; and
 - (B) which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth's confinement;
- (39) for purposes of section 223(a)(15), the term 'contact' means the points at which a youth and the juvenile justice system or criminal justice system officially intersect, including interactions with a juvenile justice, juvenile court, or law enforcement official;
- (40) the term 'trauma-informed' means—
- (A) understanding the impact that exposure to violence and trauma have on a youth's physical, psychological, and psychosocial development;
 - (B) recognizing when a youth has been exposed to violence and trauma and is in need of help to recover from the adverse impacts of trauma; and
 - (C) responding in ways that resist retraumatization;
- (41) the term 'racial and ethnic disparity' means minority youth populations are involved at a decision point in the juvenile justice system at disproportionately higher rates than non-minority youth at that decision point;
- (42) the term 'status offender' means a juvenile who is charged with or who has committed an offense that would not be criminal if committed by an adult;
- (43) the term 'rural' means an area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget;
- (44) the term 'internal controls' means a process implemented to provide reasonable assurance regarding the achievement of objectives in—
- (A) effectiveness and efficiency of operations, such as grant management practices;
 - (B) reliability of reporting for internal and external use; and
 - (C) compliance with applicable laws and regulations, as well as recommendations of the Office of Inspector General and the Government Accountability Office; and
- (45) the term 'tribal government' means the governing body of an Indian Tribe.

TITLE II – JUVENILE JUSTICE AND DELINQUENCY PREVENTION

PART A – JUVENILE AND DELINQUENCY PREVENTION OFFICE

ESTABLISHMENT OF OFFICE

34 U.S.C. 11111 [Sec. 201.]

(a) There is hereby established an Office of Juvenile Justice and Delinquency Prevention (hereinafter in this division referred to as the "Office") within the Department of Justice under the general authority of the Attorney General.

(b) The Office shall be headed by an Administrator (hereinafter in this subchapter referred to as the "Administrator") appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile justice programs. The Administrator is authorized to prescribe regulations consistent with this chapter to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under this subchapter. The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have.

(c) There shall be in the Office a Deputy Administrator who shall be appointed by the Attorney General. The Deputy Administrator shall perform such functions as the Administrator may from time to time assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

34 U.S.C. 11112 [Sec. 202.]

(a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in the Administrator and to prescribe their functions.

(b) The Administrator is authorized to select, appoint, and employ not to exceed three officers and to fix their compensation at rates not to exceed the rate now or hereafter payable under section 5376 of ~~Title 5~~ **title 5 of the United States Code**.

(c) Upon the request of the Administrator, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Administrator to assist the Administrator in carrying out the functions of the Administrator under this ~~subchapter~~ **title**.

(d) The Administrator may obtain services as authorized by section 3109 of ~~Title 5~~ **title 5 of the United States Code**, at rates not to exceed the rate now or hereafter payable under section 5376 of ~~Title 5~~ **title 5 of the United States Code**.

VOLUNTARY SERVICE

34 U.S.C. 11113 [Sec. 203.]

The Administrator is authorized to accept and employ, in carrying out the provisions of this chapter, voluntary and uncompensated services notwithstanding the provisions of section 1342 of ~~Title 31~~ **3679(b) of the Revised Statutes (31 U.S.C. 665(b))**.

CONCENTRATION OF FEDERAL EFFORTS

34 U.S.C. 11114 [Sec. 204.] Concentration of Federal efforts

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

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

- (i) contain specific goals and criteria for making grants and contracts, for conducting research, and for carrying out other activities under this subchapter; and
- (ii) provide for coordinating the administration programs and activities under this subchapter with the administration of all other Federal juvenile delinquency programs and activities, including proposals for joint funding to be coordinated by the Administrator.

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

- ~~(i) not later than 240 days after November 4, 1992, in the case of the initial plan required by paragraph (1); and~~
- ~~(ii) except as provided in clause (i), in the 30-day period ending on October 1 of each year.~~

(b) Duties of Administrator

In carrying out the purposes of this chapter, the Administrator shall--

- (1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency;
- (2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives the Administrator establishes;
- (3) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities; and
- (4) implement Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which the Administrator determines may have an important bearing on the success of the entire Federal juvenile delinquency effort;

(5) not later than 1 year after the date of enactment of the Juvenile Justice Reform Act of 2018, in consultation with Indian Tribes, develop a policy for the Office of Juvenile Justice and Delinquency Prevention to collaborate with representatives of Indian Tribes with a criminal justice function on the implementation of the provisions of this Act relating to Indian Tribes;

~~(5)~~ (6)A develop for each fiscal year, and publish annually in the Federal Register for public comment, a proposed comprehensive plan describing the particular activities which the Administrator intends to carry out under parts D and E of this subchapter in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts D and E of this subchapter; and (B) taking into consideration comments received during the 45-day period beginning on the date the proposed plan is published, develop and publish a final plan, before December 31 of such fiscal year, describing the particular activities which the Administrator intends to carry out under parts D and E of this subchapter in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts D and E of this subchapter; and ~~(6)~~ (7) provide for the auditing of monitoring systems required under section ~~5633(a)(15)~~ 223(a)(14) of this title to review the adequacy of such systems; and for monitoring compliance.

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

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

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

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

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

JOINT FUNDING

34 U.S.C. 11115 [Sec. 205.]

Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced whenever the Administrator finds the program or

activity to be exceptionally effective or for which the Administrator finds exceptional need. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such agency to waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

34 U.S.C. 11116 [Sec. 206.]

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

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

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

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

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

(B)

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

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

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

(III) 1 shall be appointed for a term of 3 years; as designated at the time of appointment.

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

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

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

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

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

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

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

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

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

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

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

as designated at the time of appointment

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

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

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

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

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

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

(A) make recommendations regarding the development of the objectives, priorities, and the long-term plan, and the implementation of overall policy and the strategy to carry out such plan, referred to in section ~~5614(a)(1)~~ of this title **204(a)(1)**; and

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

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

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

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

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

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

(d) The Council shall meet quarterly

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

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

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

ANNUAL REPORT

34 U.S.C. 11117 [Sec. 207.]

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

(1) A detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, and the trends demonstrated by the data required by

subparagraphs (A), (B), and (C). Such summary and analysis shall set out the information required by subparagraphs (A), (B), (C), and (D) separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence--

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

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

(C) the ages of the juveniles;

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

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

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

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

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

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

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

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

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

(3) A description, based on the most recent data available, of the extent to which each State complies with section ~~5633 of this title~~ **223** and with the plan submitted under such section by the State for such fiscal year.

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

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

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

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

- (A) in which supporting documentation was not provided for cost reports;
- (B) where unauthorized expenditures occurred; or
- (C) where subrecipients of grant funds were not compliant with program requirements.

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

- (A) the full name and location of the grantee;
- (B) the violation of the program found;
- (C) the amount of funds sought to be recouped by the Office of Juvenile Justice and Delinquency Prevention; and
- (D) the actual amount recouped by the Office of Juvenile Justice and Delinquency Prevention.

~~PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS~~ **Charles Grassley**
Juvenile Justice and Delinquency Prevention Program

SHORT TITLE

34 U.S.C. 10101 **Sec. 220.** This part may be cited as the “Charles Grassley Juvenile Justice and Delinquency Prevention Program.”

AUTHORITY TO MAKE GRANTS AND CONTRACT

34 U.S.C. 11131 [Sec.221.]

(a) The Administrator is authorized to make grants to States and units of local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public

and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

(b)(1) With not to exceed ~~2 percent~~ **5 percent** of the funds available in a fiscal year to carry out this part, the Administrator shall make grants to and enter into contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local governments (and combinations thereof), and local private agencies to facilitate compliance with section ~~5633 of this title~~ **223** and implementation of the State plan approved under section ~~5633(c) of this title~~ **223(c)**.

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

ALLOCATION

34 U.S.C. 11132 [Sec. 222.]

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

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

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

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

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

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

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

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

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

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

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

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

(d) In accordance with regulations promulgated under this part, ~~5 per centum of the minimum~~ **not more than 5 percent of the** annual allocation to any State under this part shall be available to assist the advisory group established under section ~~5633(a)(3) of this title~~ **223(a)(3) of this Act.**

STATE PLANS

34 U.S.C. 11133 [Sec. 223.]

(a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended

annually to include new programs, projects, and activities. The State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, ~~and shall describe the status of compliance with State plan requirements~~ and shall describe how the State plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents. Not later than 60 days after the date on which a plan or amended plan submitted under this subsection is finalized, a State shall make the plan or amended plan publically available by posting the plan or amended plan on the State's publicly available website. In accordance with regulations which the Administrator shall prescribe, such plan shall--

- (1) designate the State agency ~~described in section 5671(c)(1)~~ as designated by the chief executive officer of the State of this title as the sole agency for supervising the preparation and administration of the plan;
- (2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;
- (3) provide for an advisory group, that--
 - (A) shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State--
 - (i) which members have training, experience, or special knowledge concerning adolescent development, the prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency;
 - (ii) which members include--
 - (I) at least 1 locally elected official representing general purpose local government;
 - (II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;
 - (III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, ~~mental health, education, special education~~ child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities, recreation, and youth services;
 - (IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

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

~~(VI) youth workers involved with~~ representative of programs that are alternatives to incarceration, including programs providing organized recreation activities;

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

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

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

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

(X) for a State in which one or more Indian Tribes are located, an Indian tribal representative (if such representative is available) or other individual with significant expertise in tribal law enforcement and juvenile justice in Indian tribal communities;

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

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

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

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

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

(D) shall, consistent with this subchapter--

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

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

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

(E) may, consistent with this subchapter--

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

(ii) review progress and accomplishments of projects funded under the State plan- ;

(4) provide for the active consultation with and participation of units of local government or combinations thereof in the development of a State plan which adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;

(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66 2/3 per centum of funds received by the State under section ~~5632 of this title~~, 222(d) reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding funds made available to the State advisory group under section ~~5632(d) of this title~~ **222(d)**, shall be expended--

(A) through programs of units of local government or combinations thereof, to the extent such programs are consistent with the State plan;

(B) through programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of local government or combination thereof; and

(C) to provide funds for programs of ~~Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior)~~ **and that agree to attempt to comply with the requirements specified in**

~~paragraphs (11), (12), and (13), applicable to the detention and confinement of juveniles~~ Indian tribes that agree to attempt to comply with the core requirements applicable to the detention and confinement of juveniles, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the State population under 18 years of age

(6) provide for an equitable distribution of the assistance received under section 5632 of this title 222 within the State, including in rural areas;

(7)(A) provide for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State, (including any geographical area in which an Indian tribe ~~performs law enforcement functions~~ has jurisdiction), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State; and

(B) contain--

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

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

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

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

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

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

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

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

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

(ix) not later than 1 year after the date of enactment of the Juvenile Justice Reform Act of 2018, a plan which shall be implemented not later than 2 years after the date of enactment of the Juvenile Justice Reform Act of 2018, to—

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

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

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

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

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

(9) provide that not less than 75 percent of the funds available to the State under section ~~5632 of this title~~ **222**, other than funds made available to the State advisory group under section ~~5632(d) of this title~~ **222(d)**, whether expended directly by the State, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for, **with priority in funding given to entities meeting the criteria for evidence-based or promising programs--**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) ~~to expand~~ programs to expand the use of probation officers –

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

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

~~(G)~~ (G) programs—

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

(ii) to expand access to publicly supported, court-appointed legal counsel who are trained to represent juveniles in adjudication proceedings, except that the State may not use more than 2 percent of the funds received under section 222 for these purposes;

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

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

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

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

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

(i) a sense of safety and structure;

(ii) a sense of belonging and membership;

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

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

(v) a sense of closeness in interpersonal relationships;

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

(i) encourage courts to develop and implement a continuum of **pre-adjudication and post- adjudication restraints alternatives** that bridge the gap between traditional probation and confinement in a correctional setting (including **specialized or problem-solving courts**, expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and
(ii) assist in the provision ~~by the provision by the Administrator~~ of information and technical assistance, including technology transfer, ~~to States~~ in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

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

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

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

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

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

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

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

(U) programs and projects designed—

(i) to inform juveniles of the opportunity and process for sealing and expunging juvenile records; and

(ii) to assist juveniles in pursuing juvenile record sealing and expungements for both adjudications and arrests not followed by adjudications; except that the State may not use more than 2 percent of the funds received under section 222 for these purposes;

(V) programs that address the needs of girls in or at risk of entering the juvenile justice system, including pregnant girls, young mothers, survivors of commercial sexual exploitation or domestic child sex trafficking, girls with disabilities, and girls of color, including girls who are members of an Indian Tribe; and

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

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

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

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

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

~~(ii) juveniles who are charged with or who have committed a violation of a valid court order; and~~

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

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

~~(B) juveniles—~~

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

~~(ii) who are—~~

~~(I) aliens; or~~

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

~~shall not be placed in secure detention facilities or secure correctional facilities.~~

(11)(A) in accordance with rules issued by the Administrator, provide that a juvenile shall not be placed in a secure detention facility or a secure correctional facility, if—

(i) the juvenile is charged with or has committed an offense that would not be criminal if committed by an adult, excluding—

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

(II) a juvenile who is charged with or has committed a violation of a valid court order issued and reviewed in accordance with paragraph (23); and

(III) a juvenile who is held in accordance with the Interstate Compact on Juveniles as enacted by the State; or

(ii) the juvenile—

(I) is not charged with any offense; and

(II) (aa) is an alien; or

(bb) is alleged to be dependent, neglected, or abused; and

(B) require that—

(i) not later than 3 years after the date of enactment of the Juvenile Justice Reform Act of 2018, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—

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

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

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

(I) the age of the juvenile;

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

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

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

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

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

(VII) any other relevant factor; and

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

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

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

(12) provide that –

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

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

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

(A) juveniles who are accused of nonstatus offenses who are detained in such jail or lock-up for a period not to exceed 6 hours --

(i) for processing or release;

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

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

and only if such juveniles do not have ~~contact~~ **sight and sound contact** with adult inmates and only if there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates in collocated facilities have been trained and certified to work with juveniles;

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

(i) in which –

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

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

(ii) that –

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

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

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

after the time that such conditions allow for reasonably safe travel;

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

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

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

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

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

~~(15)~~ **(16)** provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, **ethnicity**, family income, and disability.

~~(16)~~ **(17)** provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members when possible and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible);

~~(17)~~ **(18)** provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

~~(18)~~ **(19)** provide assurances that—

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

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

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

~~(19)~~ (20) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this subchapter;

~~(20)~~ (21) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, ~~local~~, local, tribal, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, ~~local~~, local, tribal, and other non-Federal funds;

~~(24)~~ (22) provide that the State agency designated under paragraph (1) will –

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

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

(C) not expend funds to carry out a program if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the state agency;

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

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

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

(B) not later than 24 hours during which such ~~juvenile~~ status offender is so held, an authorized representative of such agency shall interview, in

person, such ~~juvenile~~ **status offender**; and

(C) not later than 48 hours during which such juveniles is so held –

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

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

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

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

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

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

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

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

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

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

(ee) may not be renewed or extended; and

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

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

(24) provide an assurance that if the State receives under section ~~5632 of this title~~ **222** for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 2000, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services;

(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the State advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units;

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

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

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

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

~~(28)~~ (27) provide assurances that juvenile offenders whose placement is funded through section 472 of the Social Security Act (42 U.S.C. 672) receive the protections specified in section 471 of such Act (42 U.S.C. 671), including a case plan and case plan review as defined in section 475 of such Act (42 U.S.C. 675);

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

(29) **describe the policies, procedures, and training in effect for the staff of juvenile State correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques;**

(30) **describe—**

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

(i) **request a screening;**

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

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

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

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

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

- (i) the pre-release and post-release plans for the juveniles;
- (ii) the living arrangement to which the juveniles are to be discharged; and
- (iii) any other plans developed for the juveniles based on an individualized assessment; and

(B) review processes;

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

- (A) the student records of adjudicated juveniles, including electronic records if available, are transferred in a timely manner from the educational program in the juvenile detention or secure treatment facility to the educational or training program into which the juveniles will enroll;
- (B) the credits of adjudicated juveniles are transferred; and
- (C) adjudicated juveniles receive full or partial credit toward high school graduation for secondary school coursework satisfactorily completed before and during the period of time during which the juveniles are held in custody, regardless of the local educational agency or entity from which the credits were earned; and

(33) describe policies and procedures to—

- (A) screen for, identify, and document in records of the State the identification of victims of domestic human trafficking, or those at risk of such trafficking, upon intake; and
- (B) divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable.

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

~~(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a) in any fiscal year beginning after September 30, 2001, then--~~

~~(1) subject to paragraph (2), the amount allocated to such State under section 222 for the subsequent fiscal year shall be reduced by not less than 20 percent for each such paragraph with respect to which the failure occurs, and~~

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

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

~~(B) the Administrator determines that the State--~~

- ~~(i) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and~~
- ~~(ii) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.~~

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

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

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

- (ii) the Administrator determines that the State—

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

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

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

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

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

d) In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections ~~3783, 3784, and 3785~~ of this title **802, 803, and 804 of title 1 of the Omnibus Crime control and Safe Streets Act of 1968**, determines does not meet the requirements of this section, the Administrator shall endeavor to make that State's allocation under the provisions of section ~~5632(a)~~ of this title **222(a)**, excluding funds the Administrator shall make available to satisfy the requirement specified in section ~~5632(d)~~ of this title **222(d)**, available to local public and private nonprofit agencies within such State for use in carrying out activities of the kinds ~~described in paragraphs (11), (12), (13) and (22) of subsection (a)~~ **described in the core requirements**. The Administrator shall make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds, available on an equitable basis and to those States that have achieved full compliance with ~~the requirements under paragraphs (11), (12), (13) and (22) of subsection (a)~~ **the core requirements**.

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

(f) Technical Assistance-

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

(2) Assistance- To be eligible to receive such assistance, such organization shall agree to carry out activities that include--

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

~~(B)~~ (A) disseminating information, data, standards, advanced techniques, and program

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

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

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

(g) Compliance Determination.—

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

(2) REPORTING.—The Administrator shall—

(A) issue an annual public report—

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

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

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

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

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

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

~~SUBCHAPTER II PROGRAMS AND OFFICES
PART C JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM [Title II]~~

~~42 U.S.C. 5651~~ — ~~[Sec. 241.] Authority to make Grants~~

~~(a) Grants to Eligible States—The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including--~~

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

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

~~(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational~~

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

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

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

~~(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism~~

~~(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;~~

~~(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or~~

~~(H) to provide services to juveniles with serious mental and emotional disturbances (SED) in need of mental health services;~~

~~(3) projects which expand the use of probation officers--~~

~~(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and~~

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

~~(4) counseling, training, and mentoring programs, which may be in support of academic tutoring, vocational and technical training, and drug and violence prevention counseling, that are designed to link at-risk juveniles, juvenile offenders, or juveniles who have a parent or legal guardian who is or was incarcerated in a Federal, State, or local correctional facility or who is otherwise under the jurisdiction of a Federal, State, or local criminal justice system;~~

particularly juveniles residing in low-income and high-crime areas and juveniles experiencing educational failure, with responsible individuals (such as law enforcement officers, Department of Defense personnel, individuals working with local businesses, and individuals working with community-based and faith-based organizations and agencies) who are properly screened and trained;

(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

(6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

(7) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

(8) projects which provide for an initial intake screening of each juvenile taken into custody--

- (A) to determine the likelihood that such juvenile will commit a subsequent offense; and
- (B) to provide appropriate interventions (including mental health services) to prevent such juvenile from committing subsequent offenses;

(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

(10) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies (including collaboration on appropriate prenatal care for pregnant juvenile offenders), private nonprofit agencies, and public recreation agencies offering services to juveniles;

(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

(12) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership

~~development, community service, volunteer service, before and after school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;~~

~~(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;~~

~~(14) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;~~

~~(15) programs that focus on the needs of young girls at risk of delinquency or status offenses;~~

~~(16) projects which provide for--~~

~~(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;~~

~~(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;~~

~~(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and~~

~~(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;~~

~~(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;~~

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

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

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

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

~~(22) programs to establish partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including~~

honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness;

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

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

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

~~(b) Grants to Eligible Indian Tribes—The Administrator may make grants to eligible Indian tribes from funds allocated under section 5652(b) of this title, to carry out projects of the kinds described in subsection (a).~~

~~42. U.S.C. 5652 — [Sec. 242.] Allocation.~~

~~(a) Allocation Among Eligible States—Subject to subsection (b), funds appropriated to carry out this part shall be allocated among eligible States proportionately based on the population that is less than 18 years of age in the eligible States.~~

~~(b) Allocation Among Indian Tribes Collectively—Before allocating funds under subsection (a) among eligible States, the Administrator shall allocate among eligible Indian tribes as determined under section 5656(a) of this title, an aggregate amount equal to the amount such tribes would be allocated under subsection (a), and without regard to this subsection, if such tribes were treated collectively as an eligible State.~~

~~42. U.S.C. 5653 — [Sec. 243.] Eligibility of States~~

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

~~(1) An assurance that the State will use—~~

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

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

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

~~(B) the remainder of such grant to make grants under section 244.~~

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

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

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

~~(5) An assurance that each eligible entity described in section 5654 of this title that receives an initial grant under section 5654 of this title to carry out a project~~

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

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

~~(b) Approval of Applications-~~

~~(1) Approval required- Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).~~

~~(2) Limitation - The Administrator may not approve such application (including amendments to such application) for a fiscal year unless--~~

~~(A)~~

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

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

~~or~~

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

~~42 U.S.C. 5654 — [Sec. 244.] Grants for local projects.~~

~~(a) Grants by States- Using a grant received under section 5651 of this title, a State may make grants to eligible entities whose applications are received by the State, and reviewed by the State advisory group, to carry out projects and activities described in section 5651 of this title.~~

~~(b) Special Consideration- For purposes of making grants under subsection (a), the State shall give special consideration to eligible entities that--~~

~~(1) propose to carry out such projects in geographical areas in which there is--~~

~~(A) a disproportionately high level of serious crime committed by juveniles; or~~

~~(B) a recent rapid increase in the number of nonstatus offenses committed by juveniles;~~

~~(2)~~

~~(A) agreed to carry out such projects or activities that are multidisciplinary and involve more than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles; or~~

~~(B) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and~~

~~(3) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.~~

~~42 U.S.C. 5655 [Sec. 245.] Eligibility of entities.~~

~~(a) Eligibility— Except as provided in subsection (b), to be eligible to receive a grant under section 5654 of this title, a unit of general purpose local government, acting jointly with not fewer than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles, shall submit to the State an application that contains the following:~~

~~(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (25) of section 5651(a) of this title as specified in, such application.~~

~~(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.~~

~~(3) A statement identifying the research (if any) such entity relied on in preparing such application.~~

~~(b) Limitation— If an eligible entity that receives a grant under section 5654 of this title to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.~~

~~42 U.S.C. 5656 [Sec. 246.] Grants to Indian tribes.~~

~~(a) Eligibility—~~

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

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

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

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

~~(C) provide for fiscal control and accounting procedures that—~~

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

(ii) are consistent with the requirement specified in subparagraph (B); and

(D) comply with the requirements specified in section 5633(a) of this title (excluding any requirement relating to consultation with a State advisory group) and with the requirements specified in section 222(c); and

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

~~(b) Factors for Consideration—For the purpose of selecting eligible applicants to receive grants under section 5651(b) of this title, the Administrator shall consider—~~

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

~~and~~

~~(2) with respect to each such applicant—~~

~~(A) the juvenile population; and~~

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

~~(c) Grant Process—~~

~~(1) Selection of Grant Recipients—~~

~~(A) Selection Requirements—Except as provided in paragraph (2), the Administrator shall—~~

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

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

~~(B) Period of Grant—A grant made under this section shall be available for expenditure~~

~~(2) Exception—If—~~

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

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

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

~~(3) Authority to Modify Application Process for Subsequent Grants—The Administrator may modify by rule the operation of subsection (a) with respect to the submission and contents of applications for subsequent grants described in paragraph (2).~~

~~(d) Reporting Requirement—Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 45(f)(1) of Title 25, relating to the submission of a single-agency audit report required by chapter 75 of title 34.~~

~~(e) Matching Requirement—~~

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

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

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

PART D- RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

34 U.S.C. 11161 [Sec. 251.] RESEARCH AND EVALUATION' STATISTICAL ANALYSES; INFORMATION DISSEMINATION

(a) Research and Evaluation-

(1) The Administrator ~~may~~ shall--

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

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

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

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

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

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

(iv) successful efforts to prevent recidivism;

(v) the juvenile justice system;

(vi) juvenile violence;

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

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

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

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

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

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

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

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

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

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

~~(x)~~ (xvii) determining—

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

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

(aa) the relationship between victims and perpetrators;

(bb) demographic characteristics of victims and

perpetrators; and

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

~~(xi)~~ (xviii) other purposes consistent with the purposes of this subchapter and subchapter I of this chapter.

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

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

(4) Not later than 1 year after the ~~date of enactment of this paragraph~~, the **date of enactment of Juvenile Justice Reform Act of 2018**, the Administrator shall conduct a study with respect to juveniles who, prior to placement in the juvenile justice system, were under the care or custody of the State child welfare system, and to juveniles who are unable to return to their family after completing their disposition in the juvenile justice system and who remain wards of the State **in accordance with applicable confidentiality requirements**. Such study shall include--

(A) the number of juveniles in each category;

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

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

(D) barriers faced by State **and Indian tribes** in providing services to these juveniles;

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

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

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

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

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

(b) Statistical Analyses- The Administrator ~~may~~ **shall**—

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

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

(c) Grant Authority and Competitive Selection Process- The Administrator may make grants and enter into contracts with public or private agencies, organizations, or individuals and shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

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

(e) Information Dissemination- The Administrator may--

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

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

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

(f) National Recidivism Measure.—The Administrator, in accordance with applicable confidentiality requirements and in consultation with experts in the field of juvenile justice research, recidivism, and data collection, shall—

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

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

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

34 U.S.C. 11162 [Sec. 252.] Training and technical assistance..

(a) Training- The Administrator ~~may~~--

(1) ~~shall~~ develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, to carry out the purposes specified in section ~~5602 of this title~~ 102; and

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

corrections, schools, and related services, to carry out the purposes specified in section ~~5602 of this title.~~ 102; and

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

(b) Technical Assistance- The Administrator ~~may--~~

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

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

(3) shall provide technical assistance to States and units of local government on achieving compliance with the amendments to the core requirements and State Plans made by the Juvenile Justice Reform Act of 2018, including training and technical assistance and, when appropriate, pilot or demonstration projects intended to develop and replicate best practices for achieving sight and sound separation in facilities or portions of facilities that are open and available to the general public and that may or may not contain a jail or a lock-up; and

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

(c) Training and Technical Assistance to Mental Health Professionals and Law Enforcement Personnel- The Administrator shall provide training and technical assistance to mental health professionals and law enforcement personnel (including public defenders, prosecutors, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models (including model juvenile and family courts), programs, or delivery systems that address the needs of status offenders and

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

(d) **Best Practices Regarding Legal Representation Of Children.**—In consultation with experts in the field of juvenile defense, the Administrator shall—

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

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

(e) **Best Practices For Status Offenders.**—Based on the available research and State practices, the Administrator shall—

(1) disseminate best practices for the treatment of status offenders with a focus on reduced recidivism, improved long-term outcomes, and limited usage of valid court orders to place status offenders in secure detention; and

(2) provide a State, on request, technical assistance to implement any of the best practices shared under paragraph (1).

(f) **Training And Technical Assistance For Local And State Juvenile Detention And Corrections Personnel.**—The Administrator shall coordinate training and technical assistance programs with juvenile detention and corrections personnel of States and units of local government—

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

(2) to encourage alternative behavior management techniques based on positive youth development approaches that may include methods responsive to cultural differences.

(g) **Training And Technical Assistance To Support Mental Health Or Substance Abuse Treatment Including Home-Based Or Community-Based Care.**—The Administrator shall provide training and technical assistance, in conjunction with the appropriate public agencies, to individuals involved in making decisions regarding the disposition and management of cases for youth who enter the juvenile justice system about the appropriate services and placement for youth with mental health or substance abuse needs, including—

(1) juvenile justice intake personnel;

(2) probation officers;

(3) juvenile court judges and court services personnel;

(4) prosecutors and court-appointed counsel; and

(5) family members of juveniles and family advocates.

(h) **Training And Technical Assistance To Support Juvenile Court Judges And Personnel.**—The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention and the Office of Justice Programs in consultation with entities in the profession, shall provide directly, or through grants or contracts, training

and technical assistance to enhance the capacity of State and local courts, judges, and related judicial personnel to—

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

(2) carry out the requirements of this Act.

(i) **Free And Reduced Price School Lunches For Incarcerated Juveniles.**— The Attorney General, in consultation with the Secretary of Agriculture, shall provide guidance to States relating to existing options for school food authorities in the States to apply for reimbursement for free or reduced price lunches under the Richard B. Russell National School Lunch Act ([42 U.S.C. 1751](#) et seq.) for juveniles who are incarcerated and would, if not incarcerated, be eligible for free or reduced price lunches under that Act.

PART E - DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

34 U.S.C. 11171 [Sec. 261.] Grants and projects.

(a) Authority to make Grants- The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

(b) Use of Grants- A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

34 U.S.C. 11172 [Sec. 262.] Grants for technical assistance.

The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section ~~5665 of this title~~ **261**.

34 U.S.C. 11173 [Sec. 263.] Eligibility.

To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonably require by rule.

34 U.S.C. 11174 [Sec. 264.] Reports.

Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying out the projects for which such grants are made.

PART F – GENERAL AND ADMINISTRATIVE PROVISIONS

~~42 U.S.C. 5671~~ [Sec. 299.] Authorization of appropriations

~~(a) Authorization of appropriations for subchapter II (excluding parts C and E)~~

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

~~(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than (parts C and E) --~~

~~(A) not more than 5 percent shall be available to carry out part A;~~

~~(B) not less than 80 percent shall be available to carry out part B; and~~

~~(C) not more than 15 percent shall be available to carry out part D.~~

~~(b) Authorization of appropriations for part C — There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 2003, 2004, 2005, 2006, and 2007.~~

~~(c) Authorization of appropriations for part E — There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 2003, 2004, 2005, 2006, and 2007.~~

~~(d) Experimentation on individuals; prohibition; “behavior control” defined~~

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

ADMINISTRATIVE AUTHORITY

42 U.S.C. 5672 [Sec. 299A.]

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

(b) Sections ~~3789d(c), 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b), and 3789g(d)~~ of this title ~~809(c), 811(a), 811(b), (811(c), 812(a), 812(b), and 812(d)~~ of the Omnibus Crime Control and Safe Streets Act of 1968, as so designated by the operation of the

amendments made by the Justice Assistance Act of 1984, shall apply with respect to the administration of and compliance with this chapter, except that for purposes of this chapter--

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

(2) the term "~~this chapter~~" "**this title**" as it appears in such sections shall be deemed to be a reference to this ~~chapter~~ **Act**.

(c) Sections ~~3782(a), 3782(c), and 3787~~ of this title **801(a), 801(c), and 806 of the Omnibus Crime Control and Safe Streets Act of 1968, as so designated by the operation of the amendments made by the Justice Assistance Act of 1984**, shall apply with respect to the administration of and compliance with this ~~chapter~~ **Act**, except that for purposes of this ~~chapter~~ **Act**--

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

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

(3) the term "~~this chapter~~" "**this title**" as it appears in such sections shall be deemed to be a reference to this ~~chapter~~ **Act**.

(d)(1) The Administrator is authorized, ~~after appropriate consultation with representatives of States and units of local government~~, to establish such rules, regulations, **guidance**, and procedures as are necessary for the exercise of the functions of the Office and only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance. **In developing guidance and procedures, the Administrator shall consult with representatives of States and units of local government, including those individuals responsible for administration of this Act and compliance with core requirements.**

(2) The Administrator shall ensure that—

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

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

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

WITHHOLDING

34 U.S.C. 11183 [Sec. 299B.]

Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this ~~subchapter~~ **title**, finds that--

- (1) the program or activity for which the grant or contract involved was made has been so changed that it no longer complies with this ~~subchapter~~ **title**; or
- (2) in the operation of such program or activity there is failure to comply substantially with any provision of this ~~subchapter~~ **title**; the Administrator shall initiate such proceedings as are appropriate.

USE OF FUNDS

34 U.S.C. 11184 [Sec. 299C.]

(a) Funds paid pursuant to this subchapter to any public or private agency, organization, or institution, or to any individual (either directly or through a State planning agency) may be used for--

- (1) planning, developing, or operating the program designed to carry out this ~~subchapter~~ **title**; and
- (2) not more than 50 per centum of the cost of the construction of any innovative community-based facility for fewer than 20 persons which, in the judgment of the Administrator, is necessary to carry out this ~~subchapter~~ **title**.

(b) Except as provided in subsection (a) of this section, no funds paid to any public or private agency, or institution or to any individual under this ~~subchapter~~ **title** (either directly or through a State agency or local agency) may be used for construction.

(c) No funds may be paid under this title to a residential program (excluding a program in a private residence) unless

- (1) there is in effect in the State in which such placement or care is provided, a requirement that the provider of such placement or such care may be licensed only after satisfying, at a minimum, explicit standards of discipline that prohibit neglect, and physical and mental abuse, as defined by State law;
- (2) such provider is licensed as described in paragraph (1) by the State in which such placement or care is provided; and
- (3) in a case involving a provider located in a State that is different from the State where the order of placement originates, the chief administrative officer of the public agency or the officer of the court placing the juvenile certifies that such provider –
 - (A) satisfies the originating State's explicit licensing standards of discipline that prohibit neglect, physical and mental abuse, and standards for education and health care as defined by that State's law; and
 - (B) otherwise complies with the Interstate Compact in the Placement of Children as entered into by such other State.

PAYMENTS

34 U.S.C. 11185 [Sec. 299D.]

(a) Payments under this ~~subchapter~~ **title**, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Administrator may determine.

(b) Except as provided in the second sentence of section ~~5632(c)~~ of this title **222(c)**, financial assistance extended under this subchapter shall be 100 per centum of the approved costs of the program or activity involved.

(c)(1) In the case of a grant under this subchapter to an Indian tribe, if the Administrator determines that the tribe does not have sufficient funds available to meet the local share of the cost of any program or activity to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent the Administrator deems necessary.

(2) If a State does not have an adequate forum to enforce grant provisions imposing any liability on Indian tribes, the Administrator may waive State liability attributable to the liability of such tribes and may pursue such legal remedies as are necessary.

CONFIDENTIALITY OF PROGRAM RECORDS

34 U.S.C. 11186 [Sec. 299E.]

Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to this ~~subchapter~~ **title** may not be disclosed without the consent of the service recipient or legally authorized representative, or as may be necessary to carry out this ~~subchapter~~ **title**. Under no circumstances may program reports or findings available for public dissemination contain the actual names of individual service recipients.

34 U.S.C. 11187 [Sec. 299F.] Limitations on use of Funds

None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.

34 U.S.C. 11188 [Sec. 299G.] Rules of Construction

Nothing in this title or title I shall be construed –

- (1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or
- (2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.

34 U.S.C. 11189 [Sec. 299H.] Leasing Surplus Federal Property

The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as

facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.

34 U.S.C. 11190 [Sec. 299I.] Issuance of Rules

The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.

34 U.S.C. 11191 [Sec. 299J.] Content of Materials

Materials produced, procured, or distributed both using funds appropriated to carry out this Act and for the purpose of preventing hate crimes that result in acts of physical violence, shall not recommend or require any action that abridges or infringes upon the constitutionally protected rights of free speech, religion, or equal protection of juveniles or of their parents or legal guardians.

TITLE V—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

[Sec. 501]

This title may be cited as the “Incentive **Youth Promise** Grants for Local Delinquency Prevention programs Act of ~~2002~~ **2018**”.

34 U.S.C. 11311 [Sec. 502.] Definition

~~In this title, the term “State advisory group” means the advisory group appointed by the chief executive officer of a State under a plan described in section 6533(a) of this title.~~

In this title—

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

(2) the term ‘eligible entity’ means—

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

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

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

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

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

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

(D) recreation services;

(E) leadership and youth development activities;

(F) the teaching that individuals are and should be held accountable for their actions;

(G) assistance in the development of job training skills;

(H) youth mentoring programs;

- (I) after-school programs;
- (J) coordination of a continuum of services that may include—
 - (i) early childhood development services;
 - (ii) voluntary home visiting programs;
 - (iii) nurse-family partnership programs;
 - (iv) parenting skills training;
 - (v) child abuse prevention programs;
 - (vi) family stabilization programs;
 - (vii) child welfare services;
 - (viii) family violence intervention programs;
 - (ix) adoption assistance programs;
 - (x) emergency, transitional and permanent housing assistance;
 - (xi) job placement and retention training;
 - (xii) summer jobs programs;
 - (xiii) alternative school resources for youth who have dropped out of school or demonstrate chronic truancy;
 - (xiv) conflict resolution skill training;
 - (xv) restorative justice programs;
 - (xvi) mentoring programs;
 - (xvii) targeted gang prevention, intervention and exit services;
 - (xviii) training and education programs for pregnant teens and teen parents; and
 - (xix) pre-release, post-release, and reentry services to assist detained and incarcerated youth with transitioning back into and reentering the community; and

(K) other data-driven evidence-based or promising prevention programs;

(4) the term 'local policy board', when used with respect to an eligible entity, means a policy board that the eligible entity will engage in the development of the eligible entity's plan described in section 504(e)(5), and that includes—

(A) not fewer than 15 and not more than 21 members; and

(B) a balanced representation of—

(i) public agencies and private nonprofit organizations serving juveniles and their families; and

(ii) business and industry;

(C) at least one representative of the faith community, one adjudicated youth, and one parent of an adjudicated youth; and

(D) in the case of an eligible entity described in paragraph (1)(B), a representative of the nonprofit organization of the eligible entity;

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

(6) the term 'State advisory group' means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a); and

(7) the term 'State entity' means the State agency designated under section 223(a)(1) or the entity receiving funds under section 223(d).

34 U.S.C. 11312 [Sec. 503.] Duties and functions of the Administrator

The Administrator shall--

- ~~(1) issue such rules as are necessary or appropriate to carry out this title;~~
- ~~(2) (1) make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention (including the preparation of an annual comprehensive plan for facilitating such coordination and policy development);~~
- ~~(3) (2) provide adequate staff and resources necessary to properly carry out this title; and~~
- ~~(4) (3) not later than 180 days after the end of each fiscal year, submit a report to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate--~~
 - (A) describing activities and accomplishments of grant activities funded under this title;
 - (B) describing procedures followed to disseminate grant activity products and research findings;
 - (C) describing activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and
 - (D) identifying successful approaches and making recommendations for future activities to be conducted under this title.

34 U.S.C. 11313 [Sec. 504.] Grants for delinquency prevention programs

~~(a) Purposes~~

~~The Administrator may make grants to a State, to be transmitted through the State advisory group to units of local government that meet the requirements of subsection (b), for delinquency prevention programs and activities for youth who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to children, youth, and families of--~~

- ~~(1) alcohol and substance abuse prevention services;~~
- ~~(2) tutoring and remedial education, especially in reading and mathematics; (3) child and adolescent health and mental health services;~~
- ~~(4) recreation services;~~
- ~~(5) leadership and youth development activities;~~
- ~~(6) the teaching that people are and should be held accountable for their actions;~~
- ~~(7) assistance in the development of job training skills; and~~
- ~~(8) other data-driven evidence based prevention programs.~~

~~(b) Eligibility~~

~~The requirements of this subsection are met with respect to a unit of general local government if--~~

- ~~(1) the unit is in compliance with the requirements of part B of title II;~~
- ~~(2) the unit has submitted to the State advisory group a minimum 3-year comprehensive plan outlining the unit's local front end plans for investment for delinquency prevention and early intervention activities;~~
- ~~(3) the unit has included in its application to the Administrator for formula grant funds a summary of the minimum 3-year comprehensive plan described in paragraph (2);~~
- ~~(4) pursuant to its minimum 3-year comprehensive plan, the unit has appointed a local policy board of not fewer than 15 and not more than 21 members, with balanced representation of public agencies and private nonprofit organizations serving juveniles, their families, and business and industry;~~
- ~~(5) the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk youth and their families, including such programs as nutrition, energy assistance, and housing;~~
- ~~(6) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this title; and~~
- ~~(7) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.~~

~~(c) Priority~~

~~In considering grant applications under this section, the Administrator shall give priority to applicants that demonstrate ability in--~~

- ~~(1) plans for service and agency coordination and collaboration including the collocation of services;~~
- ~~(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities;~~
- ~~(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention;~~
- ~~(4) coordinating and collaborating with programs established in local communities for delinquency prevention under part C of this subtitle; and~~
- ~~(5) developing data-driven prevention plans, employing evidence-based prevention strategies, and conducting program evaluations to determine impact and effectiveness.~~

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

(b) Program Authorized.—The Administrator shall—

- (1) for each fiscal year for which less than \$25,000,000 is appropriated under section 506, award grants to not fewer than 3 State entities, but not more than 5 State entities, that apply under subsection (c) and meet the requirements of subsection (d); or**

(2) for each fiscal year for which \$25,000,000 or more is appropriated under section 506, award grants to not fewer than 5 State entities that apply under subsection (c) and meet the requirements of subsection (d).

(c) State Application.—To be eligible to receive a grant under this section, a State entity shall submit an application to the Administrator that includes the following:

(1) An assurance the State entity will use—

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

(i) for the costs incurred by the State entity to carry out this section, except that not more than 3 percent of such grant may be used for such costs; and

(ii) to provide technical assistance to eligible entities receiving a subgrant under subsection (e) in carrying out delinquency prevention programs under the subgrant; and

(B) the remainder of such grant to award subgrants to eligible entities under subsection (e).

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

(3) An assurance the State entity will evaluate the capacity of eligible entities receiving a subgrant under subsection (e) to fulfill the requirements under such subsection.

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

(d) Approval Of State Applications.—In awarding grants under this section for a fiscal year, the Administrator may not award a grant to a State entity for a fiscal year unless—

(1)

(A) the State that will be served by the State entity submitted a plan under section 223 for such fiscal year; and

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

(2) after finding good cause for a waiver, the Administrator waives the plan required under subparagraph (A) for such State for such fiscal year.

(e) Subgrant Program.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—Each State entity receiving a grant under this section shall award subgrants to eligible entities in accordance with this subsection.

(B) PRIORITY.—In awarding subgrants under this subsection, the State shall give priority to eligible entities that demonstrate ability in—

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

- (ii) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities;
- (iii) developing data-driven prevention plans, employing evidence-based prevention strategies, and conducting program evaluations to determine impact and effectiveness;
- (iv) identifying under the plan submitted under paragraph (5) potential savings and efficiencies associated with successful implementation of such plan; and
- (v) describing how such savings and efficiencies may be used to carry out delinquency prevention programs and be reinvested in the continuing implementation of such programs after the end of the subgrant period.

(C) SUBGRANT PROGRAM PERIOD AND DIVERSITY OF PROJECTS.—

(i) PROGRAM PERIOD.—A subgrant awarded to an eligible entity by a State entity under this section shall be for a period of not more than 5 years, of which the eligible entity—

(I) may use not more than 18 months for completing the plan submitted by the eligible entity under paragraph (5); and

(II) shall use the remainder of the subgrant period, after planning period described in subclause (I), for the implementation of such plan.

(ii) DIVERSITY OF PROJECTS.—In awarding subgrants under this subsection, a State entity shall ensure, to the extent practicable and applicable, that such subgrants are distributed throughout different areas, including urban, suburban, and rural areas.

(2) LOCAL APPLICATION.—An eligible entity that desires a subgrant under this subsection shall submit an application to the State entity in the State of the eligible entity, at such time and in such manner as determined by the State entity, and that includes—

(A) a description of—

(i) the local policy board and local partners the eligible entity will engage in the development of the plan described in paragraph (5);

(ii) the unmet needs of at-risk or delinquent youth in the community;

(iii) available resources in the community to meet the unmet needs identified in the needs assessment described in paragraph (5)(A);

(iv) potential costs to the community if the unmet needs are not addressed;

(B) a specific time period for the planning and subsequent implementation of its continuum of local delinquency prevention programs;

(C) the steps the eligible entity will take to implement the plan under subparagraph (A); and

(D) a plan to continue the grant activity with non-Federal funds, if proven successful according to the performance evaluation process under paragraph (5)(D), after the grant period.

(3) MATCHING REQUIREMENT.—An eligible entity desiring a subgrant under this subsection shall agree to provide a 50 percent match of the amount of the subgrant that may include the value of in-kind contributions.

(4) SUBGRANT REVIEW.—

(A) REVIEW.—Not later than the end of the second year of a subgrant period for a subgrant awarded to an eligible entity under this subsection and before awarding the remaining amount of the subgrant to the eligible entity, the State entity shall—

(i) ensure that the eligible entity has completed the plan submitted under paragraph (2) and that the plan meets the requirements of such paragraph; and

(ii) verify that the eligible entity will begin the implementation of its plan upon receiving the next installment of its subgrant award.

(B) TERMINATION.—If the State entity finds through the review conducted under subparagraph (A) that the eligible entity has not met the requirements of clause (i) of such subparagraph, the State entity shall reallocate the amount remaining on the subgrant of the eligible entity to other eligible entities receiving a subgrant under this subsection or award the amount to an eligible entity during the next subgrant competition under this subsection.

(5) LOCAL USES OF FUNDS.—An eligible entity that receives a subgrant under this subsection shall use the funds to implement a plan to carry out delinquency prevention programs in the community served by the eligible entity in a coordinated manner with other delinquency prevention programs or entities serving such community, which includes—

(A) an analysis of the unmet needs of at-risk or delinquent youth in the community—

(i) which shall include—

(I) the available resources in the community to meet the unmet needs; and

(II) factors present in the community that may contribute to delinquency, such as homelessness, food insecurity, teen pregnancy, youth unemployment, family instability, lack of educational opportunity; and

(ii) may include an estimate—

(I) for the most recent year for which reliable data is available, the amount expended by the community and other entities for delinquency adjudication for juveniles and

- the incarceration of adult offenders for offenses committed in such community; and
- (II) of potential savings and efficiencies that may be achieved through the implementation of the plan;
- (B) a minimum 3-year comprehensive strategy to address the unmet needs and an estimate of the amount or percentage of non-Federal funds that are available to carry out the strategy;
- (C) a description of how delinquency prevention programs under the plan will be coordinated;
- (D) a description of the performance evaluation process of the delinquency prevention programs to be implemented under the plan, which shall include performance measures to assess efforts to address the unmet needs of youth in the community analyzed under subparagraph (A);
- (E) the evidence or promising evaluation on which such delinquency prevention programs are based; and
- (F) if such delinquency prevention programs are proven successful according to the performance evaluation process under subparagraph (D), a strategy to continue such programs after the subgrant period with non-Federal funds, including a description of how any estimated savings or efficiencies created by the implementation of the plan may be used to continue such programs.

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

- (a) In General.—The Administrator shall make grants under this section, on a competitive basis, to eligible Indian Tribes (or consortia of Indian Tribes) as described in subsection (b)—
 - (1) to support and enhance—
 - (A) tribal juvenile delinquency prevention services; and
 - (B) the ability of Indian Tribes to respond to, and care for, at-risk or delinquent youth upon release; and
 - (2) to encourage accountability of Indian tribal governments with respect to preventing juvenile delinquency, and responding to, and caring for, juvenile offenders.
- (b) Eligible Indian Tribes.—To be eligible to receive a grant under this section, an Indian Tribe or consortium of Indian Tribes shall submit to the Administrator an application in such form as the Administrator may require.
- (c) Considerations.—In providing grants under this section, the Administrator shall take into consideration, with respect to the Indian Tribe to be served, the—
 - (1) juvenile delinquency rates;
 - (2) school dropout rates; and
 - (3) number of youth at risk of delinquency.

(d) Availability Of Funds.—Of the amount available for a fiscal year to carry out this title, 11 percent shall be available to carry out this section.

~~{Sec. 505.}~~ [Sec. 506.] Authorization of appropriations

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

(a) Evaluation.—Not later than 2 years after the end of the 5th fiscal year for which funds are appropriated to carry out the Incentive Grants for Local Delinquency Prevention Programs Act of 2002, the Comptroller General of the United States shall conduct an evaluation of a sample of subgrantees selected by the Comptroller General in accordance with subsection (b)) that received funds under section 504(e) of such Act and shall submit a report of such evaluation to the Committee on the Judiciary of the United States Senate and the Committee on Education and the Workforce of the United States House of Representatives.

(b) Considerations For Evaluation.—For purposes of subsection (a), the Comptroller General shall—

- (1) ensure that the sample to be evaluated is made up of subgrantees in States that are diverse geographically and economically; and
- (2) include in such sample subgrantees that proposed different delinquency prevention programs.

(c) Recommendations And Findings.—In conducting the evaluation required by subsection (a), the Comptroller General shall take into consideration whether—

- (1) the delinquency prevention programs for which subgrantees received funds under section 504(e) of Incentive Grants for Local Delinquency Prevention Programs Act of 2002 achieved the outcomes and results anticipated by the particular State involved;
- (2) in the case of outcomes and results of delinquency prevention programs defined by the State or a local entity, unanticipated improved outcomes or results for juveniles occurred;
- (3) the number of subgrantees that continue after the expenditure of such funds to provide such delinquency prevention programs;
- (4) such delinquency prevention programs replaced existing or planned programs or activities in the State; and
- (5) the evidence-base information used to justify such delinquency prevention programs was used with fidelity by local entities in accordance with the approach used to find the evidence;

Title IV Miscellaneous Provisions

SEC. 401. EVALUATION BY GOVERNMENT ACCOUNTABILITY OFFICE.

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

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

- (2) conduct a comprehensive audit and evaluation of a selected, sample of grantees (as determined by the Comptroller General) that receive Federal funds under grant programs administered by the agency including a review of internal controls (as defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 ([34 U.S.C. 11103](#)), as amended by this Act) to prevent fraud, waste, and abuse of funds by grantees; and
- (3) submit a report in accordance with subsection (d).

(b) **Considerations For Evaluation.**—In conducting the analysis and evaluation under subsection (a)(1), and in order to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 ([34 U.S.C. 11101](#) et seq.), the Comptroller General shall take into consideration—

- (1) the outcome and results of the programs carried out by the agency and those programs administered through grants by the agency;
- (2) the extent to which the agency has complied with the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285);
- (3) the extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies;
- (4) the potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating those programs;
- (5) whether less restrictive or alternative methods exist to carry out the functions of the agency and whether current functions or operations are impeded or enhanced by existing statutes, rules, and procedures;
- (6) the number and types of beneficiaries or persons served by programs carried out by the agency;
- (7) the manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency;
- (8) the extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the Freedom of Information Act);
- (9) whether greater oversight is needed of programs developed with grants made by the agency; and
- (10) the extent to which changes are necessary in the authorizing statutes of the agency in order for the functions of the agency to be performed in a more efficient and effective manner.

(c) **Considerations For Audits.**—In conducting the audit and evaluation under subsection (a)(2), and in order to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 ([34 U.S.C. 11101](#) et seq.), the Comptroller General shall take into consideration—

- (1) whether grantees timely file Financial Status Reports;
- (2) whether grantees have sufficient internal controls to ensure adequate oversight of grant fund received;
- (3) whether disbursements were accompanied with adequate supporting documentation (including invoices and receipts);
- (4) whether expenditures were authorized;

- (5) whether subrecipients of grant funds were complying with program requirements;
- (6) whether salaries and fringe benefits of personnel were adequately supported by documentation;
- (7) whether contracts were bid in accordance with program guidelines; and
- (8) whether grant funds were spent in accordance with program goals and guidelines.

(d) Report.—

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

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

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

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

TITLE VI—AUTHORIZATION OF APPROPRIATIONS; ACCOUNTABILITY AND OVERSIGHT

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, except for titles III and IV, \$176,000,000 for each of fiscal years 2019 through 2023, of which not more than \$96,053,401 shall be used to carry out title V for each such fiscal year.

SEC. 602. ACCOUNTABILITY AND OVERSIGHT.

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

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

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

(b) Accountability.—

(1) AGENCY PROGRAM REVIEW.—

(A) PROGRAMMATIC AND FINANCIAL ASSESSMENT.—

(i) IN GENERAL.—Not later than 60 days after the date of enactment of the Juvenile Justice Reform Act of 2018, the Director of the Office of Audit, Assessment, and Management of the Office

of Justice Programs at the Department of Justice (referred to in this section as the 'Director') shall—

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

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

(bb) unauthorized expenditures occurred; and

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

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

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

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

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

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

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

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

(I) whether grantees timely file Financial Status Reports;

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

- (III) whether grantees' assertions of compliance with the core requirements were accompanied with adequate supporting documentation;
- (IV) whether expenditures were authorized;
- (V) whether subrecipients of grant funds were complying with program requirements; and
- (VI) whether grant funds were spent in accordance with the program goals and guidelines.

(iv) REPORT.—The Director shall—

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

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

(B) ANALYSIS OF INTERNAL CONTROLS.—

(i) IN GENERAL.—Not later than 30 days after the date of enactment of the Juvenile Justice Reform Act of 2018, the Administrator shall initiate a comprehensive analysis and evaluation of the internal controls of the agency to determine whether, and to what extent, States and Indian Tribes that receive grants under titles II and V are following the requirements of the grant programs authorized under titles II and V.

(ii) REPORT.—Not later than 180 days after the date of enactment of the Juvenile Justice Reform Act of 2018, the Administrator shall submit to Congress a report containing—

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

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

(III) a description of—

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

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

(cc) the extent to which funds awarded to States and Indian Tribes under titles II and V enhanced

the ability of grantees to fulfill the core requirements.

(C) REPORT BY THE ATTORNEY GENERAL.—Not later than 180 days after the date of enactment of the Juvenile Justice Reform Act of 2018, the Attorney General shall submit to the appropriate committees of the Congress a report on the estimated amount of formula grant funds disbursed by the agency since fiscal year 2010 that did not meet the requirements for awards of formula grants to States under title II.

(2) OFFICE OF INSPECTOR GENERAL PERFORMANCE AUDITS.—

(A) IN GENERAL.—In order to ensure the effective and appropriate use of grants administered under this Act (excluding title IV) and to prevent waste, fraud, and abuse of funds by grantees, the Inspector General of the Department of Justice shall annually conduct audits of grantees that receive funds under this Act.

(B) ASSESSMENT.—Not later than 1 year after the date of enactment of the Juvenile Justice Reform Act of 2018 and annually thereafter, the Inspector General shall conduct a risk assessment to determine the appropriate number of grantees to be audited under subparagraph (A) in the year involved.

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

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

(E) PRIORITY.—In awarding grants under this Act (excluding title IV), the Administrator shall give priority to a State or Indian Tribe that did not have an unresolved audit finding during the 3 fiscal years prior to the date on which the State or Indian Tribe submits an application for a grant under this Act.

(F) REIMBURSEMENT.—If a State or an Indian Tribe is awarded a grant under this Act (excluding title IV) during the 2-fiscal-year period in which the recipient is barred from receiving grants under subparagraph (D), the Attorney General shall—

- (i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the general fund of the Treasury; and
- (ii) seek to recoup the costs of the repayment to the general fund under clause (i) from the grantee that was erroneously awarded grant funds.

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

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

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

(3) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this paragraph and the grant programs described in this Act (excluding title IV), the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Administrator may not award a grant under any grant program described in this Act (excluding title IV) to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—

(i) IN GENERAL.—Each nonprofit organization that is awarded a grant under a grant program described in this Act (excluding title IV) and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Administrator, in the application for the grant, the process for determining such compensation, including—

(I) the independent persons involved in reviewing and approving such compensation;

(II) the comparability data used; and

(III) contemporaneous substantiation of the deliberation and decision.

(ii) PUBLIC INSPECTION UPON REQUEST.—Upon request, the Administrator shall make the information disclosed under clause (i) available for public inspection.

(4) CONFERENCE EXPENDITURES.—

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

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

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

(5) PROHIBITION ON LOBBYING ACTIVITY.—

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

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

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

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

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

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

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

(6) ANNUAL CERTIFICATION.—Beginning in the 1st fiscal year that begins after the effective date of this section, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate, and the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives, an annual certification that—

(A) all audits issued by the Inspector General of the Department of Justice under paragraph (2) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

(B) all mandatory exclusions required under paragraph (2)(D) have been issued;

(C) all reimbursements required under paragraph (2)(F)(i) have been made; and

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

(c) Preventing Duplicative Grants.—

(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this Act, the Attorney General shall compare potential grant awards with

other grants awarded under this Act to determine if duplicate grant awards are awarded for the same purpose.

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

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

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

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