

**SUMMARY**  
**GRASSLEY-WHITEHOUSE SUBSTITUTE AMENDMENT TO S. 1169**  
**July 23, 2015**

**Section 1. Short Title.** Cites the short title of the Act as the “Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015.”

**Sec. 2. Table of Contents.** Provides the table of contents for the Act.

**TITLE I—Declaration of Purpose and Definitions**

**Sec. 101. Purposes.** As introduced, S. 1169 updates the purposes of the original Juvenile Justice and Delinquency Prevention Act (JJDP) by adding two new purpose areas to that existing law:

- To assist state and local governments in addressing juvenile crime through technical assistance, research, training, evaluation, and the dissemination of information on effective and evidence-based programs for combating juvenile delinquency; and
- To support a continuum of evidence-based or promising programs that are trauma-informed, reflect the science of adolescent development, and meet the needs of youth who are at-risk or have contact with the justice system.

The substitute amends the latter purpose area based on input from the National Criminal Justice Association and Boys Town.

**Sec. 102. Definitions.** S. 1169, as introduced, defines various terms used in the JJDP, including “Indian tribe,” “jail or lockup or adults,” “sight or sound contact,” “adult inmate,” “core requirements,” “chemical agent,” “restraints,” “evidence-based,” “promising,” “dangerous practice,” “screening,” “assessment,” “contact,” “trauma-informed,” “racial and ethnic disparity,” “status offender,” “rural.” The substitute tightens several, including “jail or adult lockup” and “isolation,” and adds at least one new one (“internal controls”), based on feedback from juvenile justice experts and CRS.

**TITLE II—Juvenile Justice and Delinquency Prevention**

**Sec. 201. Concentration of Federal Efforts.** S. 1169 clarifies that the OJJDP Administrator must annually issue a plan for coordinating federal juvenile justice, and it adds a new requirement that the OJJDP Administrator must develop a long-term juvenile justice plan reflecting the latest scientific knowledge about adolescent development.

**Sec. 202. Coordinating Council on Juvenile Justice and Delinquency Prevention.** S. 1169 calls for professionals from certain fields to serve as additional members of this panel. It also incorporates accountability language, previously championed by Senator Grassley in 2008, requiring an annual report to Congress on the Council’s activities and recommendations.

**Sec. 203. Annual Report.** S. 1169 calls for OJJDP to do an analysis of its own internal controls to determine whether grantees are following grant program requirements. The bill also updates reporting requirements in existing law, which call for the OJJDP Administrator to annually report on confinement conditions (use of isolation and restraints), number of status offenses, number of pregnant juveniles held in secure facilities, number of juveniles whose offenses originated at school or during school-sponsored activities. The substitute

further updates reporting requirements, e.g., by calling for data collection on pregnant juveniles, living arrangements for juveniles after their release from custody and acts of delinquency originating at school events.

**Sec. 204. Allocation of Funds.** S. 1169 clarifies that funds should be allocated to States based on the most recently available census data. The substitute retains this language, clarifying that the source of such data is the Bureau of the Census. The substitute also tightens language in S. 1169 to prevent noncompliant states from avoiding a financial penalty for violating the JJDPA's core requirements.

**Sec. 205. State Plans.** Much of the conditions on state funding are contained in this section of S. 1169. For example, S. 1169 updates the kinds of information that State grantees must incorporate in their State plans as a condition of receiving grant funds under the JJDPA. It requires each State to post its plan online within 30 days of its approval by OJJDP. It also calls for greater use of evidence-based and promising practices, among other requirements. S. 1169 also changes the composition of State advisory groups, calling for inclusion of additional individuals with certain expertise. The substitute clarifies that certain experts (e.g., victim advocates with understanding of challenges facing victims of sexual abuse or trauma) must serve on this advisory group, and it specifies that youth who are appointed to this panel must not be older than 28 years when appointed.

S. 1169 also requires, as requested by human trafficking advocates and others, that States receiving grants seek alternatives to detention for girls who have been trafficked, juveniles who have experienced trauma or abuse, and juveniles with substance abuse and mental health disorders. It phases out the "valid court order" exception, requiring States to find alternatives to detention for juveniles who commit "status offenses"--i.e., offenses, such as running away, truancy, curfew violations, or underage tobacco use--which are only offenses if committed by a juvenile and would never result in an adult's being jailed. It also calls for States to develop a plan to reduce the use of detention for children as well as encourage family involvement. It requires a reentry plan for juveniles who are transitioning out of confinement, and it calls for better screening procedures to identify human trafficking victims. It requires that the OJJDP Administrator affirmatively certify to a state's compliance or noncompliance with JJDPA core requirements. It also encourages use of funds to promote evidence-based and trauma-informed practices. The substitute further refines the above requirements in S. 1169, e.g., by requiring that states develop detailed reentry plans for juveniles and by requiring screening to promote the identification of potential human trafficking victims.

**Sec. 206. Reallocation of Grant Funds.** Under S. 1169, as under existing law, a State violating any of the JJDPA's "core requirements" will lose 20% of its JJDPA Title II formula grant for each core requirement violation (up to a maximum of 80%, if all four core requirements are violated). The substitute reinforces this requirement, specifying that half of the penalty money must be returned to the grant program for compliant states, while the other half must be used by OJJDP to offer training and technical assistance to all states. The substitute, like existing law, also provides that States violating a core requirement are subject to the loss of all future JJDPA funding if they do not come back into compliance with the core requirements.

**Sec. 207. Authority to Make Grants.** Amends OJJDP Administrator's grant making authority to add truancy prevention and truancy reduction to list of age-appropriate after-school activities.

**Sec. 208. Eligibility of States.** Increases share of grant (from 5% to 10%) that states can use for implementation and technical assistance.

**Sec. 209. Grants to Indian Tribes.** Eliminates requirement that plans by applicant Indian tribes provide evidence that such tribes perform law enforcement function.

**Sec. 210. Research and Evaluation; Statistical Analyses; Information Dissemination.** Requires OJJDP Administrator to do planning, conduct research on certain disorders, and include training efforts and reforms in the research. Calls for issuance of report describing best practices in discharge planning and an assessment of living conditions for juveniles who cannot return to their homes after release from confinement. Also requires development of National Recidivism Measure. Requires OJJDP Administrator to establish uniform data collection method to evaluate data relating to certain juveniles, and to make such data publicly available. Substitute retains these requirements and makes additional changes, e.g., it calls for states to describe efforts to reduce recidivism among nonviolent youth, improve screening of child trafficking victims, and identify positive outcome measures.

**Sec. 211. Training and Technical Assistance.** Requires OJJDP Administrator to coordinate training and technical assistance programs with local and state juvenile detention and correctional administrators, to promote promising and evidence-based ways to improve juvenile confinement conditions. Substitute clarifies what such training should cover to promote states' compliance with the core requirements.

**Sec. 212. Administrative Authority.** S. 1169 strikes term "requirements" in certain paragraphs of the JJDP A and replaces it with "core requirements." Substitute amends JJDP A language relating to guidance and procedures.

### **TITLE III—Incentive Grants for Local Delinquency Prevention Programs**

**Sec. 301. Definitions.** S. 1169 adds "mentoring" definition, while substitute further clarifies that definition.

**Sec. 302. Grants for Delinquency Prevention Programs.** S. 1169 adds mentoring as allowable use of JJDP A Title V delinquency prevention programs. The substitute further clarifies that not only mentoring but also parent training and support or in-home family services are eligible uses of grant funds.

**Sec. 303. Technical and Conforming Amendments.** Makes a technical and conforming amendment.

### **TITLE IV—Miscellaneous Provisions**

**Sec. 401. Evaluation by Government Accountability Office.** Substitute requires Comptroller General to evaluate OJJDP's performance and audit grantees that get funds under programs administered by OJJDP.

**Sec. 402. Authorization of Appropriations.** S. 1169 provides \$159 million for FY15 to carry out the bill, with a 2 percent increase each fiscal year for the five year authorization period. Also provides that no more than 20 percent of amounts authorized for appropriation under this Act can be used for mentoring. Substitute provides \$160 million, based on more recent appropriations statute.

**Sec. 403. Accountability and Oversight.** S. 1169 incorporates accountability measures to which JJDP A grantees are subject; encourages the Attorney General (AG) to issue regulations within 90 days after enactment;

limits conference expenditures by grantees; and restricts use of juvenile justice funds for a lobbying purpose, among other requirements. Substitute retains these requirements, but replaces language requiring OIG to audit *all* State grantees with language requiring the OIG to audit some grantees. Substitute also tasks auditing the Government Accountability Office (GAO) as well as the auditing office within DOJ's Office of Justice Programs with auditing responsibilities. Finally, substitute requires reassessment of OJJDP's internal controls, and it calls for AG to report on amount of funds wrongly awarded to States that have violated JJDP core requirements since 2010.

## **TITLE V—Juvenile Accountability Block Grants**

**Sec. 501. Grant Eligibility.** Reauthorizes the Juvenile Accountability Block Grant (a/k/a JABG) program and conditions state eligibility for those funds on compliance with JJDP core requirements.