

JJDPa DEFINITIONS (H.R 6964)

A **Status Offender** is defined as a juvenile who has been charged with, or adjudicated for, conduct that would not be criminal if committed by an adult. Status offenders shall not be placed in secure detention. Status Offenses include: runaways, curfew violations, truancy, incorrigibility, or possession of tobacco. A status offender picked up on a warrant, FTA, or FTP where the original offense is a status offense remains a status offender.

A **Non-offender** is a juvenile that is not charged with any offense, and who is an "alien" or is alleged to be dependent, neglected, or abused. A Non-offender can never be detained or confined in a law enforcement facility.

Status Offenders and Non-offenders shall never be placed in a secure holding setting, such as a holding cell, in a room with a locked door (even if the door isn't locked), cuffed to or sitting on a cuffing bench, or inside a secure exterior perimeter, unless it for booking (see booking exception below).

A **Delinquent** is a juvenile who has been charged with, or adjudicated for, any conduct that would be criminal if committed by an adult.

Delinquents may be held up to 6 hours, which starts the minute that the juvenile enters a secure setting. If the juvenile is temporarily removed from the secure setting, but then is placed back in the secure setting, the 6 hour clock does not stop for the time that they were in a non-secure setting.

When a delinquent is taken out of a secure setting to be taken to court, the 6 hour clock continues. The 6 hour clock includes the time in court, but does NOT include the transport time.

Detained or Confined means to hold, keep, or restrain a person such that he is not free to leave, except that a juvenile held by law enforcement solely for the purpose of returning him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency is not detained or confined within the meaning of this definition. Transfers to court or secure juvenile detention centers are NOT included in the exception.

Status offenders being held by law enforcement for the sole purpose of returning him to his parents or guardians, or pending a transfer to the custody of a child welfare or social service agency should not be entered on the Secure Juvenile Holding Log. These juveniles should not be held in a secure room or cell, but they can be monitored by a staff authority in a non-secure area to ensure that they don't leave.

JJDPA CORE REQUIREMENTS FOR MONITORING

Secure Law Enforcement agencies are monitored for all 3 requirements (DSO may or may not apply depending on if it meets the definition of a residential facility).

1. Deinstitutionalization of Status Offenders (DSO) - Under the JJDPA, status offenders may not be held in secure detention or confinement. DSO violations can only occur in residential facilities which are defined as an area used to confine individuals overnight and which has beds, showers, and toilets (typically a secure juvenile detention center). Status offenders that are being held non-securely until a parent or guardian can pick them up, or for transport, are excluded from JJDPA Core Requirements. The Act and federal regulations establish limited exceptions to this requirement, including a provision that allows accused status offenders to be securely held in juvenile facilities for up to 24 hours prior to and following an initial court appearance, and one that permits juveniles who commit a violation of a valid court order (VCO) to be detained in a juvenile facility.

Placed or placement has occurred when an accused status offender is detained and confined in a secure correctional facility for juveniles or a secure detention facility for juveniles:

For 24 hours (excluding weekends and holidays) or more before an initial court appearance.

For 24 hours (excluding weekends and holidays) or more following an initial court appearance.

For 24 hours (excluding weekends and holidays) or more for investigative purposes.

In other words, OJJDP regulations allow a facility to hold an accused status offender in a secure juvenile detention facility for up to 24 hours exclusive of weekends and legal holidays, immediately prior to or following an initial court appearance. If a status offender is held beyond 24 hours, this would constitute a DSO violation.

Booking exception - Law enforcement may complete the process of a status offender in a secure area only if,

- 1) there is no unsecured booking area available,
- 2) the juvenile is under continuous law enforcement visual supervision,
- 3) there are no adult offenders present, and
- 4) the juvenile is immediately removed from the secure booking area to a non-secure area for questioning or further processing.

If these conditions are not met, the juvenile is considered to be in a "secure setting" and it is a violation of DSO and Jail Removal.

2. Sight and Sound Separation - Juveniles must be kept sight and sound separated from adult inmates (including trustees) at all times. Sight contact is clear visual contact between adult inmates and juveniles within close proximity to each other. Sound contact is direct oral communication between adult inmates and juvenile offenders.

Adult Inmate means an individual who,

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

3. **Jail Removal** -provides that no juvenile shall be detained or confined in any jail or lockup for adults. The Jail Removal requirement has limited statutory exceptions:

Six Hour Holding Exception. The JJDPA allows for those juveniles accused of committing delinquent offenses to be detained in an adult jail or lockup for up to a TOTAL of 6 hours, for the purposes of processing, release, awaiting transfer, or in conjunction with a court appearance. The 6 hour clock only applies to time spent at the jail and/or lockup; it doesn't count the time at court or during transport.

The jail removal requirement does not apply to youth who have been transferred to adult criminal court and charged with or convicted of a felony.

FACILITY CLASSIFICATIONS AND INFORMATION

Adult Jail or Police Lock-up: is a locked (secure) facility that is used by a State, unit of 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 or violating a criminal law.

Facility: A place, an institution, a building (or part thereof), set of buildings, or an area whether or not enclosing a building or set of buildings, which is used for the lawful custody and treatment of juveniles and may be owned and /or operate by public and private agencies.

Institution: is a secure facility that is used by law enforcement or a juvenile or criminal justice authority to detain or confine juveniles or adult inmates:

- 1) accused of having committed a delinquent or criminal offense,
- 2) awaiting adjudication or trial for the delinquent or criminal offense, or
- 3) found to have committed a delinquent or criminal offense.

A secure facility must include construction features designed to physically restrict the movements and activities of persons in custody, such as locked rooms, cells, cuffing benches/rings, or an outdoor perimeter fence.

Colorado Only - Secure, Non-holding Facility: has secure holding for Adults ONLY, and juveniles are never held in the secure part of this facility (ex. An adult jail). These facilities are still officially classified

as secure facilities for Federal reporting purposes. In order for a facility to be considered as Secure, Non-holding, a facility must meet the following three requirements:

1. have a written policy that specifically states that it DOES NOT hold juveniles in the identified secure part of the facility,
2. provide a description and diagram of where juveniles will be processed and seated in the facility, and,
3. submit a Secure, Non-holding Certification Form annually confirming that the facility's structure or layout has not changed, AND that in the prior program year NO juveniles had been held in the secure area of the facility.

A facility could have both secure holding areas for juveniles and non-secure areas. In these situations where a juvenile is taken to secure facility but not taken to the secure juvenile holding area, these juveniles would NOT be entered on the secure juvenile holding log. These facilities must identify to DCJ where their non-secure areas are in their facility so that it is noted in their facility file.

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.

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.

Residential Facility: is defined as an area used to confine individuals overnight, and may include sleeping, shower, and toilet, and a day room area. It must be open 24 hours.

Court Holding Facility: means a secure facility that is located near or in the same building as the Courthouse, and it:

1. must be used only for the individual appearing in court,
2. cannot be used as an overflow or as a secure juvenile holding area for the jail or police lockup,
3. may not be used for punishment,
4. is only operational during court hours, and
5. are strictly sight and sound separated from incarcerated adults or adult inmates.

A **Staff-secure Facility** is where the physical restriction of movement or activity is provided solely through facility staff. These facilities are considered to be non-secure.

A **Non-secure Facility** has no capability to hold anyone securely (there are no cells, locked rooms, cuffing benches, or secure perimeter fences). A Sheriff's office or Police Dept that that is non-secure is classified as a "non-secure" facility and not as an "Adult Jail or Lock-up".

(NEW) SECTION 205, State Plans:

(E) in paragraph (7)—.....

“(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;”;

TITLE I, SEC. 102. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 ([34 U.S.C. 11103](#)) is amended—

(1) in paragraph (8)—

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

(B) by striking subparagraph (C); and

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

(2) in paragraph (18)—

(A) by inserting “for purposes of title II,” before “the term”; and

(B) by adding at the end the following:

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

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

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

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

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

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

“(26) the term ‘adult inmate’—

“(A) means an individual who—

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

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

“(B) does not include an individual who—

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

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

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

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

(8) by adding at the end the following:

“(30) the term ‘core requirements’—

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

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

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

“(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;”.

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

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

(K) in paragraph (14)—

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

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

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

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

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

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

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

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

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

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

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

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

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

“(B) identifying and analyzing data on race and ethnicity at 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);”;

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

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

(R) in paragraph (23)—

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

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

(iii) in subparagraph (C)—

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

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

(III) by adding at the end the following:

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

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

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

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

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

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

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

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

(iv) by adding at the end the following:

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

(S) in paragraph (26)—

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

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

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

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

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

(U) by adding at the end the following:

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

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

“(30) describe—

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

“(i) request a screening;

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

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

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

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

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

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

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

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

“(B) review processes;

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

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

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

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

“(33) describe policies and procedures to—

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

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

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

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

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

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

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

“(ii) the Administrator determines that the State—

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

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

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

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

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

(3) in subsection (d)—

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

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

(4) in subsection (f)(2)—

(A) by striking subparagraph (A); and

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

(5) by adding at the end the following:

“(g) COMPLIANCE DETERMINATION.—

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

“(2) REPORTING.—The Administrator shall—

“(A) issue an annual public report—

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

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

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

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

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

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