

Calendar No. 210

105TH CONGRESS
1ST Session

S. 10

[Report No. 105-108]

A BILL

To reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

OCTOBER 9, 1997

Reported with an amendment

Calendar No. 210105TH CONGRESS
1ST SESSION**S. 10****[Report No. 105-108]**

To reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. HATCH (for himself, Mr. SESSIONS, Mr. ASHCROFT, Mr. DOMENICI, Mr. LOTT, Mr. ABRAHAM, Mr. BOND, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. ENZI, Mr. FAIRCLOTH, Mr. GORTON, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mr. KYL, Mr. MURKOWSKI, Mr. ROBERTS, Mr. SMITH of New Hampshire, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, Mr. MACK, Mr. BURNS, and Mr. McCONNELL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

OCTOBER 9, 1997

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Violent and Repeat Juvenile Offender Act of 1997”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Severability.

TITLE I—JUVENILE JUSTICE REFORM

- Sec. 101. Repeal of general provision.
- Sec. 102. Treatment of Federal juvenile offenders.
- Sec. 103. Capital cases.
- Sec. 104. Definitions.
- Sec. 105. Notification after arrest.
- Sec. 106. Detention prior to disposition.
- Sec. 107. Speedy trial.
- Sec. 108. Dispositional hearings.
- Sec. 109. Use of juvenile records.
- Sec. 110. Incarceration of violent offenders.
- Sec. 111. Federal sentencing guidelines.

TITLE II—JUVENILE GANGS

- Sec. 201. Short title.
- Sec. 202. Increase in offense level for participation in crime as a gang member.
- Sec. 203. Amendment of title 18 with respect to criminal street gangs.
- Sec. 204. Interstate and foreign travel or transportation in aid of criminal street gangs.
- Sec. 205. Solicitation or recruitment of persons in criminal gang activity.
- Sec. 206. Crimes involving the recruitment of persons to participate in criminal street gangs and firearms offenses as RICO predicates.
- Sec. 207. Prohibitions relating to firearms.
- Sec. 208. Amendment of sentencing guidelines with respect to body armor.
- Sec. 209. Additional prosecutors.

TITLE III—JUVENILE CRIME CONTROL AND ACCOUNTABILITY

- Sec. 301. Findings; declaration of purpose; definitions.
- Sec. 302. Youth Crime Control and Accountability Block Grants.
- Sec. 303. Runaway and homeless youth.
- Sec. 304. Authorization of appropriations.
- Sec. 305. Repeal.
- Sec. 306. Transfer of functions and savings provisions.
- Sec. 307. Repeal of unnecessary and duplicative programs.
- Sec. 308. Civil monetary penalty surcharge.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) **FINDINGS.**—Congress finds that—

1 (1) at the outset of the twentieth century, the
2 States adopted 2 separate juvenile justice systems
3 for violent and nonviolent offenders;

4 (2) violent crimes committed by juveniles, such
5 as homicide, rape, and robbery, were an unknown
6 phenomenon at that time, but the rate at which ju-
7 veniles commit such crimes has escalated astronomi-
8 cally since that time;

9 (3) in 1994—

10 (A) the number of persons arrested overall
11 for murder in the United States decreased by
12 5.8 percent, but the number of persons who are
13 less than 15 years of age arrested for murder
14 increased by 4 percent; and

15 (B) the number of persons arrested for all
16 violent crimes increased by 1.3 percent, but the
17 number of persons who are less than 15 years
18 of age arrested for violent crimes increased by
19 9.2 percent, and the number of persons less
20 than 18 years of age arrested for such crimes
21 increased by 6.5 percent;

22 (4) from 1985 to 1996, the number of persons
23 arrested for all violent crimes increased by 52.3 per-
24 cent, but the number of persons under age 18 ar-
25 rested for violent crimes rose by 75 percent;

1 (5) the number of juvenile offenders is expected
2 to undergo a massive increase during the first 2 dec-
3 ades of the twenty-first century, culminating in an
4 unprecedented number of violent offenders who are
5 less than 18 years of age;

6 (6) the rehabilitative model of sentencing for ju-
7 veniles, which Congress rejected for adult offenders
8 when Congress enacted the Sentencing Reform Act
9 of 1984, is inadequate and inappropriate for dealing
10 with violent and repeat juvenile offenders;

11 (7) the Federal Government should encourage
12 the States to experiment with progressive solutions
13 to the escalating problem of juveniles who commit
14 violent crimes and who are repeat offenders, includ-
15 ing prosecuting all such offenders as adults, but
16 should not impose specific strategies or programs on
17 the States;

18 (8) an effective strategy for reducing violent ju-
19 venile crime requires greater collection of investiga-
20 tive data and other information, such as fingerprints
21 and DNA evidence, as well as greater sharing of
22 such information among Federal, State, and local
23 agencies, including the courts, in the law enforce-
24 ment and educational systems;

1 (9) data regarding violent juvenile offenders
2 must be made available to the adult criminal justice
3 system if recidivism by criminals is to be addressed
4 adequately;

5 (10) holding juvenile proceedings in secret de-
6 nies victims of crime the opportunity to attend and
7 be heard at such proceedings, helps juvenile offend-
8 ers to avoid accountability for their actions, and
9 shields juvenile proceedings from public scrutiny and
10 accountability;

11 (11) the injuries and losses suffered by the vie-
12 tims of violent crime are no less painful or devastat-
13 ing because the offender is a juvenile; and

14 (12) the investigation, prosecution, adjudica-
15 tion, and punishment of criminal offenses committed
16 by juveniles is, and should remain, primarily the re-
17 sponsibility of the States, to be carried out without
18 interference from the Federal Government.

19 (b) PURPOSES.—The purposes of this Act are—

20 (1) to reform juvenile law so that the para-
21 mount concerns of the juvenile justice system are
22 providing for the safety of the public and holding ju-
23 venile wrongdoers accountable for their actions,
24 while providing the wrongdoer a genuine opportunity
25 for self-reform;

1 (2) to revise the procedures in Federal court
2 that are applicable to the prosecution of juvenile of-
3 fenders;

4 (3) to address specifically the problem of violent
5 crime and controlled substance offenses committed
6 by youth gangs; and

7 (4) to encourage and promote, consistent with
8 the ideals of federalism, adoption of policies by the
9 States to ensure that the victims of crimes of vio-
10 lence committed by juveniles receive the same level
11 of justice as do victims of violent crimes that are
12 committed by adults.

13 **SEC. 3. SEVERABILITY.**

14 If any provision of this Act, an amendment made by
15 this Act, or the application of such provision or amend-
16 ment to any person or circumstance is held to be unconsti-
17 tutional, the remainder of this Act, the amendments made
18 by this Act, and the application of the provisions of such
19 to any person or circumstance shall not be affected there-
20 by.

21 **TITLE I—JUVENILE JUSTICE**
22 **REFORM**

23 **SEC. 101. REPEAL OF GENERAL PROVISION.**

24 (a) **IN GENERAL.**—Chapter 401 of title 18, United
25 States Code, is amended—

1 (1) by striking section 5001; and

2 (2) by redesignating section 5003 as section
3 5001.

4 (b) TECHNICAL AMENDMENTS.—The chapter analy-
5 sis for chapter 401 of title 18, United States Code, is
6 amended—

7 (1) by striking the item relating to section
8 5001; and

9 (2) by redesignating the item relating to section
10 5003 as 5001.

11 **SEC. 102. TREATMENT OF FEDERAL JUVENILE OFFENDERS.**

12 (a) IN GENERAL.—Section 5032 of title 18, United
13 States Code, is amended to read as follows:

14 **“§ 5032. Delinquency proceedings in district courts;**
15 **juveniles tried as adults; transfer for**
16 **other criminal prosecution**

17 “(a) IN GENERAL.—A juvenile who is not less than
18 14 years of age and who is alleged to have committed an
19 act that, if committed by an adult, would be a criminal
20 offense, shall be tried in the appropriate district court of
21 the United States—

22 “(1) as an adult at the discretion of the United
23 States Attorney in the appropriate jurisdiction, upon
24 a finding by that United States Attorney, which
25 finding shall not be subject to review in or by any

1 court, trial or appellate, that there is a substantial
 2 Federal interest in the case or the offense to war-
 3 rant the exercise of Federal jurisdiction, if the juve-
 4 nile is charged with a Federal offense that—

5 “(A) is a crime of violence (as that term
 6 is defined in section 16); or

7 “(B) involves a controlled substance (as
 8 that term is defined in section 102 of the Con-
 9 trolled Substances Act (21 U.S.C. 802)) for
 10 which the penalty is a term of imprisonment of
 11 not less than 5 years; and

12 “(2) in all other cases, as a juvenile.

13 “(b) REFERRAL BY UNITED STATES ATTORNEY.—

14 “(1) IN GENERAL.—If the United States Attor-
 15 ney in the appropriate jurisdiction declines prosecu-
 16 tion of a charged offense under subsection (a)(2),
 17 the United States Attorney may refer the matter to
 18 the appropriate legal authorities of the State or In-
 19 dian tribe.

20 “(2) DEFINITIONS.—In this section—

21 “(A) the term ‘State’ includes a State of
 22 the United States, the District of Columbia,
 23 and any commonwealth, territory, or possession
 24 of the United States; and

1 “(B) the term ‘Indian tribe’ has the same
2 meaning as in section 4(e) of the Indian Self-
3 Determination and Education Assistance Act.

4 “(e) APPLICABLE PROCEDURES.—Any action pros-
5 ecuted in a district court of the United States under this
6 section—

7 “(1) shall proceed in the same manner as is re-
8 quired by this title and by the Federal Rules of
9 Criminal Procedure in proceedings against an adult
10 in the case of a juvenile who is being tried as an
11 adult in accordance with subsection (a); and

12 “(2) in all other cases, shall proceed in accord-
13 ance with this chapter, unless the juvenile has re-
14 quested in writing, upon advice of counsel, to be pro-
15 ceeded against as an adult.

16 “(d) CAPITAL CASES.—Subject to section 3591, if a
17 juvenile is tried and sentenced as an adult, the juvenile
18 shall be subject to being sentenced to death on the same
19 terms and in accordance with the same procedures as an
20 adult.

21 “(e) APPLICATION OF LAWS.—In any case in which
22 a juvenile is prosecuted in a district court of the United
23 States as an adult, the juvenile shall be subject to the
24 same laws, rules, and proceedings regarding sentencing
25 that would be applicable in the case of an adult. No juve-

1 nile sentenced to a term of imprisonment shall be released
2 from custody simply because the juvenile reaches the age
3 of 18 years.

4 “(f) OPEN PROCEEDINGS.—

5 “(1) IN GENERAL.—Any offense tried in a dis-
6 trict court of the United States pursuant to this sec-
7 tion shall be open to the general public, in accord-
8 ance with rules 10, 26, 31(a), and 53 of the Federal
9 Rules of Criminal Procedure, unless good cause is
10 established by the moving party or is otherwise
11 found by the court, for closure.

12 “(2) STATUS ALONE INSUFFICIENT.—The sta-
13 tus of the defendant as a juvenile, absent other fac-
14 tors, shall not constitute good cause for purposes of
15 this subsection.

16 “(g) AVAILABILITY OF RECORDS.—

17 “(1) IN GENERAL.—In making a determination
18 concerning the prosecution of a juvenile in a district
19 court of the United States under this section, sub-
20 ject to the requirements of section 5038, the United
21 States Attorney of the appropriate jurisdiction shall
22 have complete access to the prior Federal juvenile
23 records of the subject juvenile, and to the extent
24 permitted by State law, the prior State juvenile
25 records of the subject juvenile.

1 “(2) CONSIDERATION OF ENTIRE RECORD.—In
2 any case in which a juvenile is found guilty in an ac-
3 tion pursuant to this section, the district court re-
4 sponsible for imposing sentence shall have complete
5 access to the prior juvenile records of the subject ju-
6 venile, and, to the extent permitted under State law,
7 the prior State juvenile records of the subject juve-
8 nile. At sentencing, the district court shall consider
9 the entire available prior juvenile record of the sub-
10 ject juvenile.

11 “(3) RELEASE OF RECORDS.—The United
12 States Attorney may release such Federal records,
13 and, to the extent permitted by State law, such
14 State records, to law enforcement authorities of any
15 jurisdiction and to officials of any school, school dis-
16 trict, or postsecondary school at which the individual
17 who is the subject of the juvenile record is enrolled
18 or seeks, intends, or is instructed to enroll, if such
19 school officials are held liable to the same standards
20 and penalties to which law enforcement and juvenile
21 justice system employees are held liable under Fed-
22 eral and State law, for the handling and disclosure
23 of such information.”.

24 “(b) TECHNICAL AMENDMENT.—The chapter analysis
25 for chapter 403 of title 18, United States Code, is amend-

1 ed by striking the item relating to section 5032 and insert-
 2 ing the following:

“5032. Delinquency proceedings in district courts; juveniles tried as adults;
 transfer for other criminal prosecution.”.

3 **SEC. 103. CAPITAL CASES.**

4 Section 3591 of title 18, United States Code, is
 5 amended by striking “18 years” each place that term ap-
 6 pears and inserting “16 years”.

7 **SEC. 104. DEFINITIONS.**

8 Section 5031 of title 18, United States Code, is
 9 amended to read as follows:

10 **“§ 5031. Definitions**

11 “In this chapter—

12 “(1) the term ‘juvenile’ means a person who is
 13 less than 18 years of age; and

14 “(2) the term ‘juvenile delinquency’ means the
 15 violation of a law of the United States committed by
 16 a juvenile that would be a crime if committed by an
 17 adult.”.

18 **SEC. 105. NOTIFICATION AFTER ARREST.**

19 Section 5033 of title 18, United States Code, is
 20 amended in the first sentence by striking “Attorney Gen-
 21 eral” and inserting “United States Attorney of the appro-
 22 priate jurisdiction”.

1 **SEC. 106. DETENTION PRIOR TO DISPOSITION.**

2 Section 5035 of title 18, United States Code, is
3 amended—

4 (1) by striking “A juvenile” and inserting the
5 following:

6 “(a) IN GENERAL.—A juvenile”; and

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

8 “(b) DETENTION OF CERTAIN JUVENILES.—Not-
9 withstanding subsection (a), a juvenile who is to be tried
10 as an adult pursuant to section 5032 shall be subject to
11 detention in accordance with chapter 203 in the same
12 manner and to the same extent as an adult would be sub-
13 ject to that chapter.”.

14 **SEC. 107. SPEEDY TRIAL.**

15 Section 5036 of title 18, United States Code, is
16 amended—

17 (1) by striking “thirty” and inserting “70”; and

18 (2) by striking “the court,” and all that follows
19 through the end of the section and inserting “the
20 court. The periods of exclusion under section
21 3161(h) shall apply to this section.”.

22 **SEC. 108. DISPOSITIONAL HEARINGS.**

23 Section 5037 of title 18, United States Code, is
24 amended—

1 (1) in subsection (a), by striking “(a)” and all
 2 that follows through “After the” and inserting the
 3 following:

4 “(a) IN GENERAL.—

5 “(1) DISPOSITIONAL HEARING.—In any case in
 6 which a juvenile is found to be a juvenile delinquent
 7 in district court pursuant to section 5032, but is not
 8 tried as an adult under that section, not later than
 9 20 days after the hearing in which a finding of juve-
 10 nile delinquency is made, the court shall hold a dis-
 11 position hearing concerning the appropriate disposi-
 12 tion unless the court has ordered further study pur-
 13 suant to subsection (d).

14 “(2) ACTIONS OF COURT AFTER HEARING.—

15 After the”;

16 (2) in subsection (b), by striking “extend—”
 17 and all that follows through “The provisions” and
 18 inserting the following: “extend, in the case of a ju-
 19 venile, beyond the maximum term that would be au-
 20 thorized by section 3561(b), if the juvenile had been
 21 tried and convicted as an adult. The provisions”;

22 (3) in subsection (c), by striking “extend—”
 23 and all that follows through “Section 3624” and in-
 24 serting the following: “extend beyond the maximum
 25 term of imprisonment that would be authorized if

1 the juvenile had been tried and convicted as an
 2 adult. No juvenile sentenced to a term of imprison-
 3 ment shall be released from custody simply because
 4 the juvenile reaches the age of 18 years. Section
 5 3624”;

6 (4) by redesignating subsection (d) as sub-
 7 section (e); and

8 (5) by inserting after subsection (e) the follow-
 9 ing:

10 “(d) **APPLICABILITY OF RESTITUTION PROVI-**
 11 **SIONS.**—If a juvenile has been tried and convicted as an
 12 adult, or adjudicated delinquent for any offense in which
 13 the juvenile is otherwise tried pursuant to section 5032,
 14 the restitution provisions contained in this title (including
 15 sections 3663, 3663A, 2248, 2259, 2264, and 2327) and
 16 title 21 shall apply to that juvenile in the same manner
 17 and to the same extent as those provisions apply to
 18 adults.”.

19 **SEC. 109. USE OF JUVENILE RECORDS.**

20 Section 5038 of title 18, United States Code, is
 21 amended—

22 (1) in subsection (a)—

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

1 (B) in paragraph (6), by striking the pe-
2 riod at the end and inserting “; and”;

3 (C) by inserting after paragraph (6) the
4 following:

5 “(7) inquiries from any school or other edu-
6 cational institution for the purpose of ensuring the
7 public safety and security at such institution.”; and

8 (D) by striking “Unless” and inserting the
9 following:

10 “(e) PROHIBITION ON RELEASE OF CERTAIN INFOR-
11 MATION.—Unless”;

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

14 (3) by inserting immediately after subsection
15 (a) the following:

16 “(b) ACCESS BY UNITED STATES ATTORNEY.—Not-
17 withstanding subsection (a), in determining the appro-
18 priate disposition of a juvenile matter under section 5032,
19 the United States Attorney of the appropriate jurisdiction
20 shall have complete access to the official records of the
21 juvenile proceedings conducted under this title.”;

22 (4) by inserting after subsection (c), as redesign-
23 ated, the following:

24 “(f) RECORDS OF JUVENILES TRIED AS ADULTS.—

25 In any case in which a juvenile is tried as an adult, access

1 to the record of the offenses of the juvenile shall be made
 2 available in the same manner as is applicable to adult de-
 3 fendants.”;

4 (5) by striking “(d) Whenever” and all that fol-
 5 lows through “adult defendants.” and inserting the
 6 following:

7 “(g) FINGERPRINTS AND PHOTOGRAPHS.—Finger-
 8 prints and photographs of a juvenile—

9 “(1) who is prosecuted as an adult, shall be
 10 made available in the same manner as is applicable
 11 to an adult defendant; and

12 “(2) who is not prosecuted as an adult, shall be
 13 made available only as provided in subsection (a).”;

14 (6) by striking “(e) Unless,” and inserting the
 15 following:

16 “(h) NO PUBLICATION OF NAME OR PICTURE.—Un-
 17 less”;

18 (7) by striking “(f) Whenever” and inserting
 19 the following:

20 “(i) INFORMATION TO FEDERAL BUREAU OF INVES-
 21 TIGATION.—Whenever”; and

22 (8) in subsection (i), as redesignated—

23 (A) by striking “of committing an act”
 24 and all that follows through “5032 of this title”
 25 and inserting “by a district court of the United

1 States pursuant to section 5032 of committing
 2 an act"; and

3 (B) by inserting "involved a juvenile tried
 4 as an adult or" before "were juvenile adjudica-
 5 tions".

6 **SEC. 110. INCARCERATION OF VIOLENT OFFENDERS.**

7 Section 5039 of title 18, United States Code, is
 8 amended—

9 (1) by designating the first 3 undesignated
 10 paragraphs as subsections (a) through (c), respec-
 11 tively; and

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

13 "(d) SEGREGATION OF JUVENILES CONVICTED OF
 14 VIOLENT OFFENSES.—

15 "(1) DEFINITION.—In this subsection, the term
 16 'crime of violence' has the same meaning as in sec-
 17 tion 16 of title 18, United States Code.

18 "(2) SEGREGATION.—The Director of the Bu-
 19 reau of Prisons shall ensure that juveniles who are
 20 alleged to be or determined to be delinquent are not
 21 confined in any institution in which the juvenile has
 22 regular sustained physical contact with adult persons
 23 who are detained or confined."

1 **SEC. 111. FEDERAL SENTENCING GUIDELINES.**

2 Section 994(h) of title 28, United States Code, is
3 amended by inserting “, or in which the defendant is a
4 juvenile who is tried as an adult,” after “old or older”.

5 **TITLE II—JUVENILE GANGS**

6 **SEC. 201. SHORT TITLE.**

7 This title may be cited as the “Federal Gang Violence
8 Act”.

9 **SEC. 202. INCREASE IN OFFENSE LEVEL FOR PARTICIPA-**
10 **TION IN CRIME AS A GANG MEMBER.**

11 (a) **DEFINITION.**—In this section, the term “criminal
12 street gang” has the same meaning as in section 521(a)
13 of title 18, United States Code, as amended by section
14 203 of this title.

15 (b) **AMENDMENT OF SENTENCING GUIDELINES.**—
16 Pursuant to its authority under section 994(p) of title 28,
17 United States Code, the United States Sentencing Com-
18 mission shall amend the Federal sentencing guidelines to
19 provide an appropriate enhancement, increasing the of-
20 fense level by not less than 6 levels, for any offense, if
21 the offense was both committed in connection with, or in
22 furtherance of, the activities of a criminal street gang and
23 the defendant was a member of the criminal street gang
24 at the time of the offense.

25 (c) **CONSTRUCTION WITH OTHER GUIDELINES.**—
26 The amendment made pursuant to subsection (b) shall

1 provide that the increase in the offense level shall be in
 2 addition to any other adjustment under chapter 3 of the
 3 Federal sentencing guidelines.

4 **SEC. 203. AMENDMENT OF TITLE 18 WITH RESPECT TO**
 5 **CRIMINAL STREET GANGS.**

6 (a) **IN GENERAL.**—Section 521 of title 18, United
 7 States Code, is amended—

8 (1) in subsection (a)—

9 (A) by striking “(a) **DEFINITIONS.**—” and
 10 inserting the following:

11 “(a) **DEFINITIONS.**—In this section:” and

12 (B) by striking “‘conviction’ and all that
 13 follows through the end of the subsection and
 14 inserting the following:

15 “(1) **CRIMINAL STREET GANG.**—The term
 16 ‘criminal street gang’ means an ongoing group, club,
 17 organization, or association of 3 or more persons,
 18 whether formal or informal—

19 “(A) a primary activity of which is the
 20 commission of 1 or more predicate gang crimes;

21 “(B) any members of which engage, or
 22 have engaged during the 5-year period preced-
 23 ing the date in question, in a pattern of crimi-
 24 nal gang activity; and

1 “(C) the activities of which affect inter-
2 state or foreign commerce.

3 ~~“(2) PATTERN OF CRIMINAL GANG ACTIVITY.—~~

4 The term ‘pattern of criminal gang activity’ means
5 the commission of 2 or more predicate gang crimes
6 committed in connection with, or in furtherance of,
7 the activities of a criminal street gang—

8 ~~“(A) at least 1 of which was committed~~
9 ~~after the date of enactment of the Federal~~
10 ~~Gang Violence Act;~~

11 ~~“(B) the first of which was committed not~~
12 ~~more than 5 years before the commission of an-~~
13 ~~other predicate gang crime; and~~

14 ~~“(C) that were committed on separate oc-~~
15 ~~easions.~~

16 ~~“(3) PREDICATE GANG CRIME.—The term~~
17 ~~‘predicate gang crime’ means an offense, including~~
18 ~~an act of juvenile delinquency that, if committed by~~
19 ~~an adult, would be an offense that is—~~

20 ~~“(A) a Federal offense—~~

21 ~~“(i) that is a crime of violence (as~~
22 ~~that term is defined in section 16) includ-~~
23 ~~ing carjacking, drive-by-shooting, shooting~~
24 ~~at an unoccupied dwelling or motor vehicle;~~

1 assault with a deadly weapon, and homi-
2 cide;

3 “(ii) that involves a controlled sub-
4 stance (as that term is defined in section
5 102 of the Controlled Substances Act (21
6 U.S.C. 802)) for which the penalty is im-
7 prisonment for not less than 5 years;

8 “(iii) that is a violation of section
9 844, section 875 or 876 (relating to extor-
10 tion and threats), section 1084 (relating to
11 gambling), section 1955 (relating to gam-
12 bling), chapter 44 (relating to firearms), or
13 chapter 73 (relating to obstruction of jus-
14 tice);

15 “(iv) that is a violation of section
16 1956 (relating to money laundering), inso-
17 far as the violation of such section is relat-
18 ed to a Federal or State offense involving
19 a controlled substance (as that term is de-
20 fined in section 102 of the Controlled Sub-
21 stances Act (21 U.S.C. 802)); or

22 “(v) that is a violation of section
23 274(a)(1)(A), 277, or 278 of the Immigra-
24 tion and Nationality Act (8 U.S.C.

1 ~~1324(a)(1)(A), 1327, or 1328) (relating to~~
2 ~~alien smuggling);~~

3 ~~“(B) a State offense involving conduct that~~
4 ~~would constitute an offense under subparagraph~~
5 ~~(A) if Federal jurisdiction existed or had been~~
6 ~~exercised; or~~

7 ~~“(C) a conspiracy, attempt, or solicitation~~
8 ~~to commit an offense described in subparagraph~~
9 ~~(A) or (B).~~

10 ~~“(4) STATE.—The term ‘State’ includes a State~~
11 ~~of the United States, the District of Columbia, Puer-~~
12 ~~to Rico, Guam, the Virgin Islands, and any other~~
13 ~~territory of possession of the United States.”; and~~

14 ~~(2) by striking subsections (b), (c), and (d) and~~
15 ~~inserting the following:~~

16 ~~“(b) CRIMINAL PENALTIES.—Any person who en-~~
17 ~~gages in a pattern of criminal gang activity—~~

18 ~~“(1) shall be sentenced to—~~

19 ~~“(A) a term of imprisonment of not less~~
20 ~~than 10 years and not more than life, fined in~~
21 ~~accordance with this title, or both; and~~

22 ~~“(B) the forfeiture prescribed in section~~
23 ~~413 of the Controlled Substances Act (21~~
24 ~~U.S.C. 853); and~~

1 “(2) if any person engages in such activity after
2 1 or more prior convictions under this section have
3 become final, shall be sentenced to—

4 “(A) a term of imprisonment of not less
5 than 20 years and not more than life, fined in
6 accordance with this title, or both; and

7 “(B) the forfeiture prescribed in section
8 412 of the Controlled Substances Act (21
9 U.S.C. 853).”.

10 (b) CONFORMING AMENDMENT.—Section 3663(c)(4)
11 of title 18, United States Code, is amended by inserting
12 before “chapter 46” the following: “section 521 of this
13 title.”.

14 **SEC. 204. INTERSTATE AND FOREIGN TRAVEL OR TRANS-**
15 **PORTATION IN AID OF CRIMINAL STREET**
16 **GANGS.**

17 (a) TRAVEL ACT AMENDMENTS.—

18 (1) PROHIBITED CONDUCT AND PENALTIES.—
19 Section 1952(a) of title 18, United States Code, is
20 amended to read as follows:

21 “(a) PROHIBITED CONDUCT AND PENALTIES.—

22 “(1) IN GENERAL.—Any person who—

23 “(A) travels in interstate or foreign com-
24 merce or uses the mail or any facility in inter-
25 state or foreign commerce, with intent to—

1 “(i) distribute the proceeds of any un-
2 lawful activity; or

3 “(ii) otherwise promote, manage, es-
4 tablish, carry on, or facilitate the pro-
5 motion, management, establishment, or
6 carrying on, of any unlawful activity; and

7 “(B) after travel or use of the mail or any
8 facility in interstate or foreign commerce de-
9 scribed in subparagraph (A), performs, at-
10 tempts to perform, or conspires to perform an
11 act described in clause (i) or (ii) of subpara-
12 graph (A);

13 shall be fined under this title, imprisoned not more
14 than 10 years, or both.

15 “(2) CRIMES OF VIOLENCE.—Any person
16 who—

17 “(A) travels in interstate or foreign com-
18 merce or uses the mail or any facility in inter-
19 state or foreign commerce, with intent to com-
20 mit any crime of violence to further any unlaw-
21 ful activity; and

22 “(B) after travel or use of the mail or any
23 facility in interstate or foreign commerce de-
24 scribed in subparagraph (A), commits, attempts

1 to commit, or conspires to commit any crime of
 2 violence to further any unlawful activity,
 3 shall be fined under this title, imprisoned for not
 4 more than 20 years, or both, and if death results
 5 shall be sentenced to death or be imprisoned for any
 6 term of years or for life.”.

7 (2) DEFINITIONS.—Section 1952(b) of title 18,
 8 United States Code, is amended to read as follows:
 9 “(b) DEFINITIONS.—In this section:

10 “(1) CONTROLLED SUBSTANCE.—The term
 11 ‘controlled substance’ has the same meaning as in
 12 section 102(6) of the Controlled Substances Act (21
 13 U.S.C. 802(6)).

14 “(2) STATE.—The term ‘State’ includes a State
 15 of the United States, the District of Columbia, and
 16 any commonwealth, territory, or possession of the
 17 United States.

18 “(3) UNLAWFUL ACTIVITY.—The term ‘unlaw-
 19 ful activity’ means—

20 “(A) predicate gang crime (as that term is
 21 defined in section 521);

22 “(B) any business enterprise involving
 23 gambling, liquor on which the Federal excise
 24 tax has not been paid, narcotics or controlled
 25 substances, or prostitution offenses in violation

1 of the laws of the State in which the offense is
2 committed or of the United States;

3 “(C) extortion, bribery, arson, robbery,
4 burglary, assault with a deadly weapon, retalia-
5 tion against or intimidation of witnesses, vic-
6 tims, jurors, or informants, assault resulting in
7 bodily injury, possession of or trafficking in sto-
8 len property, illegally trafficking in firearms,
9 kidnapping, alien smuggling, or shooting at an
10 occupied dwelling or motor vehicle, in each case,
11 in violation of the laws of the State in which
12 the offense is committed or of the United
13 States; or

14 “(D) any act that is indictable under sec-
15 tion 1956 or 1957 of this title or under sub-
16 chapter H of chapter 53 of title 31.”

17 (b) AMENDMENT OF SENTENCING GUIDELINES.—

18 (1) IN GENERAL.—Pursuant to its authority
19 under section 994(p) of title 28, United States Code,
20 the United States Sentencing Commission shall
21 amend chapter 2 of the Federal sentencing guide-
22 lines so that—

23 (A) the base offense level for traveling in
24 interstate or foreign commerce in aid of a

1 criminal street gang or other unlawful activity
 2 is increased to 12; and

3 (B) the base offense level for the commis-
 4 sion of a crime of violence in aid of a criminal
 5 street gang or other unlawful activity is in-
 6 creased to 24.

7 (2) DEFINITIONS.—In this subsection—

8 (A) the term “crime of violence” has the
 9 same meaning as in section 16 of title 18, Unit-
 10 ed States Code;

11 (B) the term “criminal street gang” has
 12 the same meaning as in 521(a) of title 18,
 13 United States Code, as amended by section 203
 14 of this title; and

15 (C) the term “unlawful activity” has the
 16 same meaning as in section 1952(b) of title 18,
 17 United States Code, as amended by this sec-
 18 tion.

19 **SEC. 205. SOLICITATION OR RECRUITMENT OF PERSONS IN**
 20 **CRIMINAL GANG ACTIVITY.**

21 (a) PROHIBITED ACTS.—Chapter 26 of title 18,
 22 United States Code, is amended by adding at the end the
 23 following:

1 **“§ 522. Recruitment of persons to participate in**
 2 **criminal street gang activity**

3 **“(a) PROHIBITED ACT.—**It shall be unlawful for any
 4 person to—

5 **“(1)** use any facility in, or travel in, interstate
 6 or foreign commerce, or cause another to do so, to
 7 recruit, solicit, request, induce, counsel, command,
 8 or cause another person to be a member of a crimi-
 9 nal street gang, or conspire to do so; or

10 **“(2)** recruit, solicit, request, induce, counsel,
 11 command, or cause another person to engage in a
 12 predicate gang crime for which such person may be
 13 prosecuted in a court of the United States, or con-
 14 spire to do so.

15 **“(b) PENALTIES.—**A person who violates subsection
 16 (a) shall—

17 **“(1)** if the person recruited—

18 **“(A)** is a minor, be imprisoned for a term
 19 of not less than 4 years and not more than 10
 20 years, fined in accordance with this title, or
 21 both; or

22 **“(B)** is not a minor, be imprisoned for a
 23 term of not less than 1 year and not more than
 24 10 years, fined in accordance with this title, or
 25 both; and

1 “(2) be liable for any costs incurred by the
2 Federal Government or by any State or local govern-
3 ment for housing, maintaining, and treating the
4 minor until the minor reaches the age of 18.

5 “(c) DEFINITIONS.—In this section—

6 “(1) the terms ‘criminal street gang’ and ‘pred-
7 icate gang crime’ have the same meanings as in sec-
8 tion 521; and

9 “(2) the term ‘minor’ means a person who is
10 younger than 18 years of age.”.

11 (b) SENTENCING GUIDELINES.—Pursuant to its au-
12 thority under section 994(p) of title 28, United States
13 Code, the United States Sentencing Commission shall
14 amend chapter 2 of the Federal sentencing guidelines to
15 provide an appropriate enhancement for any offense in-
16 volving the recruitment of a minor to participate in a gang
17 activity.

18 (c) TECHNICAL AMENDMENT.—The chapter analysis
19 for chapter 26 of title 18, United States Code, is amended
20 by adding at the end the following:

“522. Recruitment of persons to participate in criminal street gang activity.”.

1 **SEC. 206. CRIMES INVOLVING THE RECRUITMENT OF PER-**
 2 **SONS TO PARTICIPATE IN CRIMINAL STREET**
 3 **GANGS AND FIREARMS OFFENSES AS RICO**
 4 **PREDICATES.**

5 Section 1961(1) of title 18, United States Code, is
 6 amended—

- 7 (1) by striking “or” before “(F)”;
- 8 (2) by inserting before the semicolon at the end
 9 the following: “, (G) an offense under section 522 of
 10 this title, or (H) an act or conspiracy to commit any
 11 violation of chapter 44 of this title (relating to fire-
 12 arms)”.

13 **SEC. 207. PROHIBITIONS RELATING TO FIREARMS.**

14 (a) **PENALTIES.**—Section 924(a)(6) of title 18, Unit-
 15 ed States Code, is amended—

- 16 (1) by striking subparagraph (A);
- 17 (2) by redesignating subparagraph (B) as sub-
 18 paragraph (A);
- 19 (3) in subparagraph (A), as redesignated—
- 20 (A) by striking “(B) A person other than
 21 a juvenile who knowingly” and inserting “(A) A
 22 person who knowingly”;
- 23 (B) in clause (i), by striking “not more
 24 than 1 year” and inserting “not less than 1
 25 year and not more than 5 years”; and

1 (C) in clause (ii), by inserting “not less
2 than 1 year and” after “imprisoned”; and

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

4 “(B) Notwithstanding subparagraph (A), no
5 mandatory minimum sentence shall apply to a juve-
6 nile who is less than 13 years of age.”.

7 (b) SERIOUS JUVENILE DRUG OFFENSES AS ARMED
8 CAREER CRIMINAL PREDICATES.—Section 924(e)(2)(A)
9 of title 18, United States Code, is amended—

10 (1) in clause (i), by striking “or” at the end;

11 (2) in clause (ii), by adding “or” at the end;

12 and

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

14 “(iii) any act of juvenile delinquency that
15 if committed by an adult would be an offense
16 described in clause (i) or (ii);”.

17 (c) TRANSFER OF FIREARMS TO MINORS FOR USE
18 IN CRIME.—Section 924(h) of title 18, United States
19 Code, is amended by striking “10 years, fined in accord-
20 ance with this title, or both” and inserting “10 years, and
21 if the transferee is a person who is under 18 years of age,
22 imprisoned for a term of not less than 3 years, fined in
23 accordance with this title, or both”.

1 **SEC. 208. AMENDMENT OF SENTENCING GUIDELINES WITH**
2 **RESPECT TO BODY ARMOR.**

3 (a) **DEFINITIONS.**—In this section—

4 (1) the term “body armor” means any product
5 sold or offered for sale as personal protective body
6 covering intended to protect against gunfire, regard-
7 less of whether the product is to be worn alone or
8 is sold as a complement to another product or gar-
9 ment; and

10 (2) the term “law enforcement officer” means
11 any officer, agent, or employee of the United States,
12 a State, or a political subdivision of a State, author-
13 ized by law or by a government agency to engage in
14 or supervise the prevention, detection, investigation,
15 or prosecution of any violation of criminal law.

16 (b) **SENTENCING ENHANCEMENT.**—The United
17 States Sentencing Commission shall amend the Federal
18 sentencing guidelines to provide an appropriate sentencing
19 enhancement, increasing the offense level not less than 2
20 levels, for any crime in which the defendant used body
21 armor.

22 (c) **APPLICABILITY.**—No Federal sentencing guide-
23 line amendment made pursuant to this section shall apply
24 if the Federal crime in which the body armor is used con-
25 stitutes a violation of, attempted violation of, or conspir-
26 acy to violate the civil rights of a person by a law enforce-

1 ment officer acting under color of the authority of such
2 law enforcement officer.

3 **SEC. 209. ADDITIONAL PROSECUTORS.**

4 There are authorized to be appropriated \$20,000,000
5 for each of the fiscal years 1998, 1999, 2000, 2001, and
6 2002 for the hiring of Assistant United States Attorneys
7 and attorneys in the Criminal Division of the Department
8 of Justice to prosecute juvenile criminal street gangs (as
9 that term is defined in section 521(a) of title 18, United
10 States Code, as amended by section 203 of this title).

11 **TITLE III—JUVENILE CRIME**
12 **CONTROL AND ACCOUNT-**
13 **ABILITY**

14 **SEC. 301. FINDINGS; DECLARATION OF PURPOSE; DEFINI-**
15 **TIONS.**

16 Title I of the Juvenile Justice and Delinquency Pre-
17 vention Act of 1974 (42 U.S.C. 5601 et seq.) is amended
18 to read as follows:

19 **“TITLE I—FINDINGS AND**
20 **DECLARATION OF PURPOSE**

21 **“SEC. 101. FINDINGS.**

22 “Congress makes the following findings:

23 “(1) During the past several years, the United
24 States has experienced an alarming increase in ar-

1 rests of adolescents for murder, assault, and weap-
2 ons offenses.

3 “(2) In 1994, juveniles accounted for 1 in 5 ar-
4 rests for violent crimes, including murder, robbery,
5 aggravated assault, and rape, including 514 such ar-
6 rests per 100,000 juveniles 10 through 17 years of
7 age.

8 “(3) Understaffed, overcrowded juvenile courts,
9 prosecutorial and public defender offices, probation
10 services, and correctional facilities no longer ade-
11 quately address the changing nature of juvenile
12 crime, protect the public, and correct youth offend-
13 ers.

14 “(4) The juvenile justice system has proven in-
15 adequate to meet the needs of society, because insuf-
16 ficient sanctions are imposed on serious youth of-
17 fenders and the needs of children, who may be at
18 risk of becoming delinquents.

19 “(5) Existing programs and policies have not
20 adequately responded to the particular threat of
21 drugs, alcohol abuse, violence, and gangs pose to the
22 youth of the Nation.

23 “(6) Demographic increases projected in the
24 number of youth offenders require reexamination of

1 the prosecution and incarceration policies for serious
2 violent youth offenders.

3 “(7) State and local communities that experi-
4 ence directly the devastating failures of the juvenile
5 justice system require assistance to deal comprehen-
6 sively with the problems of juvenile delinquency.

7 “(8) Existing Federal programs have not pro-
8 vided the States with necessary flexibility, and have
9 not provided coordination, resources, and leadership
10 required to meet the crisis of youth violence.

11 “(9) Overlapping and uncoordinated Federal
12 programs have created a multitude of Federal fund-
13 ing streams to State and local governments, that
14 have become a barrier to effective program coordina-
15 tion, responsive public safety initiatives, and the pro-
16 vision of comprehensive services for children and
17 youth.

18 “(10) Violent crime by juveniles constitutes a
19 growing threat to the national welfare that requires
20 an immediate and comprehensive governmental re-
21 sponse, combining flexibility and coordinated evalua-
22 tion.

23 “(11) Limited State and local resources are
24 being wasted complying with the unnecessary Fed-
25 eral mandate that status offenders be deinstitu-

1 tionalized. Some communities believe that curfews
2 are appropriate for juveniles, and those communities
3 should not be prohibited by the Federal Government
4 from using confinement for status offenses as a
5 means of dealing with delinquent behavior before it
6 becomes criminal conduct.

7 “(12) Limited State and local resources are
8 being wasted complying with the unnecessary Fed-
9 eral mandate that no juvenile be detained or con-
10 fined in any jail or lockup for adults, because it can
11 be feasible to separate adults and juveniles in 1 fa-
12 cility. This mandate is particularly burdensome for
13 rural communities.

14 “(13) The role of the Federal Government
15 should be to encourage and empower communities to
16 develop and implement policies to protect adequately
17 the public from serious juvenile crime as well as
18 comprehensive programs to reduce risk factors and
19 prevent juvenile delinquency.

20 “(14) A strong partnership among law enforce-
21 ment, local government, juvenile and family courts,
22 schools, businesses, philanthropic organizations,
23 families, and the religious community, can create a
24 community environment that supports the youth of

1 the Nation in reaching their highest potential and
2 reduces the destructive trend of juvenile crime.

3 **“SEC. 102. PURPOSE AND STATEMENT OF POLICY.**

4 “(a) IN GENERAL.—The purposes of this Act are—

5 “(1) to protect the public and to hold juveniles
6 accountable for their acts;

7 “(2) to empower States and communities to de-
8 velop and implement comprehensive programs that
9 support families and reduce risk factors and prevent
10 serious youth crime and juvenile delinquency;

11 “(3) to provide for the thorough and ongoing
12 evaluation of all federally funded programs address-
13 ing juvenile crime and delinquency;

14 “(4) to provide technical assistance to public
15 and private nonprofit entities that protect public
16 safety, administer justice and corrections to delin-
17 quent youth, or provide services to youth at risk of
18 delinquency, and their families;

19 “(5) to establish a centralized research effort on
20 the problems of youth crime and juvenile delin-
21 quency, including the dissemination of the findings
22 of such research and all related data;

23 “(6) to establish a Federal assistance program
24 to deal with the problems of runaway and homeless
25 youth;

1 “(7) to assist State and local governments in
2 improving the administration of justice for juveniles;

3 “(8) to assist the State and local governments
4 in reducing the level of youth violence;

5 “(9) to assist State and local governments in
6 promoting public safety by supporting juvenile delin-
7 quency prevention and control activities;

8 “(10) to encourage and promote programs de-
9 signed to keep in school juvenile delinquents expelled
10 or suspended for disciplinary reasons;

11 “(11) to assist State and local governments in
12 promoting public safety by encouraging accountabil-
13 ity through the imposition of meaningful sanctions
14 for acts of juvenile delinquency;

15 “(12) to assist State and local governments in
16 promoting public safety by improving the extent, ac-
17 curacy, availability and usefulness of juvenile court
18 and law enforcement records and the openness of
19 the juvenile justice system;

20 “(13) to assist State and local governments in
21 promoting public safety by encouraging the identi-
22 fication of violent and hardcore juveniles and trans-
23 ferring such juveniles out of the jurisdiction of the
24 juvenile justice system and into the jurisdiction of
25 adult criminal court;

1 “(14) to assist State and local governments in
2 promoting public safety by providing resources to
3 States to build or expand juvenile detention facili-
4 ties;

5 “(15) to provide for the evaluation of federally
6 assisted juvenile crime control programs; and train-
7 ing necessary for the establishment and operation of
8 such programs;

9 “(16) to ensure the dissemination of informa-
10 tion regarding juvenile crime control programs by
11 providing a national clearinghouse; and

12 “(17) to provide technical assistance to public
13 and private nonprofit juvenile justice and delin-
14 quency prevention programs.

15 “(b) STATEMENT OF POLICY.—It is the policy of
16 Congress to provide resources, leadership, and coordina-
17 tion—

18 “(1) to combat youth violence and to prosecute
19 and punish effectively violent juvenile offenders; and

20 “(2) to improve the quality of juvenile justice in
21 the United States.

22 **“SEC. 103. DEFINITIONS.**

23 “**In this Act:**

1 “(1) ADMINISTRATOR.—The term ‘Adminis-
2 trator’ means the Administrator of the Office of Ju-
3 venile Crime Control and Accountability.

4 “(2) CONSTRUCTION.—The term ‘construction’
5 means acquisition, expansion, remodeling, and alter-
6 ation of existing buildings, and initial equipment of
7 any such buildings, or any combination of such ac-
8 tivities (including architects’ fees but not the cost of
9 acquisition of land for buildings).

10 “(3) JUVENILE POPULATION.—The term ‘juve-
11 nile population’ means the population of a State
12 under 18 years of age.

13 “(4) OFFICE.—The term ‘Office’ means the Of-
14 fice of Juvenile Crime Control and Accountability es-
15 tablished under section 201.

16 “(5) OUTCOME OBJECTIVE.—The term ‘out-
17 come objective’ means an objective that relates to
18 the impact of a program or initiative, that measures
19 the reduction of high risk behaviors, such as inci-
20 dence of arrest, the commission of criminal acts or
21 acts of delinquency, failure in school, violence, the
22 use of alcohol or illegal drugs, involvement of youth
23 gangs, and teenage pregnancy, among youth in the
24 community.

1 “(6) PROCESS OBJECTIVE.—The term ‘process
2 objective’ means an objective that relates to the
3 manner in which a program or initiative is carried
4 out, including—

5 “(A) an objective relating to the degree to
6 which the program or initiative is reaching the
7 target population; and

8 “(B) an objective relating to the degree to
9 which the program or initiative addresses
10 known risk factors for youth problem behaviors
11 and incorporates activities that inhibit the be-
12 haviors and that build on protective factors for
13 youth.

14 “(7) STATE.—The term ‘State’ means any
15 State of the United States, the District of Columbia,
16 the Commonwealth of Puerto Rico, the Trust Terri-
17 tory of the Pacific Islands, the Virgin Islands,
18 Guam, American Samoa, and the Commonwealth of
19 the Northern Mariana Islands.

20 “(8) STATE OFFICE.—The term ‘State office’
21 means an office designated by the chief executive of-
22 ficer of a State to carry out this title, as provided
23 in section 507 of the Omnibus Crime Control and
24 Safe Streets Act of 1968 (42 U.S.C. 3757).

1 “(9) TREATMENT.—The term ‘treatment’ in-
 2 cludes medical and other rehabilitative services de-
 3 signed to protect the public, including any services
 4 designed to benefit addicts and other users by—

5 “(A) eliminating their dependence on alco-
 6 hol or other addictive or nonaddictive drugs; or

7 “(B) controlling their dependence and sus-
 8 ceptibility to addiction or use.

9 “(10) YOUTH.—The term ‘youth’ means an in-
 10 dividual who is not less than 6 years of age and not
 11 more than 17 years of age.”.

12 **SEC. 302. YOUTH CRIME CONTROL AND ACCOUNTABILITY**
 13 **BLOCK GRANTS.**

14 (a) OFFICE OF JUVENILE CRIME CONTROL AND AC-
 15 COUNTABILITY.—Section 201 of the Juvenile Justice and
 16 Delinquency Prevention Act of 1974 (42 U.S.C. 5611) is
 17 amended—

18 (1) in subsection (a), by striking “Office of Ju-
 19 venile Justice and Delinquency Prevention” and in-
 20 serting “Office of Juvenile Crime Control and Ac-
 21 countability”; and

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

23 “(d) DELEGATION AND ASSIGNMENT.—

1 “(1) IN GENERAL.—Except as otherwise ex-
2 pressly prohibited by law or otherwise provided by
3 this title, the Administrator may—

4 “(A) delegate any of the functions of the
5 Administrator, and any function transferred or
6 granted to the Administrator after the date of
7 enactment of this Act, to such officers and em-
8 ployees of the Office as the Administrator may
9 designate; and

10 “(B) authorize successive redelegations of
11 such functions as may be necessary or appro-
12 priate.

13 “(2) RESPONSIBILITY.—No delegation of func-
14 tions by the Administrator under this subsection or
15 under any other provision of this title shall relieve
16 the Administrator of responsibility for the adminis-
17 tration of such functions.

18 “(c) REORGANIZATION.—The Administrator may al-
19 locate or reallocate any function transferred among the
20 officers of the Office, and establish, consolidate, alter, or
21 discontinue such organizational entities in that Office as
22 may be necessary or appropriate.”.

23 (b) NATIONAL PROGRAM.—Section 204 of the Juve-
24 nile Justice and Delinquency Prevention Act of 1974 (42
25 U.S.C. 5614) is amended to read as follows:

1 **“SEC. 204. NATIONAL PROGRAM.**

2 “(a) NATIONAL JUVENILE CRIME CONTROL AND JU-
3 VENILE OFFENDER ACCOUNTABILITY PLAN.—

4 “(1) IN GENERAL.—The Administrator shall
5 develop objectives, priorities, and short- and long-
6 term plans, and shall implement overall policy and
7 a strategy to carry out such plan, for all Federal ju-
8 venile crime control and juvenile offender account-
9 ability programs and activities relating to improving
10 juvenile crime control and the enhancement of ac-
11 countability by offenders within the juvenile justice
12 system in the United States.

13 “(2) CONTENTS OF PLANS.—

14 “(A) IN GENERAL.—Each plan described
15 in paragraph (1) shall—

16 “(i) contain specific, measurable goals
17 and criteria for reducing the incidence of
18 crime and delinquency among juveniles,
19 improving juvenile crime control, and en-
20 suring accountability by offenders within
21 the juvenile justice system in the United
22 States, and shall include criteria for any
23 discretionary grants and contracts, for con-
24 ducting research, and for carrying out
25 other activities under this title;

1 “(ii) provide for coordinating the ad-
2 ministration of programs and activities
3 under this title with the administration of
4 all other Federal juvenile crime control and
5 juvenile offender accountability programs
6 and activities, including proposals for joint
7 funding to be coordinated by the Adminis-
8 trator;

9 “(iii) provide a detailed summary and
10 analysis of the most recent data available
11 regarding the number of juveniles taken
12 into custody; the rate at which juveniles
13 are taken into custody; and the trends
14 demonstrated by such data.

15 “(iv) provide a description of the ac-
16 tivities for which amounts are expended
17 under this title;

18 “(v) provide specific information relat-
19 ing to the attainment of goals set forth in
20 the plan, including specific, measurable
21 standards for assessing progress toward
22 national juvenile crime reduction and juve-
23 nile offender accountability goals; and

24 “(vi) provide for the coordination of
25 Federal, State, and local initiatives for the

1 reduction of youth crime and ensuring ac-
2 countability for juvenile offenders.

3 “(B) SUMMARY AND ANALYSIS.—Each
4 summary and analysis under subparagraph
5 (A)(iii) shall set out the information required by
6 clauses (i), (ii), and (iii) of this subparagraph
7 separately for juvenile nonoffenders, juvenile
8 status offenders, and other juvenile offenders.
9 Such summary and analysis shall separately ad-
10 dress with respect to each category of juveniles
11 specified in the preceding sentence—

12 “(i) the types of offenses with which
13 the juveniles are charged;

14 “(ii) the ages of the juveniles;

15 “(iii) the types of facilities used to
16 hold the juveniles (including juveniles
17 treated as adults for purposes of prosecu-
18 tion) in custody, including secure detention
19 facilities, secure correctional facilities, jails,
20 and lockups; and

21 “(iv) the number of juveniles who died
22 while in custody and the circumstances
23 under which each juvenile died.

24 “(3) ANNUAL REVIEW.—The Administrator
25 shall annually—

1 “(A) review each plan submitted under this
2 subsection;

3 “(B) revise the plans, as the Administrator
4 considers appropriate; and

5 “(C) not later than March 1 of each year,
6 present the plans to the Committees on the Ju-
7 diciary of the Senate and the House of Rep-
8 resentatives.

9 “(b) DUTIES OF ADMINISTRATOR.—In carrying out
10 this title, the Administrator shall—

11 “(1) advise the President through the Attorney
12 General as to all matters relating to federally as-
13 sisted juvenile crime control and juvenile offender
14 accountability programs, and Federal policies re-
15 garding juvenile crime and justice, including policies
16 relating to juveniles prosecuted or adjudicated in the
17 Federal courts;

18 “(2) implement and coordinate Federal juvenile
19 crime control and juvenile offender accountability
20 programs and activities among Federal departments
21 and agencies and between such programs and activi-
22 ties and other Federal programs and activities that
23 the Administrator determines may have an impor-
24 tant bearing on the success of the entire national ju-

1 juvenile crime control and juvenile offender account-
2 ability effort;

3 “(3) provide for the auditing of grants provided
4 pursuant to this title;

5 “(4) collect, prepare, and disseminate useful
6 data regarding the prevention, correction, and con-
7 trol of juvenile crime and delinquency, and issue, not
8 less frequently than once each calendar year, a re-
9 port on successful programs and juvenile crime re-
10 duction methods utilized by States, localities, and
11 private entities;

12 “(5) ensure the performance of comprehensive
13 rigorous independent scientific evaluations, each of
14 which shall—

15 “(A) be independent in nature, and shall
16 employ rigorous and scientifically valid stand-
17 ards and methodologies; and

18 “(B) include measures of outcome and
19 process objectives, such as reductions in juve-
20 nile crime, youth gang activity, youth substance
21 abuse, and other high risk factors, as well as in-
22 creases in protective factors that reduce the
23 likelihood of delinquency and criminal behavior;

24 “(6) involve consultation with appropriate au-
25 thorities in the States and with appropriate private

1 entities in the development, review, and revision of
 2 the plans required by subsection (a) and in the de-
 3 velopment of policies relating to juveniles prosecuted
 4 or adjudicated in the Federal courts; and

5 “(7) provide technical assistance to the States,
 6 units of local government, and private entities in im-
 7 plementing programs funded by grants under this
 8 title.

9 “(c) NATIONAL JUVENILE CRIME CONTROL AND JU-
 10 VENILE OFFENDER ACCOUNTABILITY BUDGET.—

11 “(1) IN GENERAL.—The Administrator shall—

12 “(A) develop for each fiscal year, with the
 13 advice of the program managers of departments
 14 and agencies with responsibilities for any Fed-
 15 eral juvenile crime control or juvenile offender
 16 accountability program, a consolidated National
 17 Juvenile Crime Control and Juvenile Offender
 18 Accountability Plan budget proposal to imple-
 19 ment the National Juvenile Crime Control and
 20 Juvenile Offender Accountability Plan; and

21 “(B) transmit such budget proposal to the
 22 President and to Congress.

23 “(2) SUBMISSION OF JUVENILE OFFENDER AC-
 24 COUNTABILITY BUDGET REQUEST.—

1 “(A) IN GENERAL.—Each Federal Govern-
2 ment program manager, agency head, and de-
3 partment head with responsibility for any Fed-
4 eral juvenile crime control or juvenile offender
5 accountability program shall submit the juvenile
6 crime control and juvenile offender accountabil-
7 ity budget request of the program, agency, or
8 department to the Administrator at the same
9 time as such request is submitted to their supe-
10 riors (and before submission to the Office of
11 Management and Budget) in the preparation of
12 the budget of the President submitted to Con-
13 gress under section 1105(a) of title 31, United
14 States Code.

15 “(B) TIMELY DEVELOPMENT AND SUBMIS-
16 SION.—The head of each department or agency
17 with responsibility for a Federal juvenile crime
18 control or juvenile offender accountability pro-
19 gram shall ensure timely development and sub-
20 mission to the Administrator of juvenile crime
21 control and juvenile offender accountability
22 budget requests transmitted pursuant to this
23 subsection, in such format as may be des-
24 ignated by the Administrator with the concur-

1 rence of the Administrator of the Office of
2 Management and Budget.

3 ~~“(3) REVIEW AND CERTIFICATION.—~~The Ad-
4 ministrator shall—

5 ~~“(A) review each juvenile crime control and~~
6 ~~juvenile offender accountability budget request~~
7 ~~transmitted to the Administrator under para-~~
8 ~~graph (2);~~

9 ~~“(B) certify in writing as to the adequacy~~
10 ~~of such request in whole or in part to imple-~~
11 ~~ment the objectives of the National Juvenile~~
12 ~~Crime Control and Juvenile Offender Account-~~
13 ~~ability Plan for the year for which the request~~
14 ~~is submitted and, with respect to a request that~~
15 ~~is not certified as adequate to implement the~~
16 ~~objectives of the National Juvenile Crime Con-~~
17 ~~trol and Juvenile Offender Accountability Plan,~~
18 ~~include in the certification an initiative or fund-~~
19 ~~ing level that would make the request adequate;~~
20 ~~and~~

21 ~~“(C) notify the program manager, agency~~
22 ~~head, or department head, as applicable, re-~~
23 ~~garding the certification of the Administrator~~
24 ~~under subparagraph (B).~~

1 “(4) RECORDKEEPING REQUIREMENT.—The
2 Administrator shall maintain records regarding cer-
3 tifications under paragraph (3)(B).

4 “(5) FUNDING REQUESTS.—The Administrator
5 shall request the head of a department or agency to
6 include in the budget submission of the department
7 or agency to the Office of Management and Budget,
8 funding requests for specific initiatives that are con-
9 sistent with the priorities of the President for the
10 National Juvenile Crime Control and Juvenile Of-
11 fender Accountability Plan and certifications made
12 pursuant to paragraph (3), and the head of the de-
13 partment or agency shall comply with such a re-
14 quest.

15 “(6) REPROGRAMMING AND TRANSFER RE-
16 QUESTS.—

17 “(A) IN GENERAL.—No department or
18 agency with responsibility for a Federal juvenile
19 crime control or juvenile offender accountability
20 program shall submit to Congress a reprogram-
21 ming or transfer request with respect to any
22 amount of appropriated amounts greater than
23 \$5,000,000 that is included in the National Ju-
24 venile Crime Control and Juvenile Offender Ac-

1 countability Plan budget unless such request
2 has been approved by the Administrator.

3 “(B) APPEAL TO PRESIDENT.—The head
4 of any department or agency with responsibility
5 for a Federal juvenile crime control or juvenile
6 offender accountability program may appeal to
7 the President any disapproval by the Adminis-
8 trator of a reprogramming or transfer request.

9 “(7) QUARTERLY REPORTS.—The Adminis-
10 trator shall report to Congress on a quarterly basis
11 regarding the need for any reprogramming or trans-
12 fer of appropriated amounts for National Juvenile
13 Crime Control and Juvenile Offender Accountability
14 Plan activities.

15 “(d) INFORMATION, REPORTS, STUDIES, AND SUR-
16 VEYS FROM OTHER AGENCIES.—The Administrator may
17 require, through appropriate authority, Federal depart-
18 ments and agencies engaged in any activity involving any
19 Federal juvenile crime control and juvenile offender ac-
20 countability program to provide the Administrator with
21 such information and reports, and to conduct such studies
22 and surveys, as the Administrator determines to be nec-
23 essary to carry out the purposes of this title.

24 “(e) UTILIZATION OF SERVICES AND FACILITIES OF
25 OTHER AGENCIES; REIMBURSEMENT.—The Adminis-

1 trator may utilize the services and facilities of any agency
 2 of the Federal Government and of any other public agency
 3 or institution in accordance with appropriate agreements,
 4 and to pay for such services either in advance or by way
 5 of reimbursement as may be agreed upon.

6 “(f) COORDINATION OF FUNCTIONS OF ADMINIS-
 7 TRATOR AND SECRETARY OF HEALTH AND HUMAN SERV-
 8 ICES.—All functions of the Administrator under title shall
 9 be coordinated as appropriate with the functions of the
 10 Secretary of Health and Human Services under title III.

11 “(g) ANNUAL JUVENILE DELINQUENCY DEVELOP-
 12 MENT STATEMENTS.—

13 “(1) IN GENERAL.—The Administrator shall re-
 14 quire through appropriate authority each Federal
 15 agency that administers a Federal juvenile crime
 16 control and juvenile offender accountability program
 17 to submit annually to the Office a juvenile crime
 18 control and juvenile offender accountability develop-
 19 ment statement. Such statement shall be in addition
 20 to any information, report, study, or survey that the
 21 Administrator may require under subsection (d).

22 “(2) CONTENTS.—Each development statement
 23 submitted to the Administrator under paragraph (1)
 24 shall contain such information, data, and analyses as
 25 the Administrator may require. Such analyses shall

1 include an analysis of the extent to which the pro-
2 gram of the Federal agency submitting such develop-
3 ment statement conforms with and furthers Federal
4 juvenile crime control and juvenile offender account-
5 ability prevention and treatment goals and policies.

6 ~~“(3) REVIEW AND COMMENT.—~~

7 ~~“(A) IN GENERAL.—The Administrator~~
8 ~~shall review and comment upon each juvenile~~
9 ~~crime control and juvenile offender accountabil-~~
10 ~~ity development statement transmitted to the~~
11 ~~Administrator under paragraph (1).~~

12 ~~“(B) INCLUSION IN OTHER DOCUMENTA-~~
13 ~~TION.—Such development statement, together~~
14 ~~with the comments of the Administrator, shall~~
15 ~~be included by the Federal agency involved in~~
16 ~~every recommendation or request made by such~~
17 ~~agency for Federal legislation that significantly~~
18 ~~affects juvenile crime control and juvenile of-~~
19 ~~fender accountability.~~

20 ~~“(h) JUVENILE CRIME CONTROL AND JUVENILE OF-~~
21 ~~FENDER ACCOUNTABILITY INCENTIVE BLOCK GRANTS.—~~

22 ~~“(1) IN GENERAL.—The Administrator shall~~
23 ~~make, subject to the availability of appropriations,~~
24 ~~grants to States to assist them in planning, estab-~~
25 ~~lishing, operating, coordinating, and evaluating~~

1 projects, directly or through grants and contracts
2 with public and private agencies, for the develop-
3 ment of more effective investigation, prosecution,
4 and punishment (including the imposition of grad-
5 uated sanctions) of crimes or acts of delinquency
6 committed by juveniles, programs to improve the ad-
7 ministration of justice for and ensure accountability
8 by juvenile offenders, and programs to reduce the
9 risk factors (such as truancy, drug or alcohol use,
10 and gang involvement) associated with juvenile crime
11 or delinquency.

12 “(2) USE OF GRANTS.—Grants under this title
13 may be used—

14 “(A) for programs to enhance the identi-
15 fication, investigation, prosecution, and punish-
16 ment of juvenile offenders, such as—

17 “(i) the utilization of graduated sanc-
18 tions;

19 “(ii) the utilization of short-term con-
20 finement of juveniles who are charged with
21 or who are convicted of—

22 “(I) a crime of violence (as that
23 term is defined in section 16 of title
24 18, United States Code);

1 “(II) an offense involving a con-
2 trolled substance (as that term is de-
3 fined in section 102 of the Controlled
4 Substances Act (21 U.S.C. 802);

5 “(III) an offense involving pos-
6 session of a firearm (as that term is
7 defined in section 921(a) of title 18,
8 United States Code); or

9 “(IV) an offense involving posses-
10 sion of a destructive device (as that
11 term is defined in section 921(a) of
12 title 18, United States Code); and

13 “(iii) the incarceration of violent juve-
14 nile offenders for extended periods of time
15 (including up to the length of adult sen-
16 tences);

17 “(B) for programs that provide restitution
18 to the victims of crimes committed by juveniles;

19 “(C) for programs that require juvenile of-
20 fenders to attend and successfully complete
21 school or vocational training;

22 “(D) for programs that require juvenile of-
23 fenders who are parents to demonstrate paren-
24 tal responsibility by working and paying child
25 support;

1 “(E) for programs that seek to curb or
2 punish truancy;

3 “(F) for programs designed to collect,
4 record, and disseminate information useful in
5 the identification, prosecution, and sentencing
6 of offenders, such as criminal history informa-
7 tion, fingerprints, and DNA tests;

8 “(G) for programs that provide that, when-
9 ever a juvenile who is not less than 14 years of
10 age is adjudicated delinquent, as defined by
11 Federal or State law in a juvenile delinquency
12 proceeding for conduct that, if committed by an
13 adult, would constitute a felony under Federal
14 or State law, the State shall ensure that a
15 record is kept relating to the adjudication that
16 is—

17 “(i) equivalent to the record that
18 would be kept of an adult conviction for
19 such an offense;

20 “(ii) retained for a period of time that
21 is equal to the period of time that records
22 are kept for adult convictions;

23 “(iii) made available to law enforce-
24 ment agencies of any jurisdiction; and

1 “(iv) made available to officials of a
2 school, school district, or postsecondary
3 school where the individual who is the sub-
4 ject of the juvenile record seeks, intends,
5 or is instructed to enroll, and that such of-
6 ficials are held liable to the same stand-
7 ards and penalties that law enforcement
8 and juvenile justice system employees are
9 held liable to, under Federal and State
10 law, for handling and disclosing such infor-
11 mation;

12 “(H) for juvenile crime control and preven-
13 tion programs (such as curfews, youth organi-
14 zations, antidrug programs, antigang programs,
15 and after school activities) that include a rigor-
16 ous, comprehensive evaluation component that
17 measures the decrease in risk factors associated
18 with the juvenile crime and delinquency and
19 employs scientifically valid standards and meth-
20 odologies;

21 “(I) for the development and implementa-
22 tion of coordinated multijurisdictional or multi-
23 agency programs for the identification, control,
24 supervision, prevention, investigation, and treat-
25 ment of the most serious juvenile offenses and

1 offenders, sometimes known as a ‘SHOCAP
2 Program’ (Serious Habitual Offenders Com-
3 prehensive Action Program); or

4 “(J) for the development and implementa-
5 tion of coordinated multijurisdictional or multi-
6 agency programs for the identification, control,
7 supervision, prevention, investigation, and dis-
8 ruption of youth gangs.

9 “(3) REQUIREMENTS.—To be eligible to receive
10 a grant under this title, a State shall make reason-
11 able efforts, as certified by the Governor, to ensure
12 that, not later than July 1, 2000—

13 “(A) juveniles age 14 and older can be
14 prosecuted under State law as adults, as a mat-
15 ter of law or prosecutorial discretion for a crime
16 of violence (as that term is defined in section
17 16 of title 18, United States Code) such as
18 murder or armed robbery, an offense involving
19 a controlled substance (as defined in section
20 102 of the Controlled Substances Act (21
21 U.S.C. 802)), or the unlawful possession of a
22 firearm (as that term is defined in section
23 921(a) of title 18, United States Code) or a de-
24 structive device (as that term is defined in sec-
25 tion 921(a) of title 18, United States Code);

1 “(B) the State has in place a system of
2 graduated sanctions for juvenile offenders;

3 “(C) the State has in place a juvenile court
4 system that treats juvenile offenders uniformly
5 throughout the State;

6 “(D) the State collects, records, and dis-
7 seminate information useful in the identifica-
8 tion, prosecution, and sentencing of offenders,
9 such as criminal history information, finger-
10 prints, and DNA tests (if taken), to other Fed-
11 eral, State, and local law enforcement agencies;

12 “(E) the State ensures that religious orga-
13 nizations can participate in rehabilitative pro-
14 grams designed to purposes authorized by this
15 title; and

16 “(F) the State shall not detain or confine
17 juveniles who are alleged to be or determined to
18 be delinquent in any institution in which the ju-
19 venile has regular sustained physical contact
20 with adult persons who are detained or con-
21 fined.

22 “(i) DISTRIBUTION BY STATE OFFICES TO ELIGIBLE
23 APPLICANTS.—

1 “(1) IN GENERAL.—Of amounts made available
2 to the State, not more than 20 percent shall be used
3 for programs pursuant to paragraph (2)(ii).

4 “(2) ELIGIBLE APPLICANTS.—Entities eligible
5 to receive amounts distributed by the State office
6 under this title are—

7 “(A) a unit of local government;

8 “(B) local police or sheriff’s departments;

9 “(C) State or local prosecutor’s offices;

10 “(D) State or local courts responsible for
11 the administration of justice in cases involving
12 juvenile offenders;

13 “(E) schools;

14 “(F) nonprofit, educational, religious, or
15 community groups active in crime prevention or
16 drug use prevention and treatment; or

17 “(G) any combination of the entities de-
18 scribed in subparagraphs (A) through (F).

19 “(j) APPLICATION TO STATE OFFICE.—

20 “(1) IN GENERAL.—To be eligible to receive
21 amounts from the State office, the applicant shall
22 prepare and submit to the State office an application
23 in written form that—

24 “(A) describes the types of activities and
25 services for which the amount will be provided;

1 “(B) includes information indicating the
2 extent to which the activities and services
3 achieve the purposes of the title;

4 “(C) provide for the evaluation component
5 required by subsection (b)(2), which evaluation
6 shall be conducted by an independent entity;
7 and

8 “(D) provides any other information that
9 the State office may require.

10 “(2) PRIORITY.—In approving applications
11 under this subsection, the State office should give
12 priority to those applicants demonstrating coordina-
13 tion with, consolidation of, or expansion of existing
14 State or local juvenile crime control and juvenile of-
15 fender accountability programs.

16 “(k) FUNDING PERIOD.—The State office may award
17 such a grant for a period of not more than 3 years.

18 “(l) RENEWAL OF GRANTS.—The State office may
19 renew grants made under this title. After the initial grant
20 period, in determining whether to renew a grant to an en-
21 tity to carry out activities, the State office shall give sub-
22 stantial weight to the effectiveness of the activities in
23 achieving reductions in crimes committed by juveniles and
24 in improving the administration of justice to juvenile of-
25 fenders.

1 “(m) SPECIAL GRANTS.—Of amounts made available
2 under this title in any fiscal year, the Administrator may
3 use—

4 “(1) not more than 7 percent for grants for re-
5 search and evaluation;

6 “(2) not more than 3 percent for grants to In-
7 dian tribes for purposes authorized by this title; and

8 “(3) not more than 5 percent for salaries and
9 expenses of the Office related to administering this
10 title.”.

11 (e) REPEALS; ADMINISTRATIVE PROVISIONS.—Title
12 H of the Juvenile Justice and Delinquency Prevention Act
13 of 1974 (42 U.S.C. 5611 et seq.) is amended—

14 (1) by striking sections 206 and 207 and insert-
15 ing the following:

16 **“SEC. 206. ALLOCATION OF GRANTS AND AUTHORIZATION**
17 **OF APPROPRIATIONS.—**

18 “(a) ALLOCATION OF GRANT AMOUNTS.—

19 “(1) IN GENERAL.—Amounts made available
20 under section 204(h) or part B shall be allocated to
21 the States as follows:

22 “(A) 0.25 percent shall be allocated to
23 each State; and

24 “(B) of the total amount remaining after
25 the allocation under subparagraph (A), there

1 shall be allocated to each State an amount that
 2 bears the same ratio to the amount of remain-
 3 ing funds described in this paragraph as the ju-
 4 venile population of such State bears to the ju-
 5 venile population of all the States.

6 “(2) EXCEPTIONS.—The amount allocated to
 7 the Virgin Islands of the United States, Guam,
 8 American Samoa, the Trust Territory of the Pacific
 9 Islands, and the Commonwealth of the Northern
 10 Mariana Islands shall be not less than \$75,000 and
 11 not more than \$100,000.

12 “(3) REALLOCATION PROHIBITED.—Any
 13 amounts appropriated but not allocated due to the
 14 ineligibility or nonparticipation of any State shall
 15 not be reallocated, but shall revert to the Treasury
 16 at the end of the fiscal year for which they were ap-
 17 propriated.

18 “(4) RESTRICTIONS ON THE USE OF
 19 AMOUNTS.—

20 “(A) EXPERIMENTATION ON INDIVID-
 21 UALS.—

22 “(i) IN GENERAL.—No amounts made
 23 available to carry out this title may be
 24 used for any biomedical or behavior control

1 experimentation on individuals or any re-
2 search involving such experimentation.

3 “(ii) DEFINITION OF ‘BEHAVIOR CON-
4 TROL’.—In this subparagraph, the term
5 ‘behavior control’—

6 “(I) means any experimentation
7 or research employing methods that—

8 “(aa) involve a substantial
9 risk of physical or psychological
10 harm to the individual subject;
11 and

12 “(bb) are intended to modify
13 or alter criminal and other anti-
14 social behavior, including aversive
15 conditioning therapy, drug ther-
16 apy, chemotherapy (except as
17 part of routine clinical care),
18 physical therapy of mental dis-
19 orders, electroconvulsive therapy,
20 or physical punishment; and

21 “(II) does not include a limited
22 class of programs generally recognized
23 as involving no such risk, including
24 methadone maintenance and certain
25 alcohol treatment programs, psycho-

1 logical counseling, parent training, be-
2 havior contracting, survival skills
3 training, restitution, or community
4 service, if safeguards are established
5 for the informed consent of subjects
6 (including parents or guardians of mi-
7 nors).

8 “(B) PROHIBITION AGAINST USE OF
9 AMOUNTS IN CONSTRUCTION.—No amount
10 made available to any public or private agency,
11 or institution or to any individual under this
12 title (either directly or through a State office)
13 may be used for construction, except for minor
14 renovations or additions to an existing struc-
15 ture.

16 “(C) JOB TRAINING.—No amount made
17 available under this title may be used to carry
18 out a youth employment program to provide
19 subsidized employment opportunities, job train-
20 ing activities, or school-to-work activities for
21 participants.

22 “(D) LOBBYING.—

23 “(i) IN GENERAL.—Except as pro-
24 vided in clause (ii), no amount made avail-
25 able under this title to any public or pri-

1 vate agency, organization, or institution or
2 to any individual shall be used to pay for
3 any personal service, advertisement, tele-
4 gram, telephone communication, letter,
5 printed or written matter, or other device
6 intended or designed to influence a Mem-
7 ber of Congress or any other Federal,
8 State, or local elected official to favor or
9 oppose any Act, bill, resolution, or other
10 legislation, or any referendum, initiative,
11 constitutional amendment, or any other
12 procedure of Congress, any State legisla-
13 ture, any local council, or any similar gov-
14 erning body.

15 “(ii) EXCEPTION.—This subpara-
16 graph does not preclude the use of
17 amounts made available under this title in
18 connection with communications to Fed-
19 eral, State, or local elected officials, upon
20 the request of such officials through proper
21 official channels, pertaining to authoriza-
22 tion, appropriation, or oversight measures
23 directly affecting the operation of the pro-
24 gram involved.

1 “(E) LEGAL ACTION.—No amounts made
2 available under this title to any public or pri-
3 vate agency, organization, institution, or to any
4 individual, shall be used in any way directly or
5 indirectly to file an action or otherwise take any
6 legal action against any Federal, State, or local
7 agency, institution, or employee.

8 “(F) RELIGIOUS ORGANIZATIONS.—

9 “(i) IN GENERAL.—The purpose of
10 this subparagraph is to allow State and
11 local governments to contract with reli-
12 gious organizations, or to allow religious
13 organizations to accept certificates, vouch-
14 ers, or other forms of disbursement under
15 any program described in this title, on the
16 same basis as any other nongovernmental
17 provider without impairing the religious
18 character of such organizations, and with-
19 out diminishing the religious freedom of
20 beneficiaries of assistance funded under
21 such program.

22 “(ii) NONDISCRIMINATION AGAINST
23 RELIGIOUS ORGANIZATIONS.—A State or
24 local government exercising its authority to
25 distribute grants to applicants under this

1 title shall ensure that religious organiza-
2 tions are eligible, on the same basis as any
3 other private organization, as contractors
4 to provide assistance, or to accept certifi-
5 cates, vouchers, or other forms of disburse-
6 ment, under any program described in this
7 title, so long as the programs are imple-
8 mented consistent with the Establishment
9 Clause of the United States Constitution.
10 Except as provided in clause (x), neither
11 the Federal Government nor a State re-
12 ceiving funds under such programs shall
13 discriminate against an organization which
14 is or applies to be a contractor to provide
15 assistance, or which is or applies to be a
16 contractor to provide assistance, or which
17 accepts certificates, vouchers, or other
18 forms of disbursement, on the basis that
19 the organization has a religious character.

20 “(iii) RELIGIOUS CHARACTER AND
21 FREEDOM.—

22 “(I) RELIGIOUS ORGANIZA-
23 TIONS.—A religious organization that
24 participates in a program authorized
25 by this title shall retain its independ-

1 ence from Federal, State, and local
2 governments, including such organiza-
3 tion's control over the definition, de-
4 velopment, practice, and expression of
5 its religious beliefs.

6 “(II) ADDITIONAL SAFE-
7 GUARDS.—Neither the Federal Gov-
8 ernment nor a State shall require a
9 religious organization to—

10 “(aa) alter its form of inter-
11 nal governance; or

12 “(bb) remove religious art,
13 icons, scripture, or other symbols;
14 in order to be eligible to contract to
15 provide assistance, or to accept certifi-
16 cates, vouchers, or other forms of dis-
17 bursements, funded under a program
18 described in this title.

19 “(iv) RIGHTS OF BENEFICIARIES OF
20 ASSISTANCE.—If juvenile offender has an
21 objection to the religious character of the
22 organization or institution from which the
23 juvenile offender receives, or would receive,
24 assistance funded under any program de-
25 scribed in this title, the State in which the

1 individual resides shall provide such indi-
2 vidual (if otherwise eligible for such assist-
3 ance) within a reasonable period of time
4 after the date of such objection with assist-
5 ance from an alternative provider.

6 “(v) EMPLOYMENT PRACTICES.—A re-
7 ligious organization’s exemption provided
8 under section 702 of the Civil Rights Act
9 of 1964 (42 U.S.C. 2000e-1a) regarding
10 employment practices shall not be affected
11 by its participation in, or receipt of funds
12 from, programs described in this title.

13 “(vi) NONDISCRIMINATION AGAINST
14 BENEFICIARIES.—Except as otherwise pro-
15 vided in law, a religious organization shall
16 not discriminate against an individual in
17 regard to rendering assistance funded
18 under any program described in this title
19 on the basis of religion, a religious belief,
20 or refusal to actively participate in a reli-
21 gious practice.

22 “(vii) FISCAL ACCOUNTABILITY.—

23 “(I) IN GENERAL.—Subject to
24 subclause (II), any religious organiza-
25 tion contracting to provide assistance

1 funded under any program described
2 in clause (i)(II) shall be subject to the
3 same regulations as other contractors
4 to account in accord with generally
5 accepted auditing principles for the
6 use of such funds provided under such
7 programs.

8 “(II) LIMITED AUDIT.—If such
9 organization segregates Federal funds
10 provided under such programs into
11 separate accounts, then only the fi-
12 nancial assistance provided with such
13 funds shall be subject to audit.

14 “(viii) COMPLIANCE.—Any party
15 which seeks to enforce its rights under this
16 subparagraph may assert a civil action for
17 injunctive relief exclusively in an appro-
18 priate State court against the entity or
19 agency that allegedly commits such viola-
20 tion.

21 “(ix) LIMITATIONS ON USE OF FUNDS
22 FOR CERTAIN PURPOSES.—No funds pro-
23 vided directly to institutions or organiza-
24 tions to provide services and administer
25 programs under this title shall be expended

1 for sectarian worship, instruction, or pros-
 2 elytization.

3 “(x) PREEMPTION.—Nothing in this
 4 subparagraph shall be construed to pre-
 5 empt any provision of a State constitution
 6 or State statute that prohibits or restricts
 7 the expenditure of State funds in or by re-
 8 ligious organizations.

9 “(5) PENALTIES.—

10 “(A) IN GENERAL.—If any amounts are
 11 used for the purposes prohibited in either sub-
 12 paragraph (D) or (E) of paragraph (4)—

13 “(i) all funding for the agency, orga-
 14 nization, institution, or individual at issue
 15 shall be immediately discontinued; and

16 “(ii) the agency, organization, institu-
 17 tion, or individual using amounts for the
 18 purpose prohibited in subparagraph (D) or
 19 (E) of paragraph (4) shall be liable for re-
 20 imbursement of all amounts granted to the
 21 individual or entity for the fiscal year for
 22 which the amounts were granted.

23 “(B) LIABILITY FOR EXPENSES AND DAM-
 24 AGES.—In relation to a violation of paragraph
 25 (4)(E), the individual filing the lawsuit or re-

1 sponsible for taking the legal action against the
 2 Federal, State, or local agency or institution, or
 3 individual working for the Government, shall be
 4 individually liable for all legal expenses and any
 5 other expenses of the government agency, insti-
 6 tution, or individual working for the Govern-
 7 ment, including damages assessed by the jury
 8 against the Government agency, institution, or
 9 individual working for the government, and any
 10 punitive damages.

11 “(b) AUTHORIZATION OF APPROPRIATIONS.—

12 “(1) IN GENERAL.—There are authorized to be
 13 appropriated to carry out this title—

14 “(A) \$650,000,000 for fiscal year 1998;

15 “(B) \$650,000,000 for fiscal year 1999;

16 “(C) \$650,000,000 for fiscal year 2000;

17 “(D) \$650,000,000 for fiscal year 2001;

18 and

19 “(E) \$650,000,000 for fiscal year 2002.

20 “(2) ALLOCATION OF APPROPRIATIONS.—Of

21 amounts authorized to be appropriated under para-

22 graph (1) in each fiscal year—

23 “(A) \$500,000,000 shall be for programs

24 under section 204(h); and

1 “(B) \$150,000,000 shall be for programs
2 under part B.

3 ~~“(3) AVAILABILITY OF FUNDS.—~~Amounts made
4 available pursuant to this subsection, and allocated
5 pursuant to paragraph (1) in any fiscal year shall
6 remain available until expended.

7 **“SEC. 207. ADMINISTRATIVE PROVISIONS.**

8 ~~“(a) AUTHORITY OF ADMINISTRATOR.—~~The Office
9 shall be administered by the Administrator under the gen-
10 eral authority of the Attorney General.

11 ~~“(b) APPLICABILITY OF CERTAIN CRIME CONTROL~~
12 ~~PROVISIONS.—~~Sections 809(e), 811(a), 811(b), 811(e),
13 812(a), 812(b), and 812(d) of the Omnibus Crime Control
14 and Safe Streets Act of 1968 (42 U.S.C. 3789d(e),
15 3789f(a), 3789f(b), 3789f(e), 3789g(a), 3789g(b),
16 3789g(d)) shall apply with respect to the administration
17 of and compliance with this Act, except that for purposes
18 of this Act—

19 ~~“(1) any reference to the Office of Justice Pro-~~
20 grams in such sections shall be considered to be a
21 reference to the Assistant Attorney General who
22 heads the Office of Justice Programs; and

23 ~~“(2) the term ‘this title’ as it appears in such~~
24 sections shall be considered to be a reference to this
25 Act.

1 “(c) APPLICABILITY OF CERTAIN OTHER CRIME
2 CONTROL PROVISIONS.—Sections 801(a), 801(e), and 806
3 of the Omnibus Crime Control and Safe Streets Act of
4 1968 (42 U.S.C. 3711(a), 3711(e), and 3787) shall apply
5 with respect to the administration of and compliance with
6 this Act, except that, for purposes of this Act—

7 “(1) any reference to the Attorney General, the
8 Assistant Attorney General who heads the Office of
9 Justice Programs, the Director of the National In-
10 stitute of Justice, the Director of the Bureau of Jus-
11 tice Statistics, or the Director of the Bureau of Jus-
12 tice Assistance shall be considered to be a reference
13 to the Administrator;

14 “(2) any reference to the Office of Justice Pro-
15 grams, the Bureau of Justice Assistance, the Na-
16 tional Institute of Justice, or the Bureau of Justice
17 Statistics shall be considered to be a reference to the
18 Office of Juvenile Justice and Delinquency Preven-
19 tion; and

20 “(3) the term ‘this title’ as it appears in such
21 sections shall be considered to be a reference to this
22 Act.

23 “(d) RULES, REGULATIONS, AND PROCEDURES.—
24 The Administrator may, after appropriate consultation
25 with representatives of States and units of local govern-

1 ment, establish such rules, regulations, and procedures as
 2 are necessary for the exercise of the functions of the Office
 3 and as are consistent with the purpose of this Act.

4 “(e) ~~WITHHOLDING.~~—The Administrator shall initi-
 5 ate such proceedings as the Administrator determines to
 6 be appropriate if the Administrator, after giving reason-
 7 able notice and opportunity for hearing to a recipient of
 8 financial assistance under this title, finds that—

9 “(1) the program or activity for which the
 10 grant or contract involved was made has been so
 11 changed that the program or activity no longer com-
 12 plies with this title; or

13 “(2) in the operation of such program or activ-
 14 ity there is failure to comply substantially with any
 15 provision of this title.”;

16 (2) in part B—

17 (A) in section 221(b)—

18 (i) in paragraph (1)—

19 (I) by striking “section 223” and
 20 inserting “section 222”; and

21 (II) by striking “section 223(e)”
 22 and inserting “section 222(e)”; and

23 (ii) in paragraph (2), by striking “sec-
 24 tion 299(c)(1)” and inserting “section
 25 222(a)(1)”; and

1 (B) by striking sections 222 and 223 and
2 inserting the following:

3 **“SEC. 222. STATE PLANS.**

4 “(a) IN GENERAL.—In order to receive formula
5 grants under this part, a State shall submit a plan for
6 carrying out its purposes applicable to a 3-year period.
7 The State shall submit annual performance reports to the
8 Administrator which shall describe progress in implement-
9 ing programs contained in the original plan, and shall de-
10 scribe the status of compliance with State plan require-
11 ments. In accordance with regulations which the Adminis-
12 trator shall prescribe, such plan shall—

13 “(1) designate a State agency as the sole agen-
14 cy for supervising the preparation and administra-
15 tion of the plan;

16 “(2) contain satisfactory evidence that the
17 State agency designated in accordance with para-
18 graph (1) has or will have authority, by legislation
19 if necessary, to implement such plan in conformity
20 with this part;

21 “(3) provide for the active consultation with
22 and participation of units of general local govern-
23 ment or combinations thereof in the development of
24 a State plan which adequately takes into account the
25 needs and requests of local governments, except that

1 nothing in the plan requirements, or any regulations
2 promulgated to carry out such requirements, shall be
3 construed to prohibit or impede the State from mak-
4 ing grants to, or entering into contracts with, local
5 private agencies, including religious organizations;

6 “(4) provide that the chief executive officer of
7 the unit of general local government shall assign re-
8 sponsibility for the preparation and administration
9 of the local government’s part of a State plan, or for
10 the supervision of the preparation and administra-
11 tion of the local government’s part of the State plan,
12 to that agency within the local government’s struc-
13 ture or to a regional planning agency (in this part
14 referred to as the ‘local agency’) which can most ef-
15 fectively carry out the purposes of this part and
16 shall provide for supervision of the programs funded
17 under this part by that local agency;

18 “(5)(A) provide for—

19 “(i) an analysis of juvenile crime problems
20 (including the joining of gangs that commit
21 crimes) and juvenile justice and delinquency
22 prevention needs (including educational needs)
23 within the relevant jurisdiction (including any
24 geographical area in which an Indian tribe per-
25 forms law enforcement functions); a description

1 of the services to be provided, and a description
2 of performance goals and priorities, including a
3 specific statement of the manner in which pro-
4 grams are expected to meet the identified juve-
5 nile crime problems (including the joining of
6 gangs that commit crimes) and juvenile justice
7 and delinquency prevention needs (including
8 educational needs) of the jurisdiction;

9 “(ii) an indication of the manner in which
10 the programs relate to other similar State or
11 local programs which are intended to address
12 the same or similar problems; and

13 “(iii) a plan for the concentration of State
14 efforts which shall coordinate all State juvenile
15 delinquency programs with respect to overall
16 policy and development of objectives and prior-
17 ities for all State juvenile delinquency programs
18 and activities, including provision for regular
19 meetings of State officials with responsibility in
20 the area of juvenile justice and delinquency pre-
21 vention;

22 “(B) contain—

23 “(i) an analysis of services for the preven-
24 tion and treatment of juvenile delinquency in
25 rural areas, including the need for such serv-

1 ices, the types of such services available in rural
2 areas, and geographically unique barriers to
3 providing such services; and

4 “~~(ii)~~ a plan for providing needed services
5 for the prevention and treatment of juvenile de-
6 linquency in rural areas; and

7 “~~(C)~~ contain—

8 “~~(i)~~ an analysis of mental health services
9 available to juveniles in the juvenile justice sys-
10 tem (including an assessment of the appro-
11 priateness of the particular placements of juve-
12 niles in order to receive such services) and of
13 barriers to access to such services; and

14 “~~(ii)~~ a plan for providing needed mental
15 health services to juveniles in the juvenile jus-
16 tice system;

17 “~~(6)~~ provide for the active consultation with
18 and participation of private agencies in the develop-
19 ment and execution of the State plan; and provide
20 for coordination and maximum utilization of existing
21 juvenile delinquency programs and other related pro-
22 grams, such as education, special education, recre-
23 ation, health, and welfare within the State;

1 “(7) provide for the development of an adequate
2 research, training, and evaluation capacity within
3 the State;

4 “(8) provide that not less than 75 percent of
5 the funds made available to the State pursuant to
6 grants under section 221, whether expended directly
7 by the State, by the unit of general local govern-
8 ment, or by a combination thereof, or through
9 grants and contracts with public or private nonprofit
10 agencies, shall be used for—

11 “(A) community-based alternatives (includ-
12 ing home-based alternatives) to incarceration
13 and institutionalization, specifically—

14 “(i) for youth who can remain at
15 home with assistance, home probation and
16 programs providing professional supervised
17 group activities or individualized mentoring
18 relationships with adults that involve the
19 family and provide counseling and other
20 supportive services;

21 “(ii) for youth who need temporary
22 placement, crisis intervention, shelter, and
23 after-care; and

24 “(iii) for youth who need residential
25 placement, a continuum of foster care or

1 group home alternatives that provide ac-
2 cess to a comprehensive array of services;

3 ~~“(B) community-based programs and serv-~~
4 ~~ices to work with—~~

5 “(i) parents and other family mem-
6 bers to strengthen families, including par-
7 ent self-help groups, so that juveniles may
8 be retained in their homes;

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

13 “(iii) parents with limited-English
14 speaking ability, particularly in areas
15 where there is a large population of fami-
16 lies with limited-English speaking ability;

17 ~~“(C) comprehensive juvenile justice and de-~~
18 ~~linquency prevention programs that meet the~~
19 ~~needs of youth through the collaboration of the~~
20 ~~many local systems before which a youth may~~
21 ~~appear, including schools, courts, law enforce-~~
22 ~~ment agencies, child protection agencies, mental~~
23 ~~health agencies, welfare services, health care~~
24 ~~agencies, and private nonprofit agencies offer-~~
25 ~~ing youth services;~~

1 “(D) projects designed to develop and im-
2 plement programs stressing advocacy activities
3 aimed at improving services for and protecting
4 the rights of youth affected by the juvenile jus-
5 tice system;

6 “(E) educational programs or supportive
7 services for delinquent or other juveniles, pro-
8 vided equitably regardless of sex, race, or family
9 income, designed to—

10 “(i) encourage juveniles to remain in
11 elementary and secondary schools or in al-
12 ternative learning situations, including—

13 “(I) education in settings that
14 promote experiential, individualized
15 learning and exploration of academic
16 and career options;

17 “(II) assistance in making the
18 transition to the world of work and
19 self-sufficiency;

20 “(III) alternatives to suspension
21 and expulsion; and

22 “(IV) programs to counsel delin-
23 quent juveniles and other juveniles re-
24 garding the opportunities that edu-
25 cation provides; and

1 “(ii) enhance coordination with the
2 local schools that such juveniles would oth-
3 erwise attend, to ensure that—

4 “(I) the instruction that juveniles
5 receive outside school is closely
6 aligned with the instruction provided
7 in school; and

8 “(II) information regarding any
9 learning problems identified in such
10 alternative learning situations are
11 communicated to the schools;

12 “(F) expanded use of home probation and
13 recruitment and training of home probation of-
14 ficers, other professional and paraprofessional
15 personnel, and volunteers to work effectively to
16 allow youth to remain at home with their fami-
17 lies as an alternative to incarceration or institu-
18 tionalization;

19 “(G) youth-initiated outreach programs de-
20 signed to assist youth (including youth with
21 limited proficiency in English) who otherwise
22 would not be reached by traditional youth as-
23 sistance programs;

24 “(H) programs designed to develop and
25 implement projects relating to juvenile delin-

1 quency and learning disabilities, including on-
2 the-job training programs to assist community
3 services, law enforcement, and juvenile justice
4 personnel to more effectively recognize and pro-
5 vide for learning disabled and other handi-
6 capped youth;

7 “(I) projects designed both to deter in-
8 volvement in illegal activities and to promote in-
9 volvement in lawful activities on the part of
10 gangs whose membership is substantially com-
11 posed of youth;

12 “(J) programs and projects designed to
13 provide for the treatment of youths’ dependence
14 on or abuse of alcohol or other addictive or non-
15 addictive drugs;

16 “(K) law-related education programs (and
17 projects) for delinquent and at-risk youth de-
18 signed to prevent juvenile delinquency;

19 “(L) programs for positive youth develop-
20 ment that assist delinquent and other at-risk
21 youth in obtaining—

22 “(i) a sense of safety and structure;

23 “(ii) a sense of belonging and mem-
24 bership;

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

3 “(iv) a sense of independence and con-
4 trol over one’s life;

5 “(v) a sense of closeness in inter-
6 personal relationships; and

7 “(vi) a sense of competence and mas-
8 tery including health and physical com-
9 petence; personal and social competence;
10 cognitive and creative competence; voca-
11 tional competence; and citizenship com-
12 petence; including ethics and participation;

13 “(M) programs that, in recognition of
14 varying degrees of the seriousness of delinquent
15 behavior and the corresponding gradations in
16 the responses of the juvenile justice system in
17 response to that behavior, are designed to—

18 “(i) encourage courts to develop and
19 implement a continuum of post-adjudica-
20 tion restraints that bridge the gap between
21 traditional probation and confinement in a
22 correctional setting (including expanded
23 use of probation, mediation, restitution,
24 community service, treatment, home deten-
25 tion, intensive supervision, electronic mon-

1 itoring; boot camps and similar programs;
2 and secure community-based treatment fa-
3 cilities linked to other support services
4 such as health, mental health, education
5 (remedial and special), job training, and
6 recreation); and

7 “(ii) assist in the provision by the Ad-
8 ministrator of information and technical
9 assistance, including technology transfer,
10 to States in the design and utilization of
11 risk assessment mechanisms to aid juvenile
12 justice personnel in determining appro-
13 priate sanctions for delinquent behavior;

14 “(N) programs designed to prevent and re-
15 duce hate crimes committed by juveniles, in-
16 cluding educational programs and sentencing
17 programs designed specifically for juveniles who
18 commit hate crimes and that provide alter-
19 natives to incarceration; and

20 “(O) programs (including referral to lit-
21 eracy programs and social service programs) to
22 assist families with limited-English speaking
23 ability that include delinquent juveniles to over-
24 come language and cultural barriers that may

1 prevent the complete treatment of such juve-
2 niles and the preservation of their families;

3 ~~“(9) provide for the development of an adequate~~
4 ~~research, training, and evaluation capacity within~~
5 ~~the State;~~

6 ~~“(10) provide that the State shall not detain or~~
7 ~~confine juveniles who are alleged to be or determined~~
8 ~~to be delinquent in any institution in which the juve-~~
9 ~~nile has regular sustained physical contact with~~
10 ~~adult persons who are detained or confined;~~

11 ~~“(11) provide for an adequate system of mon-~~
12 ~~itoring jails, detention facilities, correctional facili-~~
13 ~~ties, and nonsecure facilities to ensure that the re-~~
14 ~~quirements of paragraph (10) are met, and for an-~~
15 ~~annual reporting of the results of such monitoring to~~
16 ~~the Administrator, except that such reporting re-~~
17 ~~quirements shall not apply in the case of a State~~
18 ~~which is in compliance with the other requirements~~
19 ~~of this paragraph, which is in compliance with the~~
20 ~~requirements in paragraph (10), and which has en-~~
21 ~~acted legislation which conforms to such require-~~
22 ~~ments and which contains, in the opinion of the Ad-~~
23 ~~ministrator, sufficient enforcement mechanisms to~~
24 ~~ensure that such legislation will be administered ef-~~
25 ~~fectively;~~

1 “(12) provide assurance that youth in the juve-
2 nile justice system are treated equitably on the basis
3 of gender, race, family income, and mentally, emo-
4 tionally, or physically handicapping conditions;

5 “(13) provide assurance that consideration will
6 be given to and that assistance will be available for
7 approaches designed to strengthen the families of
8 delinquent and other youth to prevent juvenile delin-
9 quency (which approaches should include the involve-
10 ment of grandparents or other extended family
11 members when possible and appropriate and the pro-
12 vision of family counseling during the incarceration
13 of juvenile family members and coordination of fam-
14 ily services when appropriate and feasible);

15 “(14) provide for procedures to be established
16 for protecting the rights of recipients of services and
17 for assuring appropriate privacy with regard to
18 records relating to such services provided to any in-
19 dividual under the State plan;

20 “(15) provide for such fiscal control and fund
21 accounting procedures necessary to assure prudent
22 use, proper disbursement, and accurate accounting
23 of funds received under this title;

24 “(16) provide reasonable assurances that Fed-
25 eral funds made available under this part for any pe-

1 riod shall be so used as to supplement and increase
2 (but not supplant) the level of the State, local, and
3 other non-Federal funds that would in the absence
4 of such Federal funds be made available for the pro-
5 grams described in this part, and shall in no event
6 replace such State, local, and other non-Federal
7 funds; and

8 “(17) provide that the State agency designated
9 under paragraph (1) will from time to time, but not
10 less often than annually, review its plan and submit
11 to the Administrator an analysis and evaluation of
12 the effectiveness of the programs and activities ear-
13 ried out under the plan, and any modifications in
14 the plan, including the survey of State and local
15 needs, which it considers necessary.

16 “(b) APPROVAL BY STATE AGENCY.—The State
17 agency designated under subsection (a)(1) shall approve
18 the State plan and any modification thereof prior to sub-
19 mission to the Administrator.

20 “(c) APPROVAL BY ADMINISTRATOR; COMPLIANCE
21 WITH STATUTORY REQUIREMENTS.—

22 “(1) IN GENERAL.—The Administrator shall
23 approve any State plan and any modification thereof
24 that meets the requirements of this section.

1 ~~“(2) REDUCED ALLOCATIONS.—~~If a State fails
 2 to comply with any requirement of subsection
 3 ~~(a)(10)~~ in any fiscal year beginning after January 1,
 4 1998, the State shall be ineligible to receive any allo-
 5 cation under that section for such fiscal year un-
 6 less—

7 ~~“(A) the State agrees to expend all the re-~~
 8 ~~maining funds the State receives under this~~
 9 ~~part for that fiscal year only to achieve compli-~~
 10 ~~ance with such paragraph; or~~

11 ~~“(B) the Administrator determines, in the~~
 12 ~~discretion of the Administrator, that the~~
 13 ~~State—~~

14 ~~“(i) has achieved substantial compli-~~
 15 ~~ance with such paragraph; and~~

16 ~~“(ii) has made, through appropriate~~
 17 ~~executive or legislative action, an unequivocal~~
 18 ~~commitment to achieving full compli-~~
 19 ~~ance within a reasonable time.”; and~~

20 ~~(3) by striking parts C, D, E, F, G, and H, and~~
 21 ~~each part designated as part I.~~

22 **SEC. 303. RUNAWAY AND HOMELESS YOUTH.**

23 Section 385 of the Juvenile Justice and Delinquency
 24 Prevention Act of 1974 (42 U.S.C. 5751) is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “1993
2 and such sums as may be necessary for fiscal
3 years 1994, 1995, and 1996” and inserting
4 “1998 and such sums as may be necessary for
5 fiscal years 1999, 2000, 2001, and 2002”; and

6 (B) by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

9 (2) in subsection (b), by striking “1993 and
10 such sums as may be necessary for fiscal years
11 1994, 1995, and 1996” and inserting “1998 and
12 such sums as may be necessary for fiscal years
13 1999, 2000, 2001, and 2002”; and

14 (3) in subsection (c), by striking “1993, 1994,
15 1995, and 1996” and inserting “1998, 1999, 2000,
16 2001, and 2002”.

17 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

18 Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.) is amended—
20 ed—

21 (1) in section 403, by striking paragraph (2)
22 and inserting the following:

23 “(2) the term ‘Administrator’ means the Administrator of the Office of Juvenile Crime Control
24 and Accountability.”;
25

1 (5) the term “function” means any duty, obli-
2 gation, power, authority, responsibility, right, privi-
3 lege, activity, or program;

4 (6) the term “Office of Juvenile Crime Control
5 and Accountability” means the office established by
6 operation of subsection (b);

7 (7) the term “Office of Juvenile Justice and
8 Delinquency Prevention” means the Office of Juve-
9 nile Justice and Delinquency Prevention within the
10 Department of Justice, established by section 201 of
11 the Juvenile Justice and Delinquency Prevention Act
12 of 1974, as in effect on the day before the date of
13 enactment of this Act; and

14 (8) the term “office” includes any office, ad-
15 ministration, agency, institute, unit, organizational
16 entity, or component thereof.

17 (b) TRANSFER OF FUNCTIONS.—There are trans-
18 ferred to the Office of Juvenile Crime Control and Ae-
19 countability all functions that the Administrator of the Of-
20 fice exercised before the date of enactment of this Act (in-
21 cluding all related functions of any officer or employee of
22 the Office of Juvenile Justice and Delinquency Preven-
23 tion), and authorized after the enactment of this Act, re-
24 lating to carrying out the Juvenile Justice and Delin-
25 quency Prevention Act of 1974.

1 (c) TRANSFER AND ALLOCATIONS OF APPROPRIA-
2 TIONS AND PERSONNEL.—

3 (1) IN GENERAL.—Except as otherwise pro-
4 vided in this section and in section 101(a) (relating
5 to Juvenile Justice Programs) of the Omnibus Con-
6 solidated Appropriations Act, 1997, the personnel
7 employed in connection with, and the assets, liabil-
8 ities, contracts, property, records, and unexpended
9 balances of appropriations, authorizations, alloca-
10 tions, and other amounts employed, used, held, aris-
11 ing from, available to, or to be made available in
12 connection with the functions transferred by this
13 section, subject to section 1531 of title 31, United
14 States Code, shall be transferred to the Office of Ju-
15 venile Crime Control and Accountability.

16 (2) UNEXPENDED AMOUNTS.—Any unexpended
17 amounts transferred pursuant to this subsection
18 shall be used only for the purposes for which the
19 amounts were originally authorized and appro-
20 priated.

21 (d) INCIDENTAL TRANSFERS.—

22 (1) IN GENERAL.—The Director of the Office of
23 Management and Budget, at such time or times as
24 the Director of that Office shall provide, may make
25 such determinations as may be necessary with re-

1 gard to the functions transferred by this section, and
2 to make such additional incidental dispositions of
3 personnel, assets, liabilities, grants, contracts, prop-
4 erty, records, and unexpended balances of appropria-
5 tions, authorizations, allocations, and other amounts
6 held, used, arising from, available to, or to be made
7 available in connection with such functions, as may
8 be necessary to carry out this section.

9 (2) ~~TERMINATION OF AFFAIRS.~~—The Director
10 of the Office of Management and Budget shall pro-
11 vide for the termination of the affairs of all entities
12 terminated by this section and for such further
13 measures and dispositions as may be necessary to ef-
14 fectuate the purposes of this section.

15 (c) ~~EFFECT ON PERSONNEL.~~—

16 (1) ~~IN GENERAL.~~—Except as otherwise pro-
17 vided by this section, the transfer pursuant to this
18 section of full-time personnel (except special Govern-
19 ment employees) and part-time personnel holding
20 permanent positions shall not cause any such em-
21 ployee to be separated or reduced in grade or com-
22 pensation for 1 year after the date of transfer of
23 such employee under this section.

24 (2) ~~EXECUTIVE SCHEDULE POSITIONS.~~—Except
25 as otherwise provided in this section, any person

1 who, on the day before the date of enactment of this
2 Act, held a position compensated in accordance with
3 the Executive Schedule prescribed in chapter 53 of
4 title 5, United States Code, and who, without a
5 break in service, is appointed in the Office of Juve-
6 nile Crime Control and Accountability to a position
7 having duties comparable to the duties performed
8 immediately preceding such appointment shall con-
9 tinue to be compensated in such new position at not
10 less than the rate provided for such previous posi-
11 tion, for the duration of the service of such person
12 in such new position.

13 (3) TRANSITION RULE.—

14 (A) IN GENERAL.—The incumbent Admin-
15 istrator of the Office as of the date immediately
16 preceding the date of enactment of this Act
17 shall continue to serve as Administrator after
18 the enactment of this Act until such time as the
19 incumbent resigns, is relieved of duty by the
20 President, or an Administrator is appointed by
21 the President, by and with the advice and con-
22 sent of the Senate.

23 (B) NOMINEE.—Not later than 6 months
24 after the date of enactment of this Act, the
25 President shall submit to the Senate for its con-

1 sideration the name of the individual nominated
2 to be appointed as the Administrator.

3 (f) SAVINGS PROVISIONS.—

4 (1) CONTINUING EFFECT OF LEGAL DOCU-
5 MENTS.—All orders, determinations, rules, regula-
6 tions, permits, agreements, grants, contracts, certifi-
7 cates, licenses, registrations, privileges, and other
8 administrative actions—

9 (A) that have been issued, made, granted,
10 or allowed to become effective by the President,
11 any Federal agency or official thereof, or by a
12 court of competent jurisdiction, in the perform-
13 ance of functions that are transferred under
14 this section; and

15 (B) that are in effect at the time this sec-
16 tion takes effect, or were final before the date
17 of enactment of this Act and are to become ef-
18 fective on or after the date of enactment of this
19 Act, shall continue in effect according to their
20 terms until modified, terminated, superseded,
21 set aside, or revoked in accordance with law by
22 the President, the Administrator, or other au-
23 thorized official, a court of competent jurisdic-
24 tion, or by operation of law.

25 (2) PROCEEDINGS NOT AFFECTED.—

1 (A) ~~IN GENERAL.~~—This section shall not
2 affect any proceedings, including notices of pro-
3 posed rulemaking, or any application for any li-
4 cense, permit, certificate, or financial assistance
5 pending before the Office of Juvenile Justice
6 and Delinquency Prevention on the date on
7 which this section takes effect, with respect to
8 functions transferred by this section but such
9 proceedings and applications shall be continued.

10 (B) ~~ORDERS; APPEALS; PAYMENTS.~~—Or-
11 ders shall be issued in such proceedings, ap-
12 peals shall be taken therefrom, and payments
13 shall be made pursuant to such orders, as if
14 this section had not been enacted, and orders
15 issued in any such proceedings shall continue in
16 effect until modified, terminated, superseded, or
17 revoked by a duly authorized official, by a court
18 of competent jurisdiction, or by operation of
19 law.

20 (C) ~~DISCONTINUANCE OR MODIFICA-~~
21 ~~TION.~~—Nothing in this paragraph shall be con-
22 strued to prohibit the discontinuance or modi-
23 fication of any such proceeding under the same
24 terms and conditions and to the same extent
25 that such proceeding could have been discon-

1 tinued or modified if this paragraph had not
2 been enacted.

3 ~~(3) SUITS NOT AFFECTED.~~—This section shall
4 not affect suits commenced before the date of enact-
5 ment of this Act, and in all such suits, proceedings
6 shall be had, appeals taken, and judgments rendered
7 in the same manner and with the same effect as if
8 this section had not been enacted.

9 ~~(4) NONABATEMENT OF ACTIONS.~~—No suit, ac-
10 tion, or other proceeding commenced by or against
11 the Office of Juvenile Justice and Delinquency Pre-
12 vention, or by or against any individual in the offi-
13 cial capacity of such individual as an officer of the
14 Office of Juvenile Justice and Delinquency Preven-
15 tion, shall abate by reason of the enactment of this
16 section.

17 ~~(5) ADMINISTRATIVE ACTIONS RELATING TO~~
18 ~~PROMULGATION OF REGULATIONS.~~—Any administra-
19 tive action relating to the preparation or promulga-
20 tion of a regulation by the Office of Juvenile Justice
21 and Delinquency Prevention relating to a function
22 transferred under this section may be continued, to
23 the extent authorized by this section, by the Office
24 of Juvenile Crime Control and Accountability with

1 the same effect as if this section had not been en-
2 acted.

3 (g) TRANSITION.—The Administrator may utilize—

4 (1) the services of such officers, employees, and
5 other personnel of the Office of Juvenile Justice and
6 Delinquency Prevention with respect to functions
7 transferred to the Office of Juvenile Crime Control
8 and Accountability by this section; and

9 (2) amounts appropriated to such functions for
10 such period of time as may reasonably be needed to
11 facilitate the orderly implementation of this section.

12 (h) REFERENCES.—Reference in any other Federal
13 law, Executive order, rule, regulation, or delegation of au-
14 thority, or any document of or relating to—

15 (1) the Administrator of the Office of Juvenile
16 Justice and Delinquency Prevention with regard to
17 functions transferred by operation of subsection (b),
18 shall be considered to refer to the Administrator of
19 the Office of Juvenile Crime Control and Account-
20 ability; and

21 (2) the Office of Juvenile Justice and Delin-
22 quency Prevention with regard to functions trans-
23 ferred by operation of subsection (b), shall be con-
24 sidered to refer to the Office of Juvenile Crime Con-
25 trol and Accountability.

1 (i) TECHNICAL AND CONFORMING AMENDMENT.—
 2 Section 5315 of title 5, United States Code, is amended
 3 by striking “Administrator, Office of Juvenile Crime Con-
 4 trol and Accountability”.

5 **SEC. 307. REPEAL OF UNNECESSARY AND DUPLICATIVE**
 6 **PROGRAMS.**

7 (a) VIOLENT CRIME CONTROL AND LAW ENFORCE-
 8 MENT ACT OF 1994.—

9 (1) TITLE III.—Title III of the Violent Crime
 10 Control and Law Enforcement Act of 1994 (42
 11 U.S.C. 13741 et seq.) is amended by striking sub-
 12 titles A through S, subtitle U, and subtitle X.

13 (2) TITLE V.—Title V of the Violent Crime
 14 Control and Law Enforcement Act of 1994 (42
 15 U.S.C. 3797 et seq.) is repealed.

16 (3) TITLE XXVII.—Title XXVII of the Violent
 17 Crime Control and Law Enforcement Act of 1994
 18 (42 U.S.C. 14191 et seq.) is repealed.

19 (b) ELEMENTARY AND SECONDARY EDUCATION
 20 ACT.—

21 (1) TITLE IV.—Title IV of the Elementary and
 22 Secondary Education Act of 1965 (20 U.S.C. 7101)
 23 is repealed.

1 (2) ~~TITLE V.—Part C of title V of the Element-~~
2 ~~ary and Secondary Education Act of 1965 (20~~
3 ~~U.S.C. 7261 et seq.) is repealed.~~

4 ~~(c) PUBLIC HEALTH SERVICE ACT.—Section 517 of~~
5 ~~the Public Health Service Act (42 U.S.C. 290bb-23) is~~
6 ~~repealed.~~

7 ~~(d) HUMAN SERVICES REAUTHORIZATION ACT.—~~
8 ~~Section 408 of the Human Services Reauthorization Act~~
9 ~~is repealed.~~

10 ~~(e) COMMUNITY SERVICES BLOCK GRANTS ACT.—~~
11 ~~Section 682 of the Community Services Block Grants Act~~
12 ~~(42 U.S.C. 9901) is repealed.~~

13 ~~(f) ANTI-DRUG ABUSE ACT.—Subtitle B of title III~~
14 ~~of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801~~
15 ~~et seq.) is amended by striking chapters 1 and 2.~~

16 **SEC. 308. CIVIL MONETARY PENALTY SURCHARGE.**

17 ~~(a) IMPOSITION.—Subject to subsection (b) and not-~~
18 ~~withstanding any other provision of law, a surcharge of~~
19 ~~40 percent of the principal amount of a civil monetary~~
20 ~~penalty shall be added to each civil monetary penalty as-~~
21 ~~sessed by the United States or any agency thereof at the~~
22 ~~time the penalty is assessed.~~

23 ~~(b) LIMITATION.—This section does not apply to any~~
24 ~~monetary penalty assessed under the Internal Revenue~~
25 ~~Code of 1986.~~

1 ~~(c) USE OF SURCHARGES.—~~Amounts collected from
 2 the surcharge imposed under this section shall be used for
 3 Federal programs to combat youth violence.

4 ~~(d) EFFECTIVE DATES.—~~

5 ~~(1) IN GENERAL.—~~A surcharge under sub-
 6 section ~~(b)~~ shall be added to each civil monetary
 7 penalty assessed on or after the later of October 1,
 8 1997 and the date of enactment of this Act.

9 ~~(2) EXPIRATION OF AUTHORITY.—~~The author-
 10 ity to add a surcharge under this subsection shall
 11 terminate at the close of September 30, 2002.

12 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

13 ~~(a) SHORT TITLE.—~~*This Act may be cited as the “Vio-*
 14 *lent and Repeat Juvenile Offender Act of 1997”.*

15 ~~(b) TABLE OF CONTENTS.—~~*The table of contents for*
 16 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Severability.

TITLE I—JUVENILE JUSTICE REFORM

Sec. 101. Repeal of general provision.

Sec. 102. Treatment of Federal juvenile offenders.

Sec. 103. Definitions.

Sec. 104. Notification after arrest.

Sec. 105. Release and detention prior to disposition.

Sec. 106. Speedy trial.

Sec. 107. Dispositional hearings.

Sec. 108. Use of juvenile records.

Sec. 109. Implementation of a sentence for juvenile offenders.

Sec. 110. Magistrate judge authority regarding juvenile defendants.

Sec. 111. Federal Sentencing Guidelines.

Sec. 112. Study and report on Indian tribal jurisdiction.

TITLE II—JUVENILE GANGS

- Sec. 201. Short title.*
Sec. 202. Increase in offense level for participation in crime as a gang member.
Sec. 203. Amendment of title 18 with respect to criminal gangs.
Sec. 204. Interstate and foreign travel or transportation in aid of criminal gangs.
Sec. 205. Solicitation or recruitment of persons in criminal gang activity.
Sec. 206. Crimes involving the recruitment of persons to participate in criminal gangs and firearms offenses as RICO predicates.
Sec. 207. Prohibitions relating to firearms.
Sec. 208. Amendment of sentencing guidelines with respect to body armor.
Sec. 209. Prison communications.
Sec. 210. High intensity interstate gang activity areas.
Sec. 211. Increased RICO penalties for gang and violent crimes.
Sec. 212. Increasing the penalty for using physical force to tamper with witnesses, victims, or informants.
Sec. 213. Clone pagers.

TITLE III—JUVENILE CRIME CONTROL AND ACCOUNTABILITY

- Sec. 301. Findings; declaration of purpose; definitions.*
Sec. 302. National program.
Sec. 303. Juvenile crime control and juvenile offender accountability incentive block grants.
Sec. 304. State plans.
Sec. 305. Grants to prosecutors.
Sec. 306. Runaway and homeless youth.
Sec. 307. Authorization of appropriations.
Sec. 308. Transfer of functions and savings provisions.
Sec. 309. Pilot program to promote replication of recent successful juvenile crime reduction strategies.
Sec. 310. Repeal of unnecessary and duplicative programs.
Sec. 311. Extension of Violent Crime Reduction Trust Fund.
Sec. 312. Reimbursement of States for costs of incarcerating juvenile aliens.

TITLE IV—BOYS AND GIRLS CLUBS

- Sec. 401. 2,500 Boys and Girls Clubs before 2000.*

TITLE V—MISCELLANEOUS

Subtitle A—General Provisions

- Sec. 501. Definition of unit of local government.*
Sec. 502. Carjacking offenses.
Sec. 503. Firearms safety.
Sec. 504. Firearm safety education grants.
Sec. 505. Increased penalty for firearms conspiracy.
Sec. 506. Felony treatment for offenses tantamount to aiding and abetting unlawful purchases.
Sec. 507. Increased penalty for knowingly receiving firearms with obliterated serial number.
Sec. 508. Amendment of the sentencing guidelines for transfers of firearms to prohibited persons.
Sec. 509. Criminal forfeiture of firearms used in crimes of violence and felonies.
Sec. 510. Criminal forfeiture for gun trafficking.

- Sec. 511. Using prison inmate labor and other labor for data processing of personal information about children.*
- Sec. 512. Truth-in-sentencing incentive grants.*
- Sec. 513. False advertising or misuse of name to indicate United States Marshals Service.*
- Sec. 514. Extension of authority.*
- Sec. 515. Use of residential substance abuse treatment grants to provide aftercare services.*
- Sec. 516. Establishment of felony violations.*
- Sec. 517. Hate Crimes Statistics Act.*
- Sec. 518. Elimination of the statute of limitations for murder and Class A offenses.*
- Sec. 519. Priority.*
- Sec. 520. Increased penalties for distributing drugs to minors.*
- Sec. 521. Increased penalty for drug trafficking in or near a school or other protected location.*
- Sec. 522. Increased penalties for using minors to distribute drugs.*
- Sec. 523. Penalties for use of minors in crimes of violence.*
- Sec. 524. Increased penalties for using Federal property to grow or manufacture controlled substances.*
- Sec. 525. Safe schools.*
- Sec. 526. Applicability to dangerous weapons.*

Subtitle B—Child Exploitation Sentencing Enhancement

- Sec. 531. Short title.*
- Sec. 532. Definitions.*
- Sec. 533. Increased penalties for use of a computer in the sexual abuse or exploitation of a child.*
- Sec. 534. Increased penalties for knowing misrepresentation in the sexual abuse or exploitation of a child.*
- Sec. 535. Increased penalties for pattern of activity of sexual exploitation of children.*
- Sec. 536. Repeat offenders; increased maximum penalties for transportation for illegal sexual activity and related crimes.*
- Sec. 537. Clarification of definition of distribution of pornography.*
- Sec. 538. Directive to the United States Sentencing Commission.*
- Sec. 539. Authorization for guardians ad litem.*
- Sec. 540. Applicability.*

1 SEC. 2. FINDINGS AND PURPOSES.

2 (a) *FINDINGS.*—Congress finds that—

3 (1) *at the outset of the 20th century, the States*
 4 *adopted a separate justice system for juvenile offend-*
 5 *ers;*

6 (2) *violent crimes committed by juveniles, such*
 7 *as homicide, rape, and robbery, were an unknown*

1 *phenomenon then, but the rate at which juveniles*
2 *commit such crimes has escalated astronomically*
3 *since that time;*

4 (3) *in 1994—*

5 (A) *the number of persons arrested overall*
6 *for murder in the United States decreased by 5.8*
7 *percent, but the number of persons who are less*
8 *than 15 years of age arrested for murder in-*
9 *creased by 4 percent; and*

10 (B) *the number of persons arrested for all*
11 *violent crimes increased by 1.3 percent, but the*
12 *number of persons who are less than 15 years of*
13 *age arrested for violent crimes increased by 9.2*
14 *percent, and the number of persons less than 18*
15 *years of age arrested for such crimes increased*
16 *by 6.5 percent;*

17 (4) *from 1985 to 1996, the number of persons ar-*
18 *rested for all violent crimes increased by 52.3 percent,*
19 *but the number of persons under age 18 arrested for*
20 *violent crimes rose by 75 percent;*

21 (5) *the number of juvenile offenders is expected*
22 *to undergo a massive increase during the first 2 dec-*
23 *ades of the twenty-first century, culminating in an*
24 *unprecedented number of violent offenders who are*
25 *less than 18 years of age;*

1 (6) *the rehabilitative model of sentencing for ju-*
2 *veniles, which Congress rejected for adult offenders*
3 *when Congress enacted the Sentencing Reform Act of*
4 *1984, is inadequate and inappropriate for dealing*
5 *with violent and repeat juvenile offenders;*

6 (7) *the Federal Government should encourage the*
7 *States to experiment with progressive solutions to the*
8 *escalating problem of juveniles who commit violent*
9 *crimes and who are repeat offenders, including pros-*
10 *ecuting all such offenders as adults, but should not*
11 *impose specific strategies or programs on the States;*

12 (8) *an effective strategy for reducing violent juve-*
13 *nile crime requires greater collection of investigative*
14 *data and other information, such as fingerprints and*
15 *DNA evidence, as well as greater sharing of such in-*
16 *formation among Federal, State, and local agencies,*
17 *including the courts, in the law enforcement and edu-*
18 *cational systems;*

19 (9) *data regarding violent juvenile offenders*
20 *must be made available to the adult criminal justice*
21 *system if recidivism by criminals is to be addressed*
22 *adequately;*

23 (10) *holding juvenile proceedings in secret denies*
24 *victims of crime the opportunity to attend and be*
25 *heard at such proceedings, helps juvenile offenders to*

1 *avoid accountability for their actions, and shields ju-*
2 *venile proceedings from public scrutiny and account-*
3 *ability;*

4 (11) *the injuries and losses suffered by the vic-*
5 *tims of violent crime are no less painful or devastat-*
6 *ing because the offender is a juvenile; and*

7 (12) *the investigation, prosecution, adjudication,*
8 *and punishment of criminal offenses committed by ju-*
9 *veniles is, and should remain, primarily the respon-*
10 *sibility of the States, to be carried out without inter-*
11 *ference from the Federal Government.*

12 (b) *PURPOSES.—The purposes of this Act are—*

13 (1) *to reform juvenile law so that the paramount*
14 *concerns of the juvenile justice system are providing*
15 *for the safety of the public and holding juvenile*
16 *wrongdoers accountable for their actions, while pro-*
17 *viding the wrongdoer a genuine opportunity for self-*
18 *reform;*

19 (2) *to revise the procedures in Federal court that*
20 *are applicable to the prosecution of juvenile offenders;*

21 (3) *to address specifically the problem of violent*
22 *crime and controlled substance offenses committed by*
23 *youth gangs; and*

24 (4) *to encourage and promote, consistent with*
25 *the ideals of federalism, adoption of policies by the*

1 *States to ensure that the victims of violent crimes*
 2 *committed by juveniles receive the same level of justice*
 3 *as do victims of violent crimes that are committed by*
 4 *adults.*

5 **SEC. 3. SEVERABILITY.**

6 *If any provision of this Act, an amendment made by*
 7 *this Act, or the application of such provision or amendment*
 8 *to any person or circumstance is held to be unconstitu-*
 9 *tional, the remainder of this Act, the amendments made by*
 10 *this Act, and the application of the provisions of such to*
 11 *any person or circumstance shall not be affected thereby.*

12 **TITLE I—JUVENILE JUSTICE**
 13 **REFORM**

14 **SEC. 101. REPEAL OF GENERAL PROVISION.**

15 (a) *IN GENERAL.*—Chapter 401 of title 18, United
 16 States Code, is amended—

17 (1) *by striking section 5001; and*

18 (2) *by redesignating section 5003 as section*
 19 5001.

20 (b) *CONFORMING AMENDMENTS.*—The analysis for
 21 chapter 401 of title 18, United States Code, is amended—

22 (1) *by striking the item relating to section 5001;*
 23 *and*

24 (2) *by redesignating the item relating to section*
 25 5003 as 5001.

1 **SEC. 102. TREATMENT OF FEDERAL JUVENILE OFFENDERS.**

2 (a) *IN GENERAL.*—Section 5032 of title 18, United
3 States Code, is amended to read as follows:

4 **“§5032. Delinquency proceedings in district courts;**
5 **juveniles tried as adults; transfer for**
6 **other criminal prosecution**

7 “(a) *IN GENERAL.*—A juvenile who is alleged to have
8 committed a Federal offense shall, except as provided in
9 subsection (d), be tried in the appropriate district court of
10 the United States—

11 “(1) *in the case of an offense described in sub-*
12 *section (c), if the juvenile was not less than 14 years*
13 *of age at the time of the offense, as an adult at the*
14 *discretion of the United States Attorney in the appro-*
15 *priate jurisdiction, upon certification by that United*
16 *States Attorney (which certification shall not be sub-*
17 *ject to review in or by any court) that—*

18 “(A) *there is a substantial Federal interest*
19 *in the case or the offense to warrant the exercise*
20 *of Federal jurisdiction; or*

21 “(B) *the ends of justice otherwise so require;*

22 “(2) *in the case of a felony offense that is not de-*
23 *scribed in subsection (c) as an adult, upon certifi-*
24 *cation by the Attorney General (which certification*
25 *shall not be subject to review in or by any court)*
26 *that—*

1 “(A) *there is a substantial Federal interest*
2 *in the case or the offense to warrant the exercise*
3 *of Federal jurisdiction; or*

4 “(B) *the ends of justice otherwise so require;*
5 *and*

6 “(3) *in all other cases, as a juvenile.*

7 “(b) *JOINDER; LESSER INCLUDED OFFENSES.—In a*
8 *prosecution under this section, a juvenile may be prosecuted*
9 *and convicted as an adult for any offense that is properly*
10 *joined under the Federal Rules of Criminal Procedure with*
11 *an offense under subsection (c), and may also be convicted*
12 *of a lesser included offense.*

13 “(c) *OFFENSES DESCRIBED.—For purposes of sub-*
14 *section (a)(1), an offense is described in this subsection if*
15 *it is a Federal offense that—*

16 “(1) *is a serious violent felony or a serious drug*
17 *offense described in section 3559(c), except that the*
18 *provisions of paragraph (c)(3) of section 3559 shall*
19 *not apply to this section; or*

20 “(2) *is a conspiracy or an attempt to commit an*
21 *offense described in paragraph (1).*

22 “(d) *REFERRAL BY UNITED STATES ATTORNEY.—*

23 “(1) *IN GENERAL.—If the United States Attor-*
24 *ney in the appropriate jurisdiction declines prosecu-*
25 *tion of an offense under this section, the United*

1 *States Attorney may refer the matter to the appro-*
2 *prate legal authorities of the State or Indian tribe*
3 *with jurisdiction over both the offense and the juve-*
4 *nile.*

5 “(2) *DEFINITIONS.*—*In this subsection:*

6 “(A) *INDIAN TRIBE.*—*The term ‘Indian*
7 *tribe’ has the meaning given that term in section*
8 *4(e) of the Indian Self-Determination and Edu-*
9 *cation Assistance Act (25 U.S.C. 450b(e)).*

10 “(B) *STATE.*—*The term ‘State’ includes a*
11 *State of the United States, the District of Colum-*
12 *bia, and any commonwealth, territory, or posses-*
13 *sion of the United States.*

14 “(e) *APPLICABLE PROCEDURES.*—*Any action pros-*
15 *ecuted in a district court of the United States under this*
16 *section—*

17 “(1) *shall proceed in the same manner as is re-*
18 *quired by this title and by the Federal Rules of*
19 *Criminal Procedure in proceedings against an adult*
20 *in the case of a juvenile who is being tried as an*
21 *adult in accordance with subsection (a); and*

22 “(2) *in all other cases, shall proceed in accord-*
23 *ance with this chapter, unless the juvenile has re-*
24 *quested in writing, upon advice of counsel, to be pro-*
25 *ceeded against as an adult.*

1 “(f) *APPLICATION OF LAWS.*—

2 “(1) *IN GENERAL.*—*Except as otherwise provided*
3 *in this chapter, in any case in which a juvenile is*
4 *prosecuted in a district court of the United States as*
5 *an adult, the juvenile shall be subject to the same*
6 *laws, rules, and proceedings regarding sentencing (in-*
7 *cluding the availability of probation, restitution,*
8 *finances, forfeiture, imprisonment, and supervised re-*
9 *lease) that would be applicable in the case of an*
10 *adult. No juvenile sentenced to a term of imprison-*
11 *ment shall be released from custody simply because*
12 *the juvenile reaches the age of 18 years. Juveniles*
13 *tried as adults shall be sentenced under Federal sen-*
14 *tencing guidelines consistent with section 994(z) of*
15 *title 28, United States Code, once such guidelines are*
16 *promulgated and go into effect.*

17 “(2) *APPLICABILITY OF MANDATORY RESTITU-*
18 *TION PROVISIONS TO CERTAIN JUVENILES.*—*If a juve-*
19 *nile is tried as an adult for any offense to which the*
20 *mandatory restitution provisions of sections 3663A,*
21 *2248, 2259, 2264, and 2323 apply, those sections shall*
22 *apply to that juvenile in the same manner and to the*
23 *same extent as those provisions apply to adults.*

24 “(g) *OPEN PROCEEDINGS.*—

1 “(1) *IN GENERAL.*—*Any offense tried in a dis-*
2 *trict court of the United States under this section*
3 *shall be open to the general public, in accordance with*
4 *rules 10, 26, 31(a), and 53 of the Federal Rules of*
5 *Criminal Procedure, unless good cause is established*
6 *by the moving party or is otherwise found by the*
7 *court, for closure.*

8 “(2) *STATUS ALONE INSUFFICIENT.*—*The status*
9 *of the defendant as a juvenile, absent other factors,*
10 *shall not constitute good cause for purposes of this*
11 *subsection.*

12 “(h) *AVAILABILITY OF RECORDS.*—

13 “(1) *IN GENERAL.*—*In making a determination*
14 *concerning the arrest or prosecution of a juvenile in*
15 *a district court of the United States under this sec-*
16 *tion, subject to the requirements of section 5038, the*
17 *United States Attorney of the appropriate jurisdiction*
18 *shall have complete access to the prior Federal juve-*
19 *nile records of the subject juvenile and, to the extent*
20 *permitted by State law, the prior State juvenile*
21 *records of the subject juvenile.*

22 “(2) *CONSIDERATION OF ENTIRE RECORD.*—*In*
23 *any case in which a juvenile is found guilty in an*
24 *action under this section, the district court respon-*
25 *sible for imposing sentence shall have complete access*

1 to the prior Federal juvenile records of the subject ju-
2 venile and, to the extent permitted under State law,
3 the prior State juvenile records of the subject juvenile.
4 At sentencing, the district court shall consider the en-
5 tire available prior juvenile record of the subject juve-
6 nile.

7 “(3) *RELEASE OF RECORDS.*—*The Director of*
8 *the Federal Bureau of Investigation may release such*
9 *Federal records and, to the extent permitted by State*
10 *law, such State records, to law enforcement authori-*
11 *ties of any jurisdiction and to officials of any school,*
12 *school district, or postsecondary school at which the*
13 *individual who is the subject of the juvenile record is*
14 *enrolled or seeks, intends, or is instructed to enroll, if*
15 *such school officials are held liable to the same stand-*
16 *ards and penalties to which law enforcement and ju-*
17 *venile justice system employees are held liable under*
18 *Federal and State law for the handling and disclosure*
19 *of such information.”.*

20 (b) *CONFORMING AMENDMENTS.*—

21 (1) *CHAPTER ANALYSIS.*—*The analysis for chap-*
22 *ter 403 of title 18, United States Code, is amended*
23 *by striking the item relating to section 5032 and in-*
24 *serting the following:*

“5032. *Delinquency proceedings in district courts; juveniles tried as adults; trans-*
fer for other criminal prosecution.”.

1 (2) *ADULT SENTENCING SECTION.*—Section 3553
2 of title 18, United States Code, is amended by adding
3 at the end the following:

4 “(g) *LIMITATION ON APPLICABILITY OF STATUTORY*
5 *MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS*
6 *UNDER THE AGE OF 16.*—Notwithstanding any other pro-
7 vision of law, in the case of a defendant convicted for con-
8 duct that occurred before the juvenile attained the age of
9 16 years, the court shall impose a sentence without regard
10 to any statutory minimum sentence if the court finds at
11 sentencing, after affording the Government an opportunity
12 to make a recommendation, that the juvenile has not been
13 previously adjudicated delinquent for, or convicted of, a se-
14 rious violent felony or a serious drug offense (as those terms
15 are defined in section 3559(c)).

16 “(h) *TREATMENT OF JUVENILE CRIMINAL HISTORY IN*
17 *FEDERAL SENTENCING.*—

18 “(1) *IN GENERAL.*—

19 “(A) *SENTENCING GUIDELINES.*—Pursuant
20 to its authority under section 994 of title 28 and
21 the amendments made by section 111 of the Vio-
22 lent and Repeat Juvenile Offender Act of 1997,
23 the United States Sentencing Commission shall
24 amend the Federal Sentencing Guidelines to pro-
25 vide that, in determining the criminal history

1 *score under the guidelines for any adult offender*
2 *or any juvenile offender being sentenced as an*
3 *adult, prior juvenile convictions and adjudica-*
4 *tions for offenses described in paragraph (2)*
5 *shall receive a score similar to that which the de-*
6 *fendant would have received if those offenses had*
7 *been committed when the defendant was an*
8 *adult, provided that any portion of the sentence*
9 *for the offense was imposed or served within 15*
10 *years after the commencement of the instant of-*
11 *fense.*

12 “(B) *REVIEWS.*—*The Commission shall also*
13 *review the criminal history treatment of juvenile*
14 *adjudications or convictions for other offenses to*
15 *determine whether it should be adjusted in a*
16 *similar fashion, and make any additional guide-*
17 *line amendments necessary to make whatever ad-*
18 *justments it concludes are needed to implement*
19 *the results of the review.*

20 “(2) *OFFENSES DESCRIBED.*—*The offenses de-*
21 *scribed in paragraph (1) shall include—*

22 “(A) *any crime of violence;*

23 “(B) *any controlled substance offense;*

1 “(C) any other offense for which the defend-
2 ant received a sentence or disposition of impris-
3 onment of 1 year or more; and

4 “(D) any other offense punishable by a term
5 of imprisonment of more than 1 year for which
6 the defendant was prosecuted as an adult.

7 “(3) *DEFINITIONS.*—The guidelines described in
8 paragraph (1) shall define the terms ‘crime of vio-
9 lence’ and ‘controlled substance offense’ in substan-
10 tially the same manner as those terms are defined in
11 Guideline Section 4B1.2 of the November 1, 1995,
12 Guidelines Manual.

13 “(4) *JUVENILE ADJUDICATIONS.*—In carrying
14 out this subsection, the Commission shall assign
15 criminal history points for juvenile adjudications
16 based principally on the nature of the acts committed
17 by the juvenile but may also provide for some adjust-
18 ment of the score in light of the length of sentence the
19 juvenile received.

20 “(5) *EMERGENCY AUTHORITY.*—The Commission
21 shall promulgate the guidelines or amendments pro-
22 vided for under this subsection as soon as practicable,
23 and in any event not later than 90 days after the
24 date of enactment of the Violent and Repeat Juvenile
25 Offender Act of 1997, in accordance with the proce-

1 *dures set forth in section 21(a) of the Sentencing Act*
2 *of 1987, as though the authority under that authority*
3 *had not expired, except that the Commission shall*
4 *submit to Congress the emergency guidelines or*
5 *amendments promulgated under this section, and*
6 *shall set an effective date for those guidelines or*
7 *amendments not earlier than 30 days after their sub-*
8 *mission to Congress.*

9 *“(6) CAREER OFFENDER DETERMINATION.—Pur-*
10 *suant to its authority under section 994 of title 28*
11 *and the amendments made by section 111 of the Vio-*
12 *lent and Repeat Juvenile Offender Act of 1997, the*
13 *United States Sentencing Commission shall amend*
14 *the Federal Sentencing Guidelines to provide for in-*
15 *clusion, in any determination whether a juvenile or*
16 *adult defendant is a career offender under section*
17 *994(h) of title 28 and any computation of what sen-*
18 *tence any defendant found to be a career offender*
19 *should be given, of any act for which the defendant*
20 *was previously convicted or adjudicated delinquent as*
21 *a juvenile that would be a felony covered by that sec-*
22 *tion if it had been committed as an adult.”.*

23 **SEC. 103. DEFINITIONS.**

24 *Section 5031 of title 18, United States Code, is amend-*
25 *ed to read as follows:*

1 **“§ 5031. Definitions**

2 *“In this chapter:*

3 *“(1) ADULT INMATE.—The term ‘adult inmate’*
 4 *means an individual 18 years of age or older arrested*
 5 *and in custody for, awaiting trial on, or convicted of*
 6 *criminal charges or an act of juvenile delinquency*
 7 *committed while a juvenile.*

8 *“(2) JUVENILE.—The term ‘juvenile’ means—*

9 *“(A) a person who has not attained his or*
 10 *her eighteenth birthday; or*

11 *“(B) for the purpose of proceedings and dis-*
 12 *position under this chapter for an alleged act of*
 13 *juvenile delinquency, a person who has not at-*
 14 *tained his or her twenty-first birthday.*

15 *“(3) JUVENILE DELINQUENCY.—The term ‘juve-*
 16 *nile delinquency’ means the violation of a law of the*
 17 *United States committed by a person prior to the*
 18 *eighteenth birthday of that person, if the violation—*

19 *“(A) would have been a crime if committed*
 20 *by an adult; or*

21 *“(B) is a violation of section 922(x).*

22 *“(4) PROHIBITED PHYSICAL CONTACT.—*

23 *“(A) IN GENERAL.—The term ‘prohibited*
 24 *physical contact’ means—*

25 *“(i) any physical contact between a ju-*
 26 *venile and an adult inmate; and*

1 “(ii) *proximity that provides an op-*
2 *portunity for physical contact between a ju-*
3 *venile and an adult inmate.*

4 “(B) *EXCLUSION.—The term does not in-*
5 *clude supervised proximity between a juvenile*
6 *and an adult inmate that is brief and incidental*
7 *or accidental.*

8 “(5) *SUSTAINED ORAL COMMUNICATION.—*

9 “(A) *IN GENERAL.—The term ‘sustained*
10 *oral communication’ means the imparting or*
11 *interchange of speech by or between an adult in-*
12 *mate and a juvenile.*

13 “(B) *EXCEPTION.—The term does not in-*
14 *clude—*

15 “(i) *communication that is accidental*
16 *or incidental; or*

17 “(ii) *sounds or noises that cannot rea-*
18 *sonably be considered to be speech.*

19 “(6) *STATE.—The term ‘State’ includes a State*
20 *of the United States, the District of Columbia, any*
21 *commonwealth, territory, or possession of the United*
22 *States and, with regard to an act of juvenile delin-*
23 *quency that would have been a misdemeanor if com-*
24 *mitted by an adult, an Indian tribe (as that term is*
25 *defined in section 4(e) of the Indian Self-Determina-*

1 *tion and Education Assistance Act (25 U.S.C.*
2 *4506(e))*.

3 “(7) *VIOLENT JUVENILE*.—*The term ‘violent ju-*
4 *venile’ means any juvenile who is alleged to have*
5 *committed, has been adjudicated delinquent for, or*
6 *has been convicted of an offense that, if committed by*
7 *an adult, would be a crime of violence (as that term*
8 *is defined in section 16).*”.

9 **SEC. 104. NOTIFICATION AFTER ARREST.**

10 *Section 5033 of title 18, United States Code, is amend-*
11 *ed—*

12 (1) *in the first sentence, by striking “imme-*
13 *diately notify the Attorney General and” and insert-*
14 *ing the following: “immediately or as soon as prac-*
15 *ticable thereafter, notify the United States Attorney of*
16 *the appropriate jurisdiction and shall promptly take*
17 *reasonable steps to notify”;* and

18 (2) *in the second sentence of the second undesig-*
19 *nated paragraph, by inserting before the period at the*
20 *end the following: “, and the juvenile shall not be sub-*
21 *ject to detention under conditions that permit prohib-*
22 *ited physical contact with adult inmates or in which*
23 *the juvenile and an adult inmate can engage in sus-*
24 *tained oral communications”.*

1 **SEC. 105. RELEASE AND DETENTION PRIOR TO DISPOSI-**
2 **TION.**

3 (a) *DUTIES OF MAGISTRATE.*—Section 5034 of title
4 18, United States Code, is amended—

5 (1) by striking “The magistrate shall insure”
6 and inserting the following:

7 “(a) *IN GENERAL.*—

8 “(1) *REPRESENTATION BY COUNSEL.*—The mag-
9 istrate shall ensure”;

10 (2) by striking “The magistrate may appoint”
11 and inserting the following:

12 “(2) *GUARDIAN AD LITEM.*—The magistrate may
13 appoint”;

14 (3) by striking “If the juvenile” and inserting
15 the following:

16 “(b) *RELEASE PRIOR TO DISPOSITION.*—Except as
17 provided in subsection (c), if the juvenile”; and

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

19 “(c) *RELEASE OF CERTAIN JUVENILES.*—Notwith-
20 standing subsection (b), a juvenile who is to be tried as an
21 adult under section 5032 shall be released pending trial
22 only in accordance with the applicable provisions of chapter
23 207. The release shall be conducted in the same manner and
24 be subject to the same terms, conditions, and sanctions for
25 violation of a release condition as provided for an adult
26 under chapter 207.

1 “(d) *PENALTY FOR AN OFFENSE COMMITTED WHILE*
2 *ON RELEASE.*—

3 “(1) *IN GENERAL.*—*A juvenile alleged to have*
4 *committed, while on release under this section, an of-*
5 *fense that, if committed by an adult, would be a Fed-*
6 *eral criminal offense, shall be subject to prosecution*
7 *under section 5032.*

8 “(2) *APPLICABILITY OF CERTAIN PENALTIES.*—
9 *Section 3147 shall apply to a juvenile who is to be*
10 *tried as an adult under section 5032 for an offense*
11 *committed while on release under this section.”.*

12 “(b) *DETENTION PRIOR TO DISPOSITION.*—*Section*
13 *5035 of title 18, United States Code, is amended—*

14 (1) *by striking “A juvenile” and inserting the*
15 *following:*

16 “(a) *IN GENERAL.*—*A juvenile”;*

17 (2) *in subsection (a), as redesignated—*

18 (A) *in the third sentence by striking “regu-*
19 *lar contact” and inserting “prohibited physical*
20 *contact or sustained oral communication”;* and

21 (B) *after the fourth sentence, by inserting*
22 *the following: “To the extent practicable, violent*
23 *juveniles shall be kept separate from nonviolent*
24 *juveniles.”;* and

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

1 “(b) *DETENTION OF CERTAIN JUVENILES.*—

2 “(1) *IN GENERAL.*—Notwithstanding subsection
3 (a), a juvenile who is to be tried as an adult under
4 section 5032 shall be subject to detention in accord-
5 ance with chapter 207 in the same manner, to the
6 same extent, and subject to the same terms and condi-
7 tions as an adult would be subject to under that chap-
8 ter.

9 “(2) *EXCEPTION.*—A juvenile shall not be de-
10 tained or confined in any institution in which the ju-
11 venile has prohibited physical contact with adult in-
12 mates, or can engage in sustained oral communica-
13 tion. To the extent practicable, violent juveniles shall
14 be kept separate from nonviolent juveniles.”.

15 **SEC. 106. SPEEDY TRIAL.**

16 Section 5036 of title 18, United States Code, is amend-
17 ed—

18 (1) by striking “thirty” and inserting “70”; and

19 (2) by striking “the court,” and all that follows
20 through the end of the section and inserting the fol-
21 lowing: “the court. The periods of exclusion under sec-
22 tion 3161(h) shall apply to this section. In determin-
23 ing whether an information should be dismissed with
24 or without prejudice, the court shall consider the seri-
25 ousness of the alleged act of juvenile delinquency, the

1 *facts and circumstances of the case that led to the dis-*
2 *missal, and the impact of a reprosecution on the ad-*
3 *ministration of justice.”.*

4 **SEC. 107. DISPOSITIONAL HEARINGS.**

5 *Section 5037 of title 18, United States Code, is amend-*
6 *ed—*

7 *(1) by striking subsection (a) and inserting the*
8 *following:*

9 *“(a) IN GENERAL.—*

10 *“(1) DISPOSITIONAL HEARING.—In a proceeding*
11 *under section 5032(a)(3), if the court finds a juvenile*
12 *to be a juvenile delinquent, the court shall hold a*
13 *hearing concerning the appropriate disposition of the*
14 *juvenile not later than 40 court days after the finding*
15 *of juvenile delinquency, unless the court has ordered*
16 *further study pursuant to subsection (e). A pre-*
17 *disposition report shall be prepared by the probation*
18 *officer who shall promptly provide a copy to the juve-*
19 *nile, the juvenile’s counsel, and the attorney for the*
20 *Government. Victim impact information shall be in-*
21 *cluded in the report, and victims or, in appropriate*
22 *cases, their official representatives shall be provided*
23 *the opportunity to make a statement to the court in*
24 *person or present any information in relation to the*
25 *disposition.*

1 “(2) *ACTIONS OF COURT AFTER HEARING.*—After
2 *the dispositional hearing, after considering any perti-*
3 *nent policy statements promulgated by the United*
4 *States Sentencing Commission pursuant to section*
5 *994 of title 28, and in conformance with the guide-*
6 *lines promulgated by the United States Sentencing*
7 *Commission pursuant to section 994(z)(1)(B) of title*
8 *28, the court—*

9 “(A) *shall place the juvenile on probation or*
10 *commit the juvenile to official detention (includ-*
11 *ing the possibility of a term of supervised re-*
12 *lease), and impose any fine that would be au-*
13 *thorized if the juvenile had been tried and con-*
14 *victed as an adult; and*

15 “(B) *may enter an order of restitution pur-*
16 *suant to section 3663.”;*

17 (2) *in subsection (b)—*

18 (A) *in the matter preceding paragraph (1),*
19 *by inserting “or supervised release” after “proba-*
20 *tion”;*

21 (B) *by striking “extend—” and all that fol-*
22 *lows through “The provisions” and inserting the*
23 *following: “extend, in the case of a juvenile, be-*
24 *yond the maximum term of probation that would*
25 *be authorized by section 3561, or beyond the*

1 *maximum term of supervised release authorized*
 2 *by section 3583, if the juvenile had been tried*
 3 *and convicted as an adult. The provisions deal-*
 4 *ing with supervised release set forth in section*
 5 *3583 and the provisions”; and*

6 (C) *in the last sentence, by inserting “or su-*
 7 *pervised release” after “on probation”; and*

8 (3) *in subsection (c), by striking “may not ex-*
 9 *tend—” and all that follows through “Section 3624”*
 10 *and inserting the following: “may not extend beyond*
 11 *the earlier of the 26th birthday of the juvenile or the*
 12 *termination date of the maximum term of imprison-*
 13 *ment, exclusive of any term of supervised release, that*
 14 *would be authorized if the juvenile had been tried and*
 15 *convicted as an adult. No juvenile sentenced to a term*
 16 *of imprisonment shall be released from custody sim-*
 17 *ply because the juvenile reaches the age of 18 years.*
 18 *Section 3624”.*

19 **SEC. 108. USE OF JUVENILE RECORDS.**

20 *Section 5038 of title 18, United States Code, is amend-*
 21 *ed—*

22 (1) *in subsection (a)—*

23 (A) *in paragraph (3), by inserting “or*
 24 *analysis requested by the Attorney General” be-*
 25 *fore the semicolon;*

1 (B) in paragraph (5), by striking “and” at
2 the end;

3 (C) by striking paragraph (6) and inserting
4 the following:

5 “(6) communications with any victim of such ju-
6 venile delinquency or, in appropriate cases, with the
7 official representative of the victim in order to ap-
8 prise such victim or representative of the status or
9 disposition of the proceeding or in order to effectuate
10 any other provision of law or to assist in a victim’s,
11 or the victim’s official representative’s, allocution at
12 disposition; and

13 “(7) inquiries from any school or other edu-
14 cational institution for the purpose of ensuring the
15 public safety and security at such institution.”; and

16 (D) by striking “Unless” and inserting the
17 following:

18 “(c) PROHIBITION ON RELEASE OF CERTAIN INFORMA-
19 TION.—Unless”;

20 (2) by striking subsections (e) and (f);

21 (3) by redesignating subsections (b) and (c) as
22 subsections (d) and (e), respectively;

23 (4) by inserting after subsection (a) the follow-
24 ing:

1 “(b) *ACCESS BY UNITED STATES ATTORNEY.*—Not-
2 *withstanding subsection (a), in determining the appro-*
3 *priate disposition of a juvenile matter under section 5032,*
4 *the United States Attorney of the appropriate jurisdiction*
5 *shall have complete access to the official records of the juve-*
6 *nile proceedings conducted under this title.”;*

7 (5) *in subsection (e), as redesignated, by insert-*
8 *ing after “proceeding” the following: “, other than*
9 *necessary docketing information”;*

10 (6) *by inserting after subsection (e), as redesign-*
11 *ated, the following:*

12 “(f) *RECORDS OF JUVENILES TRIED AS ADULTS.*—*In*
13 *any case in which a juvenile is tried as an adult, access*
14 *to the record of the offenses of the juvenile shall be made*
15 *available in the same manner as is applicable to adult de-*
16 *fendants.”; and*

17 (7) *by striking “(d) Whenever” and all that fol-*
18 *lows through “adult defendants.” and inserting the*
19 *following:*

20 “(g) *FINGERPRINTS AND PHOTOGRAPHS.*—

21 (1) *IN GENERAL.*—*In any case in which a juve-*
22 *nile is proceeded against in a district court of the*
23 *United States under section 5032, that juvenile shall*
24 *be fingerprinted and photographed.*

1 “(2) *AVAILABILITY OF FINGERPRINTS AND PHOTO-*
2 *TOGRAPHS.—Fingerprints and photographs of a juve-*
3 *nile—*

4 “(A) *who is prosecuted as an adult, shall be*
5 *made available in the same manner as is appli-*
6 *cable to an adult defendant; and*

7 “(B) *who is not prosecuted as an adult,*
8 *shall be made available only as provided in sub-*
9 *section (a).*

10 “(3) *INFORMATION TO FEDERAL BUREAU OF IN-*
11 *VESTIGATION.—*

12 “(A) *IN GENERAL.—The court shall trans-*
13 *mit to the Federal Bureau of Information the in-*
14 *formation described in subparagraph (B), in any*
15 *case in which a juvenile proceeded against in a*
16 *district court of the United States under section*
17 *5032 is found guilty—*

18 “(i) *in the case of a juvenile not pros-*
19 *ecuted as an adult, of any offense that is a*
20 *crime of violence or an act that would be a*
21 *felony if committed by an adult; or*

22 “(ii) *in the case of a juvenile pros-*
23 *ecuted as an adult, of any offense.*

24 “(B) *INFORMATION.—The information de-*
25 *scribed in this subparagraph is—*

1 “(i) the information concerning an ad-
 2 judication referred to in subparagraph (A),
 3 including the name of the juvenile involved,
 4 the date of the adjudication, the court, the
 5 offense involved, and the sentence; and

6 “(ii) as appropriate, a notation as to
 7 whether the matters covered in the informa-
 8 tion under clause (i) involved a juvenile
 9 tried as an adult or were juvenile adjudica-
 10 tions.”.

11 **SEC. 109. IMPLEMENTATION OF A SENTENCE FOR JUVE-**
 12 **NILE OFFENDERS.**

13 (a) *IN GENERAL.*—Section 5039 of title 18, United
 14 States Code, is amended to read as follows:

15 **“§ 5039. Implementation of a sentence**

16 “(a) *IN GENERAL.*—Except as otherwise provided in
 17 this chapter, the sentence for a juvenile who is adjudicated
 18 delinquent or found guilty of an offense under any proceed-
 19 ing in a district court of the United States under section
 20 5032 shall be carried out in the same manner as for an
 21 adult defendant.

22 “(b) *SENTENCES OF IMPRISONMENT, PROBATION, AND*
 23 *SUPERVISED RELEASE.*—Subject to subsection (d), the im-
 24 plementation of a sentence of imprisonment is governed by
 25 subchapter C of chapter 229 and, if the sentence includes

1 *a term of probation or supervised release, by subchapter A*
2 *of chapter 229.*

3 “(c) *SENTENCES OF FINES AND ORDERS OF RESTITU-*
4 *TION; SPECIAL ASSESSMENTS.—*

5 “(1) *IN GENERAL.—A sentence of a fine, an*
6 *order of restitution, or a special assessment under sec-*
7 *tion 3013 shall be implemented and collected in the*
8 *same manner as for an adult defendant.*

9 “(2) *PROHIBITION.—The parent, guardian, or*
10 *custodian of a juvenile sentenced to pay a fine or or-*
11 *dered to pay restitution or a special assessment under*
12 *section 3013 may not be made liable for such pay-*
13 *ment by any court.*

14 “(d) *SEGREGATION OF JUVENILES; CONDITIONS OF*
15 *CONFINEMENT.—*

16 “(1) *IN GENERAL.—No juvenile committed for*
17 *incarceration, whether pursuant to an adjudication of*
18 *delinquency or conviction for an offense, to the cus-*
19 *tody of the Attorney General may, before the juvenile*
20 *attains the age of 18, be placed or retained in any*
21 *jail or correctional institution in which the juvenile*
22 *has prohibited physical contact with adult inmate or*
23 *can engage in sustained oral communication with*
24 *adult inmates. To the extent practicable, violent juve-*
25 *niles shall be kept separate from nonviolent juveniles.*

1 “(2) *REQUIREMENTS.*—*Each juvenile who is*
2 *committed for incarceration shall be provided with—*

3 “(A) *adequate food, heat, light, sanitary fa-*
4 *ilities, bedding, clothing, and recreation; and*

5 “(B) *as appropriate, counseling, education,*
6 *training, and medical care (including necessary*
7 *psychiatric, psychological, or other care or treat-*
8 *ment).*

9 “(3) *COMMITMENT TO FOSTER HOME OR COMMU-*
10 *NITY-BASED FACILITY.*—*Except in the case of a juve-*
11 *nile who is found guilty of a violent felony or who is*
12 *adjudicated delinquent for an offense that would be a*
13 *violent felony if the juvenile had been prosecuted as*
14 *an adult, the Attorney General shall commit a juve-*
15 *nile to a foster home or community-based facility lo-*
16 *cated in or near his home community if that commit-*
17 *ment is—*

18 “(A) *practicable;*

19 “(B) *in the best interest of the juvenile; and*

20 “(C) *consistent with the safety of the com-*
21 *munity.*”.

22 (b) *CONFORMING AMENDMENT.*—*The analysis for*
23 *chapter 403 of title 18, United States Code, is amended by*
24 *striking the item relating to section 5039 and inserting the*
25 *following:*

 “5039. *Implementation of a sentence.*”.

1 **SEC. 110. MAGISTRATE JUDGE AUTHORITY REGARDING JU-**
 2 **VENILE DEFENDANTS.**

3 *Section 3401(g) of title 18, United States Code, is*
 4 *amended—*

5 *(1) in the second sentence, by inserting after*
 6 *“magistrate judge may, in any” the following: “class*
 7 *A misdemeanor or any”; and*

8 *(2) in the third sentence, by striking “, except*
 9 *that no” and all that follows before the period at the*
 10 *end of the subsection.*

11 **SEC. 111. FEDERAL SENTENCING GUIDELINES.**

12 *(a) APPLICATION OF GUIDELINES TO CERTAIN JUVE-*
 13 *NILE DEFENDANTS.—Section 994(h) of title 28, United*
 14 *States Code, is amended by inserting “, or in which the*
 15 *defendant is a juvenile who is tried as an adult,” after “old*
 16 *or older”.*

17 *(b) GUIDELINES FOR JUVENILE CASES.—*

18 *(1) IN GENERAL.—Section 994 of title 28, Unit-*
 19 *ed States Code, is amended by adding at the end the*
 20 *following:*

21 *“(z)(1) The Commission, not later than 1 year after*
 22 *the date of enactment of the Violent and Repeat Juvenile*
 23 *Offender Act of 1997, by affirmative vote of not less than*
 24 *4 members of the Commission, and pursuant to its rules*
 25 *and regulations and consistent with all pertinent provisions*
 26 *of any Federal statute, shall promulgate and distribute to*

1 *all courts of the United States and to the United States*
2 *Probation System—*

3 “(A) *guidelines, as described in this section, for*
4 *use by a sentencing court in determining the sentence*
5 *to be imposed in a criminal case if the defendant*
6 *committed the offense as a juvenile, and is tried as*
7 *an adult pursuant to section 5032 of title 18, United*
8 *States Code; and*

9 “(B) *guidelines, as described in this section, for*
10 *use by a court in determining the sentence to be im-*
11 *posed on a juvenile adjudicated delinquent pursuant*
12 *to section 5032 of title 18, United States Code, and*
13 *sentenced pursuant to a dispositional hearing under*
14 *section 5037 of title 18, United States Code.*

15 “(2) *In carrying out this subsection, the Commission*
16 *shall make the determinations required by subsection (a)(1)*
17 *and promulgate the policy statements and guidelines re-*
18 *quired by paragraphs (2) and (3) of subsection (a).*

19 “(3) *In addition to any other considerations required*
20 *by this section, the Commission, in promulgating guide-*
21 *lines—*

22 “(A) *pursuant to paragraph (1)(A), shall pre-*
23 *sume the appropriateness of adult sentencing provi-*
24 *sions, but may make such adjustments to sentence*
25 *lengths and to provisions governing downward depar-*

1 *tures from the guidelines as reflect the specific inter-*
2 *ests and circumstances of juvenile defendants; and*

3 *“(B) pursuant to paragraph (1)(B), shall ensure*
4 *that the guidelines—*

5 *“(i) reflect the broad range of sentencing op-*
6 *tions available to the court under section 5037 of*
7 *title 18, United States Code; and*

8 *“(ii) effectuate a policy of an accountabil-*
9 *ity-based juvenile justice system that provides*
10 *substantial and appropriate sanctions, which are*
11 *graduated to reflect the severity or repeated na-*
12 *ture of violations, for each delinquent act, and*
13 *reflect the specific interests and circumstances of*
14 *juvenile defendants.*

15 *“(4) The review period specified by subsection (p) shall*
16 *apply to guidelines promulgated pursuant to this subsection*
17 *and any future amendments thereto.”.*

18 *(2) TECHNICAL CORRECTION TO ASSURE COMPLI-*
19 *ANCE OF SENTENCING GUIDELINES WITH PROVISIONS*
20 *OF ALL FEDERAL STATUTES.—Section 994(a) of title*
21 *28, United States Code, is amended by striking “con-*
22 *sistent with all pertinent provisions of this title and*
23 *title 18, United States Code,” and inserting “consist-*
24 *ent with all pertinent provisions of any Federal stat-*
25 *ute”.*

1 **SEC. 112. STUDY AND REPORT ON INDIAN TRIBAL JURIS-**
2 **DICTION.**

3 *Not later than 18 months after the date of enactment*
4 *of this Act, the Attorney General shall conduct a study of*
5 *the juvenile justice systems of Indian tribes (as that term*
6 *is defined in section 4(e) of the Indian Self-Determination*
7 *and Education Assistance Act (25 U.S.C. 450b(e))) and*
8 *shall report to the Chairman and Ranking Member of the*
9 *Committee on the Judiciary and the Committee on Indian*
10 *Affairs of the Senate and the Chairman and Ranking Mem-*
11 *ber of the Committee on the Judiciary of the House of Rep-*
12 *resentatives on—*

13 *(1) the extent to which tribal governments are*
14 *equipped to adjudicate felonies, misdemeanors, and*
15 *acts of delinquency committed by juveniles subject to*
16 *tribal jurisdiction; and*

17 *(2) the need for and benefits from expanding the*
18 *jurisdiction of tribal courts and the authority to im-*
19 *pose the same sentences that can be imposed by Fed-*
20 *eral or State courts on such juveniles.*

21 **TITLE II—JUVENILE GANGS**

22 **SEC. 201. SHORT TITLE.**

23 *This title may be cited as the “Federal Gang Violence*
24 *Act”.*

1 **SEC. 202. INCREASE IN OFFENSE LEVEL FOR PARTICIPA-**
2 **TION IN CRIME AS A GANG MEMBER.**

3 (a) *DEFINITION OF CRIMINAL GANG.*—*In this section,*
4 *the term “criminal gang” has the meaning given that term*
5 *in section 521(a) of title 18, United States Code, as amend-*
6 *ed by section 203 of this title.*

7 (b) *AMENDMENT OF SENTENCING GUIDELINES.*—

8 (1) *IN GENERAL.*—*Pursuant to its authority*
9 *under section 994(p) of title 28, United States Code,*
10 *the United States Sentencing Commission shall*
11 *amend the Federal Sentencing Guidelines to provide*
12 *an appropriate enhancement for any Federal offense*
13 *that is a predicate gang crime (as the term is defined*
14 *in section 521 of title 18, United States Code), if the*
15 *offense was both committed in connection with, or in*
16 *furtherance of, the activities of a criminal gang and*
17 *the defendant was a member of the criminal gang at*
18 *the time of the offense.*

19 (2) *FACTORS TO BE CONSIDERED.*—*In determin-*
20 *ing an appropriate enhancement under this section,*
21 *the United States Sentencing Commission shall give*
22 *great weight to the seriousness of the offense, the of-*
23 *fender’s relative position in the criminal gang, and*
24 *the risk of death or serious bodily injury to any per-*
25 *son posed by the offense.*

1 (c) *CONSTRUCTION WITH OTHER GUIDELINES.*—The
 2 amendment made by subsection (b) shall provide that the
 3 increase in the offense level shall be in addition to any other
 4 adjustment under chapter 3 of the Federal Sentencing
 5 Guidelines.

6 **SEC. 203. AMENDMENT OF TITLE 18 WITH RESPECT TO**
 7 **CRIMINAL GANGS.**

8 (a) *IN GENERAL.*—Section 521 of title 18, United
 9 States Code, is amended—

10 (1) in subsection (a)—

11 (A) by striking “(a) *DEFINITIONS.*—” and
 12 inserting the following:

13 “(a) *DEFINITIONS.*—In this section:”; and

14 (B) by striking “‘conviction’ and all that
 15 follows through the end of the subsection and in-
 16 serting the following:

17 “(1) *CRIMINAL GANG.*—The term ‘criminal gang’
 18 means an ongoing group, club, organization, or asso-
 19 ciation of 5 or more persons, whether formal or infor-
 20 mal—

21 “(A) that has as 1 of its primary activities
 22 or purposes of the commission of 1 or more pred-
 23 icate gang crimes; and

24 “(B) the activities of which affect interstate
 25 or foreign commerce.

1 “(2) *PATTERN OF CRIMINAL GANG ACTIVITY.*—
2 *The term ‘pattern of criminal gang activity’ means*
3 *the commission of 2 or more predicate gang crimes*
4 *committed in connection with, or in furtherance of,*
5 *the activities of a criminal gang—*

6 “(A) *not less than 1 of which was commit-*
7 *ted after the date of enactment of the Federal*
8 *Gang Violence Act;*

9 “(B) *the first of which was committed not*
10 *more than 5 years before the commission of an-*
11 *other predicate gang crime; and*

12 “(C) *that were committed on separate occa-*
13 *sions.*

14 “(3) *PREDICATE GANG CRIME.*—*The term ‘predi-*
15 *cate gang crime’ means an offense, including an act*
16 *of juvenile delinquency that, if committed by an*
17 *adult, would be an offense that is—*

18 “(A) *a Federal offense—*

19 “(i) *that is a crime of violence (as that*
20 *term is defined in section 16) for which the*
21 *maximum penalty is imprisonment for not*
22 *less than 10 years;*

23 “(ii) *that involves a controlled sub-*
24 *stance (as that term is defined in section*
25 *102 of the Controlled Substances Act (21*

1 *U.S.C. 802)) for which the maximum pen-*
2 *alty is imprisonment for not less than 10*
3 *years;*

4 *“(iii) that is a violation of section 522*
5 *(relating to the recruitment of persons to*
6 *participate in criminal gang activity);*

7 *“(iv) that is a violation of section 844,*
8 *875, or 876 (relating to extortion and*
9 *threats), section 1084 (relating to gam-*
10 *bling), section 1955 (relating to gambling),*
11 *or chapter 73 (relating to obstruction of jus-*
12 *tice);*

13 *“(v) that is a violation of—*

14 *“(I) subsection (a)(1), (i), (j), (k),*
15 *(o), (q), (u), (v), or (x)(1) of section*
16 *922; or*

17 *“(II) subsection (b), (g), (h), (k),*
18 *(l), or (m) of section 924;*

19 *“(vi) that is a violation of section 1956*
20 *(relating to money laundering), to the ex-*
21 *tent that the violation of such section is re-*
22 *lated to a Federal or State offense involving*
23 *a controlled substance (as that term is de-*
24 *defined in section 102 of the Controlled Sub-*
25 *stances Act (21 U.S.C. 802)); or*

1 “(vii) that is a violation of section
2 274(a)(1)(A), 277, or 278 of the Immigra-
3 tion and Nationality Act (8 U.S.C.
4 1324(a)(1)(A), 1327, or 1328) (relating to
5 alien smuggling);

6 “(B) a State offense involving conduct that
7 would constitute an offense under subparagraph
8 (A) if Federal jurisdiction existed or had been
9 exercised; or

10 “(C) a conspiracy, attempt, or solicitation
11 to commit an offense described in subparagraph
12 (A) or (B).

13 “(4) STATE.—The term ‘State’ includes a State
14 of the United States, the District of Columbia, and
15 any commonwealth, territory, or possession of the
16 United States.”; and

17 (2) by striking subsections (b), (c), and (d) and
18 inserting the following:

19 “(b) CRIMINAL PENALTIES.—Whoever engages in a
20 pattern of criminal gang activity—

21 “(1) shall be sentenced to—

22 “(A) a term of imprisonment of not less
23 than 5 years and not more than 25 years, fined
24 in accordance with this title, or both; and

1 “(B) the forfeiture prescribed in section 413
2 of the Controlled Substances Act (21 U.S.C. 853);
3 and

4 “(2) if any person engages in such activity after
5 1 or more prior convictions under this section have
6 become final, shall be sentenced to—

7 “(A) a term of imprisonment of not less
8 than 20 years and not more than life, fined in
9 accordance with this title, or both; and

10 “(B) the forfeiture prescribed in section 412
11 of the Controlled Substances Act (21 U.S.C. 853).

12 “(c) CERTIFICATION.—A person may not be prosecuted
13 for an offense under this section unless the Attorney Gen-
14 eral, the Deputy Attorney General, or the Assistant Attor-
15 ney General for the Criminal Division personally certifies
16 (which certification shall not be subject to review in or by
17 any court) that, in the judgment of that official, the pros-
18 ecution of that person—

19 “(1) is in the public interest; and

20 “(2) is necessary to secure substantial justice.”.

21 (b) CONFORMING AMENDMENT.—Section 3663(c)(4) of
22 title 18, United States Code, is amended by inserting before
23 “chapter 46” the following: “section 521 of this title,”.

1 **SEC. 204. INTERSTATE AND FOREIGN TRAVEL OR TRANS-**
2 **PORTATION IN AID OF CRIMINAL GANGS.**

3 *(a) TRAVEL ACT AMENDMENTS.—*

4 *(1) PROHIBITED CONDUCT AND PENALTIES.—*

5 *Section 1952(a) of title 18, United States Code, is*
6 *amended to read as follows:*

7 *“(a) PROHIBITED CONDUCT AND PENALTIES.—*

8 *“(1) IN GENERAL.—Whoever—*

9 *“(A) travels in interstate or foreign com-*
10 *merce or uses the mail or any facility in inter-*
11 *state or foreign commerce, with intent to—*

12 *“(i) distribute the proceeds of any un-*
13 *lawful activity; or*

14 *“(ii) otherwise promote, manage, estab-*
15 *lish, carry on, or facilitate the promotion,*
16 *management, establishment, or carrying on,*
17 *of any unlawful activity; and*

18 *“(B) after travel or use of the mail or any*
19 *facility in interstate or foreign commerce de-*
20 *scribed in subparagraph (A), performs, attempts*
21 *to perform, or conspires to perform an act de-*
22 *scribed in clause (i) or (ii) of subparagraph (A);*
23 *shall be fined under this title, imprisoned not more*
24 *than 10 years, or both.*

25 *“(2) CRIMES OF VIOLENCE.—Whoever—*

1 “(A) travels in interstate or foreign com-
2 merce or uses the mail or any facility in inter-
3 state or foreign commerce, with intent to commit
4 any crime of violence to further any unlawful
5 activity; and

6 “(B) after travel or use of the mail or any
7 facility in interstate or foreign commerce de-
8 scribed in subparagraph (A), commits, attempts
9 to commit, or conspires to commit any crime of
10 violence to further any unlawful activity,

11 shall be fined under this title, imprisoned for not
12 more than 20 years, or both, and if death results shall
13 be sentenced to death or be imprisoned for any term
14 of years or for life.”.

15 (2) *DEFINITIONS.*—Section 1952(b) of title 18,
16 United States Code, is amended to read as follows:

17 “(b) *DEFINITIONS.*—In this section:

18 “(1) *CONTROLLED SUBSTANCE.*—The term ‘con-
19 trolled substance’ has the meaning given that term in
20 section 102(6) of the Controlled Substances Act (21
21 U.S.C. 802(6)).

22 “(2) *STATE.*—The term ‘State’ includes a State
23 of the United States, the District of Columbia, and
24 any commonwealth, territory, or possession of the
25 United States.

1 “(3) *UNLAWFUL ACTIVITY.*—*The term ‘unlawful*
2 *activity’ means—*

3 “(A) *pattern of gang activity (as that term*
4 *is defined in section 521);*

5 “(B) *any business enterprise involving gam-*
6 *bling, liquor on which the Federal excise tax has*
7 *not been paid, narcotics or controlled substances*
8 *(as that term is defined in section 102(6) of the*
9 *Controlled Substances Act (21 U.S.C. 802(a)),*
10 *or prostitution offenses in violation of the laws*
11 *of the State in which the offense is committed or*
12 *of the United States;*

13 “(C) *extortion, bribery, arson, burglary if*
14 *the offense involves property valued at not less*
15 *than \$10,000, assault with a deadly weapon, as-*
16 *sault resulting in bodily injury, shooting at an*
17 *occupied dwelling or motor vehicle, or retaliation*
18 *against or intimidation of witnesses, victims, ju-*
19 *rors, or informants, in violation of the laws of*
20 *the State in which the offense is committed or of*
21 *the United States;*

22 “(D) *the use of bribery, force, intimidation,*
23 *or threat, directed against any person, to delay*
24 *or influence the testimony of or prevent from tes-*
25 *tifying a witness in a State criminal proceeding*

1 *or by any such means to cause any person to*
2 *destroy, alter, or conceal a record, document, or*
3 *other object, with intent to impair the object's in-*
4 *tegrity or availability for use in such a proceed-*
5 *ing; or*

6 *“(E) any act that is indictable under sec-*
7 *tion 1956 or 1957 of this title or under sub-*
8 *chapter II of chapter 53 of title 31.”.*

9 ***(b) AMENDMENT OF SENTENCING GUIDELINES.—***

10 ***(1) IN GENERAL.—****Pursuant to its authority*
11 *under section 994(p) of title 28, United States Code,*
12 *the United States Sentencing Commission shall*
13 *amend chapter 2 of the Federal Sentencing Guidelines*
14 *to provide an appropriate increase in the offense lev-*
15 *els for traveling in interstate or foreign commerce in*
16 *aid of unlawful activity.*

17 ***(2) DEFINITION OF UNLAWFUL ACTIVITY.—****In*
18 *this subsection, the term “unlawful activity” has the*
19 *meaning given that term in section 1952(b) of title*
20 *18, United States Code, as amended by this section.*

21 ***(3) SENTENCING ENHANCEMENT FOR RECRUIT-***
22 ***MENT ACROSS STATE LINES.—****Pursuant to its author-*
23 *ity under section 994(p) of title 28, United States*
24 *Code, the United States Sentencing Commission shall*
25 *amend the Federal Sentencing Guidelines to provide*

1 years, fined in accordance with this title, or
2 both; or

3 “(B) is not a minor, be imprisoned for a
4 term of not less than 1 year and not more than
5 10 years, fined in accordance with this title, or
6 both; and

7 “(2) be liable for any costs incurred by the Fed-
8 eral Government or by any State or local government
9 for housing, maintaining, and treating the minor
10 until the minor attains the age of 18.

11 “(c) *DEFINITIONS.*—In this section:

12 “(1) *CRIMINAL GANG.*—The term ‘criminal gang’
13 has the meaning given the term in section 521.

14 “(2) *MINOR.*—The term ‘minor’ means a person
15 who is younger than 18 years of age.”.

16 (b) *CONFORMING AMENDMENT.*—The analysis for
17 chapter 26 of title 18, United States Code, is amended by
18 adding at the end the following:

 “522. Recruitment of persons to participate in criminal gang activity.”.

19 **SEC. 206. CRIMES INVOLVING THE RECRUITMENT OF PER-**
20 **SONS TO PARTICIPATE IN CRIMINAL GANGS**
21 **AND FIREARMS OFFENSES AS RICO PREDI-**
22 **CATES.**

23 Section 1961(1) of title 18, United States Code, is
24 amended—

25 (1) by striking “or” before “(F)”; and

1 (2) *by inserting before the semicolon at the end*
2 *the following: “, (G) an offense under section 522 of*
3 *this title, or (H) an offense under section 924(a) inso-*
4 *far as such offense is a violation of subsection (a)(1),*
5 *(a)(4), (i), (j), (k), (o), (q), (u), (v), or (x)(1) of sec-*
6 *tion 922, or subsection (b), (g), (h), (k), (l), or (m)*
7 *of section 924 (relating to firearms violations), except*
8 *that with respect to an offense under section 922 or*
9 *924 described in subparagraph (H), that offense shall*
10 *be considered to be a racketeering activity only if that*
11 *offense is committed by a person who knowingly fur-*
12 *thers a Federal offense that is a serious violent felony*
13 *or a serious drug offense (as those terms are defined*
14 *in section 3559(c)(2))”.*

15 **SEC. 207. PROHIBITIONS RELATING TO FIREARMS.**

16 (a) *YOUTH HANDGUN SAFETY.*—Section 924(a)(6) of
17 *title 18, United States Code, is amended—*

18 (1) *by striking subparagraph (A);*

19 (2) *by redesignating subparagraph (B) as sub-*
20 *paragraph (A);*

21 (3) *in subparagraph (A), as redesignated—*

22 (A) *by striking “A person other than a juve-*
23 *nile who knowingly” and inserting “A person*
24 *who knowingly”;*

1 (B) in clause (i), by striking “not more
2 than 1 year” and inserting “not more than 5
3 years”; and

4 (C) in clause (ii), by inserting “not less
5 than 1 year and” after “imprisoned”; and

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

7 “(B) Notwithstanding subparagraph (A), no
8 mandatory minimum sentence shall apply to a juve-
9 nile who is less than 14 years of age.”.

10 (b) *SERIOUS JUVENILE DRUG OFFENSES AS ARMED*
11 *CAREER CRIMINAL PREDICATES*.—Section 924(e)(2)(A) of
12 title 18, United States Code, is amended—

13 (1) in clause (i), by striking “or” at the end;

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

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

16 “(iii) any act of juvenile delinquency that,
17 if committed by an adult, would be an offense
18 described in clause (i) or (ii);”.

19 (c) *TRANSFER OF FIREARMS TO MINORS FOR USE IN*
20 *CRIME*.—Section 924(h) of title 18, United States Code, is
21 amended by striking “10 years, fined in accordance with
22 this title, or both” and inserting “10 years, and if the trans-
23 feree is a person who is under 18 years of age, imprisoned
24 for a term of not less than 3 years, fined in accordance
25 with this title, or both”.

1 **SEC. 208. AMENDMENT OF SENTENCING GUIDELINES WITH**
2 **RESPECT TO BODY ARMOR.**

3 (a) *SHORT TITLE.*—*This section may be cited as the*
4 *“James Guelff Body Armor Act of 1997”.*

5 (b) *DEFINITIONS.*—*In this section:*

6 (1) *BODY ARMOR.*—*The term “body armor”*
7 *means any product sold or offered for sale as personal*
8 *protective body covering intended to protect against*
9 *gunfire, regardless of whether the product is to be*
10 *worn alone or is sold as a complement to another*
11 *product or garment.*

12 (2) *LAW ENFORCEMENT OFFICER.*—*The term*
13 *“law enforcement officer” means any officer, agent, or*
14 *employee of the United States, a State, or a political*
15 *subdivision of a State, authorized by law or by a gov-*
16 *ernment agency to engage in or supervise the preven-*
17 *tion, detection, investigation, or prosecution of any*
18 *violation of criminal law.*

19 (c) *SENTENCING ENHANCEMENT.*—*The United States*
20 *Sentencing Commission shall amend the Federal Sentenc-*
21 *ing Guidelines to provide an appropriate sentencing en-*
22 *hancement, increasing the offense level not less than 2 levels,*
23 *for any offense in which the defendant used body armor.*

24 (d) *APPLICABILITY.*—*No amendment made to the Fed-*
25 *eral Sentencing Guidelines pursuant to this section shall*
26 *apply if the Federal offense in which the body armor is*

1 *used constitutes a violation of, attempted violation of, or*
 2 *conspiracy to violate the civil rights of any person by a*
 3 *law enforcement officer acting under color of the authority*
 4 *of such law enforcement officer.*

5 **SEC. 209. PRISON COMMUNICATIONS.**

6 *(a) IN GENERAL.—Chapter 119 of title 18, United*
 7 *States Code, is amended by adding at the end the following:*

8 **“§2523. Exemption for communications in jails and**
 9 ***prisons***

10 *“(a) IN GENERAL.—This chapter and chapter 121 do*
 11 *not apply with respect to the interception by a law enforce-*
 12 *ment officer, or a person acting on behalf of a law enforce-*
 13 *ment officer, of any wire, oral, or electronic communication,*
 14 *or the use of a pen register, a trap and trace device, or*
 15 *a clone pager, if—*

16 *“(1) in the case of any wire, oral, or electronic*
 17 *communication, at least 1 of the parties to the com-*
 18 *munication is an inmate or detainee in the custody*
 19 *of—*

20 *“(A) the Attorney General of the United*
 21 *States; or*

22 *“(B) a State or political subdivision thereof;*

23 *or*

1 “(2) *in the case of a pen register, a trap and*
 2 *trace device, or a clone pager, the facility is regularly*
 3 *used by an inmate or detainee in the custody of—*

4 “(A) *the Attorney General of the United*
 5 *States; or*

6 “(B) *a State or political subdivision thereof.*

7 “(b) *REGULATIONS.—The Attorney General shall pro-*
 8 *mulgate regulations governing interceptions described in*
 9 *subsection (a) in order to protect—*

10 “(1) *communications that are privileged under*
 11 *any privilege recognized by the Supreme Court of the*
 12 *United States; and*

13 “(2) *the right to counsel guaranteed by the sixth*
 14 *amendment to the Constitution of the United States.*

15 “(c) *DEFINITION OF STATE.—In this subsection, the*
 16 *term ‘State’ means each of the several States of the United*
 17 *States, the District of Columbia, and the territories, com-*
 18 *monwealths, and possessions of the United States.”.*

19 (b) *CONFORMING AMENDMENT.—The analysis for*
 20 *chapter 119 of title 18, United States Code, is amended by*
 21 *adding at the end the following:*

 “2523. *Exemption for communications in jails and prisons.”.*

22 **SEC. 210. HIGH INTENSITY INTERSTATE GANG ACTIVITY**
 23 **AREAS.**

24 (a) *DEFINITIONS.—In this section:*

1 (1) *GOVERNOR.*—*The term “Governor” means a*
2 *Governor of a State or the Mayor of the District of*
3 *Columbia.*

4 (2) *HIGH INTENSITY INTERSTATE GANG ACTIVITY*
5 *AREA.*—*The term “high intensity interstate gang ac-*
6 *tivity area” means an area within a State that is*
7 *designated as a high intensity interstate gang activity*
8 *area under subsection (b)(1).*

9 (3) *STATE.*—*The term “State” means a State of*
10 *the United States or the District of Columbia.*

11 (b) *HIGH INTENSITY INTERSTATE GANG ACTIVITY*
12 *AREAS.*—

13 (1) *DESIGNATION.*—*The Attorney General, upon*
14 *consultation with the Secretary of the Treasury and*
15 *the Governors of appropriate States, may designate as*
16 *a high intensity interstate gang activity area a speci-*
17 *fied area that is located—*

18 (A) *within a State; or*

19 (B) *in more than 1 State.*

20 (2) *ASSISTANCE.*—*In order to provide Federal*
21 *assistance to a high intensity interstate gang activity*
22 *area, the Attorney General may—*

23 (A) *facilitate the establishment of a regional*
24 *task force, consisting of Federal, State, and local*
25 *law enforcement authorities, for the coordinated*

1 *investigation, disruption, apprehension, and*
2 *prosecution of criminal activities of gangs and*
3 *gang members in the high intensity interstate*
4 *gang activity area; and*

5 *(B) direct the detailing from any Federal*
6 *department or agency (subject to the approval of*
7 *the head of that department or agency, in the*
8 *case of a department or agency other than the*
9 *Department of Justice) of personnel to the high*
10 *intensity interstate gang activity area.*

11 *(3) CRITERIA FOR DESIGNATION.—In consider-*
12 *ing an area (within a State or within more than 1*
13 *State) for designation as a high intensity interstate*
14 *gang activity area, the Attorney General shall con-*
15 *sider—*

16 *(A) the extent to which gangs from the area*
17 *are involved in interstate or international crimi-*
18 *nal activity;*

19 *(B) the extent to which the area is affected*
20 *by the criminal activity of gang members who—*

21 *(i) are located in, or have relocated*
22 *from, other States; or*

23 *(ii) are located in, or have immigrated*
24 *(legally or illegally) from, foreign countries;*

1 (C) the extent to which the area is affected
2 by the criminal activity of gangs that originated
3 in other States or foreign countries;

4 (D) the extent to which State and local law
5 enforcement agencies have committed resources to
6 respond to the problem of criminal gang activity
7 in the area, as an indication of their determina-
8 tion to respond aggressively to the problem;

9 (E) the extent to which a significant in-
10 crease in the allocation of Federal resources
11 would enhance local response to gang-related
12 criminal activities in the area; and

13 (F) any other criteria that the Attorney
14 General considers to be appropriate.

15 (c) *AUTHORIZATION OF APPROPRIATIONS.*—

16 (1) *IN GENERAL.*—There are authorized to be ap-
17 propriated \$100,000,000 for each of fiscal years 1998
18 through 2002, to be used in accordance with para-
19 graph (2).

20 (2) *USE OF FUNDS.*—Of the amounts authorized
21 to be appropriated under paragraph (1)—

22 (A) 60 percent shall be used to carry out
23 subsection (b)(2); and

24 (B) 40 percent shall be used to make grants
25 for community-based programs to provide crime

1 *prevention and intervention services that are de-*
 2 *signed for gang members and at-risk youth in*
 3 *areas designated pursuant to this section as high*
 4 *intensity interstate gang activity areas.*

5 (3) *REQUIREMENT.*—

6 (A) *IN GENERAL.*—*The Attorney General*
 7 *shall ensure that not less than 10 percent of the*
 8 *amounts authorized under paragraph (1) are*
 9 *used to assist rural States affected as described*
 10 *in subparagraphs (B) and (C) of subsection*
 11 *(b)(3).*

12 (B) *DEFINITION OF RURAL STATE.*—*In this*
 13 *paragraph, the term “rural State” has the mean-*
 14 *ing given the term in section 1501(b) of title I*
 15 *of the Omnibus Crime Control and Safe Streets*
 16 *Act of 1968 (42 U.S.C. 3796bb(b)).*

17 **SEC. 211. INCREASED RICO PENALTIES FOR GANG AND VIO-**
 18 **LENT CRIMES.**

19 *Section 1963(a) of title 18, United States Code, is*
 20 *amended by striking “imprisoned not more than 20 years*
 21 *(or for life if the violation is based on a racketeering activ-*
 22 *ity for which the maximum penalty includes life imprison-*
 23 *ment), or both,” and inserting “imprisoned not more than*
 24 *the greater of 20 years or the statutory maximum term of*
 25 *imprisonment (including life imprisonment) applicable to*

1 *a racketeering activity on which the violation is based, or*
2 *both,”.*

3 **SEC. 212. INCREASING THE PENALTY FOR USING PHYSICAL**
4 **FORCE TO TAMPER WITH WITNESSES, VIC-**
5 **TIMS, OR INFORMANTS.**

6 *Section 1512 of title 18, United States Code, is amend-*
7 *ed—*

8 *(1) in subsection (a)—*

9 *(A) in paragraph (1), by striking “as pro-*
10 *vided in paragraph (2)” and inserting “as pro-*
11 *vided in paragraph (3)”;*

12 *(B) by redesignating paragraph (2) as*
13 *paragraph (3);*

14 *(C) by inserting after paragraph (1) the fol-*
15 *lowing:*

16 *“(2) Whoever uses physical force or the threat of*
17 *physical force against any person, or attempts to do*
18 *so, with intent to—*

19 *“(A) influence, delay, or prevent the testi-*
20 *mony of any person in an official proceeding;*

21 *“(B) cause or induce any person to—*

22 *“(i) withhold testimony, or withhold a*
23 *record, document, or other object, from an*
24 *official proceeding;*

1 “(ii) alter, destroy, mutilate, or conceal
2 an object with intent to impair the object’s
3 integrity or availability for use in an offi-
4 cial proceeding;

5 “(iii) evade legal process summoning
6 that person to appear as a witness, or to
7 produce a record, document, or other object,
8 in an official proceeding; or

9 “(iv) be absent from an official pro-
10 ceeding to which such person has been sum-
11 moned by legal process; or

12 “(C) hinder, delay, or prevent the commu-
13 nication to a law enforcement officer or judge of
14 the United States of information relating to the
15 commission or possible commission of a Federal
16 offense or a violation of conditions of probation,
17 parole, or release pending judicial proceedings;

18 shall be punished as provided in paragraph (3).”;
19 and

20 (D) by amending paragraph (3)(B), as re-
21 designated, to read as follows:

22 “(B) in the case of—

23 “(i) an attempt to murder; or

24 “(ii) the use of physical force against
25 any person;

1 *imprisonment for not more than 20 years.*”;

2 (2) *in subsection (b), by striking “or physical*
3 *force”;* and

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

5 “(j) *Whoever conspires to commit any offense under*
6 *this section or section 1513 shall be subject to the same pen-*
7 *alties as those prescribed for the offense the commission of*
8 *which was the object of the conspiracy.*”.

9 **SEC. 213. CLONE PAGERS.**

10 (a) *WIRE AND ELECTRONIC COMMUNICATIONS.*—

11 (1) *DEFINITIONS.*—*Section 2510(12) of title 18,*
12 *United States Code, is amended—*

13 (A) *in subparagraph (C), by striking “or”*
14 *at the end;*

15 (B) *in subparagraph (D), by adding “or”*
16 *at the end; and*

17 (C) *by adding at the end the following:*

18 “(E) *any communication made through a*
19 *clone pager (as that term is defined in section*
20 *3127).*”.

21 (2) *PROHIBITION.*—*Section 2511(2)(h) of title*
22 *18, United States Code, is amended by striking clause*
23 *(i) and inserting the following:*

24 “(i) *to use a pen register, a trap and trace de-*
25 *vice, or a clone pager (as those terms are defined for*

1 *the purposes of chapter 206 (relating to pen registers,*
 2 *trap and trace devices, and clone pagers)); or”.*

3 **(b) AMENDMENT OF CHAPTER 206.**—*Chapter 206 of*
 4 *title 18, United States Code, is amended—*

5 *(1) in the chapter heading, by striking “AND*
 6 *TRAP AND TRACE DEVICES” and inserting “,*
 7 *TRAP AND TRACE DEVICES, AND CLONE*
 8 *PAGERS”;*

9 *(2) in the chapter analysis—*

10 *(A) by striking “and trap and trace device”*
 11 *each place that term appears and inserting “,*
 12 *trap and trace device, and clone pager”;*

13 *(B) by striking “and trap and trace de-*
 14 *vices” and inserting “, trap and trace devices,*
 15 *and clone pagers”; and*

16 *(C) by striking “or a trap and trace device”*
 17 *each place that term appears and inserting “, a*
 18 *trap and trace device, or a clone pager”;*

19 *(3) in section 3121—*

20 *(A) in the section heading, by striking*
 21 ***“and trap and trace device”*** *and insert-*
 22 *ing “, **trap and trace device, and clone***
 23 ***pager”;*** *and*

1 (B) by striking “or a trap and trace device”
 2 each place that term appears and inserting “, a
 3 trap and trace device, or a clone pager”;

4 (4) in section 3122—

5 (A) in the section heading, by striking “**or**
 6 **a trap and trace device**” and inserting “,
 7 **a trap and trace device, or a clone**
 8 **pager**”; and

9 (B) by striking “or a trap and trace device”
 10 each place that term appears and inserting “, a
 11 trap and trace device, or a clone pager”;

12 (5) in section 3123—

13 (A) in the section heading, by striking “**or**
 14 **a trap and trace device**” and inserting “,
 15 **a trap and trace device, or a clone**
 16 **pager**”;

17 (B) by striking subsection (a) and inserting
 18 the following:

19 “(a) *IN GENERAL.*—Upon an application made under
 20 section 3122, the court shall enter an *ex parte* order author-
 21 izing the installation and use of a pen register or a trap
 22 and trace device within the jurisdiction of the court, or of
 23 a clone pager for which the service provider is subject to
 24 the jurisdiction of the court, if the court finds that the attor-
 25 ney for the Government or the State law enforcement or

1 *investigative officer has certified to the court that the infor-*
2 *mation likely to be obtained by such installation and use*
3 *is relevant to an ongoing criminal investigation.”;*

4 (C) *in subsection (b)(1)—*

5 (i) *in subparagraph (A), by inserting*
6 *before the semicolon the following: “, or, in*
7 *the case of a clone pager, the identity, if*
8 *known, of the person who is the subscriber*
9 *of the paging device, the communications to*
10 *which will be intercepted by the clone*
11 *pager”;*

12 (ii) *in subparagraph (C), by inserting*
13 *before the semicolon the following: “, or, in*
14 *the case of a clone pager, the number of the*
15 *paging device, communications to which*
16 *will be intercepted by the clone pager”;* and

17 (iii) *in paragraph (2), by striking “or*
18 *trap and trace device” and inserting “, trap*
19 *and trace device, or clone pager”;*

20 (D) *in subsection (c), by striking “or a trap*
21 *and trace device” and inserting “, a trap and*
22 *trace device, or a clone pager”;* and

23 (E) *in subsection (d)—*

24 (i) *in the subsection heading, by strik-*
25 *ing “OR A TRAP AND TRACE DEVICE” and*

1 inserting “, TRAP AND TRACE DEVICE, OR
2 CLONE PAGER”; and

3 (ii) in paragraph (2), by inserting “or
4 the paging device, the communications to
5 which will be intercepted by the clone
6 pager,” after “attached,”;

7 (6) in section 3124—

8 (A) in the section heading, by striking “**or**
9 **a trap and trace device**” and inserting “,
10 **a trap and trace device, or a clone**
11 **pager**”;

12 (B) by redesignating subsections (c) through
13 (f) as subsections (d) through (g), respectively;
14 and

15 (C) by inserting after subsection (b) the fol-
16 lowing:

17 “(c) CLONE PAGER.—Upon the request of an attorney
18 for the Government or an officer of a law enforcement agen-
19 cy authorized to acquire and use a clone pager under this
20 chapter, a Federal court may order, in accordance with sec-
21 tion 3123(b)(2), a provider of a paging service or other per-
22 son, to furnish to such investigative or law enforcement offi-
23 cer, all information, facilities, and technical assistance nec-
24 essary to accomplish the operation and use of the clone
25 pager unobtrusively and with a minimum of interference

1 *with the services that the person so ordered by the court*
2 *accords the party with respect to whom the programming*
3 *and use is to take place.”;*

4 (7) *in section 3125—*

5 (A) *in the section heading, by striking*
6 **“and trap and trace device”** *and insert-*
7 *ing “, trap and trace device, and clone*
8 **pager”;**

9 (B) *in subsection (a), by striking “or a trap*
10 *and trace device” and inserting “, a trap and*
11 *trace device, or a clone pager”;* *and*

12 (C) *by striking “or trap and trace device”*
13 *each place that term appears and inserting “,*
14 *trap and trace device, or clone pager”;*

15 (8) *in section 3126—*

16 (A) *in the section heading, by striking*
17 **“and trap and trace devices”** *and insert-*
18 *ing “, trap and trace devices, and clone*
19 **paggers”;** *and*

20 (B) *by inserting “or clone paggers” after*
21 *“devices”;* *and*

22 (9) *in section 3127—*

23 (A) *by redesignating paragraphs (5) and*
24 *(6) as paragraphs (6) and (7), respectively; and*

1 (B) by inserting after paragraph (4) the fol-
2 lowing:

3 “(5) the term ‘clone pager’ means a numeric dis-
4 play device that receives communications intended for
5 another numeric display paging device;”.

6 **TITLE III—JUVENILE CRIME**
7 **CONTROL AND ACCOUNTABILITY**

8 **SEC. 301. FINDINGS; DECLARATION OF PURPOSE; DEFINI-**
9 **TIONS.**

10 *Title I of the Juvenile Justice and Delinquency Pre-*
11 *vention Act of 1974 (42 U.S.C. 5601 et seq.) is amended*
12 *to read as follows:*

13 **“TITLE I—FINDINGS AND**
14 **DECLARATION OF PURPOSE**

15 **“SEC. 101. FINDINGS.**

16 *“Congress makes the following findings:*

17 *“(1) During the past several years, the United*
18 *States has experienced an alarming increase in ar-*
19 *rests of adolescents for murder, assault, and weapons*
20 *offenses.*

21 *“(2) In 1994, juveniles accounted for 1 in 5 ar-*
22 *rests for violent crimes, including murder, robbery,*
23 *aggravated assault, and rape, including 514 such ar-*
24 *rests per 100,000 juveniles 10 through 17 years of age.*

1 “(3) *Understaffed and overcrowded juvenile*
2 *courts, prosecutorial and public defender offices, pro-*
3 *bation services, and correctional facilities no longer*
4 *adequately address the changing nature of juvenile*
5 *crime, protect the public, or correct youth offenders.*

6 “(4) *The juvenile justice system has proven inad-*
7 *equately to meet the needs of society, because insuffi-*
8 *cient sanctions are imposed on serious juvenile offend-*
9 *ers, and because the needs of children, who may be at*
10 *risk of becoming delinquents are not being met.*

11 “(5) *Existing programs and policies have not*
12 *adequately responded to the particular threat that*
13 *drugs, alcohol abuse, violence, and gangs pose to the*
14 *youth of the Nation.*

15 “(6) *Projected demographic increases in the*
16 *number of youth offenders require reexamination of*
17 *current prosecution and incarceration policies for se-*
18 *rious violent youth offenders and crime prevention*
19 *policies.*

20 “(7) *State and local communities that experience*
21 *directly the devastating failures of the juvenile justice*
22 *system require assistance to deal comprehensively*
23 *with the problems of juvenile delinquency.*

24 “(8) *Existing Federal programs have not pro-*
25 *vided the States with necessary flexibility, nor have*

1 *these programs provided the coordination, resources,*
2 *and leadership required to meet the crisis of youth vi-*
3 *olence.*

4 *“(9) Overlapping and uncoordinated Federal*
5 *programs have created a multitude of Federal funding*
6 *streams to State and local governments, that have be-*
7 *come a barrier to effective program coordination, re-*
8 *sponsive public safety initiatives, and the provision of*
9 *comprehensive services for children and youth.*

10 *“(10) Violent crime by juveniles constitutes a*
11 *growing threat to the national welfare that requires*
12 *an immediate and comprehensive governmental re-*
13 *sponse, combining flexibility and coordinated evalua-*
14 *tion.*

15 *“(11) Limited State and local resources are*
16 *being wasted complying with the unnecessary Federal*
17 *mandate that status offenders be deinstitutionalized.*
18 *Some communities believe that curfews are appro-*
19 *priate for juveniles, and those communities should not*
20 *be prohibited by the Federal Government from using*
21 *confinement for status offenses as a means of dealing*
22 *with delinquent behavior before it becomes criminal*
23 *conduct.*

24 *“(12) Limited State and local resources are*
25 *being wasted complying with the unnecessary Federal*

1 *mandate that no juvenile be detained or confined in*
2 *any jail or lockup for adults, because it can be fea-*
3 *sible to separate adults and juveniles in 1 facility.*
4 *This mandate is particularly burdensome for rural*
5 *communities.*

6 *“(13) The role of the Federal Government should*
7 *be to encourage and empower communities to develop*
8 *and implement policies to protect adequately the pub-*
9 *lic from serious juvenile crime as well as comprehen-*
10 *sive programs to reduce risk factors and prevent juve-*
11 *nile delinquency.*

12 *“(14) A strong partnership among law enforce-*
13 *ment, local government, juvenile and family courts,*
14 *schools, businesses, philanthropic organizations, fami-*
15 *lies, and the religious community, can create a com-*
16 *munity environment that supports the youth of the*
17 *Nation in reaching their highest potential and re-*
18 *duces the destructive trend of juvenile crime.*

19 **“SEC. 102. PURPOSE AND STATEMENT OF POLICY.**

20 *“(a) IN GENERAL.—The purposes of this Act are to—*

21 *“(1) protect the public and to hold juveniles ac-*
22 *countable for their acts;*

23 *“(2) empower States and communities to develop*
24 *and implement comprehensive programs that support*

1 *families, reduce risk factors, and prevent serious*
2 *youth crime and juvenile delinquency;*

3 *“(3) provide for the thorough and ongoing eval-*
4 *uation of all federally funded programs addressing ju-*
5 *venile crime and delinquency;*

6 *“(4) provide technical assistance to public and*
7 *private nonprofit entities that protect public safety,*
8 *administer justice and corrections to delinquent*
9 *youth, or provide services to youth at risk of delin-*
10 *quency, and their families;*

11 *“(5) establish a centralized research effort on the*
12 *problems of youth crime and juvenile delinquency, in-*
13 *cluding the dissemination of the findings of such re-*
14 *search and all related data;*

15 *“(6) establish a Federal assistance program to*
16 *deal with the problems of runaway and homeless*
17 *youth;*

18 *“(7) assist State and local governments in im-*
19 *proving the administration of justice for juveniles;*

20 *“(8) assist the State and local governments in re-*
21 *ducing the level of youth violence;*

22 *“(9) assist State and local governments in pro-*
23 *moting public safety by supporting juvenile delin-*
24 *quency prevention and control activities;*

1 “(10) encourage and promote programs designed
2 to keep in school juvenile delinquents expelled or sus-
3 pended for disciplinary reasons;

4 “(11) assist State and local governments in pro-
5 moting public safety by encouraging accountability
6 through the imposition of meaningful sanctions for
7 acts of juvenile delinquency;

8 “(12) assist State and local governments in pro-
9 moting public safety by improving the extent, accu-
10 racy, availability and usefulness of juvenile court and
11 law enforcement records and the openness of the juve-
12 nile justice system;

13 “(13) assist State and local governments in pro-
14 moting public safety by encouraging the identification
15 of violent and hardcore juveniles and transferring
16 such juveniles out of the jurisdiction of the juvenile
17 justice system and into the jurisdiction of adult
18 criminal court;

19 “(14) assist State and local governments in pro-
20 moting public safety by providing resources to States
21 to build or expand juvenile detention facilities;

22 “(15) provide for the evaluation of federally as-
23 sisted juvenile crime control programs, and the train-
24 ing necessary for the establishment and operation of
25 such programs;

1 “(16) ensure the dissemination of information
2 regarding juvenile crime control programs by provid-
3 ing a national clearinghouse; and

4 “(17) provide technical assistance to public and
5 private nonprofit juvenile justice and delinquency
6 prevention programs.

7 “(b) *STATEMENT OF POLICY.*—It is the policy of Con-
8 gress to provide resources, leadership, and coordination
9 to—

10 “(1) combat youth violence and to prosecute and
11 punish effectively violent juvenile offenders; and

12 “(2) improve the quality of juvenile justice in the
13 United States.

14 **“SEC. 103. DEFINITIONS.**

15 *“In this Act:*

16 “(1) *ADMINISTRATOR.*—The term ‘Adminis-
17 trator’ means the Administrator of the Office of Juve-
18 nile Crime Control and Accountability.

19 “(2) *ADULT INMATE.*—The term ‘adult inmate’
20 means an individual 18 years of age or older arrested
21 and in custody for, awaiting trial on, or convicted of
22 criminal charges or an act of juvenile delinquency
23 committed while a juvenile.

24 “(3) *CONSTRUCTION.*—The term ‘construction’
25 means erection of new buildings or acquisition, ex-

1 *pansion, remodeling, and alteration of existing build-*
 2 *ings, and initial equipment of any such buildings, or*
 3 *any combination of such activities (including archi-*
 4 *tects' fees but not the cost of acquisition of land for*
 5 *buildings).*

6 *“(4) SUSTAINED ORAL COMMUNICATION.—*

7 *“(A) IN GENERAL.—The term ‘sustained*
 8 *oral communication’ means oral communication*
 9 *that easily provides an opportunity for an adult*
 10 *inmate orally to threaten a juvenile.*

11 *“(B) EXCLUSION.—The term does not in-*
 12 *clude any communication that is indirect, inter-*
 13 *mittent, or incidental, and that does not allow*
 14 *an adult inmate easily to threaten a juvenile*
 15 *orally.*

16 *“(5) FEDERAL JUVENILE CRIME CONTROL AND*
 17 *JUVENILE OFFENDER ACCOUNTABILITY PROGRAM.—*

18 *The term ‘Federal juvenile crime control and juvenile*
 19 *offender accountability program’ means any Federal*
 20 *program a primary objective of which is the reduction*
 21 *of the incidence of arrest, the commission of criminal*
 22 *acts or acts of delinquency, violence, the use of alcohol*
 23 *or illegal drugs, or involvement in gangs among juve-*
 24 *niles.*

1 “(6) *INDIAN TRIBE*.—The term ‘Indian tribe’
2 means any Indian tribe, band, nation, or other orga-
3 nized group or community, including any Alaska Na-
4 tive village or regional or village corporation as de-
5 fined in or established pursuant to the Alaska Native
6 Claims Settlement Act (43 U.S.C. 1601 et seq.), that
7 is recognized as eligible for the special programs and
8 services provided by the United States to Indians be-
9 cause of their status as Indians.

10 “(7) *JUVENILE POPULATION*.—The term ‘juvenile
11 population’ means the population of a State under 18
12 years of age.

13 “(8) *OFFICE*.—The term ‘Office’ means the Office
14 of Juvenile Crime Control and Accountability estab-
15 lished under section 201.

16 “(9) *OUTCOME OBJECTIVE*.—The term ‘outcome
17 objective’ means an objective that relates to the impact
18 of a program or initiative, that measures the reduc-
19 tion of high risk behaviors, such as incidence of ar-
20 rest, the commission of criminal acts or acts of delin-
21 quency, failure in school, violence, the use of alcohol
22 or illegal drugs, involvement of youth gangs, and
23 teenage pregnancy, among youth in the community.

24 “(10) *PROCESS OBJECTIVE*.—The term ‘process
25 objective’ means an objective that relates to the man-

1 *ner in which a program or initiative is carried out,*
2 *including—*

3 *“(A) an objective relating to the degree to*
4 *which the program or initiative is reaching the*
5 *target population; and*

6 *“(B) an objective relating to the degree to*
7 *which the program or initiative addresses known*
8 *risk factors for youth problem behaviors and in-*
9 *corporates activities that inhibit the behaviors*
10 *and that build on protective factors for youth.*

11 *“(11) PROHIBITED PHYSICAL CONTACT.—*

12 *“(A) IN GENERAL.—The term ‘prohibited*
13 *physical contact’ means direct physical contact*
14 *that provides an opportunity for an adult in-*
15 *mate physically to harm a juvenile, and includes*
16 *placing juveniles and adult inmates in the same*
17 *cell.*

18 *“(B) EXCLUSION.—The term does not in-*
19 *clude any contact that is indirect, intermittent,*
20 *or incidental, and that does not allow an adult*
21 *inmate physically to harm a juvenile.*

22 *“(12) STATE.—The term ‘State’ means any*
23 *State of the United States, the District of Columbia,*
24 *the Commonwealth of Puerto Rico, the Trust Terri-*
25 *tory of the Pacific Islands, the Virgin Islands, Guam,*

1 *American Samoa, and the Commonwealth of the*
 2 *Northern Mariana Islands.*

3 “(13) *STATE OFFICE.*—*The term ‘State office’*
 4 *means an office designated by the chief executive offi-*
 5 *cer of a State to carry out this title, as provided in*
 6 *section 507 of the Omnibus Crime Control and Safe*
 7 *Streets Act of 1968 (42 U.S.C. 3757).*

8 “(14) *TREATMENT.*—*The term ‘treatment’ in-*
 9 *cludes medical and other rehabilitative services de-*
 10 *signed to protect the public, including any services*
 11 *designed to benefit addicts and other users by—*

12 “(A) *eliminating their dependence on alco-*
 13 *hol or other addictive or nonaddictive drugs; or*

14 “(B) *controlling or reducing their depend-*
 15 *ence and susceptibility to addiction or use.*

16 “(15) *YOUTH.*—*The term ‘youth’ means an indi-*
 17 *vidual who is not less than 6 years of age and not*
 18 *more than 17 years of age.*

19 “(16) *UNIT OF LOCAL GOVERNMENT.*—*The term*
 20 *‘unit of local government’ means—*

21 “(A) *any city, county, township, town, bor-*
 22 *ough, parish, village, or other general purpose*
 23 *political subdivision of a State;*

24 “(B) *any law enforcement district or judi-*
 25 *cial enforcement district that—*

1 “(i) is established under applicable
2 State law; and

3 “(ii) has the authority to, in a manner
4 independent of other State entities, establish
5 a budget and raise revenues;

6 “(C) an Indian tribe which performs law
7 enforcement functions, as determined by the Sec-
8 retary of the Interior; or

9 “(D) for the purposes of assistance eligi-
10 bility, any agency of the government of the Dis-
11 trict of Columbia or the Federal Government
12 that performs law enforcement functions in and
13 for—

14 “(i) the District of Columbia; or

15 “(ii) any Trust Territory of the United
16 States.”.

17 **SEC. 302. NATIONAL PROGRAM.**

18 (a) *OFFICE OF JUVENILE CRIME CONTROL AND AC-*
19 *COUNTABILITY.*—Section 201 of the *Juvenile Justice and*
20 *Delinquency Prevention Act of 1974 (42 U.S.C. 5611)* is
21 *amended—*

22 (1) in subsection (a), by striking “*Office of Juve-*
23 *nile Justice and Delinquency Prevention*” and insert-
24 ing “*Office of Juvenile Crime Control and Account-*
25 *ability*”; and

1 (2) *by adding at the end the following:*

2 “(d) *DELEGATION AND ASSIGNMENT.—*

3 “(1) *IN GENERAL.—Except as otherwise ex-*
4 *pressly prohibited by law or otherwise provided by*
5 *this title, the Administrator may—*

6 “(A) *delegate any of the functions of the Ad-*
7 *ministrator, and any function transferred or*
8 *granted to the Administrator after the date of en-*
9 *actment of the Violent and Repeat Juvenile Of-*
10 *fender Act of 1997, to such officers and employ-*
11 *ees of the Office as the Administrator may des-*
12 *ignate; and*

13 “(B) *authorize successive redelegations of*
14 *such functions as may be necessary or appro-*
15 *priate.*

16 “(2) *RESPONSIBILITY.—No delegation of func-*
17 *tions by the Administrator under this subsection or*
18 *under any other provision of this title shall relieve the*
19 *Administrator of responsibility for the administration*
20 *of such functions.*

21 “(e) *REORGANIZATION.—The Administrator may allo-*
22 *cate or reallocate any function transferred among the offi-*
23 *cers of the Office, and establish, consolidate, alter, or dis-*
24 *continue such organizational entities in that Office as may*
25 *be necessary or appropriate.”.*

1 (b) *NATIONAL PROGRAM.*—Section 204 of the *Juvenile*
2 *Justice and Delinquency Prevention Act of 1974 (42 U.S.C.*
3 *5614)* is amended to read as follows:

4 **“SEC. 204. NATIONAL PROGRAM.**

5 “(a) *NATIONAL JUVENILE CRIME CONTROL AND JUVE-*
6 *NILE OFFENDER ACCOUNTABILITY PLAN.*—

7 “(1) *IN GENERAL.*—The Administrator shall de-
8 *velop objectives, priorities, and short- and long-term*
9 *plans, and shall implement overall policy and a*
10 *strategy to carry out such plan, for all Federal juve-*
11 *nile crime control and juvenile offender accountability*
12 *programs and activities relating to improving juve-*
13 *nile crime control and the enhancement of account-*
14 *ability by offenders within the juvenile justice system*
15 *in the United States.*

16 “(2) *CONTENTS OF PLANS.*—

17 “(A) *IN GENERAL.*—Each plan described in
18 *paragraph (1) shall—*

19 “(i) *contain specific, measurable goals*
20 *and criteria for reducing the incidence of*
21 *crime and delinquency among juveniles, im-*
22 *proving juvenile crime control, and ensur-*
23 *ing accountability by offenders within the*
24 *juvenile justice system in the United States,*
25 *and shall include criteria for any discre-*

1 *tionary grants and contracts, for conduct-*
2 *ing research, and for carrying out other ac-*
3 *tivities under this title;*

4 *“(ii) provide for coordinating the ad-*
5 *ministration of programs and activities*
6 *under this title with the administration of*
7 *all other Federal juvenile crime control and*
8 *juvenile offender accountability programs*
9 *and activities, including proposals for joint*
10 *funding to be coordinated by the Adminis-*
11 *trator;*

12 *“(iii) provide a detailed summary and*
13 *analysis of the most recent data available*
14 *regarding the number of juveniles taken into*
15 *custody, the rate at which juveniles are*
16 *taken into custody, the time served by juve-*
17 *niles in custody, and the trends dem-*
18 *onstrated by such data;*

19 *“(iv) provide a description of the ac-*
20 *tivities for which amounts are expended*
21 *under this title;*

22 *“(v) provide specific information relat-*
23 *ing to the attainment of goals set forth in*
24 *the plan, including specific, measurable*
25 *standards for assessing progress toward na-*

1 *tional juvenile crime reduction and juvenile*
2 *offender accountability goals; and*

3 *“(vi) provide for the coordination of*
4 *Federal, State, and local initiatives for the*
5 *reduction of youth crime and ensuring ac-*
6 *countability for juvenile offenders.*

7 *“(B) SUMMARY AND ANALYSIS.—Each sum-*
8 *mary and analysis under subparagraph (A)(iii)*
9 *shall set out the information required by clauses*
10 *(i), (ii), and (iii) of this subparagraph sepa-*
11 *rately for juvenile nonoffenders, juvenile status*
12 *offenders, and other juvenile offenders. Such sum-*
13 *mary and analysis shall separately address with*
14 *respect to each category of juveniles specified in*
15 *the preceding sentence—*

16 *“(i) the types of offenses with which the*
17 *juveniles are charged;*

18 *“(ii) the ages of the juveniles;*

19 *“(iii) the types of facilities used to hold*
20 *the juveniles (including juveniles treated as*
21 *adults for purposes of prosecution) in cus-*
22 *tody, including secure detention facilities,*
23 *secure correctional facilities, jails, and lock-*
24 *ups;*

1 “(iv) the length of time served by juve-
2 niles in custody; and

3 “(v) the number of juveniles who died
4 or who suffered serious bodily injury while
5 in custody and the circumstances under
6 which each juvenile died or suffered such in-
7 jury.

8 “(C) *DEFINITION OF SERIOUS BODILY IN-*
9 *JURY.*—In this paragraph, the term ‘serious bod-
10 ily injury’ means bodily injury involving ex-
11 treme physical pain or the impairment of a
12 function of a bodily member, organ, or mental
13 faculty that requires medical intervention such
14 as surgery, hospitalization, or physical rehabili-
15 tation.

16 “(3) *ANNUAL REVIEW.*—The Administrator shall
17 annually—

18 “(A) review each plan submitted under this
19 subsection;

20 “(B) revise the plans, as the Administrator
21 considers appropriate; and

22 “(C) not later than March 1 of each year,
23 present the plans to the Committees on the Judi-
24 ciary of the Senate and the House of Representa-
25 tives.

1 “(b) *DUTIES OF ADMINISTRATOR.—In carrying out*
2 *this title, the Administrator shall—*

3 “(1) *advise the President through the Attorney*
4 *General as to all matters relating to federally assisted*
5 *juvenile crime control and juvenile offender account-*
6 *ability programs, and Federal policies regarding juve-*
7 *nile crime and justice, including policies relating to*
8 *juveniles prosecuted or adjudicated in the Federal*
9 *courts;*

10 “(2) *implement and coordinate Federal juvenile*
11 *crime control and juvenile offender accountability*
12 *programs and activities among Federal departments*
13 *and agencies and between such programs and activi-*
14 *ties and other Federal programs and activities that*
15 *the Administrator determines may have an important*
16 *bearing on the success of the entire national juvenile*
17 *crime control and juvenile offender accountability ef-*
18 *fort including, in consultation with the Director of*
19 *the Office of Management and Budget listing annu-*
20 *ally those programs to be considered Federal juvenile*
21 *crime control and juvenile accountability programs*
22 *for the following fiscal year;*

23 “(3) *provide for the auditing of grants provided*
24 *pursuant to this title;*

1 “(4) collect, prepare, and disseminate useful data
2 regarding the prevention, correction, and control of
3 juvenile crime and delinquency, and issue, not less
4 frequently than once each calendar year, a report on
5 successful programs and juvenile crime reduction
6 methods utilized by States, localities, and private en-
7 tities;

8 “(5) ensure the performance of comprehensive
9 rigorous independent scientific evaluations, each of
10 which shall—

11 “(A) be independent in nature, and shall
12 employ rigorous and scientifically valid stand-
13 ards and methodologies; and

14 “(B) include measures of outcome and proc-
15 ess objectives, such as reductions in juvenile
16 crime, youth gang activity, youth substance
17 abuse, and other high risk factors, as well as in-
18 creases in protective factors that reduce the like-
19 lihood of delinquency and criminal behavior;

20 “(6) involve consultation with appropriate au-
21 thorities in the States and with appropriate private
22 entities in the development, review, and revision of
23 the plans required by subsection (a) and in the devel-
24 opment of policies relating to juveniles prosecuted or
25 adjudicated in the Federal courts; and

1 “(7) *provide technical assistance to the States,*
 2 *units of local government, and private entities in im-*
 3 *plementing programs funded by grants under this*
 4 *title.*

5 “(c) *NATIONAL JUVENILE CRIME CONTROL AND JUVE-*
 6 *NILE OFFENDER ACCOUNTABILITY BUDGET.—*

7 “(1) *IN GENERAL.—The Administrator, through*
 8 *the Attorney General shall—*

9 “(A) *develop for each fiscal year, with the*
 10 *advice of the program managers of departments*
 11 *and agencies with responsibilities for any Fed-*
 12 *eral juvenile crime control or juvenile offender*
 13 *accountability program, a consolidated National*
 14 *Juvenile Crime Control and Juvenile Offender*
 15 *Accountability Plan budget proposal to imple-*
 16 *ment the National Juvenile Crime Control and*
 17 *Juvenile Offender Accountability Plan; and*

18 “(B) *transmit such budget proposal to the*
 19 *President and to Congress.*

20 “(2) *SUBMISSION OF JUVENILE OFFENDER AC-*
 21 *COUNTABILITY BUDGET REQUEST.—*

22 “(A) *IN GENERAL.—Each Federal Govern-*
 23 *ment program manager, agency head, and de-*
 24 *partment head with responsibility for any Fed-*
 25 *eral juvenile crime control or juvenile offender*

1 *accountability program shall, through the Attor-*
2 *ney General, submit the juvenile crime control*
3 *and juvenile offender accountability budget re-*
4 *quest of the program, agency, or department to*
5 *the Administrator at the same time as such re-*
6 *quest is submitted to their superiors (and before*
7 *submission to the Office of Management and*
8 *Budget) in the preparation of the budget of the*
9 *President submitted to Congress under section*
10 *1105(a) of title 31, United States Code.*

11 “(B) *TIMELY DEVELOPMENT AND SUBMIS-*
12 *SION.—The head of each department or agency*
13 *with responsibility for a Federal juvenile crime*
14 *control or juvenile offender accountability pro-*
15 *gram shall ensure timely development and sub-*
16 *mission to the Administrator of juvenile crime*
17 *control and juvenile offender accountability*
18 *budget requests transmitted pursuant to this sub-*
19 *section, in such format as may be designated by*
20 *the Administrator with the concurrence of the*
21 *Administrator of the Office of Management and*
22 *Budget.*

23 “(3) *REVIEW AND CERTIFICATION.—The Admin-*
24 *istrator shall—*

1 “(A) review each juvenile crime control and
2 juvenile offender accountability budget request
3 transmitted to the Administrator under para-
4 graph (2);

5 “(B) certify in writing as to the adequacy
6 of such request in whole or in part to implement
7 the objectives of the National Juvenile Crime
8 Control and Juvenile Offender Accountability
9 Plan for the year for which the request is sub-
10 mitted and, with respect to a request that is not
11 certified as adequate to implement the objectives
12 of the National Juvenile Crime Control and Ju-
13 venile Offender Accountability Plan, include in
14 the certification an initiative or funding level
15 that would make the request adequate; and

16 “(C) notify the program manager, agency
17 head, or department head, as applicable, regard-
18 ing the certification of the Administrator under
19 subparagraph (B).

20 “(4) *RECORDKEEPING REQUIREMENT.*—The Ad-
21 ministrator shall maintain records regarding certifi-
22 cations under paragraph (3)(B).

23 “(5) *FUNDING REQUESTS.*—The Administrator,
24 through the Attorney General, shall request the head
25 of a department or agency to include in the budget

1 *submission of the department or agency to the Office*
2 *of Management and Budget, funding requests for spe-*
3 *cific initiatives that are consistent with the priorities*
4 *of the President for the National Juvenile Crime Con-*
5 *trol and Juvenile Offender Accountability Plan and*
6 *certifications made pursuant to paragraph (3), and*
7 *the head of the department or agency shall comply*
8 *with such a request.*

9 “(6) *REPROGRAMMING AND TRANSFER RE-*
10 *QUESTS.—*

11 “(A) *IN GENERAL.—No department or agen-*
12 *cy with responsibility for a Federal juvenile*
13 *crime control or juvenile offender accountability*
14 *program for which primary implementing au-*
15 *thority lies outside the Department of Justice*
16 *shall submit to Congress a reprogramming or*
17 *transfer request with respect to any amount of*
18 *appropriated amounts greater than \$5,000,000*
19 *that is included in the National Juvenile Crime*
20 *Control and Juvenile Offender Accountability*
21 *Plan budget unless such request is first submitted*
22 *to the Administrator through the Attorney Gen-*
23 *eral and such request has been approved by the*
24 *Administrator.*

1 “(B) *APPEAL TO PRESIDENT.*—*The head of*
2 *any department or agency with responsibility for*
3 *a Federal juvenile crime control or juvenile of-*
4 *fender accountability program for which pri-*
5 *mary implementing authority lies outside the*
6 *Department of Justice may appeal to the Presi-*
7 *dent any disapproval by the Administrator of a*
8 *reprogramming or transfer request.*

9 “(7) *QUARTERLY REPORTS.*—*The Administrator*
10 *shall report to Congress on a quarterly basis regard-*
11 *ing the need for any reprogramming or transfer of*
12 *appropriated amounts for National Juvenile Crime*
13 *Control and Juvenile Offender Accountability Plan*
14 *activities.*

15 “(8) *EXERCISE OF AUTHORITY.*—*In carrying out*
16 *the duties under this subsection, the Administrator*
17 *may exercise, through the Attorney General, authority*
18 *over those departments, agencies, offices, bureaus, and*
19 *other components of the Federal Government with re-*
20 *responsibility for a juvenile crime control or juvenile of-*
21 *fender accountability program, with respect to such*
22 *program.*

23 “(d) *INFORMATION, REPORTS, STUDIES, AND SURVEYS*
24 *FROM OTHER AGENCIES.*—*The Administrator may require,*
25 *through appropriate authority, Federal departments and*

1 agencies engaged in any activity involving any Federal ju-
 2 venile crime control and juvenile offender accountability
 3 program to provide the Administrator with such informa-
 4 tion and reports, and to conduct such studies and surveys,
 5 as the Administrator determines to be necessary to carry
 6 out the purposes of this title.

7 “(e) *UTILIZATION OF SERVICES AND FACILITIES OF*
 8 *OTHER AGENCIES; REIMBURSEMENT.*—*The Administrator*
 9 *may utilize the services and facilities of any agency of the*
 10 *Federal Government and of any other public agency or in-*
 11 *stitution in accordance with appropriate agreements, and*
 12 *to pay for such services either in advance or by way of reim-*
 13 *bursement as may be agreed upon.*

14 “(f) *COORDINATION OF FUNCTIONS OF ADMINIS-*
 15 *TRATOR AND SECRETARY OF HEALTH AND HUMAN SERV-*
 16 *ICES.*—*All functions of the Administrator shall be coordi-*
 17 *nated as appropriate with the functions of the Secretary*
 18 *of Health and Human Services under title III.*

19 “(g) *ANNUAL JUVENILE DELINQUENCY DEVELOPMENT*
 20 *STATEMENTS.*—

21 “(1) *IN GENERAL.*—*The Administrator shall re-*
 22 *quire through appropriate authority each Federal*
 23 *agency that administers a Federal juvenile crime con-*
 24 *trol and juvenile offender accountability program to*
 25 *submit annually to the Office a juvenile crime control*

1 *and juvenile offender accountability development*
2 *statement. Such statement shall be in addition to any*
3 *information, report, study, or survey that the Admin-*
4 *istrator may require under subsection (d).*

5 “(2) *CONTENTS.—Each development statement*
6 *submitted to the Administrator under paragraph (1)*
7 *shall contain such information, data, and analyses as*
8 *the Administrator may require. Such analyses shall*
9 *include an analysis of the extent to which the pro-*
10 *gram of the Federal agency submitting such develop-*
11 *ment statement conforms with and furthers Federal*
12 *juvenile crime control and juvenile offender account-*
13 *ability prevention and treatment goals and policies.*

14 “(3) *REVIEW AND COMMENT.—*

15 “(A) *IN GENERAL.—The Administrator*
16 *shall review and comment upon each juvenile*
17 *crime control and juvenile offender accountabil-*
18 *ity development statement transmitted to the Ad-*
19 *ministrator under paragraph (1).*

20 “(B) *INCLUSION IN OTHER DOCUMENTA-*
21 *TION.—Such development statement, together*
22 *with the comments of the Administrator, shall be*
23 *included by the Federal agency involved in every*
24 *recommendation or request made by such agency*
25 *for Federal legislation that significantly affects*

1 *juvenile crime control and juvenile offender ac-*
2 *countability.*

3 “(h) *JOINT FUNDING.*—*Notwithstanding any other*
4 *provision of law, if funds are made available by more than*
5 *one Federal agency to be used by any agency, organization,*
6 *institution, or individual to carry out a Federal juvenile*
7 *delinquency program or activity, any one of the Federal*
8 *agencies providing funds may be requested by the Adminis-*
9 *trator to act for all in administering the funds advanced*
10 *whenever the Administrator finds the program or activity*
11 *to be exceptionally effective or for which the Administrator*
12 *finds exceptional need. In such cases, a single non-Federal*
13 *share requirement may be established according to the pro-*
14 *portion of funds advanced by each Federal agency, and the*
15 *Administrator may order any such agency to waive any*
16 *technical grant or contract requirement (as defined in those*
17 *regulations) which is inconsistent with the similar require-*
18 *ment of the administering agency or which the administer-*
19 *ing agency does not impose.”.*

20 **SEC. 303. JUVENILE CRIME CONTROL AND JUVENILE OF-**
21 **FENDER ACCOUNTABILITY INCENTIVE BLOCK**
22 **GRANTS.**

23 (a) *IN GENERAL.*—*Section 205 of the Juvenile Justice*
24 *and Delinquency Prevention Act of 1974 (42 U.S.C. 5615)*
25 *is amended to read as follows:*

1 **“SEC. 205. JUVENILE CRIME CONTROL AND JUVENILE OF-**
2 **FENDER ACCOUNTABILITY INCENTIVE BLOCK**
3 **GRANTS.**

4 “(a) *IN GENERAL.*—*The Administrator shall make,*
5 *subject to the availability of appropriations, grants to*
6 *States to assist them in planning, establishing, operating,*
7 *coordinating, and evaluating projects, directly or through*
8 *grants and contracts with public and private agencies, for*
9 *the development of more effective investigation, prosecution,*
10 *and punishment (including the imposition of graduated*
11 *sanctions) of crimes or acts of delinquency committed by*
12 *juveniles, programs to improve the administration of justice*
13 *for and ensure accountability by juvenile offenders, and*
14 *programs to reduce the risk factors (such as truancy, drug*
15 *or alcohol use, and gang involvement) associated with juve-*
16 *nile crime or delinquency.*

17 “(b) *USE OF GRANTS.*—*Grants under this title may*
18 *be used—*

19 “(1) *for programs to enhance the identification,*
20 *investigation, prosecution, and punishment of juvenile*
21 *offenders, such as—*

22 “(A) *the utilization of graduated sanctions;*

23 “(B) *the utilization of short-term confine-*
24 *ment of juvenile offenders;*

25 “(C) *the incarceration of violent juvenile of-*
26 *fenders for extended periods of time; and*

1 “(D) the hiring of juvenile prosecutors, juve-
2 nile public defenders, juvenile judges, juvenile
3 probation officers, and juvenile correctional offi-
4 cers to implement policies to control juvenile
5 crime and ensure accountability of juvenile of-
6 fenders;

7 “(2) for programs that require juvenile offenders
8 to make restitution to the victims of offenses commit-
9 ted by those juvenile offenders;

10 “(3) for programs that require juvenile offenders
11 to attend and successfully complete school or voca-
12 tional training as part of a sentence imposed by a
13 court;

14 “(4) for programs that require juvenile offenders
15 who are parents to demonstrate parental responsibil-
16 ity by working and paying child support;

17 “(5) for programs that seek to curb or punish
18 truancy;

19 “(6) for programs designed to collect, record, re-
20 tain, and disseminate information useful in the iden-
21 tification, prosecution, and sentencing of juvenile of-
22 fenders, such as criminal history information, finger-
23 prints, DNA tests, and ballistics tests;

24 “(7) for juvenile crime control and prevention
25 programs (such as nighttime curfews, youth organiza-

1 *tions, antidrug programs, drug testing of offenders,*
2 *antigang programs, and after school activities) that*
3 *include a rigorous, comprehensive evaluation compo-*
4 *nent that measures the decrease in risk factors associ-*
5 *ated with the juvenile crime and delinquency and em-*
6 *ployes scientifically valid standards and methodolo-*
7 *gies;*

8 *“(8) for the development and implementation of*
9 *coordinated multijurisdictional or multiagency pro-*
10 *grams for the identification, control, supervision, pre-*
11 *vention, investigation, and treatment of the most seri-*
12 *ous juvenile offenses and offenders, popularly known*
13 *as a ‘SHOCAP Program’ (Serious Habitual Offenders*
14 *Comprehensive Action Program);*

15 *“(9) for the development and implementation of*
16 *coordinated multijurisdictional or multiagency pro-*
17 *grams for the identification, control, supervision, pre-*
18 *vention, investigation, and disruption of youth gangs;*

19 *“(10) for the construction or remodeling of short-*
20 *and long-term facilities for juvenile offenders;*

21 *“(11) for the development and implementation of*
22 *training programs for juvenile crime control, for law*
23 *enforcement officers, judges, prosecutors, probation of-*
24 *ficers, and other court personnel who are employed by*

1 *State and local governments, in furtherance of the*
2 *purposes identified in this section;*

3 *“(12) to provide literacy and job training to ju-*
4 *venile offenders;*

5 *“(13) to provide substance abuse treatment for*
6 *juvenile offenders who have a substance abuse prob-*
7 *lem;*

8 *“(14) for units of local government, nonprofit*
9 *community-based organizations, and colleges or uni-*
10 *versities to develop and implement juvenile crime and*
11 *delinquency prevention programs, on the condition*
12 *that the funds will not be used to supplant or dupli-*
13 *cate existing public or nonprofit programs, services,*
14 *or facilities, especially in rural areas; and*

15 *“(15) for programs to seek to target, curb, and*
16 *punish adults who knowingly and intentionally use a*
17 *juvenile during the commission or attempted commis-*
18 *sion of a crime, including programs that specifically*
19 *provide for additional punishments or sentence en-*
20 *hancements for adults who knowingly and inten-*
21 *tionally use a juvenile during the commission or at-*
22 *tempted commission of a crime.*

23 *“(c) REQUIREMENTS.—To be eligible to receive an in-*
24 *centive grant under this section, a State shall make reason-*

1 *able efforts, as certified by the Governor, to ensure that, not*
2 *later than July 1, 2000—*

3 “(1) *juveniles age 14 and older may be pros-*
4 *ecuted under State law as adults, for an act that*
5 *would be a serious violent felony (as defined by State*
6 *law) if committed by an adult;*

7 “(2) *the State has established graduated sanc-*
8 *tions for juvenile offenders, including sanctions for*
9 *violations of terms of release;*

10 “(3) *the State, except in the case of a State for*
11 *any fiscal year through fiscal year 2002 that, for the*
12 *5 years preceding the Federal Bureau of Investiga-*
13 *tion’s Uniform Crime Reports for 1996, was among*
14 *the 5 percent of States with the lowest reported rate*
15 *per 100,000 persons age 10 to 17 arrested for a vio-*
16 *lent crime, as reported by the Office of Juvenile Jus-*
17 *tice and Delinquency Prevention, in its National Re-*
18 *ports on Juvenile Offenders and Victims—*

19 “(A) *requires that juveniles who are ar-*
20 *rested for, or charged with, a crime of violence*
21 *or an act that would be a felony if committed by*
22 *an adult, are fingerprinted and photographed,*
23 *and that the fingerprints, photographs, and no-*
24 *tation of the arrest of the juvenile are sent to the*
25 *Federal Bureau of Investigation;*

1 “(B) maintains a record relating to the ad-
2 judication or disposition that is—

3 “(i) equivalent to the record that would
4 be kept of an adult conviction for that of-
5 fense;

6 “(ii) retained for a period of time that
7 is equal to the period of time records are
8 kept for adult convictions;

9 “(iii) made available to law enforce-
10 ment agencies of any jurisdiction;

11 “(iv) made available to officials of a
12 school, school district, or postsecondary
13 school in which the individual who is the
14 subject of the juvenile record seeks, intends,
15 or is instructed to enroll, and that such offi-
16 cials are held liable to the same standards
17 and penalties that law enforcement and ju-
18 venile justice system employees are held lia-
19 ble to, under Federal and State law for
20 handling and disclosing such information;

21 “(v) made available to any court hav-
22 ing jurisdiction over such an individual, for
23 the purpose of allowing the court to consider
24 the entire juvenile history of the individual;
25 and

1 “(vi) sent to the Federal Bureau of In-
2 vestigation;

3 “(4) the State will not detain or confine any ju-
4 venile who is alleged to be or determined to be delin-
5 quent—

6 “(A) in any institution in which the juve-
7 nile has prohibited physical contact with adult
8 inmates; or

9 “(B) for a period of more than 72 hours in
10 any institution in which an adult inmate and a
11 juvenile can engage in sustained oral commu-
12 nication;

13 “(5) the State has established local advisory
14 groups that represent units of local government, and
15 that—

16 “(A) are balanced and include participants
17 in every phase of juvenile crime control, includ-
18 ing the local prosecutor, a juvenile judge, a juve-
19 nile probation officer, a public defender, the sher-
20 iff, the chief of police, and a juvenile correctional
21 officer and other citizens, as appointed by the
22 chief juvenile judge of the unit of local govern-
23 ment; and

24 “(B) will conduct a thorough assessment of
25 the case processing in juvenile court from arrest

1 *to disposition and punishment and effectuate the*
2 *necessary changes to make the system more effi-*
3 *cient, to more effectively control juvenile crime,*
4 *and to ensure the accountability of juvenile of-*
5 *fenders;*

6 “(6) *the State has an established policy of drug*
7 *testing (including followup testing) juvenile offenders*
8 *upon their arrest for any offense within an appro-*
9 *prate category of offenses designated by the chief ex-*
10 *ecutive officer of the State; and*

11 “(7) *amounts made available under this part to*
12 *the States (or units of local government in the State)*
13 *will not be used to supplant State or local funds (or*
14 *in the case of Indian tribal governments, to supplant*
15 *amounts provided by the Bureau of Indian Affairs)*
16 *but shall be used to increase the amount of funds that*
17 *would in the absence of amounts received under this*
18 *part, be made available from a State or local source,*
19 *or in the case of Indian tribal governments, from*
20 *amounts provided by the Bureau of Indian Affairs.*

21 “(d) *VALIDITY OF CERTAIN JUDGMENTS.—Nothing in*
22 *this section shall require States, in order to qualify for*
23 *grants under this title, to modify laws concerning the status*
24 *of any adjudication of juvenile delinquency or judgment of*

1 conviction under the law of the State that entered the judg-
2 ment.

3 “(e) *DISTRIBUTION BY STATE OFFICES TO ELIGIBLE*
4 *APPLICANTS.*—

5 “(1) *IN GENERAL.*—*Of amounts made available*
6 *to the State—*

7 “(A) *not less than 35 percent shall be des-*
8 *ignated for programs pursuant to subparagraphs*
9 *(A), (B), and (C) of subsection (b)(1) and pursu-*
10 *ant to subsection (b)(10), except that if the State*
11 *approves a grant for purposes of construction or*
12 *remodeling of short- or long-term facilities, that*
13 *grant shall constitute not more than 50 percent*
14 *of the estimated construction or remodeling cost*
15 *and that no funds expended pursuant to this*
16 *paragraph may be used for the incarceration of*
17 *adult offenders and no funds expended pursuant*
18 *to this paragraph may be used for construction,*
19 *renovation, or expansion of facilities for adult of-*
20 *fenders, except that funds may be used to con-*
21 *struct juvenile facilities co-located with adult fa-*
22 *ilities, including separate buildings for juveniles*
23 *and separate juvenile wings, cells, or areas co-lo-*
24 *cated within an adult jail or lockup;*

1 “(B) not less than 10 percent shall be des-
2 ignated for the enhancement of juvenile record
3 collection and dissemination pursuant to sub-
4 section (b)(6) and subsection (c)(3);

5 “(C) not less than 15 percent shall be des-
6 ignated for drug testing upon arrest for any of-
7 fense within the category of offenses designated
8 pursuant to subsection (c)(6), and intensive su-
9 pervision thereafter pursuant to subsections
10 (b)(7) and (c)(6); and

11 “(D) not less than 75 percent shall be allo-
12 cated to units of local government within the
13 State, unless the provisions of this subparagraph
14 are waived at the discretion of the Administrator
15 with respect to any State in which the services
16 for delinquent or other youth are organized pri-
17 marily on a statewide basis.

18 “(2) *ELIGIBLE APPLICANTS.*—Entities eligible to
19 receive amounts distributed by the State office under
20 this title are—

21 “(A) units of local government;

22 “(B) local police or sheriff’s departments;

23 “(C) State or local prosecutor’s offices;

1 “(D) State or local courts responsible for the
2 administration of justice in cases involving juve-
3 nile offenders;

4 “(E) schools;

5 “(F) nonprofit, educational, religious, or
6 community groups active in crime prevention or
7 drug use prevention and treatment; or

8 “(G) any combination of the entities de-
9 scribed in subparagraphs (A) through (F).

10 “(f) APPLICATION TO STATE OFFICE.—

11 “(1) IN GENERAL.—To be eligible to receive
12 amounts from the State office, the applicant shall pre-
13 pare and submit to the State office an application in
14 written form that—

15 “(A) describes the types of activities and
16 services for which the amount will be provided;

17 “(B) includes information indicating the
18 extent to which the activities and services achieve
19 the purposes of the title;

20 “(C) provides for the evaluation component
21 required by section 204(b)(2), which evaluation
22 shall be conducted by an independent entity;

23 “(D) with respect to construction funds,
24 provides an assessment of the need for detention
25 facilities in the relevant jurisdiction; and

1 “(1) *IN GENERAL.*—Subject to paragraph (2),
2 amounts made available under section 205 or part B
3 shall be allocated to the States as follows:

4 “(A) 0.75 percent shall be allocated to each
5 State.

6 “(B) Of the total amount remaining after
7 the allocation under subparagraph (A), there
8 shall be allocated to each State an amount that
9 bears the same ratio to the amount of remaining
10 funds described in this subparagraph as the juve-
11 nile population of such State bears to the juve-
12 nile population of all the States.

13 “(2) *EXCEPTIONS.*—

14 “(A) *IN GENERAL.*—The amount allocated
15 to the Virgin Islands of the United States,
16 Guam, American Samoa, the Trust Territory of
17 the Pacific Islands, and the Commonwealth of
18 the Northern Mariana Islands shall be not less
19 than \$75,000 and not more than \$100,000.

20 “(B) *REDUCTIONS.*—In the case of a State
21 which is exempt from the requirements of sec-
22 tions 205(c)(3), and that elects not to comply
23 with the requirements of such subparagraph,
24 such State’s allocation under this paragraph
25 shall be reduced by an amount equal to the

1 *amount which such State would be required to*
2 *designate under section 205(e)(1)(B), or by 10*
3 *percent, whichever is less.*

4 “(3) *REALLOCATION PROHIBITED.—Any*
5 *amounts appropriated but not allocated due to the in-*
6 *eligibility or nonparticipation of any State shall not*
7 *be reallocated, but shall revert to the Treasury at the*
8 *end of the fiscal year for which they were appro-*
9 *priated.*

10 “(4) *ADMINISTRATIVE COSTS.—A State, unit of*
11 *local government, or eligible unit that receives funds*
12 *under this part may not use more than 0.5 percent*
13 *of those funds to pay for administrative costs.*

14 “(5) *RELIGIOUS NONDISCRIMINATION.—*

15 “(A) *IN GENERAL.—The purpose of this*
16 *paragraph is to allow State and local govern-*
17 *ments to contract with religious organizations,*
18 *or to allow religious organizations to accept cer-*
19 *tificates, vouchers, or other forms of disbursement*
20 *under any program described in this title, on the*
21 *same basis as any other nongovernmental pro-*
22 *vider without impairing the religious character*
23 *of such organizations, and without diminishing*
24 *the religious freedom of beneficiaries of assistance*
25 *funded under such program.*

1 “(B) *NONDISCRIMINATION AGAINST RELI-*
2 *GIIOUS ORGANIZATIONS.—A State or local govern-*
3 *ment exercising its authority to distribute grants*
4 *to applicants under this title shall ensure that*
5 *religious organizations are eligible, on the same*
6 *basis as any other private organization, as con-*
7 *tractors to provide assistance, or to accept cer-*
8 *tificates, vouchers, or other forms of disburse-*
9 *ment, under any program described in this title,*
10 *so long as the programs are implemented consist-*
11 *ent with the Establishment Clause of the Con-*
12 *stitution. Except as provided in subparagraph*
13 *(J), neither the Federal Government nor a State*
14 *receiving funds under such programs shall dis-*
15 *criminate against an organization that is or*
16 *that applies to be a contractor to provide assist-*
17 *ance, or that is or that applies to be a contractor*
18 *to provide assistance, or that accepts certificates,*
19 *vouchers, or other forms of disbursement, on the*
20 *basis that the organization has a religious char-*
21 *acter.*

22 “(C) *RELIGIOUS CHARACTER AND FREE-*
23 *DOM.—*

24 “(i) *RELIGIOUS ORGANIZATIONS.—A*
25 *religious organization that participates in a*

1 *program authorized by this title shall retain*
2 *its independence from Federal, State, and*
3 *local governments, including such organiza-*
4 *tion's control over the definition, develop-*
5 *ment, practice, and expression of its reli-*
6 *gious beliefs.*

7 *“(ii) ADDITIONAL SAFEGUARDS.—Nei-*
8 *ther the Federal Government nor a State*
9 *shall require a religious organization to—*

10 *“(I) alter its form of internal gov-*
11 *ernance; or*

12 *“(II) remove religious art, icons,*
13 *scripture, or other symbols;*

14 *in order to be eligible to contract to provide*
15 *assistance, or to accept certificates, vouch-*
16 *ers, or other forms of disbursements, funded*
17 *under a program described in this title.*

18 *“(D) RIGHTS OF BENEFICIARIES OF ASSIST-*
19 *ANCE.—If a beneficiary has an objection to the*
20 *religious character of the organization or institu-*
21 *tion from which the beneficiary receives, or*
22 *would receive, assistance funded under any pro-*
23 *gram described in this title, the State in which*
24 *the individual resides shall provide such individ-*
25 *ual (if otherwise eligible for such assistance)*

1 *within a reasonable period of time after the date*
2 *of such objection with assistance from an alter-*
3 *native provider.*

4 “(E) *EMPLOYMENT PRACTICES.*—*A reli-*
5 *gious organization’s exemption provided under*
6 *section 702 of the Civil Rights Act of 1964 (42*
7 *U.S.C. 2000e–1a) regarding employment prac-*
8 *tices shall not be affected by its participation in,*
9 *or receipt of funds from, programs described in*
10 *this title.*

11 “(F) *NONDISCRIMINATION AGAINST BENE-*
12 *FICIARIES.*—*Except as otherwise provided in*
13 *law, a religious organization shall not discrimi-*
14 *nate against an individual in regard to render-*
15 *ing assistance funded under any program de-*
16 *scribed in this title on the basis of religion, a re-*
17 *ligious belief, or refusal to actively participate in*
18 *a religious practice.*

19 “(G) *FISCAL ACCOUNTABILITY.*—

20 “(i) *IN GENERAL.*—*Subject to clause*
21 *(ii), any religious organization contracting*
22 *to provide assistance funded under any pro-*
23 *gram under this title shall be subject to the*
24 *same regulations as other contractors to ac-*
25 *count in accord with generally accepted au-*

1 *diting principles for the use of such funds*
2 *provided under such programs.*

3 “(ii) *LIMITED AUDIT.*—*If such organi-*
4 *zation segregates Federal funds provided*
5 *under such programs into separate ac-*
6 *counts, then only the financial assistance*
7 *provided with such funds shall be subject to*
8 *audit.*

9 “(H) *COMPLIANCE.*—*Any party that seeks*
10 *to enforce its rights under this paragraph may*
11 *assert a civil action for injunctive relief exclu-*
12 *sively in an appropriate State court against the*
13 *entity or agency that allegedly commits such vio-*
14 *lation.*

15 “(I) *LIMITATIONS ON USE OF FUNDS FOR*
16 *CERTAIN PURPOSES.*—*No funds provided through*
17 *contracts entered into with institutions or orga-*
18 *nizations to provide services and administer pro-*
19 *grams under this title shall be expended for sec-*
20 *tarian worship, instruction, or proselytization.*

21 “(J) *PREEMPTION.*—*Nothing in this para-*
22 *graph shall be construed to preempt any provi-*
23 *sion of a State constitution or State statute that*
24 *prohibits or restricts the expenditure of State*
25 *funds in or by religious organizations.*

1 “(6) *RESTRICTIONS ON THE USE OF AMOUNTS.*—

2 “(A) *EXPERIMENTATION ON INDIVIDUALS.*—

3 “(i) *IN GENERAL.*—*No amounts made*
4 *available to carry out this title may be used*
5 *for any biomedical or behavior control ex-*
6 *perimentation on individuals or any re-*
7 *search involving such experimentation.*

8 “(ii) *DEFINITION OF BEHAVIOR CON-*
9 *TROL.*—*In this subparagraph, the term ‘be-*
10 *havior control’—*

11 “(I) *means any experimentation*
12 *or research employing methods that—*

13 “(aa) *involve a substantial*
14 *risk of physical or psychological*
15 *harm to the individual subject;*
16 *and*

17 “(bb) *are intended to modify*
18 *or alter criminal and other anti-*
19 *social behavior, including aversive*
20 *conditioning therapy, drug ther-*
21 *apy, chemotherapy (except as part*
22 *of routine clinical care), physical*
23 *therapy of mental disorders,*
24 *electroconvulsive therapy, or phys-*
25 *ical punishment; and*

1 “(II) does not include a limited
2 class of programs generally recognized
3 as involving no such risk, including
4 methadone maintenance and certain
5 substance abuse treatment programs,
6 psychological counseling, parent train-
7 ing, behavior contracting, survival
8 skills training, restitution, or commu-
9 nity service, if safeguards are estab-
10 lished for the informed consent of sub-
11 jects (including parents or guardians
12 of minors).

13 “(B) PROHIBITION AGAINST PRIVATE AGEN-
14 CY USE OF AMOUNTS IN CONSTRUCTION.—No
15 amount made available to any private agency or
16 institution, or to any individual, under this title
17 (either directly or through a State office) may be
18 used for construction.

19 “(C) JOB TRAINING.—Except as provided in
20 section 222(a)(8)(B)(vi) or section 205(b)(12), no
21 amount made available under this title may be
22 used to carry out a youth employment program
23 to provide subsidized employment opportunities,
24 job training activities, or school-to-work activi-
25 ties for participants.

1 “(D) *LOBBYING.*—

2 “(i) *IN GENERAL.*—*Except as provided*
3 *in clause (ii), no amount made available*
4 *under this title to any public or private*
5 *agency, organization or institution, or to*
6 *any individual shall be used to pay for any*
7 *personal service, advertisement, telegram,*
8 *telephone communication, letter, printed or*
9 *written matter, or other device intended or*
10 *designed to influence a Member of Congress*
11 *or any other Federal, State, or local elected*
12 *official to favor or oppose any Act, bill, res-*
13 *olution, or other legislation, or any referen-*
14 *dum, initiative, constitutional amendment,*
15 *or any other procedure of Congress, any*
16 *State legislature, any local council, or any*
17 *similar governing body.*

18 “(ii) *EXCEPTION.*—*This subparagraph*
19 *does not preclude the use of amounts made*
20 *available under this title in connection with*
21 *communications to Federal, State, or local*
22 *elected officials, upon the request of such of-*
23 *ficials through proper official channels, per-*
24 *taining to authorization, appropriation, or*

1 *oversight measures directly affecting the op-*
2 *eration of the program involved.*

3 “(E) *LEGAL ACTION.*—*No amounts made*
4 *available under this title to any public or pri-*
5 *vate agency, organization, institution, or to any*
6 *individual, shall be used in any way directly or*
7 *indirectly to file an action or otherwise take any*
8 *legal action against any Federal, State, or local*
9 *agency, institution, or employee.*

10 “(7) *PENALTIES.*—

11 “(A) *IN GENERAL.*—*If any amounts are*
12 *used for the purposes prohibited in either sub-*
13 *paragraph (D) or (E) of paragraph (6), or in*
14 *violation of paragraph (5)—*

15 “(i) *all funding for the agency, organi-*
16 *zation, institution, or individual at issue*
17 *shall be immediately discontinued; and*

18 “(ii) *the agency, organization, institu-*
19 *tion, or individual using amounts for the*
20 *purpose prohibited in subparagraph (D) or*
21 *(E) of paragraph (6), or in violation of*
22 *paragraph (5), shall be liable for reimburse-*
23 *ment of all amounts granted to the individ-*
24 *ual or entity for the fiscal year for which*
25 *the amounts were granted.*

1 “(B) *LIABILITY FOR EXPENSES AND DAM-*
2 *AGES.—In relation to a violation of paragraph*
3 *(6)(E), the individual filing the lawsuit or re-*
4 *sponsible for taking the legal action against the*
5 *Federal, State, or local agency or institution, or*
6 *individual working for the Government, shall be*
7 *individually liable for all legal expenses and any*
8 *other expenses of the Government agency, institu-*
9 *tion, or individual working for the Government,*
10 *including damages assessed by the jury against*
11 *the Government agency, institution, or individ-*
12 *ual working for the Government, and any puni-*
13 *tive damages.*

14 “(b) *AUTHORIZATION OF APPROPRIATIONS.—*

15 “(1) *IN GENERAL.—There are authorized to be*
16 *appropriated to carry out this title—*

17 “(A) *\$700,000,000 for fiscal year 1998;*

18 “(B) *\$700,000,000 for fiscal year 1999;*

19 “(C) *\$700,000,000 for fiscal year 2000;*

20 “(D) *\$700,000,000 for fiscal year 2001; and*

21 “(E) *\$700,000,000 for fiscal year 2002.*

22 “(2) *ALLOCATION OF APPROPRIATIONS.—Of*
23 *amounts authorized to be appropriated under para-*
24 *graph (1) for each fiscal year—*

1 “(A) \$500,000,000 shall be for programs
2 under section 205;

3 “(B) \$50,000,000 shall be for programs
4 under section 290; and

5 “(C) \$150,000,000 shall be for other pro-
6 grams under this title.

7 “(3) *AUTHORIZATION OF APPROPRIATIONS FOR*
8 *EVALUATION PROGRAMS.—There are authorized to be*
9 *appropriated for the National Institute for Juvenile*
10 *Justice and Delinquency Prevention for research,*
11 *demonstration, and evaluation, \$50,000,000 for each*
12 *of fiscal years 1998, 1999, 2000, 2001, and 2002, of*
13 *which \$20,000,000 shall be for evaluation research of*
14 *primary, secondary, and tertiary juvenile delinquency*
15 *programs.*

16 “(4) *SOURCE OF SUMS.—Sums authorized to be*
17 *appropriated pursuant to this subsection may be de-*
18 *rived from the Violent Crime Reduction Trust Fund.*

19 “(5) *SPECIAL GRANTS.—*

20 “(A) *INDIAN TRIBES.—*

21 “(i) *RESERVATION OF FUNDS.—Not-*
22 *withstanding any other provision of law,*
23 *from the amounts appropriated pursuant to*
24 *paragraph (1), for each fiscal year, the Ad-*
25 *ministrator shall reserve an amount equal*

1 to the amount to which all Indian tribes
2 that qualify for a grant under subsection
3 (d) would collectively be entitled, if such
4 tribes were collectively treated as a State to
5 carry out this paragraph.

6 “(ii) *GRANTS TO INDIAN TRIBES.*—
7 From the amounts reserved under clause (i),
8 the Administrator shall make grants to In-
9 dian tribes for programs pursuant to the
10 permissible purposes under section 205 and
11 part B.

12 “(iii) *APPLICATIONS.*—To be eligible to
13 receive a grant under this paragraph, an
14 Indian tribe shall submit to the Adminis-
15 trator an application in such form and con-
16 taining such information as the Adminis-
17 trator may by regulation require. The re-
18 quirements of paragraphs (2), (3), and (5)
19 of section 205(c) shall apply to grants
20 under this paragraph.

21 “(B) *TECHNICAL ASSISTANCE.*—From the
22 amounts appropriated pursuant to paragraph
23 (1), in each fiscal year the Administrator may
24 reserve 0.1 percent for the purpose of providing

1 *technical assistance to recipients of grants under*
2 *this title.*

3 “(6) *ADMINISTRATION AND OPERATIONS.*—*There*
4 *are authorized to be appropriated for the administra-*
5 *tion and operation of the Office of Juvenile Crime*
6 *Control and Accountability such sums as may be nec-*
7 *essary for each of fiscal years 1998, 1999, 2000, and*
8 *2001.*

9 “(7) *AVAILABILITY OF FUNDS.*—*Amounts made*
10 *available pursuant to this subsection, and allocated*
11 *pursuant to paragraph (1) in any fiscal year shall*
12 *remain available until expended.*

13 “(c) *SYSTEM SUPPORT GRANTS.*—*Of amounts appro-*
14 *priated pursuant to part B, an amount not to exceed 10*
15 *percent of those amounts may be available for use by the*
16 *Administrator to provide—*

17 “(1) *training and technical assistance consistent*
18 *with the purposes authorized under sections 204, 205,*
19 *and 221;*

20 “(2) *direct grant awards and other support to*
21 *develop, test, and demonstrate new approaches to im-*
22 *proving the juvenile justice system and reducing and*
23 *abating delinquent behavior, juvenile crime, and*
24 *youth violence;*

1 “(3) for research and evaluation efforts to dis-
2 cover and test methods and practices to improve the
3 juvenile justice system and reduce and abate delin-
4 quent behavior, juvenile crime, and youth violence;
5 and

6 “(4) information, including information on best
7 practices, consistent with purposes authorized under
8 sections 204, 205, and 221.

9 “(d) GRANTS TO INDIAN TRIBES.—

10 “(1) IN GENERAL.—

11 “(A) PLANS.—As part of an application for
12 a grant under this subsection, an Indian tribe
13 shall submit a plan for conducting activities de-
14 scribed in section 205(b). The plan shall—

15 “(i) provide evidence that the Indian
16 tribe performs law enforcement functions
17 (as determined by the Secretary of the Inte-
18 rior);

19 “(ii) identify the juvenile justice and
20 delinquency problems and juvenile delin-
21 quency prevention needs to be addressed by
22 activities conducted by the Indian tribe in
23 the area under the jurisdiction of the In-
24 dian tribe with assistance provided by the
25 grant;

1 “(iii) provide for fiscal control and ac-
2 counting procedures that—

3 “(I) are necessary to ensure the
4 prudent use, proper disbursement, and
5 accounting of funds received under this
6 subchapter; and

7 “(II) are consistent with the re-
8 quirements of paragraph (2); and

9 “(iv) contain such other information,
10 and be subject to such additional require-
11 ments, as the Administrator may reason-
12 ably prescribe to ensure the effectiveness of
13 the grant program under this subpart.

14 “(B) *FACTORS FOR CONSIDERATION.*—In
15 awarding grants under this section, the Admin-
16 istrator shall consider—

17 “(i) the resources that are available to
18 each applicant that will assist, and be co-
19 ordinated with, the overall juvenile justice
20 system of the Indian tribe; and

21 “(ii) for each Indian tribe that receives
22 assistance under such a grant—

23 “(I) the relative population of in-
24 dividuals under the age of 18; and

1 “(II) *who will be served by the as-*
2 *sistance provided by the grant.*

3 “(C) *GRANT AWARDS.—*

4 “(i) *IN GENERAL.—*

5 “(I) *COMPETITIVE AWARDS.—Ex-*
6 *cept as provided in clause (ii), the Ad-*
7 *ministrator shall annually award*
8 *grants under this section on a competi-*
9 *tive basis. The Administrator shall*
10 *enter into a grant agreement with each*
11 *grant recipient under this subsection*
12 *that specifies the terms and conditions*
13 *of the grant.*

14 “(II) *PERIOD OF GRANT.—The pe-*
15 *riod of a grant awarded under this*
16 *subsection shall be 1 year.*

17 “(ii) *EXCEPTION.—In any case in*
18 *which the Administrator determines that a*
19 *grant recipient under this section has per-*
20 *formed satisfactorily during the preceding*
21 *year in accordance with an applicable*
22 *grant agreement, the Administrator may—*

23 “(I) *waive the requirement that*
24 *the recipient be subject to the competi-*

1 *tive award process described in clause*
2 *(i); and*

3 *“(II) renew the grant for an addi-*
4 *tional grant period (as specified in*
5 *clause (i)(II)).*

6 *“(iii) MODIFICATIONS OF PROC-*
7 *ESSES.—The Administrator may prescribe*
8 *requirements to provide for appropriate*
9 *modifications to the plan preparation and*
10 *application process specified in this section*
11 *for an application for a renewal grant*
12 *under this subsection.*

13 *“(2) REPORTING REQUIREMENT.—Each Indian*
14 *tribe that receives a grant under paragraph (1) is*
15 *subject to the fiscal accountability provisions of sec-*
16 *tion 5(f)(1) of the Indian Self-Determination and*
17 *Education Assistance Act (25 U.S.C. 450c(f)(1)), re-*
18 *lating to the submission of a single-agency audit re-*
19 *port required by chapter 75 of title 31, United States*
20 *Code.*

21 *“(3) MATCHING REQUIREMENT.—Funds appro-*
22 *priated by Congress for the activities of any agency*
23 *of an Indian tribal government or the Bureau of In-*
24 *dian Affairs performing law enforcement functions on*
25 *any Indian lands may be used to provide the non-*

1 *Federal share of any program or project with a*
2 *matching requirement funded under this paragraph.*

3 “(4) *RULE OF CONSTRUCTION.*—*Nothing in this*
4 *subsection may be construed to affect in any manner*
5 *the jurisdiction of an Indian tribe with respect to*
6 *land or persons in Alaska.*

7 **“SEC. 207. ADMINISTRATIVE PROVISIONS.**

8 “(a) *AUTHORITY OF ADMINISTRATOR.*—*The Office*
9 *shall be administered by the Administrator under the gen-*
10 *eral authority of the Attorney General.*

11 “(b) *APPLICABILITY OF CERTAIN CRIME CONTROL*
12 *PROVISIONS.*—*Sections 809(c), 811(a), 811(b), 811(c),*
13 *812(a), 812(b), and 812(d) of the Omnibus Crime Control*
14 *and Safe Streets Act of 1968 (42 U.S.C. 3789d(c), 3789f(a),*
15 *3789f(b), 3789f(c), 3789g(a), 3789g(b), 3789g(d)) shall*
16 *apply with respect to the administration of and compliance*
17 *with this Act, except that for purposes of this Act—*

18 “(1) *any reference to the Office of Justice Pro-*
19 *grams in such sections shall be considered to be a ref-*
20 *erence to the Assistant Attorney General who heads*
21 *the Office of Justice Programs; and*

22 “(2) *the term ‘this title’ as it appears in such*
23 *sections shall be considered to be a reference to this*
24 *Act.*

1 “(c) *APPLICABILITY OF CERTAIN OTHER CRIME CON-*
2 *TROL PROVISIONS.*—Sections 801(a), 801(c), and 806 of the
3 *Omnibus Crime Control and Safe Streets Act of 1968 (42*
4 *U.S.C. 3711(a), 3711(c), and 3787) shall apply with respect*
5 *to the administration of and compliance with this Act, ex-*
6 *cept that, for purposes of this Act—*

7 “(1) any reference to the Attorney General, the
8 *Assistant Attorney General who heads the Office of*
9 *Justice Programs, the Director of the National Insti-*
10 *tute of Justice, the Director of the Bureau of Justice*
11 *Statistics, or the Director of the Bureau of Justice As-*
12 *sistance shall be considered to be a reference to the*
13 *Administrator;*

14 “(2) any reference to the Office of Justice Pro-
15 *grams, the Bureau of Justice Assistance, the National*
16 *Institute of Justice, or the Bureau of Justice Statis-*
17 *tics shall be considered to be a reference to the Office*
18 *of Juvenile Crime Control and Accountability; and*

19 “(3) the term ‘this title’ as it appears in those
20 *sections shall be considered to be a reference to this*
21 *Act.*

22 “(d) *RULES, REGULATIONS, AND PROCEDURES.*—The
23 *Administrator may, after appropriate consultation with*
24 *representatives of States and units of local government, es-*
25 *tablish such rules, regulations, and procedures as are nec-*

1 *essary for the exercise of the functions of the Office and as*
 2 *are consistent with the purpose of this Act.*

3 “(e) *WITHHOLDING.—The Administrator shall initiate*
 4 *such proceedings as the Administrator determines to be ap-*
 5 *propriate if the Administrator, after giving reasonable no-*
 6 *tice and opportunity for hearing to a recipient of financial*
 7 *assistance under this title, finds that—*

8 “(1) *the program or activity for which the grant*
 9 *or contract involved was made has been so changed*
 10 *that the program or activity no longer complies with*
 11 *this title; or*

12 “(2) *in the operation of such program or activity*
 13 *there is failure to comply substantially with any pro-*
 14 *vision of this title.”.*

15 **SEC. 304. STATE PLANS.**

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

18 (1) *in part B—*

19 (A) *in section 221, by striking “units of*
 20 *general local government” each place that term*
 21 *appears and inserting “units of local govern-*
 22 *ment”;*

23 (B) *in section 221(b)—*

24 (i) *in paragraph (1)—*

1 (I) by striking “section 223” and
2 inserting “section 222”; and

3 (II) by striking “section 223(c)”
4 and inserting “section 222(c)”; and

5 (ii) in paragraph (2), by striking “sec-
6 tion 299(c)(1)” and inserting “section
7 222(a)(1)”; and

8 (C) by striking sections 222 and 223 and
9 inserting the following:

10 **“SEC. 222. STATE PLANS.**

11 “(a) *IN GENERAL.*—In order to receive formula grants
12 under this part, a State shall submit a plan, developed in
13 consultation with the State Advisory Group established by
14 the State under subsection (b)(2)(A), for carrying out its
15 purposes applicable to a 3-year period. The State shall sub-
16 mit annual performance reports to the Administrator, each
17 of which shall describe progress in implementing programs
18 contained in the original plan, and shall describe the status
19 of compliance with State plan requirements. In accordance
20 with regulations that the Administrator shall prescribe,
21 such plan shall—

22 “(1) designate a State agency as the sole agency
23 for supervising the preparation and administration of
24 the plan;

1 “(2) contain satisfactory evidence that the State
2 agency designated in accordance with paragraph (1)
3 has or will have authority, by legislation if necessary,
4 to implement such plan in conformity with this part;

5 “(3) provide for the active consultation with and
6 participation of units of local government, or com-
7 binations thereof, in the development of a State plan
8 that adequately takes into account the needs and re-
9 quests of local governments, except that nothing in the
10 plan requirements, or any regulations promulgated to
11 carry out such requirements, shall be construed to
12 prohibit or impede the State from making grants to,
13 or entering into contracts with, local private agencies,
14 including religious organizations;

15 “(4) provide that the chief executive officer of the
16 unit of local government shall assign responsibility
17 for the preparation and administration of the unit of
18 local government’s part of a State plan, or for the su-
19 pervision of the preparation and administration of
20 the local government’s part of the State plan, to that
21 agency within the unit of local government’s structure
22 or to a regional planning agency (in this part re-
23 ferred to as the ‘local agency’) which can most effec-
24 tively carry out the purposes of this part and shall

1 *provide for supervision of the programs funded under*
2 *this part by that local agency;*

3 *“(5)(A) provide for—*

4 *“(i) an analysis of juvenile crime problems*
5 *(including the joining of gangs that commit*
6 *crimes) and juvenile justice and delinquency pre-*
7 *vention needs (including educational needs)*
8 *within the relevant jurisdiction (including any*
9 *geographical area in which an Indian tribe per-*
10 *forms law enforcement functions), a description*
11 *of the services to be provided, and a description*
12 *of performance goals and priorities, including a*
13 *specific statement of the manner in which pro-*
14 *grams are expected to meet the identified juvenile*
15 *crime problems (including the joining of gangs*
16 *that commit crimes) and juvenile justice and de-*
17 *linquency prevention needs (including edu-*
18 *cational needs) of the jurisdiction;*

19 *“(ii) an indication of the manner in which*
20 *the programs relate to other similar State or*
21 *local programs that are intended to address the*
22 *same or similar problems; and*

23 *“(iii) a plan for the concentration of State*
24 *efforts, which shall coordinate all State juvenile*
25 *delinquency programs with respect to overall pol-*

1 *icy and development of objectives and priorities*
2 *for all State juvenile delinquency programs and*
3 *activities, including provision for regular meet-*
4 *ings of State officials with responsibility in the*
5 *area of juvenile justice and delinquency preven-*
6 *tion;*

7 *“(B) contain—*

8 *“(i) an analysis of services for the preven-*
9 *tion and treatment of juvenile delinquency in*
10 *rural areas, including the need for such services,*
11 *the types of such services available in rural*
12 *areas, and geographically unique barriers to pro-*
13 *viding such services; and*

14 *“(ii) a plan for providing needed services*
15 *for the prevention and treatment of juvenile de-*
16 *linquency in rural areas; and*

17 *“(C) contain—*

18 *“(i) an analysis of mental health services*
19 *available to juveniles in the juvenile justice sys-*
20 *tem (including an assessment of the appropriate-*
21 *ness of the particular placements of juveniles in*
22 *order to receive such services) and of barriers to*
23 *access to such services; and*

1 “(i) a plan for providing needed mental
2 health services to juveniles in the juvenile justice
3 system;

4 “(6) provide for the active consultation with and
5 participation of private agencies in the development
6 and execution of the State plan; and provide for co-
7 ordination and maximum utilization of existing juve-
8 nile delinquency programs and other related pro-
9 grams, such as education, special education, recre-
10 ation, health, and welfare within the State;

11 “(7) provide for the development of an adequate
12 research, training, and evaluation capacity within
13 the State;

14 “(8) provide that, of the funds made available to
15 the State pursuant to grants under section 221,
16 whether expended directly by the State, by the unit of
17 local government, or by a combination thereof, or
18 through grants and contracts with public or private
19 nonprofit agencies—

20 “(A) not less than 40 percent shall be used
21 for programs that, in recognition of varying de-
22 grees of the seriousness of delinquent behavior
23 and the corresponding gradations in the re-
24 sponses of the juvenile justice system in response
25 to that behavior, are designed to—

1 “(i) implement an accountability-based
2 juvenile justice system that provides sub-
3 stantial and appropriate sanctions, that are
4 graduated to reflect the severity or repeated
5 nature of violations, for each delinquent or
6 criminal act;

7 “(ii) encourage courts to develop and
8 implement a continuum of post-adjudica-
9 tion restraints that bridge the gap between
10 traditional probation and confinement in a
11 correctional setting (including expanded use
12 of probation, mediation, restitution, com-
13 munity service, treatment, home detention,
14 intensive supervision, electronic monitoring,
15 boot camps and similar programs, and se-
16 cure community-based treatment facilities
17 linked to other support services such as
18 health, mental health, education (remedial
19 and special), job training, and recreation);
20 and

21 “(iii) assist in the provision by the Ad-
22 ministrators of information and technical
23 assistance, including technology transfer, to
24 States in the design and utilization of risk
25 assessment mechanisms to aid juvenile jus-

1 *tice personnel in determining appropriate*
2 *sanctions for delinquent behavior; and*

3 “(B) *not less than 35 percent shall be used*
4 *for—*

5 “(i) *community-based alternatives (in-*
6 *cluding home-based alternatives) to incar-*
7 *ceration and institutionalization, specifi-*
8 *cally—*

9 “(I) *for youth who can remain at*
10 *home with assistance, home probation*
11 *and programs providing professional*
12 *supervised group activities or individ-*
13 *ualized mentoring relationships with*
14 *adults that involve the family and pro-*
15 *vide counseling and other supportive*
16 *services;*

17 “(II) *for youth who need tem-*
18 *porary placement, crisis intervention,*
19 *shelter, and after-care; and*

20 “(III) *for youth who need residen-*
21 *tial placement, a continuum of foster*
22 *care or group home alternatives that*
23 *provide access to a comprehensive*
24 *array of services;*

1 “(ii) *community-based programs and*
2 *services to work with—*

3 “(I) *parents and other family*
4 *members to strengthen families, includ-*
5 *ing parent self-help groups, so that ju-*
6 *veniles may be retained in their homes;*

7 “(II) *juveniles during their incar-*
8 *ceration, and with their families, to*
9 *ensure the safe return of such juveniles*
10 *to their homes and to strengthen the*
11 *families; and*

12 “(III) *parents with limited-Eng-*
13 *lish speaking ability, particularly in*
14 *areas where there is a large population*
15 *of families with limited-English speak-*
16 *ing ability;*

17 “(iii) *comprehensive juvenile justice*
18 *and delinquency prevention programs that*
19 *meet the needs of youth through the collabo-*
20 *ration of the many local systems before*
21 *which a youth may appear, including*
22 *schools, courts, law enforcement agencies,*
23 *child protection agencies, mental health*
24 *agencies, welfare services, health care agen-*

1 *cies, and private nonprofit agencies offering*
2 *youth services;*

3 *“(iv) expanded use of home probation*
4 *and recruitment and training of home pro-*
5 *bation officers, other professional and para-*
6 *professional personnel, and volunteers to*
7 *work effectively to allow youth to remain at*
8 *home with their families as an alternative*
9 *to incarceration or institutionalization;*

10 *“(v) youth-initiated outreach programs*
11 *designed to assist youth (including youth*
12 *with limited proficiency in English) who*
13 *otherwise would not be reached by tradi-*
14 *tional youth assistance programs;*

15 *“(vi) programs designed to develop and*
16 *implement projects relating to juvenile de-*
17 *linquency and learning disabilities, includ-*
18 *ing on-the-job training programs to assist*
19 *community services, law enforcement, and*
20 *juvenile justice personnel to more effectively*
21 *recognize and provide for learning disabled*
22 *and other handicapped youth;*

23 *“(vii) projects designed both to deter*
24 *involvement in illegal activities and to pro-*
25 *mote involvement in lawful activities on the*

1 *part of gangs whose membership is substan-*
2 *tially composed of youth;*

3 *“(viii) programs and projects designed*
4 *to provide for the treatment of youths’ de-*
5 *pendence on or abuse of alcohol or other ad-*
6 *dictive or nonaddictive drugs;*

7 *“(ix) programs designed to prevent and*
8 *reduce hate crimes committed by juveniles,*
9 *including educational programs and sen-*
10 *tencing programs designed specifically for*
11 *juveniles who commit hate crimes and that*
12 *provide alternatives to incarceration; and*

13 *“(x) programs (including referral to*
14 *literacy programs and social service pro-*
15 *grams) to assist families with limited-Eng-*
16 *lish speaking ability that include delinquent*
17 *juveniles to overcome language and cultural*
18 *barriers that may prevent the complete*
19 *treatment of such juveniles and the preser-*
20 *vation of their families;*

21 *“(9) provide that the State shall not detain or*
22 *confine juveniles who are alleged to be or determined*
23 *to be delinquent in any institution in which the juve-*
24 *nile has prohibited physical contact with adult in-*
25 *mates, or detain or confine any such juvenile for a*

1 *period of more than 72 hours in any institution in*
2 *which an adult inmate and a juvenile can engage in*
3 *sustained oral communication;*

4 *“(10)(A) provide that juveniles described in sub-*
5 *paragraph (B)—*

6 *“(i) shall not be confined in any jail, lock-*
7 *up, or other facility for adults for more than 24*
8 *hours, excluding weekends and holidays; and*

9 *“(ii) shall not be placed in a secure deten-*
10 *tion facility or secure correctional facility—*

11 *“(I) if such a juvenile is a dependent,*
12 *abused, or neglected child, or an alien juve-*
13 *nile in custody;*

14 *“(II) except that juveniles who are*
15 *runaways may be placed in a secure deten-*
16 *tion or secure correctional facility for up to*
17 *14 days if, following a hearing not later*
18 *than 24 hours after such a juvenile is taken*
19 *into custody, excluding weekends and holi-*
20 *days, the court makes a written finding*
21 *that—*

22 *“(aa) the behavior of the juvenile*
23 *constitutes a clear and present danger*
24 *to the physical or emotional well-being*
25 *of the youth;*

1 “(bb) secure detention is necessary
2 for guarding the safety of the juvenile;
3 and

4 “(cc) the juvenile’s detention is for
5 a period that is not longer than nec-
6 essary to obtain a suitable placement
7 for the juvenile; and

8 “(III) except that juveniles not de-
9 scribed in subclause (I) or (II) may be
10 placed in a secure detention or secure cor-
11 rectional facility for up to 72 hours, if, fol-
12 lowing a hearing not later than 24 hours
13 after the juvenile is taken into custody, ex-
14 cluding weekends and holidays, the court
15 makes written findings setting forth—

16 “(aa) the reasons the court be-
17 lieves secure detention is necessary;
18 and

19 “(bb) the reasons the court believes
20 other sanctions, placement, or interven-
21 tions are inadequate; and

22 “(B) juveniles described in this subparagraph
23 are—

1 “(i) juveniles charged with, or who have
2 committed, an offense that would not be criminal
3 if committed by an adult, excluding—

4 “(I) juveniles who are charged with, or
5 who have committed, a violation of section
6 922(x) of title 18, United States Code, or of
7 a similar State law; and

8 “(II) juveniles who are charged with,
9 or who have committed, a violation of a
10 valid court order; and

11 “(ii) juveniles—

12 “(I) who are not charged with any of-
13 fense; and

14 “(II) who are—

15 “(aa) aliens; or

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

18 “(11) provide assurances that youth in the juve-
19 nile justice system are treated equitably on the basis
20 of gender, race, family income, and mentally, emo-
21 tionally, or physically handicapping conditions;

22 “(12) provide assurances that consideration will
23 be given to and that assistance will be available for
24 approaches designed to strengthen the families of de-
25 linquent and other youth to prevent juvenile delin-

1 *quency (which approaches should include the involve-*
2 *ment of grandparents or other extended family mem-*
3 *bers when possible and appropriate and the provision*
4 *of family counseling during the incarceration of juve-*
5 *nile family members and coordination of family serv-*
6 *ices when appropriate and feasible);*

7 *“(13) provide for procedures to be established for*
8 *protecting the rights of recipients of services and for*
9 *assuring appropriate privacy with regard to records*
10 *relating to such services provided to any individual*
11 *under the State plan;*

12 *“(14) provide for such fiscal control and fund ac-*
13 *counting procedures necessary to assure prudent use,*
14 *proper disbursement, and accurate accounting of*
15 *funds received under this title;*

16 *“(15) provide reasonable assurances that Federal*
17 *funds made available under this part for any period*
18 *shall be so used as to supplement and increase (but*
19 *not supplant) the level of the State, local, and other*
20 *non-Federal funds that would in the absence of such*
21 *Federal funds be made available for the programs de-*
22 *scribed in this part, and shall in no event replace*
23 *such State, local, and other non-Federal funds;*

24 *“(16) provide that the State agency designated*
25 *under paragraph (1) will, not less often than annu-*

1 ally, review its plan and submit to the Administrator
2 an analysis and evaluation of the effectiveness of the
3 programs and activities carried out under the plan,
4 and any modifications in the plan, including the sur-
5 vey of State and local needs, that the agency considers
6 necessary;

7 “(17) require that the State or each unit of local
8 government that is a recipient of amounts under this
9 part spends those amounts, to the extent feasible, in
10 proportion to the amount of juvenile crime committed
11 within each relevant sector of the relevant geographic
12 region;

13 “(18) provide assurances that any assistance
14 provided under this act will not cause the displace-
15 ment (including a partial displacement, such as a re-
16 duction in the hours of nonovertime work, wages, or
17 employment benefits) of any employee who is a cur-
18 rent employee at the time that the assistance is pro-
19 vided; and

20 “(19) require that the State or each unit of local
21 government that is a recipient of amounts under this
22 part require that any person convicted of a sexual act
23 or sexual contact involving any person not having at-
24 tained the age of 18 be tested for the presence of any
25 sexually transmitted disease and that the results of

1 *such test be provided to the victim or to the family*
2 *of the victim as well as to any court or other govern-*
3 *ment agency with primary authority for sentencing*
4 *the person convicted for the commission of the sexual*
5 *act or sexual contact (as those terms are defined in*
6 *paragraphs (2) and (3), respectively, of section 2246*
7 *of title 18, United States Code) involving a person*
8 *not having attained the age of 18.*

9 *The failure to comply with paragraph (19) within a reason-*
10 *able amount of time after the date of enactment of the Vio-*
11 *lent and Repeat Juvenile Offender Act of 1997 shall result*
12 *in the loss of 10 percent of the funds to which the State*
13 *or each unit of local government that is a recipient of*
14 *amounts under this part is otherwise entitled.*

15 “(b) *APPROVAL BY STATE AGENCY.—*

16 “(1) *STATE AGENCY.—The State agency des-*
17 *ignated under subsection (a)(1) shall approve the*
18 *State plan and any modification thereof prior to sub-*
19 *mission of the plan to the Administrator.*

20 “(2) *STATE ADVISORY GROUP.—*

21 “(A) *ESTABLISHMENT.—The State advisory*
22 *group referred to in subsection (a) shall be*
23 *known as the ‘State Advisory Group’, consisting*
24 *of representatives from both the private and pub-*
25 *lic sector. The State shall ensure that members of*

1 *the State Advisory Group shall have experience*
2 *in the area of juvenile delinquency prevention,*
3 *the prosecution of juvenile offenders, the treat-*
4 *ment of juvenile delinquency, the investigation of*
5 *juvenile crimes, or the administration of juvenile*
6 *justice programs. The chairperson of the State*
7 *Advisory Group shall not be a full-time employee*
8 *of the Federal Government or the State govern-*
9 *ment.*

10 “(B) CONSULTATION.—

11 “(i) IN GENERAL.—*The State shall*
12 *consult with the State Advisory Group es-*
13 *tablished under subparagraph (A) in devel-*
14 *oping and reviewing the State plan under*
15 *this section.*

16 “(ii) AUTHORITY.—*The State Advisory*
17 *Group shall report to the chief executive of-*
18 *ficer and the legislature of the State on an*
19 *annual basis regarding recommendations*
20 *related to the State’s compliance under this*
21 *section.*

22 “(C) FUNDING.—*The State is authorized to*
23 *make available to the State Advisory Group such*
24 *sums as may be necessary to assist the State Ad-*

1 visory Group in adequately performing its duties
2 under this paragraph.

3 “(c) *APPROVAL BY ADMINISTRATOR; COMPLIANCE*
4 *WITH STATUTORY REQUIREMENTS.*—

5 “(1) *IN GENERAL.*—*The Administrator shall ap-*
6 *prove any State plan and any modification thereof*
7 *that meets the requirements of this section.*

8 “(2) *REDUCED ALLOCATIONS.*—*If a State fails to*
9 *comply with any requirement of subsection (a)(9) in*
10 *any fiscal year beginning after January 1, 1998, the*
11 *State shall be ineligible to receive any allocation*
12 *under that section for such fiscal year unless—*

13 “(A) *the State agrees to expend all the re-*
14 *maining funds the State receives under this part*
15 *for that fiscal year only to achieve compliance*
16 *with such paragraph; or*

17 “(B) *the Administrator determines, in the*
18 *discretion of the Administrator, that the State—*

19 “(i) *has achieved substantial compli-*
20 *ance with such paragraph; and*

21 “(ii) *has made, through appropriate*
22 *executive or legislative action, an unequivocal*
23 *commitment to achieving full compli-*
24 *ance within a reasonable time.”;*

1 (2) *by striking parts E and F, and each part*
2 *designated as part I (including the part redesignated*
3 *as part I by section 2(i)(1)(A) of Public Law 102–*
4 *586 and the part added and designated as part I pur-*
5 *suant to section 2(i)(1)(C) of such Act);*

6 (3) *by redesignating part G as part E;*

7 (4) *in section 241—*

8 (A) *in subsection (a), by striking “Juvenile*
9 *Justice and Delinquency Prevention Office” and*
10 *inserting “Office of Juvenile Crime Control and*
11 *Accountability”;*

12 (B) *in subsection (d)—*

13 (i) *in paragraph (1), by striking*
14 *“and” at the end;*

15 (ii) *by redesignating paragraph (2) as*
16 *paragraph (4);*

17 (iii) *in paragraph (4), as redesign-*
18 *ated—*

19 (I) *by striking “education person-*
20 *nel recreation” and inserting “edu-*
21 *cation personnel, recreation”; and*

22 (II) *by striking “park personnel,”*
23 *and inserting “park personnel,”; and*

24 (iv) *by inserting after paragraph (1)*
25 *the following:*

1 “(2) for the rigorous and independent evaluation
2 of the delinquency and youth violence prevention pro-
3 grams funded under this title;

4 “(3) funding for research and demonstration
5 projects on the nature, causes, and prevention of juve-
6 nile violence and juvenile delinquency; and”;

7 (C) in subsection (e)—

8 (i) in paragraph (4), by adding “and”
9 at the end;

10 (ii) in paragraph (5), by striking “;
11 and” and inserting a period; and

12 (iii) by striking paragraph (6); and

13 (D) by striking subsection (f) and inserting
14 the following:

15 “(f) *DUTIES OF THE INSTITUTE.*—

16 “(1) *IN GENERAL.*—The Institute shall make
17 grants and enter into contracts for the purposes of
18 evaluating programs established and funded with
19 State formula grants, research and demonstration
20 projects funded by the National Institute of Juvenile
21 Justice and Delinquency, and discretionary funding
22 of the Office of Juvenile Crime Control and Account-
23 ability.

24 “(2) *REQUIREMENTS.*—Evaluations and research
25 studies funded by the Institute shall—

1 “(A) be independent in nature;
2 “(B) be awarded competitively; and
3 “(C) employ rigorous and scientifically rec-
4 ognized standards and methodologies, including
5 peer review by nonapplicants.”;

6 (5) in section 243(a)—

7 (A) in paragraph (1), by striking “seek to
8 strengthen and preserve families or which”;

9 (B) in paragraph (3)—

10 (i) by redesignating clauses (i) and (ii)
11 as subparagraphs (A) and (B), respectively;
12 and

13 (ii) in subparagraph (B), as so des-
14 ignated, by inserting “best practices of” be-
15 fore “information and technical assistance”;

16 (C) in paragraph (4)—

17 (i) by striking “Encourage” and in-
18 serting “encourage”; and

19 (ii) by striking “take into consider-
20 ation” and all that follows before the semi-
21 colon and inserting the following: “through
22 control and incarceration, if necessary, pro-
23 vide therapeutic intervention such as pro-
24 viding skills”;

1 (D) by striking the second paragraph des-
2 ignated as paragraph (5) (as added by section
3 2(g)(3) of Public Law 102–586);

4 (E) by striking paragraphs (6) and (7) and
5 inserting the following:

6 “(6) prepare, in cooperation with education in-
7 stitutions, with Federal, State, and local agencies,
8 and with appropriate individuals and private agen-
9 cies, such studies as it considers to be necessary with
10 respect to prevention of and intervention with juve-
11 nile violence and delinquency and the improvement of
12 juvenile justice systems, including—

13 “(A) evaluations of programs and interven-
14 tions designed to prevent youth violence and ju-
15 venile delinquency;

16 “(B) assessments and evaluations of the
17 methodological approaches to evaluating the ef-
18 fectiveness of interventions and programs de-
19 signed to prevent youth violence and juvenile de-
20 linquency;

21 “(C) studies of the extent, nature, risk, and
22 protective factors, and causes of youth violence
23 and juvenile delinquency;

24 “(D) comparisons of youth adjudicated and
25 treated by the juvenile justice system compared

1 to juveniles waived to and adjudicated by the
2 adult criminal justice system (including incar-
3 cerated in adult, secure correctional facilities);

4 “(E) recommendations with respect to effec-
5 tive and ineffective primary, secondary, and ter-
6 tiary prevention interventions, including for
7 which juveniles, and under what circumstances
8 (including circumstances connected with the
9 staffing of the intervention), prevention efforts
10 are effective and ineffective; and

11 “(F) assessments of risk prediction systems
12 of juveniles used in making decisions regarding
13 pretrial detention;”;

14 (F) by redesignating paragraphs (8) and
15 (9) as paragraphs (7) and (8), respectively;

16 (G) in paragraph (8), as redesignated, by
17 adding “and” at the end; and

18 (H) by striking paragraphs (10) through
19 (13) and redesignating paragraph (14) as para-
20 graph (9);

21 (6) in section 243(b)—

22 (A) in paragraph (1), by striking “and” at
23 the end;

24 (B) in paragraph (2)—

1 (i) by striking “subsection (a)(9)” and
2 inserting “subsection (a)(8)”; and

3 (ii) by striking the period at the end
4 and inserting “; and”; and

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

6 “(3) regular reports on the record of each State
7 on objective measurements of youth violence, such as
8 the number, rate, and trend of homicides committed
9 by youths.”;

10 (7) by striking sections 244 through 248 and in-
11 serting the following:

12 **“SEC. 244. REPORT ON STATUS OFFENDERS.**

13 *“The National Institute of Juvenile Justice and Delin-*
14 *quency Prevention shall conduct a study on the effect of in-*
15 *carceration on status offenders compared to similarly situ-*
16 *ated individuals who are not placed in secure detention in*
17 *terms of the continuation of their inappropriate or illegal*
18 *conduct, delinquency, or future criminal behavior, and eval-*
19 *uating the safety of status offenders placed in secure deten-*
20 *tion. The study shall be completed not later than September*
21 *1, 2002. Copies of the report shall be provided to the Chair-*
22 *men and Ranking Members of the Committees on the Judi-*
23 *ciary of the Senate and the House of Representatives.”;*

24 (8) by striking the heading for subpart II of part
25 C of title II;

1 (9) *by striking section 261 and redesignating*
2 *section 262 as section 245;*

3 (10) *in section 245, as redesignated—*

4 (A) *by striking “this part” each place that*
5 *term appears and inserting “section 243”;*

6 (B) *in subsection (b)—*

7 (i) *in paragraph (4), by adding “and”*
8 *at the end; and*

9 (ii) *by striking paragraphs (5) through*
10 *(7) and redesignating paragraph (8) as*
11 *paragraph (5);*

12 (C) *by striking subsection (c) and inserting*
13 *the following:*

14 “(c) *FACTORS FOR CONSIDERATION.—In determining*
15 *whether or not to approve applications for grants and for*
16 *contracts under this part, the Administrator shall con-*
17 *sider—*

18 “(1) *whether the project uses appropriate and*
19 *rigorous methodology, including appropriate samples,*
20 *control groups, psychometrically sound measurement,*
21 *and appropriate data analysis techniques;*

22 “(2) *the experience of the principal and co-prin-*
23 *icipal investigators in the area of youth violence and*
24 *juvenile delinquency;*

1 “(3) the protection offered human subjects in the
2 study, including informed consent procedures; and

3 “(4) the cost-effectiveness of the proposed
4 project.”;

5 (D) in subsection (d)—

6 (i) in paragraph (1)(A), by striking
7 “(other than section 241(f))”;

8 (ii) in paragraph (1)(B)—

9 (I) in clause (i), by striking “;
10 or” and inserting a period;

11 (II) by striking clause (ii); and

12 (III) by striking “process—” and
13 all that follows through “with respect
14 to programs” and inserting “process
15 with respect to programs”; and

16 (iii) in paragraph (2)—

17 (I) by striking subparagraph (A)
18 and inserting the following:

19 “(A) Programs selected for assistance
20 through grants and contracts under this part
21 shall be selected after a competitive process that
22 provides potential grantees and contractors with
23 not less than 90 days to submit applications for
24 funds. Applications for funds shall be reviewed
25 through a formal peer review process by qualified

1 *scientists with expertise in the fields of criminol-*
 2 *ogy, juvenile delinquency, sociology, psychology,*
 3 *research methodology, evaluation research, statis-*
 4 *tics, and related areas. The peer review process*
 5 *shall conform to the process used by the National*
 6 *Institutes of Health, the National Institute of*
 7 *Justice, or the National Science Foundation”;*
 8 *and*

9 *(II) in subparagraph (B), by*
 10 *striking “Committee on Education and*
 11 *Labor” and inserting “Committee on*
 12 *the Judiciary”;* and

13 *(11) in section 282—*

14 *(A) by inserting the following section head-*
 15 *ing:*

16 *“GRANTS”;*

17 *(B) in subsection (a)(2), by striking “en-*
 18 *forcement” and all that follows through “mem-*
 19 *bers” and inserting “the disruption and prosecu-*
 20 *tion of gangs”;* and

21 *(C) in subsection (b)—*

22 *(i) by redesignating paragraphs (1)*
 23 *through (6) as paragraphs (2) through (7),*
 24 *respectively; and*

25 *(ii) by inserting before paragraph (2),*
 26 *as redesignated, the following:*

1 “(1) the hiring of additional State and local
2 prosecutors, and the establishment and operation of
3 programs, including multijurisdictional task forces,
4 for the disruption and prosecution of gangs and gang
5 members;”;

6 (12) in section 282A, by adding at the end the
7 following:

8 “(d) *PRIORITY*.—In approving grants under this part,
9 the Administrator shall give priority to grants for programs
10 conducted pursuant to subsections (a)(2) and (b)(1) of sec-
11 tion 282.”; and

12 (13) by redesignating part H as part F.

13 **SEC. 305. GRANTS TO PROSECUTORS.**

14 *The Juvenile Justice and Delinquency Prevention Act*
15 *of 1974 (42 U.S.C. 5601) is amended by inserting after part*
16 *F, as redesignated by section 304, the following:*

17 **“PART G—GRANTS TO PROSECUTORS AND**
18 **COURTS FOR STATE JUVENILE JUSTICE SYSTEMS**

19 **“SEC. 290. GRANT AUTHORITY.**

20 “(a) *IN GENERAL*.—The Administrator may make
21 grants in accordance with this part to States and units of
22 local government to assist—

23 “(1) State and local prosecutors having jurisdic-
24 tion over juvenile offender cases; and

1 “(2) *State and local courts with juvenile offender*
2 *dockets.*

3 “(b) *GRANT PURPOSES.—Subject to subsection (c),*
4 *grants under this part may be used—*

5 “(1) *to hire additional prosecutors, together with*
6 *necessary support staff, for the prosecution of crimes*
7 *and acts of delinquency committed by juveniles and*
8 *interstate criminal gang activity, such as illegal drug*
9 *trafficking;*

10 “(2) *to provide funding to enable juvenile pros-*
11 *ecutors to address drug, gang, and youth violence pro-*
12 *grams more effectively;*

13 “(3) *for technology, equipment, and training for*
14 *prosecutors to—*

15 “(A) *implement an accountability-based ju-*
16 *venile justice system that provides substantial*
17 *and appropriate sanctions that are graduated in*
18 *such manner as to reflect (for each delinquent*
19 *act or criminal offense) the severity or repeated*
20 *nature of that act or offense; and*

21 “(B) *prosecute juvenile violent offenders;*

22 “(4) *to hire, for juvenile courts or adult courts*
23 *with juvenile offender dockets, additional judges, pro-*
24 *bation officers, other necessary court personnel, vic-*
25 *tims counselors, and public defenders; and*

1 “(5) to provide funding to enable juvenile courts
2 and juvenile probation officers to address drug, gang,
3 and youth violence problems more effectively.

4 “(c) *RESTRICTION.*—Of amounts received by a State
5 or unit of local government under this part, not more than
6 25 percent may be used for the purposes specified in para-
7 graphs (4) and (5) of subsection (b).

8 **“SEC. 290A. APPLICATION.**

9 “(a) *IN GENERAL.*—Each State or unit of local govern-
10 ment that applies for a grant under this part shall submit
11 an application to the Administrator, in such form and con-
12 taining such information as the Administrator may by reg-
13 ulation reasonably require.

14 “(b) *REQUIREMENTS.*—In submitting an application
15 for a grant under this part, a State or unit of local govern-
16 ment shall provide assurances that the State or unit of local
17 government will—

18 “(1) give priority to the prosecution of violent
19 juvenile offenders;

20 “(2) seek and impose substantial and appro-
21 priate sanctions for the earliest acts of delinquency or
22 for crimes committed by juveniles, in order to deter
23 future violations;

24 “(3) give adequate consideration to the rights
25 and needs of victims of juvenile offenders; and

1 “(4) use amounts received under this part to
2 supplement (and not supplant) State and local re-
3 sources.

4 **“SEC. 290B. ALLOCATION OF GRANTS.**

5 “(a) ALLOCATION OF GRANTS.—

6 “(1) IN GENERAL.—

7 “(A) ALLOCATION TO STATES.—

8 “(i) IN GENERAL.—In awarding
9 grants under this part, the Administrator
10 may award grants provided for a State (in-
11 cluding units of local government in that
12 State) an aggregate amount equal to 0.75
13 percent of the amount made available to the
14 Administrator by appropriations made pur-
15 suant to section 206(b)(2) (reduced by
16 amounts reserved under subsection (b)).

17 “(ii) ADJUSTMENT.—If the Adminis-
18 trator determines that an insufficient num-
19 ber of applications have been submitted for
20 a State, the Administrator may adjust the
21 aggregate amount awarded for a State
22 under clause (i).

23 “(B) REMAINING AMOUNTS.—Of the ad-
24 justed amounts available to the Administrator to
25 carry out the grant program under this section

1 referred to in subparagraph (A) that remain
2 after the Administrator distributes the amounts
3 specified in that subparagraph (referred to in
4 this subparagraph as the ‘remaining amount’)
5 the Administrator may award an additional ag-
6 gregate amount to each State (including any po-
7 litical subdivision thereof) that (or with respect
8 to which a political subdivision thereof) submits
9 an application that is approved by the Adminis-
10 trator under this section that bears the same
11 ratio to the remaining amount as the population
12 of juveniles residing in that State bears to the
13 population of juveniles residing in all States.

14 “(2) *EQUITABLE DISTRIBUTION.*—The Adminis-
15 trator shall ensure that the distribution of grant
16 amounts made available for a State (including units
17 of local government in that State) under this section
18 is made on an equitable geographic basis, to ensure
19 that—

20 “(A) an equitable amount of available funds
21 are directed to rural areas, including those jurisdic-
22 tions serving smaller urban and rural com-
23 munities located along interstate transportation
24 routes that are adversely affected by interstate

1 *criminal gang activity, such as illegal drug traf-*
2 *ficking; and*

3 “(B) *the amount allocated to a State is eq-*
4 *uitably divided between the State, counties, and*
5 *other units of local government to reflect the rel-*
6 *ative responsibilities of each such unit of local*
7 *government.*

8 “(b) *ADMINISTRATION; TECHNICAL ASSISTANCE.—*

9 “(1) *IN GENERAL.—The Administrator may re-*
10 *serve for each fiscal year not more than 2 percent of*
11 *amounts appropriated pursuant to section*
12 *206(b)(2)(B)—*

13 “(A) *for the administration of this part;*
14 *and*

15 “(B) *for the provision of technical assist-*
16 *ance to recipients of or applicants for grant*
17 *awards under this part.*

18 “(2) *CARRYOVER PROVISION.—Any amounts re-*
19 *served for any fiscal year pursuant to paragraph (1)*
20 *that are not expended during that fiscal year shall re-*
21 *main available until expended, except that any*
22 *amount reserved under this subsection for the succeed-*
23 *ing fiscal year from amounts made available by ap-*
24 *propriations shall be reduced by an amount equal to*
25 *the amount that remains available.*

1 “(c) *AVAILABILITY OF FUNDS.*—Any grant amounts
2 awarded under this part shall remain available until ex-
3 pended.”.

4 **SEC. 306. RUNAWAY AND HOMELESS YOUTH.**

5 (a) *IN GENERAL.*—Section 372(a) of the *Juvenile Jus-*
6 *tice and Delinquency Prevention Act of 1974 (42 U.S.C.*
7 *5714b(a)) is amended by striking “unit of general local gov-*
8 *ernment” and inserting “unit of local government”.*

9 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
10 *385 of the Juvenile Justice and Delinquency Prevention Act*
11 *of 1974 (42 U.S.C. 5751) is amended—*

12 (1) *in subsection (a)—*

13 (A) *in paragraph (1), by striking “1993*
14 *and such sums as may be necessary for fiscal*
15 *years 1994, 1995, and 1996” and inserting*
16 *“1998 and such sums as may be necessary for*
17 *each of fiscal years 1999, 2000, 2001, and 2002”;*
18 *and*

19 (B) *in paragraph (3), by striking subpara-*
20 *graphs (A) through (D) and inserting the follow-*
21 *ing:*

22 “(A) *for fiscal year 1998, not less than \$957,285;*

23 “(B) *for fiscal year 1999, not less than*
24 *\$1,005,150;*

1 “(C) for fiscal year 2000, not less than
2 \$1,055,406;

3 “(D) for fiscal year 2001, not less than
4 \$1,108,177; and

5 “(E) for fiscal year 2002, not less than
6 \$1,163,585.”;

7 (2) in subsection (b), by striking “1993 and such
8 sums as may be necessary for fiscal years 1994, 1995,
9 and 1996” and inserting “1998 and such sums as
10 may be necessary for each of fiscal years 1999, 2000,
11 2001, and 2002”; and

12 (3) in subsection (c), by striking “1993, 1994,
13 1995, and 1996” and inserting “1998, 1999, 2000,
14 2001, and 2002”.

15 **SEC. 307. AUTHORIZATION OF APPROPRIATIONS.**

16 *Title IV of the Juvenile Justice and Delinquency Pre-*
17 *vention Act of 1974 (42 U.S.C. 5771 et seq.) is amended—*

18 (1) in section 403, by striking paragraph (2)
19 and inserting the following:

20 “(2) the term ‘Administrator’ means the Admin-
21 istrator of the Office of Juvenile Crime Control and
22 Accountability.”;

23 (2) in section 404—

24 (A) by redesignating subsection (c) as sub-
25 section (d); and

1 (B) in subsection (b)—

2 (i) by striking “The Administrator”
3 and all that follows through “shall—” and
4 insert the following: “The Administrator
5 shall make grants to or enter into contracts
6 with the National Center for Missing and
7 Exploited Children, for purposes of—”;

8 (ii) in paragraph (1)—

9 (I) in subparagraph (A), by strik-
10 ing “establish and operate” and insert-
11 ing “providing”; and

12 (II) in subparagraph (B), by add-
13 ing “and” at the end;

14 (iii) in paragraph (2)—

15 (I) by striking “establish and op-
16 erate” and inserting “operating”;

17 (II) in subparagraph (A), by in-
18 sserting “foreign governments,” after
19 “State and local governments,”; and

20 (III) in subparagraph (D)—

21 (aa) by inserting “foreign
22 governments,” after “State and
23 local governments,”; and

24 (bb) by striking “; and” at
25 the end and inserting a period;

1 (iv) in paragraph (3), by striking “(3)
2 periodically” and inserting the following:

3 “(c) *NATIONAL INCIDENCE STUDIES.*—*The Adminis-*
4 *trator, either by making grants to or entering into contracts*
5 *with public agencies or nonprofit private agencies, shall—*
6 “(1) *periodically*”; and

7 (v) in subsection (c), as so designated,
8 by redesignating paragraph (4) as para-
9 graph (2);

10 (3) in section 405(a), by inserting “*the National*
11 *Center for Missing and Exploited Children and with*”
12 *before “public agencies”; and*

13 (4) in section 408, by striking “2001” and in-
14 *serting “2002”.*

15 **SEC. 308. TRANSFER OF FUNCTIONS AND SAVINGS PROVI-**
16 **SIONS.**

17 (a) *DEFINITIONS.*—*In this section, unless otherwise*
18 *provided or indicated by the context:*

19 (1) *ADMINISTRATOR.*—*The term “Adminis-*
20 *trator” means the Administrator of the Office of Juve-*
21 *nile Crime Control and Accountability established by*
22 *operation of subsection (b).*

23 (2) *ADMINISTRATOR OF THE OFFICE.*—*The term*
24 *“Administrator of the Office” means the Adminis-*

1 *trator of the Office of Juvenile Justice and Delin-*
2 *quency Prevention.*

3 (3) *BUREAU OF JUSTICE ASSISTANCE.*—*The term*
4 *“Bureau of Justice Assistance” means the bureau es-*
5 *tablished under section 401 of title I of the Omnibus*
6 *Crime Control and Safe Streets Act of 1968.*

7 (4) *FEDERAL AGENCY.*—*The term “Federal agen-*
8 *cy” has the meaning given the term “agency” by sec-*
9 *tion 551(1) of title 5, United States Code.*

10 (5) *FUNCTION.*—*The term “function” means any*
11 *duty, obligation, power, authority, responsibility,*
12 *right, privilege, activity, or program.*

13 (6) *OFFICE OF JUVENILE CRIME CONTROL AND*
14 *ACCOUNTABILITY.*—*The term “Office of Juvenile*
15 *Crime Control and Accountability” means the office*
16 *established by operation of subsection (b).*

17 (7) *OFFICE OF JUVENILE JUSTICE AND DELIN-*
18 *QUENCY PREVENTION.*—*The term “Office of Juvenile*
19 *Justice and Delinquency Prevention” means the Of-*
20 *fice of Juvenile Justice and Delinquency Prevention*
21 *of the Department of Justice, established by section*
22 *201 of the Juvenile Justice and Delinquency Preven-*
23 *tion Act of 1974, as in effect on the day before the*
24 *date of enactment of this Act.*

1 (8) *OFFICE.*—*The term “office” includes any of-*
2 *fi ce, administration, agency, institute, unit, organiza-*
3 *tional entity, or component thereof.*

4 (b) *TRANSFER OF FUNCTIONS.*—*There are transferred*
5 *to the Office of Juvenile Crime Control and Accountability*
6 *all functions that the Administrator of the Office exercised*
7 *before the date of enactment of this Act (including all relat-*
8 *ed functions of any officer or employee of the Office of Juve-*
9 *nil e Justice and Delinquency Prevention), and authorized*
10 *after the date of enactment of this Act, relating to carrying*
11 *out the Juvenile Justice and Delinquency Prevention Act*
12 *of 1974.*

13 (c) *TRANSFER AND ALLOCATIONS OF APPROPRIATIONS*
14 *AND PERSONNEL.*—

15 (1) *IN GENERAL.*—*Except as otherwise provided*
16 *in this section and in section 101(a) (relating to Ju-*
17 *venile Justice Programs) of the Omnibus Consolidated*
18 *Appropriations Act, 1997, the personnel employed in*
19 *connection with, and the assets, liabilities, contracts,*
20 *property, records, and unexpended balances of appro-*
21 *priations, authorizations, allocations, and other*
22 *amounts employed, used, held, arising from, available*
23 *to, or to be made available in connection with the*
24 *functions transferred by this section, subject to section*
25 *1531 of title 31, United States Code, shall be trans-*

1 *ferred to the Office of Juvenile Crime Control and Ac-*
2 *countability.*

3 (2) *UNEXPENDED AMOUNTS.*—*Any unexpended*
4 *amounts transferred pursuant to this subsection shall*
5 *be used only for the purposes for which the amounts*
6 *were originally authorized and appropriated.*

7 (d) *INCIDENTAL TRANSFERS.*—

8 (1) *IN GENERAL.*—*The Director of the Office of*
9 *Management and Budget, at such time or times as the*
10 *Director of that Office shall provide, may make such*
11 *determinations as may be necessary with regard to*
12 *the functions transferred by this section, and to make*
13 *such additional incidental dispositions of personnel,*
14 *assets, liabilities, grants, contracts, property, records,*
15 *and unexpended balances of appropriations, author-*
16 *izations, allocations, and other amounts held, used,*
17 *arising from, available to, or to be made available in*
18 *connection with such functions, as may be necessary*
19 *to carry out this section.*

20 (2) *TERMINATION OF AFFAIRS.*—*The Director of*
21 *the Office of Management and Budget shall provide*
22 *for the termination of the affairs of all entities termi-*
23 *nated by this section and for such further measures*
24 *and dispositions as may be necessary to effectuate the*
25 *purposes of this section.*

1 (e) *EFFECT ON PERSONNEL.*—

2 (1) *IN GENERAL.*—*Except as otherwise provided*
3 *by this section, the transfer pursuant to this section*
4 *of full-time personnel (except special Government em-*
5 *ployees) and part-time personnel holding permanent*
6 *positions shall not cause any such employee to be sep-*
7 *arated or reduced in grade or compensation for 1*
8 *year after the date of transfer of such employee under*
9 *this section.*

10 (2) *EXECUTIVE SCHEDULE POSITIONS.*—*Except*
11 *as otherwise provided in this section, any person who,*
12 *on the day before the date of enactment of this Act,*
13 *held a position compensated in accordance with the*
14 *Executive Schedule prescribed in chapter 53 of title 5,*
15 *United States Code, and who, without a break in*
16 *service, is appointed in the Office of Juvenile Crime*
17 *Control and Accountability to a position having du-*
18 *ties comparable to the duties performed immediately*
19 *preceding such appointment shall continue to be com-*
20 *pensated in such new position at not less than the*
21 *rate provided for such previous position, for the dura-*
22 *tion of the service of such person in such new posi-*
23 *tion.*

24 (3) *TRANSITION RULE.*—

1 (A) *IN GENERAL.*—*The incumbent Adminis-*
2 *trator of the Office as of the date immediately*
3 *preceding the date of enactment of this Act shall*
4 *continue to serve as Administrator after the date*
5 *of enactment of this Act until such time as the*
6 *incumbent resigns, is relieved of duty by the*
7 *President, or an Administrator is appointed by*
8 *the President, by and with the advice and con-*
9 *sent of the Senate.*

10 (B) *NOMINEE.*—*Not later than 6 months*
11 *after the date of enactment of this Act, the Presi-*
12 *dent shall submit to the Senate for its consider-*
13 *ation the name of the individual nominated to*
14 *be appointed as the Administrator.*

15 (f) *SAVINGS PROVISIONS.*—

16 (1) *CONTINUING EFFECT OF LEGAL DOCU-*
17 *MENTS.*—*All orders, determinations, rules, regula-*
18 *tions, permits, agreements, grants, contracts, certifi-*
19 *cates, licenses, registrations, privileges, and other ad-*
20 *ministrative actions—*

21 (A) *that have been issued, made, granted, or*
22 *allowed to become effective by the President, any*
23 *Federal agency or official thereof, or by a court*
24 *of competent jurisdiction, in the performance of*

1 *functions that are transferred under this section;*
2 *and*

3 *(B) that are in effect at the time this section*
4 *takes effect, or were final before the date of enact-*
5 *ment of this Act and are to become effective on*
6 *or after the date of enactment of this Act, shall*
7 *continue in effect according to their terms until*
8 *modified, terminated, superseded, set aside, or*
9 *revoked in accordance with law by the President,*
10 *the Administrator, or other authorized official, a*
11 *court of competent jurisdiction, or by operation*
12 *of law.*

13 *(2) PROCEEDINGS NOT AFFECTED.—*

14 *(A) IN GENERAL.—This section shall not af-*
15 *fect any proceedings, including notices of pro-*
16 *posed rulemaking, or any application for any li-*
17 *cence, permit, certificate, or financial assistance*
18 *pending before the Office of Juvenile Justice and*
19 *Delinquency Prevention on the date on which*
20 *this section takes effect, with respect to functions*
21 *transferred by this section but such proceedings*
22 *and applications shall be continued.*

23 *(B) ORDERS; APPEALS; PAYMENTS.—Orders*
24 *shall be issued in such proceedings, appeals shall*
25 *be taken therefrom, and payments shall be made*

1 *pursuant to such orders, as if this section had*
2 *not been enacted, and orders issued in any such*
3 *proceedings shall continue in effect until modi-*
4 *fied, terminated, superseded, or revoked by a*
5 *duly authorized official, by a court of competent*
6 *jurisdiction, or by operation of law.*

7 (C) *DISCONTINUANCE OR MODIFICATION.*—

8 *Nothing in this paragraph shall be construed to*
9 *prohibit the discontinuance or modification of*
10 *any such proceeding under the same terms and*
11 *conditions and to the same extent that such pro-*
12 *ceeding could have been discontinued or modified*
13 *if this paragraph had not been enacted.*

14 (3) *SUITS NOT AFFECTED.*—*This section shall*
15 *not affect suits commenced before the date of enact-*
16 *ment of this Act, and in all such suits, proceedings*
17 *shall be had, appeals taken, and judgments rendered*
18 *in the same manner and with the same effect as if*
19 *this section had not been enacted.*

20 (4) *NONABATEMENT OF ACTIONS.*—*No suit, ac-*
21 *tion, or other proceeding commenced by or against the*
22 *Office of Juvenile Justice and Delinquency Preven-*
23 *tion, or by or against any individual in the official*
24 *capacity of such individual as an officer of the Office*

1 *of Juvenile Justice and Delinquency Prevention, shall*
2 *abate by reason of the enactment of this section.*

3 (5) *ADMINISTRATIVE ACTIONS RELATING TO PRO-*
4 *MULGATION OF REGULATIONS.—Any administrative*
5 *action relating to the preparation or promulgation of*
6 *a regulation by the Office of Juvenile Justice and De-*
7 *linquency Prevention relating to a function trans-*
8 *ferred under this section may be continued, to the ex-*
9 *tent authorized by this section, by the Office of Juve-*
10 *nile Crime Control and Accountability with the same*
11 *effect as if this section had not been enacted.*

12 (g) *TRANSITION.—The Administrator may utilize—*

13 (1) *the services of such officers, employees, and*
14 *other personnel of the Office of Juvenile Justice and*
15 *Delinquency Prevention with respect to functions*
16 *transferred to the Office of Juvenile Crime Control*
17 *and Accountability by this section; and*

18 (2) *amounts appropriated to such functions for*
19 *such period of time as may reasonably be needed to*
20 *facilitate the orderly implementation of this section.*

21 (h) *REFERENCES.—Reference in any other Federal*
22 *law, Executive order, rule, regulation, or delegation of au-*
23 *thority, or any document of or relating to—*

24 (1) *the Administrator of the Office of Juvenile*
25 *Justice and Delinquency Prevention with regard to*

1 *functions transferred by operation of subsection (b),*
2 *shall be considered to refer to the Administrator of the*
3 *Office of Juvenile Crime Control and Accountability;*
4 *and*

5 *(2) the Office of Juvenile Justice and Delin-*
6 *quency Prevention with regard to functions trans-*
7 *ferred by operation of subsection (b), shall be consid-*
8 *ered to refer to the Office of Juvenile Crime Control*
9 *and Accountability.*

10 *(i) TECHNICAL AND CONFORMING AMENDMENT.—Sec-*
11 *tion 5315 of title 5, United States Code, is amended by*
12 *striking “Administrator, Office of Juvenile Justice and De-*
13 *linquency Prevention” and inserting “Administrator, Of-*
14 *fice of Juvenile Crime Control and Accountability”.*

15 **SEC. 309. PILOT PROGRAM TO PROMOTE REPLICATION OF**
16 **RECENT SUCCESSFUL JUVENILE CRIME RE-**
17 **DUCTION STRATEGIES.**

18 *(a) PILOT PROGRAM TO PROMOTE REPLICATION OF*
19 *RECENT SUCCESSFUL JUVENILE CRIME REDUCTION*
20 *STRATEGIES.—*

21 *(1) ESTABLISHMENT.—The Attorney General (or*
22 *a designee of the Attorney General), in conjunction*
23 *with the Secretary of the Treasury (or the designee of*
24 *the Secretary), shall establish a pilot program (in this*
25 *section referred to as the “program”) to encourage*

1 *and support communities who adopt a comprehensive*
2 *approach to suppressing and preventing violent juve-*
3 *nile crime patterned after successful State juvenile*
4 *crime reduction strategies.*

5 (2) *PROGRAM.—In carrying out the program,*
6 *the Attorney General shall—*

7 (A) *make and track grants to grant recipi-*
8 *ents (in this section referred to as “coalitions”);*

9 (B) *in conjunction with the Secretary of the*
10 *Treasury, provide for technical assistance and*
11 *training, data collection, and dissemination of*
12 *relevant information; and*

13 (C) *provide for the general administration*
14 *of the program.*

15 (3) *ADMINISTRATION.—Not later than 30 days*
16 *after the date of enactment of this Act, the Attorney*
17 *General shall appoint an Administrator (in this sec-*
18 *tion referred to as the “Administrator”) to carry out*
19 *the program.*

20 (4) *PROGRAM AUTHORIZATION.—To be eligible to*
21 *receive an initial grant or a renewal grant under this*
22 *section, a coalition shall meet each of the following*
23 *criteria:*

24 (A) *COMPOSITION.—The coalition shall con-*
25 *sist of 1 or more representatives of—*

1 (i) the local police department or sher-
2 iff's department;

3 (ii) the local prosecutors' office;

4 (iii) the United States Attorney's of-
5 fice;

6 (iv) the Federal Bureau of Investiga-
7 tion;

8 (v) the Bureau of Alcohol, Tobacco and
9 Firearms;

10 (vi) State or local probation officers;

11 (vii) religious affiliated or fraternal
12 organizations involved in crime prevention;

13 (viii) schools;

14 (ix) parents or local grass roots organi-
15 zations such as neighborhood watch groups;

16 and

17 (x) social service agencies involved in
18 crime prevention.

19 (B) OTHER PARTICIPANTS.—If possible, in
20 addition to the representatives from the cat-
21 egories listed in subparagraph (A), the coalition
22 shall include—

23 (i) representatives from the business
24 community; and

1 (ii) researchers who have studied
2 criminal justice and can offer technical or
3 other assistance.

4 (C) COORDINATED STRATEGY.—A coalition
5 shall submit to the Attorney General, or the At-
6 torney General’s designee, a comprehensive plan
7 for reducing violent juvenile crime. To be eligible
8 for consideration, a plan shall—

9 (i) ensure close collaboration among all
10 members of the coalition in suppressing and
11 preventing juvenile crime;

12 (ii) place heavy emphasis on coordi-
13 nated enforcement initiatives, such as Fed-
14 eral and State programs that coordinate
15 local police departments, prosecutors, and
16 local community leaders to focus on the sup-
17 pression of violent juvenile crime involving
18 gangs;

19 (iii) ensure that there is close collabo-
20 ration between police and probation officers
21 in the supervision of juvenile offenders, such
22 as initiatives that coordinate the efforts of
23 parents, school officials, and police and pro-
24 bation officers to patrol the streets and

1 *make home visits to ensure that offenders*
2 *comply with the terms of their probation;*

3 *(iv) ensure that a program is in place*
4 *to trace all firearms seized from crime*
5 *scenes or offenders in an effort to identify*
6 *illegal gun traffickers; and*

7 *(v) ensure that effective crime preven-*
8 *tion programs are in place, such as pro-*
9 *grams that provide after-school safe havens*
10 *and other opportunities for at-risk youth to*
11 *escape or avoid gang or other criminal ac-*
12 *tivity, and to reduce recidivism.*

13 *(D) ACCOUNTABILITY.—A coalition shall—*

14 *(i) establish a system to measure and*
15 *report outcomes consistent with common in-*
16 *dicators and evaluation protocols estab-*
17 *lished by the Administrator and which re-*
18 *ceives the approval of the Administrator;*
19 *and*

20 *(ii) devise a detailed model for measur-*
21 *ing and evaluating the success of the plan*
22 *of the coalition in reducing violent juvenile*
23 *crime, and provide assurances that the plan*
24 *will be evaluated on a regular basis to as-*

1 *sess progress in reducing violent juvenile*
2 *crime.*

3 (5) *GRANT AMOUNTS.*—

4 (A) *IN GENERAL.*—*The Administrator may*
5 *grant to an eligible coalition under this para-*
6 *graph, an amount not to exceed the amount of*
7 *non-Federal funds raised by the coalition, in-*
8 *cluding in-kind contributions, for that fiscal*
9 *year.*

10 (B) *NONSUPPLANTING REQUIREMENT.*—*A*
11 *coalition seeking funds shall provide reasonable*
12 *assurances that funds made available under this*
13 *program to States or units of local government*
14 *shall be so used as to supplement and increase*
15 *(but not supplant) the level of the State, local,*
16 *and other non-Federal funds that would in the*
17 *absence of such Federal funds be made available*
18 *for programs described in this section, and shall*
19 *in no event replace such State, local, or other*
20 *non-Federal funds.*

21 (C) *SUSPENSION OF GRANTS.*—*If a coal-*
22 *ition fails to continue to meet the criteria set*
23 *forth in this section, the Administrator may sus-*
24 *pend the grant, after providing written notice to*

1 *the grant recipient and an opportunity to ap-*
2 *peal.*

3 (D) *RENEWAL GRANTS.*—*Subject to sub-*
4 *paragraph (D), the Administrator may award a*
5 *renewal grant to grant recipient under this sub-*
6 *paragraph for each fiscal year following the fis-*
7 *cal year for which an initial grant is awarded,*
8 *in an amount not to exceed the amount of non-*
9 *Federal funds raised by the coalition, including*
10 *in-kind contributions, for that fiscal year, dur-*
11 *ing the 4-year period following the period of the*
12 *initial grant.*

13 (E) *LIMITATION.*—*The amount of a grant*
14 *award under this section may not exceed*
15 *\$300,000 for a fiscal year.*

16 (6) *PERMITTED USE OF FUNDS.*—*A coalition re-*
17 *ceiving funds under this section may expend such*
18 *Federal funds on any use or program that is con-*
19 *tained in the plan submitted to the Administrator.*

20 (7) *CONGRESSIONAL CONSULTATION.*—*Two years*
21 *after the date of implementation of the program estab-*
22 *lished in this section, the General Accounting Office*
23 *shall submit a report to Congress reviewing the effec-*
24 *tiveness of the program in suppressing and reducing*
25 *violent juvenile crime in the participating commu-*

1 *nities. The report shall contain an analysis of each*
 2 *community participating in the program, along with*
 3 *information regarding the plan undertaken in the*
 4 *community, and the effectiveness of the plan in reduc-*
 5 *ing violent juvenile crime. The report shall contain*
 6 *recommendations regarding the efficacy of continuing*
 7 *the program.*

8 *(b) INFORMATION COLLECTION AND DISSEMINATION*
 9 *WITH RESPECT TO COALITIONS.—*

10 *(1) COALITION INFORMATION.—For the purpose*
 11 *of audit and examination, the Administrator—*

12 *(A) shall have access to any books, docu-*
 13 *ments, papers, and records that are pertinent to*
 14 *any grant or grant renewal request under this*
 15 *section; and*

16 *(B) may periodically request information*
 17 *from a coalition to ensure that the coalition*
 18 *meets the applicable criteria.*

19 *(2) REPORTING.—The Administrator shall, to*
 20 *the maximum extent practicable and in a manner*
 21 *consistent with applicable law, minimize reporting*
 22 *requirements by a coalition and expedite any appli-*
 23 *cation for a renewal grant made under this section.*

24 *(c) AUTHORIZATION OF APPROPRIATIONS.—There are*
 25 *authorized to be appropriated from the Violent Crime Re-*

1 *duction Trust Fund to carry out this section, \$3,000,000*
 2 *in each of fiscal years 1998, 1999, and 2000.*

3 **SEC. 310. REPEAL OF UNNECESSARY AND DUPLICATIVE**
 4 **PROGRAMS.**

5 *(a) VIOLENT CRIME CONTROL AND LAW ENFORCE-*
 6 *MENT ACT OF 1994.—*

7 *(1) TITLE III.—Title III of the Violent Crime*
 8 *Control and Law Enforcement Act of 1994 (42 U.S.C.*
 9 *13741 et seq.) is amended by striking subtitles A*
 10 *through C, and E through S.*

11 *(2) TITLE XXVII.—Title XXVII of the Violent*
 12 *Crime Control and Law Enforcement Act of 1994 (42*
 13 *U.S.C. 14191 et seq.) is repealed.*

14 *(b) REFORM OF GREAT PROGRAM.—Section 32401(a)*
 15 *of the Violent Crime Control and Law Enforcement Act of*
 16 *1994 (42 U.S.C. 13921(a)) is amended—*

17 *(1) by striking paragraph (2) and inserting the*
 18 *following:*

19 *“(2) SELECTION OF COMMUNITIES.—*

20 *“(A) IN GENERAL.—Each community iden-*
 21 *tified for a GREAT project referred to in para-*
 22 *graph (1) shall be selected by the Secretary of the*
 23 *Treasury on the basis of—*

1 “(i) the level of gang activity and
2 youth violence in the area in which the
3 community is located;

4 “(ii) the number of schools in the com-
5 munity in which training would be pro-
6 vided under the project;

7 “(iii) the number of students who
8 would receive the training referred to in
9 clause (ii) in schools referred to in that
10 clause; and

11 “(iv) a written description from offi-
12 cials of the community explaining the man-
13 ner in which funds made available to the
14 community under this section would be allo-
15 cated.

16 “(B) *EQUITABLE SELECTION.*—The Sec-
17 retary of the Treasury shall ensure that—

18 “(i) communities are identified and se-
19 lected for *GREAT* projects under this sub-
20 section on an equitable geographic basis (ex-
21 cept that this clause shall not be construed
22 to require the termination of any projects
23 selected prior to the beginning of fiscal year
24 1998); and

1 “(ii) the communities referred to in
2 clause (i) include rural communities.”; and

3 (2) in paragraph (3)—

4 (A) in subparagraph (A), by striking “50
5 percent” and inserting “85 percent”; and

6 (B) in subparagraph (B), by striking “50
7 percent” and inserting “15 percent”.

8 **SEC. 311. EXTENSION OF VIOLENT CRIME REDUCTION**
9 **TRUST FUND.**

10 Section 310001(b) of the Violent Crime Control and
11 Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is
12 amended—

13 (1) in paragraph (5), by striking “and” at the
14 end;

15 (2) in paragraph (6), by striking the period at
16 the end and inserting a semicolon; and

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

18 “(7) for fiscal year 2001, \$750,000,000; and

19 “(8) for fiscal year 2002, \$750,000,000.”.

20 **SEC. 312. REIMBURSEMENT OF STATES FOR COSTS OF IN-**
21 **CARCERATING JUVENILE ALIENS.**

22 (a) *IN GENERAL.*—Section 501 of the Immigration Re-
23 form and Control Act of 1986 (8 U.S.C. 1365) is amend-
24 ed—

1 (1) *in subsection (a), by inserting “or illegal ju-*
2 *venile alien who has been adjudicated delinquent and*
3 *committed to a juvenile correctional facility by such*
4 *State or locality” before the period;*

5 (2) *in subsection (b), by inserting “(including*
6 *any juvenile alien who has been adjudicated delin-*
7 *quent and has been committed to a correctional facil-*
8 *ity)” before “who is in the United States unlawfully”;*
9 *and*

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

11 “(f) *JUVENILE ALIEN DEFINED.*—*In this section, the*
12 *term ‘juvenile alien’ means an alien (as that term is defined*
13 *in section 101(a)(3) of the Immigration and Nationality*
14 *Act) who has been adjudicated delinquent and committed*
15 *to a correctional facility by a State or locality as a juvenile*
16 *offender.”.*

17 (b) *ANNUAL REPORT.*—*Section 332 of the Illegal Im-*
18 *migration Reform and Immigrant Responsibility Act of*
19 *1996 (8 U.S.C. 1366) is amended—*

20 (1) *by striking “and” at the end of paragraph*
21 (3);

22 (2) *by striking the period at the end of para-*
23 *graph (4) and inserting “; and”; and*

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

1 *particular emphasis on establishing clubs in*
2 *public housing projects and distressed areas);*
3 *and*

4 “(B) *ensure that a total of not less than*
5 *2,500 Boys and Girls Clubs of America facilities*
6 *are in operation not later than December 31,*
7 *1999.”.*

8 (b) *ACCELERATED GRANTS.*—*Section 401 of the Eco-*
9 *nomic Espionage Act of 1996 (42 U.S.C. 13751 note) is*
10 *amended by striking subsection (c) and inserting the follow-*
11 *ing:*

12 “(c) *ESTABLISHMENT.*—

13 “(1) *IN GENERAL.*—

14 “(A) *AUTHORITY.*—*For each of fiscal years*
15 *1997, 1998, 1999, 2000, and 2001, the Attorney*
16 *General, acting through the Director of the Bu-*
17 *reau of Justice Assistance of the Department of*
18 *Justice (referred to in this subsection as the ‘Di-*
19 *rector’) shall make a grant to the Boys and Girls*
20 *Clubs of America for the purpose of establishing*
21 *and extending Boys and Girls Clubs facilities in*
22 *locations where new facilities or expanded facili-*
23 *ties are needed.*

24 “(B) *EMPHASIS.*—*In carrying out subpara-*
25 *graph (A), the Director shall give particular em-*

1 *phasis to establishing clubs in and extending*
2 *services to public housing projects and distressed*
3 *areas.*

4 “(2) *APPLICATIONS.*—

5 “(A) *IN GENERAL.*—*The Attorney General,*
6 *acting through the Director, shall accept an ap-*
7 *plication for a grant under this subsection sub-*
8 *mitted by the Boys and Girls Clubs of America.*

9 “(B) *APPROVAL.*—*Not later than 90 days*
10 *after an application is submitted under subpara-*
11 *graph (A), the Attorney General, acting through*
12 *the Director, shall approve or deny the applica-*
13 *tion. The Attorney General may approve the ap-*
14 *plication only if the application—*

15 “(i) *includes—*

16 “(I) *a long-term strategy to estab-*
17 *lish 1,000 additional Boys and Girls*
18 *Clubs; and*

19 “(II) *a detailed summary of those*
20 *geographic areas in which new facili-*
21 *ties will be established, or in which ex-*
22 *isting facilities will be expanded to*
23 *serve additional youths, during the fis-*
24 *cal year following the date of the ap-*
25 *plication;*

1 “(ii) includes a plan to ensure that a
2 total of not less than 2,500 Boys and Girls
3 Clubs of America facilities are in operation
4 before January 1, 2000;

5 “(iii) certifies that the Boys and Girls
6 Clubs of America will ensure appropriate
7 coordination between the communities in
8 which the Boys and Girls Clubs referred to
9 in clause (ii) and the Boys and Girls Clubs
10 of America will be located; and

11 “(iv) explains the manner in which
12 new facilities will operate without the pro-
13 vision of additional, direct Federal finan-
14 cial assistance to the Boys and Girls Clubs
15 after assistance under this subsection is dis-
16 continued.”.

17 (c) *ROLE MODEL GRANTS*.—Section 401 of the Eco-
18 nomic Espionage Act of 1996 (42 U.S.C. 13751 note) is
19 amended by adding at the end the following:

20 “(f) *ROLE MODEL GRANTS*.—Of amounts made avail-
21 able under subsection (e) for any fiscal year—

22 “(1) not more than 5 percent may be used to
23 provide a grant to the Boys and Girls Clubs of Amer-
24 ica for administrative, travel, and other costs associ-

1 *ated with a national role-model speaking tour pro-*
2 *gram; and*

3 “(2) *no amount may be used to compensate*
4 *speakers other than to reimburse speakers for reason-*
5 *able travel and accommodation costs associated with*
6 *the program described in paragraph (1).*

7 “(g) *FLAGSHIP BOYS AND GIRLS CLUBS.—*

8 “(1) *IN GENERAL.—The Attorney General, acting*
9 *through the Director of the Bureau of Justice Assist-*
10 *ance (referred to in this section as the ‘Director’),*
11 *shall, upon receipt of an application that meets the*
12 *requirements of paragraph (2) from an appropriate*
13 *official of the Boys and Girls Clubs of America, make*
14 *a grant to the Boys and Girls Clubs of America to*
15 *fund the establishment of not less than 3 flagship*
16 *Boys and Girls Clubs.*

17 “(2) *APPLICATION.—*

18 “(A) *IN GENERAL.—In order to receive a*
19 *grant under this subsection, the appropriate offi-*
20 *cial of the Boys and Girls Clubs of America shall*
21 *submit an application to the Director in such*
22 *form, and containing such information, as the*
23 *Director may reasonably require.*

1 “(B) *CONTENTS OF APPLICATION.*—*The ap-*
2 *plication submitted pursuant to subparagraph*
3 *(A) shall contain assurances that—*

4 “(i)(I) *the flagship clubs established*
5 *under this subsection (referred to in this*
6 *subsection as the ‘flagship clubs’) shall be lo-*
7 *cated in economically distressed areas; and*

8 “(II) *with respect to the location of the*
9 *flagship clubs, at least—*

10 “(aa) *1 shall be in a rural area;*

11 *and*

12 “(bb) *1 shall be in an urban area;*

13 “(ii) *site selection for the flagship clubs*
14 *shall be made on an equitable geographic*
15 *basis;*

16 “(iii) *funds received pursuant to this*
17 *subsection by the Boys and Girls Clubs of*
18 *America shall comprise not more than 60*
19 *percent of the costs of establishing the flag-*
20 *ship clubs; and*

21 “(iv) *specify how the flagship clubs*
22 *will operate without Federal funds after the*
23 *flagship clubs are brought into operation.*

24 “(3) *AUTHORIZATION OF APPROPRIATIONS.*—

1 “(A) *IN GENERAL.*—*There are authorized to*
 2 *be appropriated \$15,000,000 for fiscal year 1998*
 3 *to carry out this subsection.*

4 “(B) *SOURCE OF SUMS.*—*Sums authorized*
 5 *to be appropriated under subparagraph (A) may*
 6 *be derived from the Violent Crime Reduction*
 7 *Trust Fund.”.*

8 ***TITLE V—MISCELLANEOUS***
 9 ***Subtitle A—General Provisions***

10 ***SEC. 501. DEFINITION OF UNIT OF LOCAL GOVERNMENT.***

11 *Section 901(3) of the Omnibus Crime Control and Safe*
 12 *Streets Act of 1968 (42 U.S.C. 3791(3)) is amended to read*
 13 *as follows:*

14 “(3) ‘*unit of local government*’ means—

15 “(A) *any city, county, township, town, bor-*
 16 *ough, parish, village, or other general purpose*
 17 *political subdivision of a State;*

18 “(B) *any law enforcement district or judi-*
 19 *cial enforcement district that—*

20 “(i) *is established under applicable*
 21 *State law; and*

22 “(ii) *has the authority to, in a manner*
 23 *independent of other State entities, establish*
 24 *a budget and impose taxes;*

1 “(C) an Indian tribe which performs law
2 enforcement functions, as determined by the Sec-
3 retary of the Interior; or

4 “(D) for the purposes of assistance eligi-
5 bility, any agency of the government of the Dis-
6 trict of Columbia or the Federal Government
7 that performs law enforcement functions in and
8 for—

9 “(i) the District of Columbia; or

10 “(ii) any Trust Territory of the United
11 States;”.

12 **SEC. 502. CARJACKING OFFENSES.**

13 Section 2119 of title 18, United States Code, is amend-
14 ed by striking “, with the intent to cause death or serious
15 bodily harm”.

16 **SEC. 503. FIREARMS SAFETY.**

17 (a) **SECURE GUN STORAGE OR SAFETY DEVICE.**—Sec-
18 tion 921(a) of title 18, United States Code, is amended by
19 adding at the end the following:

20 “(34) The term ‘secure gun storage or safety device’
21 means—

22 “(A) a device that, when installed on a firearm,
23 is designed to prevent the firearm from being operated
24 without first deactivating or removing the device;

1 “(B) a device incorporated into the design of the
2 firearm that is designed to prevent the operation of
3 the firearm by anyone not having access to the device;
4 or

5 “(C) a safe, gun safe, gun case, lock box, or other
6 device that is designed to be or can be used to store
7 a firearm and that is designed to be unlocked only by
8 means of a key, a combination, or other similar
9 means.”.

10 (b) *CERTIFICATION REQUIRED IN APPLICATION FOR*
11 *DEALER’S LICENSE.*—Section 923(d)(1) of title 18, United
12 *States Code, is amended—*

13 (1) *in subparagraph (E), by striking “and” at*
14 *the end;*

15 (2) *in subparagraph (F), by striking the period*
16 *at the end and inserting “; and”; and*

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

18 “(G) *in the case of an application to be licensed*
19 *as a dealer, the applicant certifies that secure gun*
20 *storage or safety devices will be available at any place*
21 *in which firearms are sold under the license to per-*
22 *sons who are not licensees (subject to the exception*
23 *that in any case in which a secure gun storage or*
24 *safety device is temporarily unavailable because of*
25 *theft, casualty loss, consumer sales, backorders from a*

1 *manufacturer, or any other similar reason beyond the*
 2 *control of the licensee, the dealer shall not be consid-*
 3 *ered to be in violation of the requirement under this*
 4 *subparagraph to make available such a device).”.*

5 *(c) REVOCATION OF DEALER’S LICENSE FOR FAILURE*
 6 *TO HAVE SECURE GUN STORAGE OR SAFETY DEVICES*
 7 *AVAILABLE.—The first sentence of section 923(e) of title 18,*
 8 *United States Code, is amended by inserting before the pe-*
 9 *riod at the end the following: “or fails to have secure gun*
 10 *storage or safety devices available at any place in which*
 11 *firearms are sold under the license to persons who are not*
 12 *licensees (except that in any case in which a secure gun*
 13 *storage or safety device is temporarily unavailable because*
 14 *of theft, casualty loss, consumer sales, backorders from a*
 15 *manufacturer, or any other similar reason beyond the con-*
 16 *trol of the licensee, the dealer shall not be considered to be*
 17 *in violation of the requirement to make available such a*
 18 *device)”.*

19 *(d) STATUTORY CONSTRUCTION; EVIDENCE.—*

20 *(1) STATUTORY CONSTRUCTION.—Nothing in the*
 21 *amendments made by this section shall be con-*
 22 *strued—*

23 *(A) as creating a cause of action against*
 24 *any firearms dealer or any other person for any*
 25 *civil liability; or*

1 (B) as establishing any standard of care.

2 (2) *EVIDENCE.*—Notwithstanding any other pro-
3 vision of law, evidence regarding compliance or non-
4 compliance with the amendments made by this section
5 shall not be admissible as evidence in any proceeding
6 of any court, agency, board, or other entity.

7 (e) *EFFECTIVE DATE.*—The amendments made by this
8 section shall take effect 180 days after the date of enactment
9 of this Act.

10 **SEC. 504. FIREARM SAFETY EDUCATION GRANTS.**

11 (a) *IN GENERAL.*—Section 510 of the Omnibus Crime
12 Control and Safe Streets Act of 1968 (42 U.S.C. 3760) is
13 amended—

14 (1) in subsection (a), by striking paragraph (1)
15 and inserting the following:

16 “(1) undertaking educational and training pro-
17 grams for—

18 “(A) criminal justice personnel; and

19 “(B) the general public, with respect to the
20 lawful and safe ownership, storage, carriage, or
21 use of firearms, including the provision of secure
22 gun storage or safety devices;”;

23 (2) in the first sentence of subsection (b), by in-
24 serting before the period the following: “and is au-
25 thorized to make grants to, or enter into contracts

1 *with, those persons and entities to carry out the pur-*
2 *poses specified in subsection (a)(1)(B) in accordance*
3 *with subsection (c)”; and*

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

5 *“(c)(1) In accordance with this subsection, the Director*
6 *may make a grant to, or enter into a contract with, any*
7 *person or entity referred to in subsection (b) to provide for*
8 *a firearm safety program that, in a manner consistent with*
9 *subsection (a)(1)(B), provides for general public training*
10 *and dissemination of information concerning firearm safe-*
11 *ty, secure gun storage, and the lawful ownership, carriage,*
12 *or use of firearms, including the provision of secure gun*
13 *storage or safety devices.*

14 *“(2) Funds made available under a grant under para-*
15 *graph (1) may not be used (either directly or by supplant-*
16 *ing non-Federal funds) for advocating or promoting gun*
17 *control, including making communications that are in-*
18 *tended to directly or indirectly affect the passage of Federal,*
19 *State, or local legislation intended to restrict or control the*
20 *purchase or use of firearms.*

21 *“(3) Except as provided in paragraph (4), each fire-*
22 *arm safety program that receives funding under this sub-*
23 *section shall provide for evaluations that shall be developed*
24 *pursuant to guidelines that the Director of the National In-*
25 *stitute of Justice of the Department of Justice, in consulta-*

1 *tion with the Director of the Bureau of Justice Assistance*
 2 *and recognized private entities that have expertise in fire-*
 3 *arms safety, education and training, shall establish.*

4 “(4) *With respect to a firearm safety program that re-*
 5 *ceives funding under this section, the Director may waive*
 6 *the evaluation requirement described in paragraph (3) if*
 7 *the Director determines that the program—*

8 “(A) *is not of a sufficient size to justify an eval-*
 9 *uation; or*

10 “(B) *is designed primarily to provide material*
 11 *resources and supplies, and that activity would not*
 12 *justify an evaluation.”.*

13 “(b) *EFFECTIVE DATE.—The amendments made by this*
 14 *section shall take effect on the earlier of—*

15 “(1) *October 1, 1997; or*

16 “(2) *the date of enactment of this Act.*

17 **SEC. 505. INCREASED PENALTY FOR FIREARMS CONSPIR-**
 18 **ACY.**

19 *Section 924 of title 18, United States Code, is amended*
 20 *by adding at the end the following:*

21 “(p) *Except as otherwise provided in this section, a*
 22 *person who conspires to commit an offense defined in this*
 23 *chapter shall be subject to the same penalties (other than*
 24 *the penalty of death) as those prescribed for the offense the*
 25 *commission of which is the object of the conspiracy.”.*

1 **SEC. 506. FELONY TREATMENT FOR OFFENSES TANTA-**
 2 **MOUNT TO AIDING AND ABETTING UNLAW-**
 3 **FUL PURCHASES.**

4 *Section 924(a)(3) of title 18, United States Code, is*
 5 *amended by striking the period and inserting “, but if the*
 6 *violation is in relation to an offense—*

7 *“(A) under paragraph (1) or (3) of section*
 8 *922(b), shall be fined under this title, imprisoned not*
 9 *more than 5 years, or both; or*

10 *“(B) under subsection (a)(6) or (d) of section*
 11 *922, shall be fined under this title, imprisoned not*
 12 *more than 10 years, or both.”.*

13 **SEC. 507. INCREASED PENALTY FOR KNOWINGLY RECEIV-**
 14 **ING FIREARMS WITH OBLITERATED SERIAL**
 15 **NUMBER.**

16 *Section 924(a) of title 18, United States Code, is*
 17 *amended—*

18 *(1) in paragraph (1)(B), by striking “(k),”; and*
 19 *(2) in paragraph (2), by inserting “(k),” after*
 20 *“(j),”.*

21 **SEC. 508. AMENDMENT OF THE SENTENCING GUIDELINES**
 22 **FOR TRANSFERS OF FIREARMS TO PROHIB-**
 23 **ITED PERSONS.**

24 *(a) SENTENCING ENHANCEMENT.—Pursuant to its au-*
 25 *thority under section 994(p) of title 28, United States Code,*
 26 *the United States Sentencing Commission shall amend the*

1 *Federal Sentencing Guidelines to increase the base offense*
 2 *level for offenses subject to section 2K2.1 (Unlawful Receipt,*
 3 *Possession, or Transportation of Firearms or Ammunition;*
 4 *Prohibited Transactions Involving Firearms or Ammuni-*
 5 *tion) to assure that a person who transferred a firearm and*
 6 *who knew that the transferee was a prohibited person is*
 7 *subject to the same base offense level as the transferee. This*
 8 *provision shall not require the same offense level for the*
 9 *transferor and transferee to the extent that the transferee's*
 10 *base offense level is subject to an additional increase on the*
 11 *basis of a past criminal conviction of either a crime of vio-*
 12 *lence or a controlled substance offense.*

13 (b) *CONSISTENCY.*—*In carrying out subsection (a), the*
 14 *United States Sentencing Commission shall—*

15 (1) *ensure that there is reasonable consistency*
 16 *with other Federal Sentencing Guidelines; and*

17 (2) *avoid duplicative punishment for substan-*
 18 *tially the same offense.*

19 **SEC. 509. CRIMINAL FORFEITURE OF FIREARMS USED IN**
 20 **CRIMES OF VIOLENCE AND FELONIES.**

21 (a) *CRIMINAL FORFEITURE.*—*Section 982(a) of title*
 22 *18, United States Code, is amended—*

23 (1) *by inserting after paragraph (3) the follow-*
 24 *ing:*

1 “(4) *The court, in imposing a sentence on a person*
2 *convicted of any crime of violence (as that term is defined*
3 *in section 16) or any felony under federal law, shall order*
4 *that the person forfeit to the United States any firearm (as*
5 *that term is defined in section 921(a)(3)) used or intended*
6 *to be used to commit or to facilitate the commission of the*
7 *offense.”; and*

8 (2) *by redesignating paragraphs (4) and (5),*
9 *and the first and second paragraphs designated as*
10 *paragraph (6), as paragraphs (5), (6), (7), and (8),*
11 *respectively.*

12 (b) *DISPOSAL OF FORFEITED PROPERTY.—Section*
13 *981(c) of title 18, United States Code, is amended by add-*
14 *ing at the end the following: “Any firearm forfeited pursu-*
15 *ant to subsection (a)(1)(D) or section 982(a)(3) of this title*
16 *shall be disposed of by the seizing agency in accordance with*
17 *law.”.*

18 **SEC. 510. CRIMINAL FORFEITURE FOR GUN TRAFFICKING.**

19 *Section 982(a) of title 18, United States Code, as*
20 *amended by section 509 of this Act, is amended by adding*
21 *at the end the following:*

22 “(9)(A) *The court, in imposing a sentence on a*
23 *person convicted of a gun trafficking offense described*
24 *in subparagraph (B), or a conspiracy to commit such*
25 *offense, shall order the person to forfeit to the United*

1 *States any conveyance used or intended to be used to*
 2 *commit such offense, and any property traceable to*
 3 *such conveyance.*

4 “(B) *A gun trafficking offense is described in*
 5 *this subparagraph if it—*

6 “(i) *is a violation of—*

7 “(I) *section 922(i) (transporting stolen*
 8 *firearms);*

9 “(II) *section 924(g) (travel with a fire-*
 10 *arm in furtherance of racketeering);*

11 “(III) *section 924(k) (stealing a fire-*
 12 *arm); or*

13 “(IV) *section 924(m) (interstate travel*
 14 *to promote firearms trafficking); and*

15 “(i) *involves 5 or more firearms.”.*

16 **SEC. 511. USING PRISON INMATE LABOR AND OTHER LABOR**
 17 **FOR DATA PROCESSING OF PERSONAL INFOR-**
 18 **MATION ABOUT CHILDREN.**

19 (a) *IN GENERAL.*—Chapter 89 of title 18, United
 20 States Code, is amended by adding at the end the following:

21 **“§1822. Using prison inmate labor and other labor**
 22 **for data processing of personal informa-**
 23 **tion**

24 “(a) *PROHIBITION.*—Whoever, in or affecting inter-
 25 state or foreign commerce, knowingly uses prison inmate

1 labor, or any worker who is registered pursuant to title
 2 XVII of the Violent Crime Control and Law Enforcement
 3 Act of 1994, for data processing of personal information
 4 shall be fined under this title, imprisoned not more than
 5 1 year, or both.

6 “(b) *DEFINITION OF PERSONAL INFORMATION.*—In
 7 this section, the term ‘personal information’ means infor-
 8 mation (including name, address, telephone number, social
 9 security number, and physical description) about an indi-
 10 vidual, that would suffice to physically locate and contact
 11 that individual.”.

12 **“§1823. Using or distributing certain personal infor-**
 13 **mation that would harm children**

14 “(a) *PROHIBITION.*—Whoever, in or affecting inter-
 15 state or foreign commerce, knowingly uses or distributes
 16 personal information about 1 or more children with the in-
 17 tent that the information will be used to abuse or to harm
 18 physically any child, shall be fined under this title, impris-
 19 oned not more than 1 year, or both.

20 “(b) *DEFINITIONS.*—In this section—

21 “(1) the term ‘child’ means an individual who
 22 has not attained the age of 16 years; and

23 “(2) the term ‘personal information’ means in-
 24 formation (including name, address, telephone num-
 25 ber, social security number, and physical description)

1 *about an individual, that would suffice to physically*
 2 *locate and contact that individual.”.*

3 **(b) CLERICAL AMENDMENT.**—*The analysis for chapter*
 4 *89 of title 18, United States Code, is amended by adding*
 5 *at the end the following:*

 “1822. *Using prison inmate labor and other labor for data processing of personal information.*

 “1823. *Using or distributing certain personal information that would harm children.”.*

6 **SEC. 512. TRUTH-IN-SENTENCING INCENTIVE GRANTS.**

7 *Section 20106 of the Violent Crime Control and Law*
 8 *Enforcement Act of 1994 (42 U.S.C. 13706) is amended by*
 9 *striking subsection (b) and inserting the following:*

10 **“(b) FORMULA ALLOCATION.**—*The amount made*
 11 *available to carry out this section for any fiscal year under*
 12 *section 20104 shall be allocated as follows:*

13 *“(1) 0.75 percent shall be allocated to each State*
 14 *that meets the requirements of section 20104, except*
 15 *that the United States Virgin Islands, American*
 16 *Samoa, Guam, and the Northern Mariana Islands*
 17 *each shall be allocated 0.05 percent.*

18 *“(2) The amount remaining after the application*
 19 *of paragraph (1) shall be allocated to each State that*
 20 *meets the requirements of section 20104 in the ratio*
 21 *that the average annual number of part 1 violent*
 22 *crimes reported by that State to the Federal Bureau*
 23 *of Investigation for the 3 years preceding the year in*

1 *which the determination is made bears to the average*
2 *annual number of part 1 violent crimes reported by*
3 *States that meet the requirements of section 20104 to*
4 *the Federal Bureau of Investigation for the 3 years*
5 *preceding the year in which the determination is*
6 *made, except that a State may not receive more than*
7 *25 percent of the total amount available for those*
8 *grants.”.*

9 **SEC. 513. FALSE ADVERTISING OR MISUSE OF NAME TO IN-**
10 **DICATE UNITED STATES MARSHALS SERVICE.**

11 *Section 709 of title 18, United States Code, is amended*
12 *by inserting after the thirteenth undesignated paragraph*
13 *the following:*

14 *“Whoever, except with the written permission of the*
15 *Director of the United States Marshals Service, knowingly*
16 *uses the words ‘United States Marshals Service’, ‘U.S. Mar-*
17 *shals Service’, ‘United States Marshal’, ‘U.S. Marshal’, or*
18 *‘U.S.M.S.’, or any colorable imitation of any such words,*
19 *or the likeness of a United States Marshals Service badge,*
20 *logo, or insignia on any item of apparel, in connection with*
21 *any advertisement, circular, book, pamphlet, software, or*
22 *other publication, or any play, motion picture, broadcast,*
23 *telecast, or other production, in a manner that is reason-*
24 *ably calculated to convey the impression that the wearer*
25 *of the item of apparel is acting pursuant to the legal author-*

1 *ity of the United States Marshals Service, or to convey the*
 2 *impression that such advertisement, circular, book, pam-*
 3 *phlet, software, or other publication, or such play, motion*
 4 *picture, broadcast, telecast, or other production, is ap-*
 5 *proved, endorsed, or authorized by the United States Mar-*
 6 *shals Service;”.*

7 **SEC. 514. EXTENSION OF AUTHORITY.**

8 *Section 233(d) of the Antiterrorism and Effective*
 9 *Death Penalty Act of 1996 (110 Stat. 1245) is amended*
 10 *by striking “1 year after the date of enactment of this Act”*
 11 *and inserting “on October 1, 1999”.*

12 **SEC. 515. USE OF RESIDENTIAL SUBSTANCE ABUSE TREAT-**
 13 **MENT GRANTS TO PROVIDE AFTERCARE**
 14 **SERVICES.**

15 *Section 1901 of part S of the Omnibus Crime Control*
 16 *and Safe Streets Act of 1968 (42 U.S.C. 3796ff-1) is*
 17 *amended by adding at the end the following:*

18 *“(f) USE OF GRANT AMOUNTS FOR NONRESIDENTIAL*
 19 *AFTERCARE SERVICES.—A State may use amounts received*
 20 *under this part to provide nonresidential substance abuse*
 21 *treatment aftercare services for inmates or former inmates*
 22 *that meet the requirements of subsection (c), if the chief ex-*
 23 *ecutive officer of the State certifies to the Attorney General*
 24 *that the State is providing, and will continue to provide,*
 25 *an adequate level of residential treatment services.”.*

1 **SEC. 516. ESTABLISHMENT OF FELONY VIOLATIONS.**

2 *Section 228 of title 18, United States Code, is amended*
3 *to read as follows:*

4 **“§228. Failure to pay legal child support obligations**

5 *“(a) OFFENSE.—Whoever—*

6 *“(1) willfully fails to pay a support obligation*
7 *with respect to a child who resides in another State,*
8 *if such obligation has remained unpaid for a period*
9 *longer than 1 year, or is greater than \$5,000;*

10 *“(2) travels in interstate or foreign commerce*
11 *with the intent to evade a support obligation, if such*
12 *obligation has remained unpaid for a period longer*
13 *than 1 year, or is greater than \$5,000; or*

14 *“(3) willfully fails to pay a support obligation*
15 *with respect to a child who resides in another State,*
16 *if such obligation has remained unpaid for a period*
17 *longer than 2 years, or is greater than \$10,000;*

18 *shall be punished as provided in subsection (c).*

19 *“(b) PRESUMPTION.—The existence of a support obli-*
20 *gation that was in effect for the time period charged in the*
21 *indictment or information creates a rebuttable presumption*
22 *that the obligor has the ability to pay the support obligation*
23 *for that time period.*

24 *“(c) PUNISHMENT.—The punishment for an offense*
25 *under this section is—*

1 “(1) in the case of a first offense under sub-
2 section (a)(1), a fine under this title, imprisonment
3 for not more than 6 months, or both; and

4 “(2) in the case of an offense under subsection
5 (a)(2) or (a)(3), or a second or subsequent offense
6 under subsection (a)(1), a fine under this title, im-
7 prisonment for not more than 2 years, or both.

8 “(d) *MANDATORY RESTITUTION.*—Upon a conviction
9 under this section, the court shall order restitution under
10 section 3663A in an amount equal to the total unpaid sup-
11 port obligation as it exists at the time of sentencing.

12 “(e) *DEFINITIONS.*—In this section—

13 “(1) the term ‘support obligation’ means any
14 amount determined under a court order or an order
15 of an administrative process pursuant to the law of
16 a State to be due from a person for the support and
17 maintenance of a child or of a child and the parent
18 with whom the child is living; and

19 “(2) the term ‘State’ includes any State of the
20 United States, the District of Columbia, and any
21 commonwealth, territory, or possession of the United
22 States.”.

1 **SEC. 517. HATE CRIMES STATISTICS ACT.**

2 *Subsection (b) of the first section of the Hate Crimes*
 3 *Statistics Act (28 U.S.C. 534 note) is amended by adding*
 4 *at the end the following:*

5 *“(6) In acquiring data under this section, the Attorney*
 6 *General shall, beginning for calendar year 1998, include*
 7 *data regarding the age of offenders who have committed*
 8 *crimes covered by this section.”.*

9 **SEC. 518. ELIMINATION OF THE STATUTE OF LIMITATIONS**
 10 **FOR MURDER AND CLASS A OFFENSES.**

11 *(a) CAPITAL OFFENSES AND CLASS A FELONIES IN-*
 12 *VOLVING MURDER.—*

13 *(1) IN GENERAL.—Section 3281 of title 18, Unit-*
 14 *ed States Code, is amended to read as follows:*

15 **“§3281. Capital offenses and Class A felonies involv-**
 16 **ing murder**

17 *“(a) CAPITAL OFFENSES.—An indictment for any of-*
 18 *fense punishable by death may be found at any time with-*
 19 *out limitation.*

20 *“(b) CLASS A FELONIES INVOLVING MURDER.—*

21 *“(1) IN GENERAL.—An indictment or informa-*
 22 *tion for any Class A felony involving murder may be*
 23 *found at any time without limitation.*

24 *“(2) DEFINITION OF MURDER.—In this sub-*
 25 *section, the term ‘murder’—*

1 “(A) has the meaning given the term in sec-
2 tion 1111 of this title; and

3 “(B) in the case of an offense under section
4 1963(a) of this title involving racketeering activ-
5 ity described in section 1961(1) of this title, has
6 the meaning given that term under applicable
7 State law.”.

8 (2) *APPLICABILITY.*—The amendment made by
9 this subsection applies to any offense for which the
10 applicable statute of limitations has not run as of the
11 date of enactment of this Act.

12 (b) *CLASS A VIOLENT AND DRUG TRAFFICKING OF-*
13 *FENSES.*—

14 (1) *IN GENERAL.*—Chapter 213 of title 18, *Unit-*
15 *ed States Code*, is amended by adding at the end the
16 following:

17 “**§ 3296. Class A violent and drug trafficking offenses**

18 “*Except as provided in section 3281, no person shall*
19 *be prosecuted, tried, or punished for a Class A felony that*
20 *is a crime of violence or that is a drug trafficking crime*
21 *(as that term is defined in section 924(c)) unless the indict-*
22 *ment is returned or the information is filed not later than*
23 *10 years after the date on which the offense is committed.*”.

24 (2) *APPLICABILITY.*—The amendment made by
25 this subsection applies to any offense for which the

1 *applicable statute of limitations had not run as of the*
2 *date of enactment of this Act.*

3 (c) *CONFORMING AMENDMENTS.—The analysis for*
4 *chapter 213 of title 18, United States Code, is amended—*

5 *(1) by striking the item relating to section 3281*
6 *and inserting the following:*

 “3281. *Capital offenses and class A felonies involving murder.*”; and

7 *(2) by adding at the end the following:*

 “3296. *Class A violent and drug trafficking offenses.*”.

8 **SEC. 519. PRIORITY.**

9 *Section 517 of the Omnibus Crime Control and Safe*
10 *Streets Act of 1968 (42 U.S.C. 3763) is amended by adding*
11 *at the end the following:*

12 “(c) *PRIORITY.—In awarding discretionary grants*
13 *under section 511 to public agencies to undertake law en-*
14 *forcement initiatives relating to gangs, or relating to juve-*
15 *niles who are involved or at risk of involvement in gangs,*
16 *the Director shall give priority to a public agency that in-*
17 *cludes in its application a description of strategies or pro-*
18 *grams of that public agency (either in effect or proposed)*
19 *that provide cooperation between Federal, State, and local*
20 *law enforcement authorities, through the use of firearms*
21 *and ballistics identification systems, to disrupt illegal sale*
22 *or transfer of firearms to or between juveniles through trac-*
23 *ing the sources of guns used in crime that were provided*
24 *to juveniles.*”.

1 **SEC. 520. INCREASED PENALTIES FOR DISTRIBUTING**
2 **DRUGS TO MINORS.**

3 *Section 418 of the Controlled Substances Act (21*
4 *U.S.C. 859) is amended—*

5 *(1) in subsection (a), by striking “one year” and*
6 *inserting “3 years”; and*

7 *(2) in subsection (b), by striking “one year” and*
8 *inserting “5 years”.*

9 **SEC. 521. INCREASED PENALTY FOR DRUG TRAFFICKING IN**
10 **OR NEAR A SCHOOL OR OTHER PROTECTED**
11 **LOCATION.**

12 *Section 419 of the Controlled Substances Act (21*
13 *U.S.C. 860) is amended—*

14 *(1) in subsection (a), by striking “one year” and*
15 *inserting “3 years”; and*

16 *(2) in subsection (b), by striking “three years”*
17 *each place that term appears and inserting “5 years”.*

18 **SEC. 522. INCREASED PENALTIES FOR USING MINORS TO**
19 **DISTRIBUTE DRUGS.**

20 *Section 420 of the Controlled Substances Act (21*
21 *U.S.C. 861) is amended—*

22 *(1) in subsection (b), by striking “one year” and*
23 *inserting “3 years”; and*

24 *(2) in subsection (c), by striking “one year” and*
25 *inserting “5 years”.*

1 **SEC. 523. PENALTIES FOR USE OF MINORS IN CRIMES OF VI-**
 2 **OLENCE.**

3 (a) *IN GENERAL.*—Chapter 1 of title 18, United States
 4 Code, is amended by adding at the end the following:

5 **“§25. Use of minors in crimes of violence**

6 “(a) *PENALTIES.*—Except as otherwise provided by
 7 law, whoever, being not less than 18 years of age, knowingly
 8 and intentionally uses a minor to commit a crime of vio-
 9 lence, or to assist in avoiding detection or apprehension for
 10 a crime of violence, shall—

11 “(1) be subject to 2 times the maximum impris-
 12 onment and 2 times the maximum fine for the crime
 13 of violence; and

14 “(2) for second or subsequent convictions under
 15 this subsection, be subject to 3 times the maximum
 16 imprisonment and 3 times the maximum fine other-
 17 wise provided for the crime of violence in which the
 18 minor is used.

19 “(b) *DEFINITIONS.*—In this section:

20 “(1) *CRIME OF VIOLENCE.*—The term ‘crime of
 21 violence’ has the meaning given the term in section 16
 22 of this title.

23 “(2) *MINOR.*—The term ‘minor’ means a person
 24 who is less than 18 years of age.

25 “(3) *USES.*—The term ‘uses’ means employs,
 26 hires, persuades, induces, entices, or coerces.”.

1 (b) *CONFORMING AMENDMENT.*—*The analysis for*
2 *chapter 1 of title 18, United States Code, is amended by*
3 *adding at the end the following:*

“25. *Use of minors in crimes of violence.*”.

4 **SEC. 524. INCREASED PENALTIES FOR USING FEDERAL**
5 **PROPERTY TO GROW OR MANUFACTURE CON-**
6 **TROLLED SUBSTANCES.**

7 (a) *IN GENERAL.*—*Section 401(b)(5) of the Controlled*
8 *Substances Act (21 U.S.C. 841(b)(5)) is amended to read*
9 *as follows:*

10 “(5) *Whoever violates subsection (a) of this sec-*
11 *tion by cultivating or manufacturing a controlled*
12 *substance on any property in whole or in part owned*
13 *by or leased to the United States or any department*
14 *or agency thereof shall be subject to twice the maxi-*
15 *mum punishment otherwise authorized for the of-*
16 *fense.*”.

17 (b) *FEDERAL SENTENCING GUIDELINES.*—*Pursuant to*
18 *its authority under section 994(p) of title 28, United States*
19 *Code, the United States Sentencing Commission shall*
20 *amend the Federal Sentencing Guidelines to ensure that a*
21 *violation of section 401(b)(5) of the Controlled Substances*
22 *Act (21 U.S.C. 841(b)(5)) is punished substantially more*
23 *severely than if the violation had not occurred on Federal*
24 *property.*

1 **SEC. 525. SAFE SCHOOLS.**

2 (a) *AMENDMENTS.*—*Part F of title XIV of the Elemen-*
 3 *tary and Secondary Education Act of 1965 (20 U.S.C. 8921*
 4 *et seq.) is amended to read as follows:*

5 **“PART F—ILLEGAL DRUG AND GUN POSSESSION**
 6 **AND POSSESSION OF TOBACCO PRODUCTS**
 7 **OR ALCOHOLIC BEVERAGES**

8 **“SEC. 14601. DRUG-FREE, GUN-FREE, TOBACCO-FREE, AND**
 9 **ALCOHOL-FREE REQUIREMENTS.**

10 “(a) *SHORT TITLE.*—*This section may be cited as the*
 11 *‘Safe Schools Act of 1997’.*

12 “(b) *REQUIREMENTS.*—

13 “(1) *IN GENERAL.*—*Except as provided in para-*
 14 *graph (2), each State receiving Federal funds under*
 15 *this Act shall have in effect a State law requiring*
 16 *local educational agencies to expel from school—*

17 “(A) *for a period of not less than 1 year a*
 18 *student who is determined—*

19 “(i) *to be in possession of an illegal*
 20 *drug (in a quantity that indicates an intent*
 21 *to distribute as determined by State law),*
 22 *or illegal drug paraphernalia, on school*
 23 *property under the jurisdiction of, or on a*
 24 *vehicle operated by an employee or agent of,*
 25 *a local educational agency in that State; or*

1 “(i) to have brought a weapon to a
2 school under the jurisdiction of a local edu-
3 cational agency in that State;

4 “(B) for a period of not more than 6
5 months and not less than 1 week a student who
6 is determined to be in possession of an illegal
7 drug (in a quantity that does not indicate an in-
8 tent to distribute as determined by State law),
9 on school property under the jurisdiction of, or
10 on a vehicle operated by an employee or agent of,
11 a local educational agency in that State; and

12 “(C) for a period of not more than 6
13 months a student who is determined to have,
14 while not having attained the age of 18 and on
15 a regular basis (as determined by the State),
16 used or possessed 1 or more tobacco products or
17 alcoholic beverages on school property under the
18 jurisdiction of, or on a vehicle operated by an
19 employee or agent of, a local educational agency
20 in that State.

21 “(2) *EXCEPTIONS.*—The State law described in
22 paragraph (1)—

23 “(A) shall not apply to students served
24 under the *Individuals with Disabilities Edu-*
25 *cation Act (20 U.S.C. 1400 et seq.); and*

1 “(B) shall allow the chief administering of-
2 ficer of a local educational agency to modify the
3 expulsion requirement for a student on a case-
4 by-case basis or to ensure that the requirement
5 takes into account applicable State law.

6 “(3) CONSTRUCTION.—Nothing in this title shall
7 be construed to prevent a State from allowing a local
8 educational agency that has expelled a student from
9 such a student’s regular school setting from providing
10 educational services to such student in an alternative
11 setting.

12 “(4) DEFINITION OF WEAPON.—In this section,
13 the term ‘weapon’ has the meaning given the term
14 ‘firearm’ in section 921(a) of title 18, United States
15 Code.

16 “(c) REPORT TO STATE.—Each local educational
17 agency requesting assistance from the State educational
18 agency that is to be provided from funds made available
19 to the State under this Act shall provide to the State, in
20 the application requesting such assistance—

21 “(1) an assurance that such local educational
22 agency is in compliance with the State law required
23 by subsection (b); and

1 “(2) a description of the circumstances surround-
2 ing any expulsions imposed under the State law re-
3 quired by subsection (b), including—

4 “(A) the name of the school concerned;

5 “(B) the number of students expelled from
6 such school; and

7 “(C) the type of illegal drugs, illegal drug
8 paraphernalia, weapons, tobacco products, or al-
9 coholic beverages concerned.

10 “(d) *REPORTING.*—Each State shall report the infor-
11 mation described in subsection (c) to the Secretary on an
12 annual basis.

13 “(e) *REPORT TO CONGRESS.*—Two years after the date
14 of enactment of the Safe Schools Act of 1997, the Secretary
15 shall report to Congress with respect to any State that is
16 not in compliance with the requirements of this part.

17 “**SEC. 14602. POLICY REGARDING CRIMINAL JUSTICE SYS-**
18 **TEM REFERRAL.**

19 “(a) *IN GENERAL.*—No funds shall be made available
20 under this Act to any local educational agency unless such
21 agency has a policy requiring referral to the criminal jus-
22 tice or juvenile delinquency system of any student who is
23 in possession of an illegal drug, or illegal drug parapherna-
24 lia, on school property under the jurisdiction of, or on a
25 vehicle operated by an employee or agent of, such agency,

1 *or who brings a firearm or weapon to a school served by*
2 *such agency.*

3 “(b) *DEFINITIONS.*—*In this section, the terms ‘firearm’*
4 *and ‘school’ have the meanings given those terms in section*
5 *921(a) of title 18, United States Code.*

6 “**SEC. 14603. DATA AND POLICY DISSEMINATION UNDER**
7 **IDEA.**

8 “*The Secretary shall—*

9 “(1) *widely disseminate the policy of the Depart-*
10 *ment in effect on the date of enactment of the Safe*
11 *Schools Act of 1997 with respect to disciplining chil-*
12 *dren with disabilities;*

13 “(2) *collect data on the incidence of children*
14 *with disabilities (as that term is defined in section*
15 *602(a)(1) of the Individuals with Disabilities Edu-*
16 *cation Act (20 U.S.C. 1401(a)(1))) possessing illegal*
17 *drugs or illegal drug paraphernalia, or using or pos-*
18 *sessing, on a regular basis (as determined by the ap-*
19 *propriate State), tobacco products, or alcoholic bev-*
20 *erages on school property under the jurisdiction of, or*
21 *on a vehicle operated by an employee or agent of, a*
22 *local educational agency, engaging in life threatening*
23 *behavior at school, or bringing weapons to schools;*
24 *and*

1 “(3) submit a report to Congress not later than
2 1 year after the date of enactment of the Safe Schools
3 Act of 1997 analyzing the strengths and problems
4 with the current approaches regarding disciplining
5 children with disabilities.

6 **“SEC. 14604. DEFINITIONS.**

7 *“In this part:*

8 “(1) *ALCOHOLIC BEVERAGE.*—The term ‘alco-
9 holic beverage’ includes any beverage in liquid form
10 that contains not less than $\frac{1}{2}$ of 1 percent of alcohol
11 by volume and is intended for human consumption.

12 “(2) *ILLEGAL DRUG.*—

13 “(A) *IN GENERAL.*—The term ‘illegal drug’
14 means a controlled substance (as that term is de-
15 fined in section 102(6) of the Controlled Sub-
16 stances Act (21 U.S.C. 802(6))), the possession of
17 which is unlawful under such Act (21 U.S.C. 801
18 et seq.) or the Controlled Substances Import and
19 Export Act (21 U.S.C. 951 et seq.).

20 “(B) *EXCLUSION.*—The term ‘illegal drug’
21 does not mean a controlled substance used pursu-
22 ant to a valid prescription or as authorized by
23 law.

24 “(3) *ILLEGAL DRUG PARAPHERNALIA.*—The term
25 ‘illegal drug paraphernalia’ means drug parapherna-

1 *lia (as that term is defined in section 422 of the Con-*
 2 *trolled Substances Act (21 U.S.C. 863)), except that*
 3 *the first sentence of section 422(d) of such Act shall*
 4 *be applied by inserting ‘or under the Controlled Sub-*
 5 *stances Import and Export Act (21 U.S.C. 951 et*
 6 *seq.)’ before the period.*

7 “(4) *TOBACCO PRODUCT.*—*The term ‘tobacco*
 8 *product’ means—*

9 “(A) *cigarettes and little cigars (as those*
 10 *terms are defined in section 3 of the Federal Cig-*
 11 *arette Labeling and Advertising Act (15 U.S.C.*
 12 *1332));*

13 “(B) *cigars (as that term is defined in sec-*
 14 *tion 5702 of the Internal Revenue Code of 1986);*

15 “(C) *pipe tobacco and loose rolling tobacco;*

16 “(D) *smokeless tobacco (as that term is de-*
 17 *finied in section 9 of the Comprehensive Smoke-*
 18 *less Tobacco and Health Education Act of 1986*
 19 *(15 U.S.C. 4408)); and*

20 “(E) *any other form of tobacco intended for*
 21 *human consumption.”.*

22 (b) *EFFECTIVE DATE.*—*This section and the amend-*
 23 *ments made by this section shall take effect 6 months after*
 24 *the date of enactment of this Act.*

1 **SEC. 526. APPLICABILITY TO DANGEROUS WEAPONS.**

2 (a) *WEAPONS COVERED.*—Part F of title XIV of the
3 *Elementary and Secondary Education Act of 1965* (20
4 *U.S.C. 8921 et seq.*), as amended by section 525 of this Act,
5 is amended—

6 (1) in section 14601—

7 (A) in subsection (b)—

8 (i) in paragraph (1)(A)(ii), by striking
9 “weapon” and inserting “dangerous weap-
10 on”; and

11 (ii) by striking paragraph (4); and

12 (B) in subsection (c)(2)(C), by striking
13 “weapons” and inserting “dangerous weapons”;

14 (2) in section 14602—

15 (A) in subsection (a), by striking “firearm
16 or weapon” and inserting “dangerous weapon”;
17 and

18 (B) by striking subsection (b) and inserting
19 the following:

20 “(b) *DEFINITION OF SCHOOL.*—In this section, the
21 term ‘school’ has the meaning given that term in section
22 921(a) of title 18, United States Code.”; and

23 (3) in section 14604, by adding at the end the
24 following:

25 “(5) *DANGEROUS WEAPON.*—The term ‘dan-
26 gerous weapon’ has the meaning given that term in

1 *section 930 of title 18, United States Code, provided*
 2 *such term as used in this part does not include any*
 3 *dangerous weapon possessed as a part of a course or*
 4 *curriculum approved pursuant to State or local*
 5 *laws.”.*

6 *(b) EFFECTIVE DATE.—The amendments made by this*
 7 *section shall take effect 6 months after the date of enactment*
 8 *of this Act.*

9 ***Subtitle B—Child Exploitation***
 10 ***Sentencing Enhancement***

11 ***SEC. 531. SHORT TITLE.***

12 *This subtitle may be cited as the “Child Exploitation*
 13 *Sentencing Enhancement Act of 1997”.*

14 ***SEC. 532. DEFINITIONS.***

15 *In this subtitle:*

16 (1) *CHILD; CHILDREN.—The term “child” or*
 17 *“children” means a minor or minors of an age speci-*
 18 *fied in the applicable provision of title 18, United*
 19 *States Code, that is subject to review under this sub-*
 20 *title.*

21 (2) *MINOR.—The term “minor” means any indi-*
 22 *vidual who has not attained the age of 18, except*
 23 *that, with respect to references to section 2243 of title*
 24 *18, United States Code, the term means an individual*
 25 *described in subsection (a) of that section.*

1 **SEC. 533. INCREASED PENALTIES FOR USE OF A COMPUTER**
2 **IN THE SEXUAL ABUSE OR EXPLOITATION OF**
3 **A CHILD.**

4 *Pursuant to its authority under section 994(p) of title*
5 *28, United States Code, the United States Sentencing Com-*
6 *mission shall—*

7 *(1) review the Federal Sentencing Guidelines*
8 *for—*

9 *(A) aggravated sexual abuse under section*
10 *2241 of title 18, United States Code;*

11 *(B) sexual abuse under section 2242 of title*
12 *18, United States Code;*

13 *(C) sexual abuse of a minor or ward under*
14 *section 2243 of title 18, United States Code;*

15 *(D) coercion and enticement of a juvenile*
16 *under section 2422(b) of title 18, United States*
17 *Code; and*

18 *(E) transportation of minors under section*
19 *2423 of title 18, United States Code; and*

20 *(2) upon completion of the review under para-*
21 *graph (1), promulgate amendments to the Federal*
22 *Sentencing Guidelines to provide appropriate en-*
23 *hancement if the defendant used a computer with the*
24 *intent to persuade, induce, entice, or coerce a child of*
25 *an age specified in the applicable provision referred*

1 to in paragraph (1) to engage in any prohibited sex-
2 ual activity.

3 **SEC. 534. INCREASED PENALTIES FOR KNOWING MISREPRE-**
4 **SENTATION IN THE SEXUAL ABUSE OR EX-**
5 **PLOITATION OF A CHILD.**

6 Pursuant to its authority under section 994(p) of title
7 28, United States Code, the United States Sentencing Com-
8 mission shall—

9 (1) review the Federal Sentencing Guidelines on
10 aggravated sexual abuse under section 2241 of title
11 18, United States Code, sexual abuse under section
12 2242 of title 18, United States Code, sexual abuse of
13 a minor or ward under section 2243 of title 18, Unit-
14 ed States Code, coercion and enticement of a juvenile
15 under section 2422(b) of title 18, United States Code,
16 and transportation of minors under section 2423 of
17 title 18, United States Code; and

18 (2) upon completion of the review under para-
19 graph (1), promulgate amendments to the Federal
20 Sentencing Guidelines to provide appropriate en-
21 hancement if the defendant knowingly misrepresented
22 the actual identity of the defendant with the intent to
23 persuade, induce, entice, or coerce a child of an age
24 specified in the applicable provision referred to in

1 (A) *IN GENERAL.*—Chapter 117 of title 18,
 2 United States Code, is amended by adding at the
 3 end the following:

4 **“§ 2425. Repeat offenders**

5 “(a) *IN GENERAL.*—Any person described in this sub-
 6 section shall be subject to the punishment under subsection
 7 (b). A person described in this subsection is a person who
 8 violates a provision of this chapter, after one or more prior
 9 convictions—

10 “(1) for an offense punishable under this chapter
 11 or chapter 109A or 110; or

12 “(2) under any applicable law of a State relat-
 13 ing to conduct punishable under this chapter or chap-
 14 ter 109A or 110.

15 “(b) *PUNISHMENT.*—A violation of a provision of this
 16 chapter by a person described in subsection (a) is punish-
 17 able by a term of imprisonment of a period not to exceed
 18 twice the period that would otherwise apply under this
 19 chapter.”.

20 (B) *CONFORMING AMENDMENT.*—The analy-
 21 sis for chapter 117 of title 18, United States
 22 Code, is amended by adding at the end the fol-
 23 lowing:

“2425. Repeat offenders.”.

24 (2) *CHAPTER 109A.*—Section 2247 of title 18,
 25 United States Code, is amended to read as follows:

1 **“§ 2247. Repeat offenders**

2 “(a) *IN GENERAL.*—Any person described in this sub-
3 section shall be subject to the punishment under subsection
4 (b). A person described in this subsection is a person who
5 violates a provision of this chapter, after one or more prior
6 convictions—

7 “(1) for an offense punishable under this chapter
8 or chapter 110 or 117; or

9 “(2) under any applicable law of a State relat-
10 ing to conduct punishable under this chapter, or
11 chapter 110 or 117.

12 “(b) *PUNISHMENT.*—A violation of a provision of this
13 chapter by a person described in subsection (a) is punish-
14 able by a term of imprisonment of a period not to exceed
15 twice the period that would otherwise apply under this
16 chapter.”.

17 (b) *INCREASED MAXIMUM PENALTIES FOR TRANSPOR-*
18 *TATION FOR ILLEGAL SEXUAL ACTIVITY AND RELATED*
19 *CRIMES.*—

20 (1) *TRANSPORTATION GENERALLY.*—Section
21 2421 of title 18, United States Code, is amended by
22 striking “five” and inserting “10”.

23 (2) *COERCION AND ENTICEMENT OF MINORS.*—
24 Section 2422 of title 18, United States Code, is
25 amended—

1 (A) in subsection (a), by striking “five” and
2 inserting “10”; and

3 (B) in subsection (b), by striking “10” and
4 inserting “15”.

5 (3) *TRANSPORTATION OF MINORS.*—Section 2423
6 of title 18, United States Code, is amended—

7 (A) in subsection (a), by striking “ten” and
8 inserting “15”; and

9 (B) in subsection (b), by striking “10” and
10 inserting “15”.

11 (c) *AMENDMENT OF SENTENCING GUIDELINES.*—Pur-
12 suant to its authority under section 994(p) of title 28, Unit-
13 ed States Code, the United States Sentencing Commission
14 shall—

15 (1) review the Federal Sentencing Guidelines re-
16 lating to chapter 117 of title 18, United States Code;
17 and

18 (2) upon completion of the review under para-
19 graph (1), promulgate such amendments to the Fed-
20 eral Sentencing Guidelines as are necessary to pro-
21 vide for the amendments made by this section.

1 **SEC. 537. CLARIFICATION OF DEFINITION OF DISTRIBUTION OF PORNOGRAPHY.**
2

3 *Pursuant to its authority under section 994(p) of title*
4 *28, United States Code, the United States Sentencing Com-*
5 *mission shall—*

6 *(1) review the Federal Sentencing Guidelines re-*
7 *lating to the distribution of pornography covered*
8 *under chapter 110 of title 18, United States Code, re-*
9 *lating to the sexual exploitation and other abuse of*
10 *children; and*

11 *(2) upon completion of the review under para-*
12 *graph (1), promulgate such amendments to the Fed-*
13 *eral Sentencing Guidelines as are necessary to clarify*
14 *that the term “distribution of pornography” applies*
15 *to the distribution of pornography—*

16 *(A) for monetary remuneration; or*

17 *(B) for a nonpecuniary interest.*

18 **SEC. 538. DIRECTIVE TO THE UNITED STATES SENTENCING**
19 **COMMISSION.**

20 *In carrying out this subtitle, the United States Sen-*
21 *tencing Commission shall—*

22 *(1) with respect to any action relating to the*
23 *Federal Sentencing Guidelines subject to this subtitle,*
24 *ensure reasonable consistency with other guidelines of*
25 *the Federal Sentencing Guidelines; and*

1 (2) *with respect to an offense subject to the Fed-*
2 *eral Sentencing Guidelines, avoid duplicative punish-*
3 *ment under the guidelines for substantially the same*
4 *offense.*

5 **SEC. 539. AUTHORIZATION FOR GUARDIANS AD LITEM.**

6 (a) *AUTHORIZATION OF APPROPRIATIONS.—There are*
7 *authorized to be appropriated to the Department of Justice,*
8 *for the purpose specified in subsection (b), such sums as*
9 *may be necessary for each of fiscal years 1998 through 2001.*

10 (b) *PURPOSE.—The purpose specified in this sub-*
11 *section is the procurement, in accordance with section*
12 *3509(h) of title 18, United States Code, of the services of*
13 *individuals with sufficient professional training, experi-*
14 *ence, and familiarity with the criminal justice system, so-*
15 *cial service programs, and child abuse issues to serve as*
16 *guardians ad litem for children who are the victims of, or*
17 *witnesses to, a crime involving abuse or exploitation.*

18 **SEC. 540. APPLICABILITY.**

19 *This subtitle and the amendments made by this sub-*
20 *title shall apply to any action that commences on or after*
21 *the date of enactment of this Act.*