

106TH CONGRESS
1ST SESSION

H. R. 1501

AN ACT

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Juvenile Justice Reform Act of 1999”.

6 (b) TABLE OF CONTENTS.—The table of contents of
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CONSEQUENCES FOR JUVENILE OFFENDERS

Sec. 101. Short title.

Sec. 102. Grant program.

Sec. 103. Aimee’s law.

Sec. 104. Mandatory life imprisonment for repeat sex offenders against chil-
 dren.

Sec. 105. Increase of age relating to transfer of obscene material.

Sec. 106. Child hostage-taking to evade arrest or obstruct justice.

Sec. 107. Prohibition on transferring to juvenile a firearm that the transferor
 knows or has reason to believe will be used in a school zone
 or in a serious violent felony.

Sec. 108. District judges for districts in the States of Arizona, Florida, and Ne-
 vada.

Sec. 109. Youth Crime Gun Interdiction Initiative (YCGII).

Sec. 110. Limitation on prisoner release orders.

Sec. 111. Findings.

Sec. 112. Constitutionality of memorial services and memorials at public
 schools.

Sec. 113. Sense of the Congress with regard to violence and the entertainment
 industry.

Sec. 114. Religious nondiscrimination.

Sec. 115. Study of marketing practices of the firearms industry.

Sec. 116. Surgeon General review of effect on juveniles of violence in media.

Sec. 117. Amendments to Juvenile Justice and Delinquency Prevention Act of
 1974.

Sec. 118. Amendments to the Individuals with Disabilities Education Act.

Sec. 119. Evaluation by General Accounting Office.

Sec. 120. Contingent wind-down and repeal of Juvenile Justice and Delin-
 quency Prevention Act of 1974.

TITLE II—JUVENILE JUSTICE REFORM

Sec. 201. Delinquency proceedings or criminal prosecutions in district courts.

Sec. 202. Custody prior to appearance before judicial officer.

Sec. 203. Technical and conforming amendments to section 5034.

Sec. 204. Detention prior to disposition or sentencing.

Sec. 205. Speedy trial.

- Sec. 206. Disposition; availability of increased detention, fines and supervised release for juvenile offenders.
- Sec. 207. Juvenile records and fingerprinting.
- Sec. 208. Technical amendments of sections 5031 and 5034.
- Sec. 209. Clerical amendments to table of sections for chapter 403.

TITLE III—EFFECTIVE ENFORCEMENT OF FEDERAL FIREARMS LAWS

- Sec. 301. Armed criminal apprehension program.
- Sec. 302. Annual reports.
- Sec. 303. Authorization of appropriations.
- Sec. 304. Cross-designation of Federal prosecutors.

TITLE IV—LIMITING JUVENILE ACCESS TO FIREARMS AND EXPLOSIVES

- Sec. 401. Increased penalties for unlawful juvenile possession of firearms.
- Sec. 402. Increased penalties and mandatory minimum sentence for unlawful transfer of firearm to juvenile.
- Sec. 403. Prohibiting possession of explosives by juveniles and young adults.

TITLE V—PREVENTING CRIMINAL ACCESS TO FIREARMS AND EXPLOSIVES

- Sec. 501. Criminal prohibition on distribution of certain information relating to explosives, destructive devices, and weapons of mass destruction.
- Sec. 502. Requiring thefts from common carriers to be reported.
- Sec. 503. Voluntary submission of dealer's records.
- Sec. 504. Grant program for juvenile records.

TITLE VI—PUNISHING AND DETERRING CRIMINAL USE OF FIREARMS AND EXPLOSIVES

- Sec. 601. Mandatory minimum sentence for discharging a firearm in a school zone.
- Sec. 602. Apprehension and procedural treatment of armed violent criminals.
- Sec. 603. Increased penalties for possessing or transferring stolen firearms.
- Sec. 604. Increased mandatory minimum penalties for using a firearm to commit a crime of violence or drug trafficking crime.
- Sec. 605. Increased penalties for misrepresented firearms purchase in aid of a serious violent felony.
- Sec. 606. Increasing penalties on gun kingpins.
- Sec. 607. Serious recordkeeping offenses that aid gun trafficking.
- Sec. 608. Termination of firearms dealer's license upon felony conviction.
- Sec. 609. Increased penalty for transactions involving firearms with obliterated serial numbers.
- Sec. 610. Forfeiture for gun trafficking.
- Sec. 611. Increased penalty for firearms conspiracy.
- Sec. 612. Gun convictions as predicate crimes for Armed Career Criminal Act.
- Sec. 613. Serious juvenile drug trafficking offenses as Armed Career Criminal Act predicates.
- Sec. 614. Forfeiture of firearms used in crimes of violence and felonies.
- Sec. 615. Separate licenses for gunsmiths.
- Sec. 616. Permits and background checks for purchases of explosives.
- Sec. 617. Persons prohibited from receiving or possessing explosives.

TITLE VII—PUNISHING GANG VIOLENCE AND DRUG TRAFFICKING TO MINORS

- Sec. 701. Increased mandatory minimum penalties for using minors to distribute drugs.
- Sec. 702. Increased mandatory minimum penalties for distributing drugs to minors.
- Sec. 703. Increased mandatory minimum penalties for drug trafficking in or near a school or other protected location.
- Sec. 704. Criminal street gangs.
- Sec. 705. Increase in offense level for participation in crime as a gang member.
- Sec. 706. Interstate and foreign travel or transportation in aid of criminal gangs.
- Sec. 707. Gang-related witness intimidation and retaliation.

TITLE VIII—JUVENILE GANGS

- Sec. 801. Solicitation or recruitment of persons in criminal street gang activity.

TITLE IX—MATTHEW'S LAW

- Sec. 901. Short title.
- Sec. 902. Enhanced penalties for crimes of violence against children under age 13.
- Sec. 903. Federal Bureau of Investigation assistance available to State or local law authorities in investigating possible homicides of children under the age of 13.

TITLE X—DRUG DEALER LIABILITY

- Sec. 1001. Federal cause of action for drug dealer liability.

TITLE XI—LIMITATION ON RECOVERY OF ATTORNEYS FEES IN CERTAIN CASES

- Sec. 1101. Limitation on recovery of attorneys fees in certain cases.

TITLE XII—RIGHTS TO RELIGIOUS LIBERTY

- Sec. 1201. Findings.
- Sec. 1202. Religious liberty rights declared.

TITLE XIII—JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

- Sec. 1301. Short title.

SUBTITLE A—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

- Sec. 1302. Findings.
- Sec. 1303. Purpose.
- Sec. 1304. Definitions.
- Sec. 1305. Name of office.
- Sec. 1306. Concentration of Federal effort.
- Sec. 1307. Coordinating Council on Juvenile Justice and Delinquency Prevention.
- Sec. 1308. Annual report.
- Sec. 1309. Allocation.

- Sec. 1310. State plans.
- Sec. 1311. Juvenile delinquency prevention block grant program.
- Sec. 1312. Research; evaluation; technical assistance; training.
- Sec. 1313. Demonstration projects.
- Sec. 1314. Authorization of appropriations.
- Sec. 1315. Administrative authority.
- Sec. 1316. Use of funds.
- Sec. 1317. Limitation on use of funds.
- Sec. 1318. Rule of construction.
- Sec. 1319. Leasing surplus Federal property.
- Sec. 1320. Issuance of Rules.
- Sec. 1321. Content of materials.
- Sec. 1322. Technical and conforming amendments.
- Sec. 1323. References.

SUBTITLE B—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

- Sec. 1331. Runaway and homeless youth.

SUBTITLE C—REPEAL OF TITLE V RELATING TO INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

- Sec. 1341. Repealer.

SUBTITLE D—AMENDMENTS TO THE MISSING CHILDREN’S ASSISTANCE ACT

- Sec. 1351. National Center for Missing and Exploited Children.

SUBTITLE E—STUDIES AND EVALUATIONS

- Sec. 1361. Study of school violence.
- Sec. 1362. Study of mental health needs of juveniles in secure and nonsecure placements in the juvenile justice system.
- Sec. 1363. Evaluation by General Accounting Office.
- Sec. 1364. General Accounting Office Report.
- Sec. 1365. Behavioral and social science research on youth violence.

SUBTITLE F—GENERAL PROVISIONS

- Sec. 1371. Effective date; application of amendments.

TITLE XIV—CHILDREN’S INTERNET PROTECTION

- Sec. 1401. Short title.
- Sec. 1402. No universal service for schools or libraries that fail to implement a filtering or blocking technology for computers with Internet access.
- Sec. 1403. Federal Communications Commission to adopt rules within 4 months.

TITLE XV—TEACHER LIABILITY PROTECTION

- Sec. 1501. Short title.
- Sec. 1502. Findings and purpose.
- Sec. 1503. Preemption and election of State nonapplicability.
- Sec. 1504. Limitation on liability for teachers.
- Sec. 1505. Liability for noneconomic loss.

Sec. 1506. Definitions.

Sec. 1507. Effective date.

1 **TITLE I—CONSEQUENCES FOR** 2 **JUVENILE OFFENDERS**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Consequences for Ju-
5 venile Offenders Act of 1999”.

6 **SEC. 102. GRANT PROGRAM.**

7 (a) IN GENERAL.—Part R of title I of the Omnibus
8 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
9 3796 et seq.) is amended to read as follows:

10 **“PART R—JUVENILE ACCOUNTABILITY BLOCK** 11 **GRANTS**

12 **“SEC. 1801. PROGRAM AUTHORIZED.**

13 “(a) IN GENERAL.—The Attorney General is author-
14 ized to provide grants to States, for use by States and
15 units of local government, and in certain cases directly to
16 specially qualified units.

17 “(b) AUTHORIZED ACTIVITIES.—Amounts paid to a
18 State or a unit of local government under this part shall
19 be used by the State or unit of local government for the
20 purpose of strengthening the juvenile justice system,
21 which includes—

22 “(1) developing, implementing, and admin-
23 istering graduated sanctions for juvenile offenders;

1 “(2) building, expanding, renovating, or oper-
2 ating temporary or permanent juvenile correction,
3 detention, or community corrections facilities;

4 “(3) hiring juvenile court judges, probation offi-
5 cers, and court-appointed defenders and special ad-
6 vocates, and funding pretrial services for juvenile of-
7 fenders, to promote the effective and expeditious ad-
8 ministration of the juvenile justice system;

9 “(4) hiring additional prosecutors, so that more
10 cases involving violent juvenile offenders can be
11 prosecuted and case backlogs reduced;

12 “(5) providing funding to enable prosecutors to
13 address drug, gang, and youth violence problems
14 more effectively and for technology, equipment, and
15 training to assist prosecutors in identifying and ex-
16 pediting the prosecution of violent juvenile offenders;

17 “(6) providing funding to prosecutors for the
18 purpose of establishing and maintaining juvenile wit-
19 ness assistance programs;

20 “(7) establishing and maintaining training pro-
21 grams for law enforcement and other court per-
22 sonnel with respect to preventing and controlling ju-
23 venile crime;

1 “(8) establishing juvenile gun courts for the
2 prosecution and adjudication of juvenile firearms of-
3 fenders;

4 “(9) establishing drug court programs for juve-
5 nile offenders that provide continuing judicial super-
6 vision over juvenile offenders with substance abuse
7 problems and the integrated administration of other
8 sanctions and services for such offenders;

9 “(10) establishing and maintaining an auto-
10 mated system of records relating to any adjudication
11 of juveniles less than 18 years of age who are adju-
12 dicated delinquent for conduct that would be a vio-
13 lent crime if committed by an adult, that—

14 “(A) is equivalent to the system of records
15 that would be kept of adults arrested for such
16 conduct, including fingerprint records and pho-
17 tograph records;

18 “(B) provides for submitting such juvenile
19 records to the Federal Bureau of Investigation
20 in the same manner as adult criminal records
21 are so submitted;

22 “(C) requires the retention of juvenile
23 records for a period of time that is equal to the
24 period of time for which adult criminal records
25 are retained; and

1 “(D) makes available, on an expedited
2 basis, to law enforcement agencies, to courts,
3 and to school officials who shall be subject to
4 the same standards and penalties that apply
5 under Federal and State law to law enforce-
6 ment and juvenile justice personnel with respect
7 to handling such records and disclosing infor-
8 mation contained in such records;

9 “(11) establishing and maintaining interagency
10 information-sharing programs that enable the juve-
11 nile and criminal justice system, schools, and social
12 services agencies to make more informed decisions
13 regarding the early identification, control, super-
14 vision, and treatment of juveniles who repeatedly
15 commit serious delinquent or criminal acts;

16 “(12) establishing and maintaining account-
17 ability-based programs designed to reduce recidivism
18 among juveniles who are referred by law enforce-
19 ment personnel or agencies, and accountability-
20 based, proactive programs, including anti-gang pro-
21 grams, developed by law enforcement agencies to
22 combat juvenile crime;

23 “(13) establishing and maintaining programs to
24 conduct risk and need assessments of juvenile of-
25 fenders that facilitate the effective early intervention

1 and the provision of comprehensive services, includ-
2 ing mental health screening and treatment and sub-
3 stance abuse testing and treatment to such offend-
4 ers;

5 “(14) establishing and maintaining account-
6 ability-based programs that are designed to enhance
7 school safety;

8 “(15) establishing and maintaining restorative
9 justice programs;

10 “(16) supporting the independent State devel-
11 opment and operation of confidential, toll-free tele-
12 phone hotlines that will operate 7 days per week, 24
13 hours per day, in order to provide students, school
14 officials, and other individuals with the opportunity
15 to report specific threats of imminent school violence
16 or to report other suspicious or criminal conduct by
17 juveniles to appropriate State and local law enforce-
18 ment entities for investigation;

19 “(17) ensuring proper State training of per-
20 sonnel who answer and respond to telephone calls to
21 hotlines described in paragraph (16);

22 “(18) assisting in the acquisition of technology
23 necessary to enhance the effectiveness of hotlines de-
24 scribed in paragraph (16), including the utilization
25 of Internet web-pages or resources;

1 “(19) enhancing State efforts to offer appro-
2 priate counseling services to individuals who call a
3 hotline described in paragraph (16) threatening to
4 do harm to themselves or others;

5 “(20) furthering State efforts to publicize the
6 services offered by the hotlines described in para-
7 graph (16) and to encourage individuals to utilize
8 those services;

9 “(21) establishing partnerships between State
10 educational agencies and local educational agencies
11 for the design and implementation of character edu-
12 cation and training programs that reflect the values
13 of parents, teachers, and local communities, and in-
14 corporate elements of good character, including hon-
15 esty, citizenship, courage, justice, respect, personal
16 responsibility, and trustworthiness; and

17 “(22) implementing other activities that foster
18 strong character development in at-risk juveniles and
19 juveniles in the juvenile justice system.

20 “(c) DEFINITION.—For purposes of this section, the
21 term ‘restorative justice program’ means a program that
22 emphasizes the moral accountability of an offender toward
23 the victim and the affected community, and may include
24 community reparations boards, restitution, and mediation
25 between victim and offender.

1 **“SEC. 1802. GRANT ELIGIBILITY.**

2 “(a) STATE ELIGIBILITY.—Except as provided in
3 section 1803(f), to be eligible to receive a grant under this
4 section, a State shall submit to the Attorney General an
5 application at such time, in such form, and containing
6 such assurances and information as the Attorney General
7 may require by rule, including assurances that the State
8 and any unit of local government to which the State pro-
9 vides funding under section 1803(b), has in effect (or shall
10 have in effect, not later than 1 year after the date that
11 the State submits such application) laws, or has imple-
12 mented (or shall implement, not later than 1 year after
13 the date that the State submits such application) policies
14 and programs, that provide for a system of graduated
15 sanctions described in subsection (c).

16 “(b) LOCAL ELIGIBILITY.—

17 “(1) SUBGRANT ELIGIBILITY.—To be eligible to
18 receive a subgrant, a unit of local government, other
19 than a specially qualified unit, shall provide such as-
20 surances to the State as the State shall require,
21 that, to the maximum extent applicable, the unit of
22 local government has in effect (or shall have in ef-
23 fect, not later than 1 year after the date that the
24 unit submits such application) laws, or has imple-
25 mented (or shall implement, not later than 1 year
26 after the date that the unit submits such applica-

1 tion) policies and programs, that provide for a sys-
 2 tem of graduated sanctions described in subsection
 3 (c).

4 “(2) SPECIAL RULE.—The requirements of
 5 paragraph (1) shall apply to a specially qualified
 6 unit that receives funds from the Attorney General
 7 under section 1803(e), except that information that
 8 is otherwise required to be submitted to the State
 9 shall be submitted to the Attorney General.

10 “(c) GRADUATED SANCTIONS.—A system of grad-
 11 uated sanctions, which may be discretionary as provided
 12 in subsection (d), shall ensure, at a minimum, that—

13 “(1) sanctions are imposed on a juvenile of-
 14 fender for each delinquent offense;

15 “(2) sanctions escalate in intensity with each
 16 subsequent, more serious delinquent offense;

17 “(3) there is sufficient flexibility to allow for in-
 18 dividualized sanctions and services suited to the indi-
 19 vidual juvenile offender; and

20 “(4) appropriate consideration is given to public
 21 safety and victims of crime.

22 “(d) DISCRETIONARY USE OF SANCTIONS.—

23 “(1) VOLUNTARY PARTICIPATION.—A State or
 24 unit of local government may be eligible to receive
 25 a grant under this part if—

1 “(A) its system of graduated sanctions is
2 discretionary; and

3 “(B) it demonstrates that it has promoted
4 the use of a system of graduated sanctions by
5 taking steps to encourage implementation of
6 such a system by juvenile courts.

7 “(2) REPORTING REQUIREMENT IF GRADUATED
8 SANCTIONS NOT USED.—

9 “(A) JUVENILE COURTS.—A State or unit
10 of local government in which the imposition of
11 graduated sanctions is discretionary shall re-
12 quire each juvenile court within its
13 jurisdiction—

14 “(i) which has not implemented a sys-
15 tem of graduated sanctions, to submit an
16 annual report that explains why such court
17 did not implement graduated sanctions;
18 and

19 “(ii) which has implemented a system
20 of graduated sanctions but has not im-
21 posed graduated sanctions in one or more
22 specific cases, to submit an annual report
23 that explains why such court did not im-
24 pose graduated sanctions in each such
25 case.

1 “(B) UNITS OF LOCAL GOVERNMENT.—

2 Each unit of local government, other than a
3 specially qualified unit, that has one or more
4 juvenile courts that use a discretionary system
5 of graduated sanctions shall collect the informa-
6 tion reported under subparagraph (A) for sub-
7 mission to the State each year.

8 “(C) STATES.—Each State and specially
9 qualified unit that has one or more juvenile
10 courts that use a discretionary system of grad-
11 uated sanctions shall collect the information re-
12 ported under subparagraph (A) for submission
13 to the Attorney General each year. A State
14 shall also collect and submit to the Attorney
15 General the information collected under sub-
16 paragraph (B).

17 “(e) DEFINITIONS.—For purposes of this section:

18 “(1) The term ‘discretionary’ means that a sys-
19 tem of graduated sanctions is not required to be im-
20 posed by each and every juvenile court in a State or
21 unit of local government.

22 “(2) The term ‘sanctions’ means tangible, pro-
23 portional consequences that hold the juvenile of-
24 fender accountable for the offense committed. A
25 sanction may include counseling, restitution, commu-

1 nity service, a fine, supervised probation, or confine-
2 ment.

3 **“SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.**

4 “(a) STATE ALLOCATION.—

5 “(1) IN GENERAL.—In accordance with regula-
6 tions promulgated pursuant to this part and except
7 as provided in paragraph (3), the Attorney General
8 shall allocate—

9 “(A) 0.25 percent for each State; and

10 “(B) of the total funds remaining after the
11 allocation under subparagraph (A), to each
12 State, an amount which bears the same ratio to
13 the amount of remaining funds described in this
14 subparagraph as the population of people under
15 the age of 18 living in such State for the most
16 recent calendar year in which such data is
17 available bears to the population of people
18 under the age of 18 of all the States for such
19 fiscal year.

20 “(2) PROHIBITION.—No funds allocated to a
21 State under this subsection or received by a State
22 for distribution under subsection (b) may be distrib-
23 uted by the Attorney General or by the State in-
24 volved for any program other than a program con-
25 tained in an approved application.

1 “(3) INCREASE FOR STATE RESERVE.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graph (B), if a State demonstrates and certifies
4 to the Attorney General that the State’s law en-
5 forcement expenditures in the fiscal year pre-
6 ceding the date in which an application is sub-
7 mitted under this part is more than 25 percent
8 of the aggregate amount of law enforcement ex-
9 penditures by the State and its eligible units of
10 local government, the percentage referred to in
11 paragraph (1)(A) shall equal the percentage de-
12 termined by dividing the State’s law enforce-
13 ment expenditures by such aggregate.

14 “(B) LAW ENFORCEMENT EXPENDITURES
15 OVER 50 PERCENT.—If the law enforcement ex-
16 penditures of a State exceed 50 percent of the
17 aggregate amount described in subparagraph
18 (A), the Attorney General shall consult with as
19 many units of local government in such State
20 as practicable regarding the State’s proposed
21 uses of funds.

22 “(b) LOCAL DISTRIBUTION.—

23 “(1) IN GENERAL.—Except as provided in sub-
24 section (a)(3), each State which receives funds under
25 subsection (a)(1) in a fiscal year shall distribute not

1 less than 75 percent of such amounts received
2 among units of local government, for the purposes
3 specified in section 1801. In making such distribu-
4 tion the State shall allocate to such units of local
5 government an amount which bears the same ratio
6 to the aggregate amount of such funds as—

7 “(A) the sum of—

8 “(i) the product of—

9 “(I) three-quarters; multiplied by

10 “(II) the average law enforce-
11 ment expenditure for such unit of
12 local government for the three most
13 recent calendar years for which such
14 data is available; plus

15 “(ii) the product of—

16 “(I) one-quarter; multiplied by

17 “(II) the average annual number
18 of part 1 violent crimes in such unit
19 of local government for the three most
20 recent calendar years for which such
21 data is available, bears to—

22 “(B) the sum of the products determined
23 under subparagraph (A) for all such units of
24 local government in the State.

1 “(2) EXPENDITURES.—The allocation any unit
2 of local government shall receive under paragraph
3 (1) for a payment period shall not exceed 100 per-
4 cent of law enforcement expenditures of the unit for
5 such payment period.

6 “(3) REALLOCATION.—The amount of any unit
7 of local government’s allocation that is not available
8 to such unit by operation of paragraph (2) shall be
9 available to other units of local government that are
10 not affected by such operation in accordance with
11 this subsection.

12 “(c) UNAVAILABILITY OF DATA FOR UNITS OF
13 LOCAL GOVERNMENT.—If the State has reason to believe
14 that the reported rate of part 1 violent crimes or law en-
15 forcement expenditures for a unit of local government is
16 insufficient or inaccurate, the State shall—

17 “(1) investigate the methodology used by the
18 unit to determine the accuracy of the submitted
19 data; and

20 “(2) if necessary, use the best available com-
21 parable data regarding the number of violent crimes
22 or law enforcement expenditures for the relevant
23 years for the unit of local government.

24 “(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS
25 THAN \$5,000.—If under this section a unit of local gov-

1 ernment is allocated less than \$5,000 for a payment pe-
 2 riod, the amount allotted shall be expended by the State
 3 on services to units of local government whose allotment
 4 is less than such amount in a manner consistent with this
 5 part.

6 “(e) DIRECT GRANTS TO SPECIALLY QUALIFIED
 7 UNITS.—

8 “(1) IN GENERAL.—If a State does not qualify
 9 or apply for funds reserved for allocation under sub-
 10 section (a) by the application deadline established by
 11 the Attorney General, the Attorney General shall re-
 12 serve not more than 75 percent of the allocation that
 13 the State would have received under subsection (a)
 14 for such fiscal year to provide grants to specially
 15 qualified units which meet the requirements for
 16 funding under section 1802.

17 “(2) AWARD BASIS.—In addition to the quali-
 18 fication requirements for direct grants for specially
 19 qualified units the Attorney General may use the av-
 20 erage amount allocated by the States to units of
 21 local government as a basis for awarding grants
 22 under this section.

23 “(f) SPECIAL RULES.—

24 “(1) IN GENERAL.—The funds available under
 25 this part for a State shall be reduced by 10 percent

1 and redistributed under paragraph (2) unless the
2 State has in effect throughout the State a law which
3 suspends the driver's license of a juvenile until 21
4 years of age if such juvenile illegally possess a fire-
5 arm or uses a firearm in the commission of a crime
6 or an act of juvenile delinquency.

7 “(2) REDISTRIBUTION.—Any funds available
8 for redistribution shall be redistributed to partici-
9 pating States that have in effect a law referred to
10 in paragraph (1).

11 “(3) COMPLIANCE.—The Attorney General
12 shall issue regulations to ensure compliance with the
13 requirements of paragraph (1).”.

14 **“SEC. 1804. REGULATIONS.**

15 “(a) IN GENERAL.—The Attorney General shall issue
16 regulations establishing procedures under which a State
17 or unit of local government that receives funds under sec-
18 tion 1803 is required to provide notice to the Attorney
19 General regarding the proposed use of funds made avail-
20 able under this part.

21 “(b) ADVISORY BOARD.—The regulations referred to
22 in subsection (a) shall include a requirement that such eli-
23 gible State or unit of local government establish and con-
24 vene an advisory board to review the proposed uses of such

1 funds. The board shall include representation from, if
2 appropriate—

3 “(1) the State or local police department;

4 “(2) the local sheriff’s department;

5 “(3) the State or local prosecutor’s office;

6 “(4) the State or local juvenile court;

7 “(5) the State or local probation officer;

8 “(6) the State or local educational agency;

9 “(7) a State or local social service agency; and

10 “(8) a nonprofit, religious, or community group.

11 **“SEC. 1805. PAYMENT REQUIREMENTS.**

12 “(a) TIMING OF PAYMENTS.—The Attorney General
13 shall pay to each State or unit of local government that
14 receives funds under section 1803 that has submitted an
15 application under this part not later than—

16 “(1) 90 days after the date that the amount is
17 available; or

18 “(2) the first day of the payment period if the
19 State has provided the Attorney General with the as-
20 surances required by subsection (c),
21 whichever is later.

22 **“(b) REPAYMENT OF UNEXPENDED AMOUNTS.—**

23 “(1) REPAYMENT REQUIRED.—From amounts
24 awarded under this part, a State or specially quali-
25 fied unit shall repay to the Attorney General, or a

1 unit of local government shall repay to the State by
2 not later than 27 months after receipt of funds from
3 the Attorney General, any amount that is not ex-
4 pended by the State within 2 years after receipt of
5 such funds from the Attorney General.

6 “(2) PENALTY FOR FAILURE TO REPAY.—If the
7 amount required to be repaid is not repaid, the At-
8 torney General shall reduce payment in future pay-
9 ment periods accordingly.

10 “(3) DEPOSIT OF AMOUNTS REPAID.—Amounts
11 received by the Attorney General as repayments
12 under this subsection shall be deposited in a des-
13 ignated fund for future payments to States and spe-
14 cially qualified units.

15 “(c) ADMINISTRATIVE COSTS.—A State or unit of
16 local government that receives funds under this part may
17 use not more than 5 percent of such funds to pay for ad-
18 ministrative costs.

19 “(d) NONSUPPLANTING REQUIREMENT.—Funds
20 made available under this part to States and units of local
21 government shall not be used to supplant State or local
22 funds as the case may be, but shall be used to increase
23 the amount of funds that would, in the absence of funds
24 made available under this part, be made available from
25 State or local sources, as the case may be.

1 “(e) MATCHING FUNDS.—The Federal share of a
2 grant received under this part may not exceed 90 percent
3 of the costs of a program or proposal funded under this
4 part.

5 **“SEC. 1806. UTILIZATION OF PRIVATE SECTOR.**

6 “Funds or a portion of funds allocated under this
7 part may be used by a State or unit of local government
8 that receives a grant under this part to contract with pri-
9 vate, nonprofit entities, or community-based organizations
10 to carry out the purposes specified under section 1801(b).

11 **“SEC. 1807. ADMINISTRATIVE PROVISIONS.**

12 “(a) IN GENERAL.—A State or specially qualified
13 unit that receives funds under this part shall—

14 “(1) establish a trust fund in which the govern-
15 ment will deposit all payments received under this
16 part;

17 “(2) use amounts in the trust fund (including
18 interest) during a period not to exceed 2 years from
19 the date the first grant payment is made to the
20 State or specially qualified unit;

21 “(3) designate an official of the State or spe-
22 cially qualified unit to submit reports as the Attor-
23 ney General reasonably requires, in addition to the
24 annual reports required under this part; and

1 “(4) spend the funds only for the purposes
2 under section 1801(b).

3 “(b) TITLE I PROVISIONS.—Except as otherwise pro-
4 vided, the administrative provisions of part H shall apply
5 to this part and for purposes of this section any reference
6 in such provisions to title I shall be deemed to include
7 a reference to this part.

8 **“SEC. 1808. DEFINITIONS.**

9 “For purposes of this part:

10 “(1) The term ‘unit of local government’
11 means—

12 “(A) a county, township, city, or political
13 subdivision of a county, township, or city, that
14 is a unit of local government as determined by
15 the Secretary of Commerce for general statis-
16 tical purposes; and

17 “(B) the District of Columbia and the rec-
18 ognized governing body of an Indian tribe or
19 Alaskan Native village that carries out substan-
20 tial governmental duties and powers.

21 “(2) The term ‘specially qualified unit’ means a
22 unit of local government which may receive funds
23 under this part only in accordance with section
24 1803(e).

1 “(3) The term ‘State’ means any State of the
2 United States, the District of Columbia, the Com-
3 monwealth of Puerto Rico, the Virgin Islands, Amer-
4 ican Samoa, Guam, and the Northern Mariana Is-
5 lands, except that American Samoa, Guam, and the
6 Northern Mariana Islands shall be considered as one
7 State and that, for purposes of section 1803(a), 33
8 percent of the amounts allocated shall be allocated
9 to American Samoa, 50 percent to Guam, and 17
10 percent to the Northern Mariana Islands.

11 “(4) The term ‘juvenile’ means an individual
12 who is 17 years of age or younger.

13 “(5) The term ‘law enforcement expenditures’
14 means the expenditures associated with prosecu-
15 torial, legal, and judicial services, and corrections as
16 reported to the Bureau of the Census for the fiscal
17 year preceding the fiscal year for which a determina-
18 tion is made under this part.

19 “(6) The term ‘part 1 violent crimes’ means
20 murder and nonnegligent manslaughter, forcible
21 rape, robbery, and aggravated assault as reported to
22 the Federal Bureau of Investigation for purposes of
23 the Uniform Crime Reports.

1 **“SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
3 are authorized to be appropriated to carry out this part—

4 “(1) \$500,000,000 for fiscal year 2000;

5 “(2) \$500,000,000 for fiscal year 2001; and

6 “(3) \$500,000,000 for fiscal year 2002.

7 “(b) OVERSIGHT ACCOUNTABILITY AND ADMINIS-
8 TRATION.—Not more than 3 percent of the amount au-
9 thorized to be appropriated under subsection (a), with
10 such amounts to remain available until expended, for each
11 of the fiscal years 2000 through 2002 shall be available
12 to the Attorney General for evaluation and research re-
13 garding the overall effectiveness and efficiency of the pro-
14 visions of this part, assuring compliance with the provi-
15 sions of this part, and for administrative costs to carry
16 out the purposes of this part. The Attorney General shall
17 establish and execute an oversight plan for monitoring the
18 activities of grant recipients.

19 “(c) FUNDING SOURCE.—Appropriations for activi-
20 ties authorized in this part may be made from the Violent
21 Crime Reduction Trust Fund.”.

22 (b) CLERICAL AMENDMENTS.—

23 (1) AUTHORIZATION OF APPROPRIATIONS.—

24 Section 1001(a)(16) of the Omnibus Crime Control
25 and Safe Streets Act of 1965 is amended by striking
26 subparagraph (E).

1 (2) TABLE OF CONTENTS.—The table of con-
 2 tents of title I of the Omnibus Crime Control and
 3 Safe Streets Act of 1968 is amended by striking the
 4 item relating to part R and inserting the following:

“PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

“Sec. 1801. Program authorized.
 “Sec. 1802. Grant eligibility.
 “Sec. 1803. Allocation and distribution of funds.
 “Sec. 1804. Regulations.
 “Sec. 1805. Payment requirements.
 “Sec. 1806. Utilization of private sector.
 “Sec. 1807. Administrative provisions.
 “Sec. 1808. Definitions.
 “Sec. 1809. Authorization of appropriations.”.

5 **SEC. 103. AIMEE’S LAW.**

6 (a) SHORT TITLE.—This section may be cited as
 7 “Aimee’s Law”.

8 (b) DEFINITIONS.—In this section:

9 (1) DANGEROUS SEXUAL OFFENSE.—The term
 10 “dangerous sexual offense” means sexual abuse or
 11 sexually explicit conduct committed by an individual
 12 who has attained the age of 18 years against an in-
 13 dividual who has not attained the age of 14 years.

14 (2) MURDER.—The term “murder” has the
 15 meaning given the term under applicable State law.

16 (3) RAPE.—The term “rape” has the meaning
 17 given the term under applicable State law.

18 (4) SEXUAL ABUSE.—The term “sexual abuse”
 19 has the meaning given the term under applicable
 20 State law.

1 (5) SEXUALLY EXPLICIT CONDUCT.—The term
2 “sexually explicit conduct” has the meaning given
3 the term under applicable State law.

4 (c) REIMBURSEMENT TO STATES FOR CRIMES COM-
5 MITTED BY CERTAIN RELEASED FELONS.—

6 (1) PENALTY.—

7 (A) SINGLE STATE.—In any case in which
8 a State convicts an individual of murder, rape,
9 or a dangerous sexual offense, who has a prior
10 conviction for any one of those offenses in a
11 State described in subparagraph (C), the Attor-
12 ney General shall transfer an amount equal to
13 the costs of incarceration, prosecution, and ap-
14 prehension of that individual, from Federal law
15 enforcement assistance funds that have been al-
16 located to but not distributed to the State that
17 convicted the individual of the prior offense, to
18 the State account that collects Federal law en-
19 forcement assistance funds of the State that
20 convicted that individual of the subsequent of-
21 fense.

22 (B) MULTIPLE STATES.—In any case in
23 which a State convicts an individual of murder,
24 rape, or a dangerous sexual offense, who has a
25 prior conviction for any one or more of those of-

1 fenses in more than one other State described
2 in subparagraph (C), the Attorney General shall
3 transfer an amount equal to the costs of incar-
4 ceration, prosecution, and apprehension of that
5 individual, from Federal law enforcement assist-
6 ance funds that have been allocated to but not
7 distributed to each State that convicted such in-
8 dividual of the prior offense, to the State ac-
9 count that collects Federal law enforcement as-
10 sistance funds of the State that convicted that
11 individual of the subsequent offense.

12 (C) STATE DESCRIBED.—A State is de-
13 scribed in this subparagraph if—

14 (i) the State has not adopted Federal
15 truth-in-sentencing guidelines under sec-
16 tion 20104 of the Violent Crime Control
17 and Law Enforcement Act of 1994 (42
18 U.S.C. 13704);

19 (ii) the average term of imprisonment
20 imposed by the State on individuals con-
21 victed of the offense for which the indi-
22 vidual described in subparagraph (A) or
23 (B), as applicable, was convicted by the
24 State is less than 10 percent above the av-

1 erage term of imprisonment imposed for
2 that offense in all States; or

3 (iii) with respect to the individual de-
4 scribed in subparagraph (A) or (B), as ap-
5 plicable, the individual had served less
6 than 85 percent of the term of imprison-
7 ment to which that individual was sen-
8 tenced for the prior offense.

9 (2) STATE APPLICATIONS.—In order to receive
10 an amount transferred under paragraph (1), the
11 chief executive of a State shall submit to the Attor-
12 ney General an application, in such form and con-
13 taining such information as the Attorney General
14 may reasonably require, which shall include a certifi-
15 cation that the State has convicted an individual of
16 murder, rape, or a dangerous sexual offense, who
17 has a prior conviction for one of those offenses in
18 another State.

19 (3) SOURCE OF FUNDS.—Any amount trans-
20 ferred under paragraph (1) shall be derived by re-
21 ducing the amount of Federal law enforcement as-
22 sistance funds received by the State that convicted
23 such individual of the prior offense before the dis-
24 tribution of the funds to the State. The Attorney
25 General, in consultation with the chief executive of

1 the State that convicted such individual of the prior
2 offense, shall establish a payment schedule.

3 (4) CONSTRUCTION.—Nothing in this sub-
4 section may be construed to diminish or otherwise
5 affect any court ordered restitution.

6 (5) EXCEPTION.—This subsection does not
7 apply if the individual convicted of murder, rape, or
8 a dangerous sexual offense has been released from
9 prison upon the reversal of a conviction for an of-
10 fense described in paragraph (1) and subsequently
11 been convicted for an offense described in paragraph
12 (1).

13 (d) COLLECTION OF RECIDIVISM DATA.—

14 (1) IN GENERAL.—Beginning with calendar
15 year 1999, and each calendar year thereafter, the
16 Attorney General shall collect and maintain informa-
17 tion relating to, with respect to each State—

18 (A) the number of convictions during that
19 calendar year for murder, rape, and any sex of-
20 fense in the State in which, at the time of the
21 offense, the victim had not attained the age of
22 14 years and the offender had attained the age
23 of 18 years; and

24 (B) the number of convictions described in
25 subparagraph (A) that constitute second or

1 subsequent convictions of the defendant of an
 2 offense described in that subparagraph.

3 (2) REPORT.—Not later than March 1, 2000,
 4 and on March 1 of each year thereafter, the Attor-
 5 ney General shall submit to Congress a report,
 6 which shall include—

7 (A) the information collected under para-
 8 graph (1) with respect to each State during the
 9 preceding calendar year; and

10 (B) the percentage of cases in each State
 11 in which an individual convicted of an offense
 12 described in paragraph (1)(A) was previously
 13 convicted of another such offense in another
 14 State during the preceding calendar year.

15 **SEC. 104. MANDATORY LIFE IMPRISONMENT FOR REPEAT**
 16 **SEX OFFENDERS AGAINST CHILDREN.**

17 (a) AMENDMENT OF TITLE 18, UNITED STATES
 18 CODE.—Section 3559 of title 18, United States Code, is
 19 amended by adding at the end the following new sub-
 20 section:

21 “(e) MANDATORY LIFE IMPRISONMENT FOR RE-
 22 PEATED SEX OFFENSES AGAINST CHILDREN.—

23 “(1) IN GENERAL.—A person who is convicted
 24 of a Federal sex offense in which a minor is the vic-
 25 tim shall be sentenced to life imprisonment if the

1 person has a prior sex conviction in which a minor
2 was the victim, unless the sentence of death is im-
3 posed.

4 “(2) DEFINITIONS.—For the purposes of this
5 subsection—

6 “(A) the term ‘Federal sex offense’ means
7 an offense under section 2241 (relating to ag-
8 gravated sexual abuse), 2242 (relating to sexual
9 abuse), 2243 (relating to sexual abuse of a
10 minor or ward), 2244 (relating to abusive sex-
11 ual contact), 2245 (relating to sexual abuse re-
12 sulting in death), or 2251A (relating to selling
13 or buying of children), or an offense under sec-
14 tion 2423 (relating to transportation of minors)
15 involving the transportation of, or the engage-
16 ment in a sexual act with, an individual who
17 has not attained 16 years of age;

18 “(B) the term ‘prior sex conviction’ means
19 a conviction for which the sentence was imposed
20 before the conduct occurred forming the basis
21 for the subsequent Federal sex offense, and
22 which was for either—

23 “(i) a Federal sex offense; or

24 “(ii) an offense under State law con-
25 sisting of conduct that would have been a

1 Federal sex offense if, to the extent or in
2 the manner specified in the applicable pro-
3 vision of title 18, United States Code—

4 “(I) the offense involved inter-
5 state or foreign commerce, or the use
6 of the mails; or

7 “(II) the conduct occurred in any
8 commonwealth, territory, or posses-
9 sion of the United States, within the
10 special maritime and territorial juris-
11 diction of the United States, in a Fed-
12 eral prison, on any land or building
13 owned by, leased to, or otherwise used
14 by or under the control of the Govern-
15 ment of the United States, or in the
16 Indian country as defined in section
17 1151;

18 “(C) the term ‘minor’ means any person
19 under the age of 18 years; and

20 “(D) the term ‘State’ means a State of the
21 United States, the District of Columbia, and
22 any commonwealth, territory, or possession of
23 the United States.”.

24 (b) TITLE 18 CONFORMING AND TECHNICAL AMEND-

25 MENTS.—

1 (1) SECTION 2247.—Section 2247 of title 18,
2 United States Code, is amended by inserting “, un-
3 less section 3559(e) applies” before the final period.

4 (2) SECTION 2426.—Section 2426 of title 18,
5 United States Code, is amended by inserting “, un-
6 less section 3559(e) applies” before the final period.

7 (3) TECHNICAL AMENDMENTS.—Sections
8 2252(c)(1) and 2252A(d)(1) of title 18, United
9 States Code, are each amended by striking “less
10 than three” and inserting “fewer than 3”.

11 **SEC. 105. INCREASE OF AGE RELATING TO TRANSFER OF**
12 **OBSCENE MATERIAL.**

13 Section 1470 of title 18, United States Code, is
14 amended by striking “16” each place it appears and in-
15 serting “18”.

16 **SEC. 106. CHILD HOSTAGE-TAKING TO EVADE ARREST OR**
17 **OBSTRUCT JUSTICE.**

18 (a) IN GENERAL.—Chapter 55 of title 18, United
19 States Code, is amended by adding at the end the fol-
20 lowing new section:

21 **“§ 1205. Child hostage-taking to evade arrest or ob-**
22 **struct justice**

23 “(a) IN GENERAL.—Whoever uses force or threatens
24 to use force against any officer or agency of the Federal

1 Government, and seizes or detains, or continues to detain,
2 a child in order to—

3 “(1) obstruct, resist, or oppose any officer of
4 the United States, or other person duly authorized,
5 in serving, or attempting to serve or execute, any
6 legal or judicial writ, process, or warrant of any
7 court of the United States; or

8 “(2) compel any department or agency of the
9 Federal Government to do or to abstain from doing
10 any act,

11 or attempts to do so, shall be punished in accordance with
12 subsection (b).

13 “(b) SENTENCING.—Any person who violates sub-
14 section (a)—

15 “(1) shall be imprisoned not less than 10 years
16 and not more than 25 years;

17 “(2) if injury results to the child as a result of
18 the violation, shall be imprisoned not less than 20
19 years and not more than 35 years; and

20 “(3) if death results to the child as a result of
21 the violation, shall be subject to the penalty of death
22 or be imprisoned for life.

23 “(c) DEFINITION.—For purposes of this section, the
24 term ‘child’ means an individual who has not attained the
25 age of 18 years.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 for chapter 55 of title 18, United States Code, is amended
 3 by adding at the end the following new item:

“1205. Child hostage-taking to evade arrest or obstruct justice.”.

4 **SEC. 107. PROHIBITION ON TRANSFERRING TO JUVENILE A**
 5 **FIREARM THAT THE TRANSFEROR KNOWS OR**
 6 **HAS REASON TO BELIEVE WILL BE USED IN A**
 7 **SCHOOL ZONE OR IN A SERIOUS VIOLENT**
 8 **FELONY.**

9 (a) PROHIBITION.—Section 922 of title 18, United
 10 States Code, is amended by inserting after subsection (y)
 11 the following:

12 “(z)(1) It shall be unlawful for a person to sell, de-
 13 liver, or otherwise transfer any firearm to a person who
 14 the transferor knows or has reasonable cause to believe
 15 is a juvenile, and knowing or having reasonable cause to
 16 believe that the juvenile intends to possess, discharge, or
 17 otherwise use the firearm in a school zone.

18 “(2) It shall be unlawful for a person to sell, deliver,
 19 or otherwise transfer any firearm to a person who the
 20 transferor knows or has reasonable cause to believe is a
 21 juvenile, and knowing or having reasonable cause to be-
 22 lieve that the juvenile intends to possess, discharge, or oth-
 23 erwise use the firearm in the commission of a serious vio-
 24 lent felony.

1 “(3) For purposes of this subsection, the term ‘juve-
 2 nile’ means an individual who has not attained 18 years
 3 of age.”.

4 (b) PENALTIES.—Section 924(a) of such title is
 5 amended by adding at the end the following:

6 “(7)(A) A person, other than a juvenile, who violates
 7 section 922(z)(1) shall be fined under this title, impris-
 8 oned as provided in section 924(a)(6)(B)(ii), or both.

9 “(B) A person, other than a juvenile, who violates
 10 section 922(z)(2) shall be fined under this title, impris-
 11 oned as provided in section 924(a)(6)(B)(iii), or both.”.

12 **SEC. 108. DISTRICT JUDGES FOR DISTRICTS IN THE STATES**
 13 **OF ARIZONA, FLORIDA, AND NEVADA.**

14 (a) SHORT TITLE.—This section may be cited as the
 15 “Emergency Federal Judgeship Act of 1999”.

16 (b) IN GENERAL.—The President shall appoint, by
 17 and with the advice and consent of the Senate—

18 (1) three additional district judges for the dis-
 19 trict of Arizona;

20 (2) four additional district judges for the mid-
 21 dle district of Florida; and

22 (3) two additional district judges for the district
 23 of Nevada.

24 (c) TABLES.—In order that the table contained in
 25 section 133 of title 28, United States Code, will reflect

1 the changes in the total number of permanent district
 2 judgeships authorized as a result of subsection (a) of this
 3 section—

4 (1) the item relating to Arizona in such table
 5 is amended to read as follows:

“Arizona 11”;

6 (2) the item relating to Florida in such table is
 7 amended to read as follows:

“Florida:
 Northern 4
 Middle 15
 Southern 16”;

8 and

9 (3) the item relating to Nevada in such table is
 10 amended to read as follows:

“Nevada 6”.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated such sums as may be
 13 necessary to carry out the provisions of this section, in-
 14 cluding such sums as may be necessary to provide appro-
 15 priate space and facilities for the judicial positions created
 16 by this section.

17 **SEC. 109. YOUTH CRIME GUN INTERDICTION INITIATIVE**
 18 **(YCGII).**

19 (a) IN GENERAL.—The Secretary of the Treasury
 20 shall expand—

21 (1) to 75 the number of city and county law en-
 22 forcement agencies that through the Youth Crime

1 Gun Interdiction Initiative (referred to in this sec-
2 tion as YCGII) submit identifying information relat-
3 ing to all firearms recovered during law enforcement
4 investigations, including from individuals under 25,
5 to the Secretary of the Treasury to identify the
6 types and origins of such firearms; and

7 (2) the resources devoted to law enforcement
8 investigations of illegal youth possessors and users
9 and of illegal firearms traffickers identified through
10 YCGII, including through the hiring of additional
11 agents, inspectors, intelligence analysts, and support
12 personnel.

13 (b) SELECTION OF PARTICIPANTS.—The Secretary of
14 the Treasury, in consultation with Federal, State, and
15 local law enforcement officials, shall select cities and coun-
16 ties for participation in the program under this section.

17 (c) ESTABLISHMENT OF SYSTEM.—The Secretary of
18 the Treasury shall establish a system through which State
19 and local law enforcement agencies, through online com-
20 puter technology, can promptly provide firearms-related
21 information to the Secretary of the Treasury and access
22 information derived through YCGII as soon as such capa-
23 bility is available. Not later than 6 months after the date
24 of the enactment of this Act, the Secretary shall submit
25 to the Chairman and ranking Member of the Committees

1 on Appropriations of the House of Representatives and the
2 Senate, a report explaining the capacity to provide such
3 online access and the future technical and, if necessary,
4 legal changes required to make such capability available,
5 including cost estimates.

6 (d) REPORT.—Not later than 1 year after the date
7 of the enactment of this section, and annually thereafter,
8 the Secretary of the Treasury shall submit to the Chair-
9 man and ranking Member of the Committees on Appro-
10 priations of the House of Representatives and the Senate
11 a report regarding the types and sources of firearms recov-
12 ered from individuals, including those under the age of
13 25; regional, State, and national firearms trafficking
14 trends; and the number of investigations and arrests re-
15 sulting from YCGII.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Department of
18 the Treasury to carry out this section \$50,000,000 for fis-
19 cal year 2000 and such sums as may be necessary for fis-
20 cal years 2001 through 2004.

21 **SEC. 110. LIMITATION ON PRISONER RELEASE ORDERS.**

22 (a) IN GENERAL.—Chapter 99 of title 28, United
23 States Code, is amended by adding at the end the fol-
24 lowing new section:

1 **“§ 1632. Limitation on prisoner release orders**

2 “(a) LIMITATION.—Notwithstanding section
3 3626(a)(3) of title 18 or any other provision of law, in
4 a civil action with respect to prison conditions, no court
5 of the United States or other court listed in section 610
6 shall have jurisdiction to enter or carry out any prisoner
7 release order that would result in the release from or non-
8 admission to a prison, on the basis of prison conditions,
9 of any person subject to incarceration, detention, or ad-
10 mission to a facility because of a conviction of a felony
11 under the laws of the relevant jurisdiction, or a violation
12 of the terms or conditions of parole, probation, pretrial
13 release, or a diversionary program, relating to the commis-
14 sion of a felony under the laws of the relevant jurisdiction.

15 “(b) DEFINITIONS.—As used in this section—

16 “(1) the terms ‘civil action with respect to pris-
17 on conditions’, ‘prisoner’, ‘prisoner release order’,
18 and ‘prison’ have the meanings given those terms in
19 section 3626(g) of title 18; and

20 “(2) the term ‘prison conditions’ means condi-
21 tions of confinement or the effects of actions by gov-
22 ernment officials on the lives of persons confined in
23 prison.

1 (b) CONFORMING AMENDMENT.—The table of sec-
2 tions for chapter 99 of title 28, United States Code, is
3 amended by adding at the end the following new item:

“1632. Limitation on prisoner release orders.”.

4 (c) CONSENT DECREES.—

5 (1) TERMINATION OF EXISTING CONSENT DE-
6 CREES.—Any consent decree that was entered into
7 before the date of the enactment of the Prison Liti-
8 gation Reform Act of 1995, that is in effect on the
9 day before the date of the enactment of this Act,
10 and that provides for remedies relating to prison
11 conditions shall cease to be effective on the date of
12 the enactment of this Act.

13 (2) DEFINITIONS.—As used in this
14 subsection—

15 (A) the term “consent decree” has the
16 meaning given that term in section 3626(g) of
17 title 18, United States Code; and

18 (B) the term “prison conditions” has the
19 meaning given that term in section 1632(c) of
20 title 28, United States Code, as added by sub-
21 section (a) of this section.

22 **SEC. 111. FINDINGS.**

23 The Congress finds that—

1 (1) more than 40,000 laws regulating the sale,
2 possession, and use of firearms currently exist at the
3 Federal, State, and local level;

4 (2) there have been an extremely low number of
5 prosecutions for Federal firearms violations;

6 (3) programs such a Project Exile have suc-
7 ceeded in dramatically decreasing homicide and gun-
8 related crimes; and

9 (4) enhanced punishment and aggressive pros-
10 ecution for crimes committed with firearms, or pos-
11 sessing a firearm during commission of a crime, are
12 common sense solutions to deter gun violence.

13 **SEC. 112. CONSTITUTIONALITY OF MEMORIAL SERVICES**
14 **AND MEMORIALS AT PUBLIC SCHOOLS.**

15 (a) FINDINGS.—The Congress of the United States
16 finds that the saying of a prayer, the reading of a scrip-
17 ture, or the performance of religious music, as part of a
18 memorial service that is held on the campus of a public
19 school in order to honor the memory of any person slain
20 on that campus does not violate the First Amendment to
21 the Constitution of the United States, and that the design
22 and construction of any memorial which includes religious
23 symbols, motifs, or sayings that is placed on the campus
24 of a public school in order to honor the memory of any

1 person slain on that campus does not violate the First
2 Amendment to the Constitution of the United States.

3 (b) LAWSUITS.—In any lawsuit claiming that the
4 type of memorial or memorial service described in sub-
5 section (a) violates the Constitution of the United
6 States—

7 (1) each party shall pay its own attorney’s fee
8 and costs, notwithstanding any other provision of
9 law; and

10 (2) the Attorney General is authorized to pro-
11 vide legal assistance to the school district or other
12 government entity that is defending the legality of
13 such memorial service.

14 **SEC. 113. SENSE OF THE CONGRESS WITH REGARD TO VIO-**
15 **LENCE AND THE ENTERTAINMENT INDUS-**
16 **TRY.**

17 (a) FINDINGS.—Congress makes the following find-
18 ings:

19 (1) Incidents of tragic school violence have risen
20 over the past few years.

21 (2) Our children are being desensitized by the
22 increase of gun violence shown on television, movies,
23 and video games.

24 (3) According to the American Medical Associa-
25 tion, by the time an average child reaches age 18,

1 he or she has witnessed more than 200,000 acts of
2 violence on television, including 16,000 murders.

3 (4) Children who listen to explicit music lyrics,
4 play video “killing” games, or go to violent action
5 movies get further brainwashed into thinking that
6 violence is socially acceptable and without con-
7 sequence.

8 (5) No industry does more to glorify gun vio-
9 lence than some elements of the motion picture in-
10 dustry.

11 (6) Children are particularly susceptible to the
12 influence of violent subject matter.

13 (7) The entertainment industry uses wanton vi-
14 olence in its advertising campaigns directed at young
15 people.

16 (8) Alternatives should be developed and con-
17 sidered to discourage the exposure of children to vio-
18 lent subject matter.

19 (b) SENSE OF THE CONGRESS.—It is the sense of
20 the Congress that the entertainment industry—

21 (1) has been irresponsible in the development of
22 its products and the marketing of those products to
23 America’s youth;

24 (2) must recognize the power and influence it
25 has over the behavior of our Nation’s youth; and

1 (3) must do everything in its power to stop
2 these portrayals of pointless acts of brutality by im-
3 mediately eliminating gratuitous violence in movies,
4 television, music, and video games.

5 **SEC. 114. RELIGIOUS NONDISCRIMINATION.**

6 The Juvenile Justice and Delinquency Prevention Act
7 of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting
8 before title III the following:

9 “RELIGIOUS NONDISCRIMINATION

10 “SEC. 299J. (a) A governmental entity that receives
11 a grant under this title and that is authorized by this title
12 to carry out the purpose for which such grant is made
13 through contracts with, or grants to, nongovernmental en-
14 tities may use such grant to carry out such purpose
15 through contracts with or grants to religious organiza-
16 tions.

17 “(b) For purposes of subsection (a), subsections (b)
18 through (k) of section 104 of the Personal Responsibility
19 and Work Opportunity Reconciliation Act of 1996 (42
20 U.S.C. 604a) shall apply with respect to the use of a grant
21 received by such entity under this title in the same manner
22 as such subsections apply to States with respect to a pro-
23 gram described in section 104(a)(2)(A) of such Act.”.

1 **SEC. 115. STUDY OF MARKETING PRACTICES OF THE FIRE-**
2 **ARMS INDUSTRY.**

3 (a) IN GENERAL.—The Federal Trade Commission
4 and the Attorney General shall jointly conduct a study of
5 the marketing practices of the firearms industry with re-
6 spect to children.

7 (b) ISSUES EXAMINED.—In conducting the study
8 under subsection (a), the Commission and the Attorney
9 General shall examine the extent to which the firearms
10 industry advertises and promotes its products to minors,
11 including in media outlets in which minors comprise a sub-
12 stantial percentage of the audience.

13 (c) REPORT.—Not later than 1 year after the date
14 of the enactment of this Act, the Commission and the At-
15 torney General shall submit to Congress a report on the
16 study conducted under subsection (a).

17 **SEC. 116. SURGEON GENERAL REVIEW OF EFFECT ON JU-**
18 **VENILES OF VIOLENCE IN MEDIA.**

19 (a) FINDINGS.—The Congress finds the following:

20 (1) the tragic killings at a high school in Colo-
21 rado remind us that violence in America continues to
22 occur at unacceptable levels for a civilized society;

23 (2) the relationship of violent messages deliv-
24 ered through such popular media as television, radio,
25 film, recordings, video games, advertising, the Inter-
26 net, and other outlets of mass culture, to self-de-

1 structive or violent behavior by children or young
2 adults towards themselves, such as suicide, or to vio-
3 lence directed at others, has been studied intensely
4 both by segments of the media industry itself and by
5 academic institutions;

6 (3) the same media used to deliver messages
7 which harm our children can also be used to deliver
8 messages which promote positive behavior;

9 (4) much of this research has occurred in the
10 17 years since the last major review and report of
11 the literature was assembled by the National Insti-
12 tute on Mental Health published in 1982;

13 (5) the Surgeon General of the United States
14 last issued a comprehensive report on violence and
15 the media in 1972; and

16 (6) the number, pervasiveness, and sophistica-
17 tion of technological avenues for delivering messages
18 through the media to young people has expanded
19 rapidly since these two reports.

20 (b) COMPREHENSIVE REVIEW REQUIRED.—The Sur-
21 geon General, in cooperation with the National Institute
22 of Mental Health, and such other sources of expertise as
23 the Surgeon General deems appropriate, shall undertake
24 a comprehensive review of published research, analysis,
25 studies, and other sources of reliable information con-

cerning the impact on the health and welfare of children
and young adults of violent messages delivered through
such popular media as television, radio, recordings, video
games, advertising, the Internet, and other outlets of mass
culture.

(c) REPORT.—The Surgeon General shall issue a report based on the review required by subsection (b). Such report shall include, but not be limited to, findings and recommendations concerning what can be done to mitigate any harmful affects on children and young adults from the violent messages described in such subsection, and the identification of gaps in the research that should be filled.

(d) DEADLINES.—The review required by subsection (b) shall be completed in no more than 1 year, and the report required by subsection (c) shall be issued no later than 6 months following completion of the review.

SEC. 117. AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(1) in subparagraph (N) by striking “and” at the end;

(2) in subparagraph (O) by striking the period at the end and inserting “; and”; and

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

2 “(P) programs that provide for improved
3 security at schools and on school grounds, in-
4 cluding the placement and use of metal detec-
5 tors and other deterrent measures; and

6 “(Q)(i) one-on-one mentoring programs
7 that are designed to link at-risk juveniles and
8 juvenile offenders, particularly juveniles resid-
9 ing in high-crime areas and juveniles experi-
10 encing educational failure, with responsible
11 adults (such as law enforcement officers, adults
12 working with local businesses, and adults work-
13 ing with community-based organizations and
14 agencies) who are properly screened and
15 trained; or

16 “(ii) programs to promote or develop part-
17 nerships with established mentoring programs,
18 including programs operated by nonprofit,
19 faith-based, business, or community organiza-
20 tions to provide positive adult role models and
21 meaningful activities for juveniles offenders, in-
22 cluding violent juvenile offenders.”.

1 **SEC. 118. AMENDMENTS TO THE INDIVIDUALS WITH DIS-**
2 **ABILITIES EDUCATION ACT.**

3 (a) PLACEMENT IN ALTERNATIVE EDUCATIONAL
4 SETTING.—Section 615(k) of the Individuals with Disabil-
5 ities Education Act (20 U.S.C. 1415(k)) is amended—

6 (1) by redesignating paragraph (10) as para-
7 graph (11); and

8 (2) by inserting after paragraph (9) the fol-
9 lowing:

10 “(10) DISCIPLINE WITH REGARD TO WEAP-
11 ONS.—

12 “(A) AUTHORITY OF SCHOOL PER-
13 SONNEL.—Notwithstanding any other provision
14 of this Act, school personnel may discipline (in-
15 cluding expel or suspend) a child with a dis-
16 ability who carries or possesses a weapon to or
17 at a school, on school premises, or to or at a
18 school function, under the jurisdiction of a
19 State or a local educational agency, in the same
20 manner in which such personnel may discipline
21 a child without a disability. Such personnel may
22 modify the disciplinary action on a case-by-case
23 basis.

24 “(B) RULE OF CONSTRUCTION.—Nothing
25 in subparagraph (A) shall be construed to pre-
26 vent a child with a disability who is disciplined

1 pursuant to the authority provided under sub-
2 paragraph (A) from asserting a defense that
3 the carrying or possession of the weapon was
4 unintentional or innocent.

5 “(C) FREE APPROPRIATE PUBLIC EDU-
6 CATION.—

7 “(i) CEASING TO PROVIDE EDU-
8 CATION.—Notwithstanding section
9 612(a)(1)(A), a child expelled or suspended
10 under subparagraph (A) shall not be enti-
11 tled to continue educational services, in-
12 cluding a free appropriate public edu-
13 cation, under this title, during the term of
14 such expulsion or suspension, if the State
15 in which the local educational agency re-
16 sponsible for providing educational services
17 to such child does not require a child with-
18 out a disability to receive educational serv-
19 ices after being expelled or suspended.

20 “(ii) PROVIDING EDUCATION.—Not-
21 withstanding clause (i), the local edu-
22 cational agency responsible for providing
23 educational services to a child with a dis-
24 ability who is expelled or suspended under
25 subparagraph (A) may choose to continue

1 to provide educational services to such
2 child. If the local educational agency so
3 chooses to continue to provide the
4 services—

5 “(I) nothing in this title shall re-
6 quire the local educational agency to
7 provide such child with a free appro-
8 priate public education, or any par-
9 ticular level of service; and

10 “(II) the location where the local
11 educational agency provides the serv-
12 ices shall be left to the discretion of
13 the local educational agency.

14 “(D) RELATIONSHIP TO OTHER REQUIRE-
15 MENTS.—

16 “(i) PLAN REQUIREMENTS.—No agen-
17 cy shall be considered to be in violation of
18 section 612 or 613 because the agency has
19 provided discipline, services, or assistance
20 in accordance with this paragraph.

21 “(ii) PROCEDURE.—Actions taken
22 pursuant to this paragraph shall not be
23 subject to the provisions of this section,
24 other than this paragraph.”.

1 (b) CONFORMING AMENDMENTS.—(1) Section
2 615(f)(1) of the Individuals with Disabilities Education
3 Act (20 U.S.C. 1415(f)(1)) is amended by striking
4 “Whenever” and inserting the following: “Except as pro-
5 vided in section 615(k)(10), whenever”.

6 (2) Section 615(k)(1)(A)(ii) of the Individuals with
7 Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii))
8 is amended by striking “but for not more than 45 days
9 if—” and all that follows through “(II) the child know-
10 ingly possesses or uses illegal drugs” and inserting “but
11 for not more than 45 days if the child knowingly possesses
12 or uses illegal drugs”.

13 **SEC. 119. EVALUATION BY GENERAL ACCOUNTING OFFICE.**

14 (a) EVALUATION.—Not later than October 1, 2002,
15 the Comptroller General of the United States shall con-
16 duct a comprehensive analysis and evaluation regarding
17 the performance of the Office of Juvenile Justice Delin-
18 quency and Prevention, its functions, its programs, and
19 its grants under specified criteria, and shall submit the
20 report required by subsection (b). In conducting the anal-
21 ysis and evaluation, the Comptroller General shall take
22 into consideration the following factors to document the
23 efficiency and public benefit of the Juvenile Justice and
24 Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et
25 seq.), excluding the Runaway and Homeless Youth Act

1 (42 U.S.C. 5701 et seq.) and the Missing Children's As-
2 sistance Act (42 U.S.C. 5771 et seq.):

3 (1) The outcome and results of the programs
4 carried out by the Office of Juvenile Justice and De-
5 linquency Prevention and those administered
6 through grants by Office of Juvenile Justice and De-
7 linquency Prevention.

8 (2) The extent to which the agency has com-
9 plied with the provisions contained in the Govern-
10 ment Performance and Results Act of 1993 (Public
11 Law 103-62; 107 Stat. 285).

12 (3) The extent to which the jurisdiction of, and
13 the programs administered by, the agency duplicate
14 or conflict with the jurisdiction and programs of
15 other agencies.

16 (4) The potential benefits of consolidating pro-
17 grams administered by the agency with similar or
18 duplicative programs of other agencies, and the po-
19 tential for consolidating such programs.

20 (5) Whether the agency has acted outside the
21 scope of its original authority, and whether the origi-
22 nal objectives of the agency have been achieved.

23 (6) Whether less restrictive or alternative meth-
24 ods exists to carry out the functions of the agency.
25 Whether present functions or operations are im-

1 peded or enhanced by existing, statutes, rules, and
2 procedures.

3 (7) The number and types of beneficiaries or
4 persons served by programs carried out under the
5 Act.

6 (8) The extent to which any trends or emerging
7 conditions that are likely to affect the future nature
8 and the extent of the problems or needs the pro-
9 grams carried out by the Act are intended to ad-
10 dress.

11 (9) The manner with which the agency seeks
12 public input and input from State and local govern-
13 ments on the performance of the functions of the
14 agency.

15 (10) Whether the agency has worked to enact
16 changes in the law intended to benefit the public as
17 a whole rather than the specific businesses, institu-
18 tions, or individuals the agency regulates or funds.

19 (11) The extent to which the agency grants
20 have encouraged participation by the public as a
21 whole in making its rules and decisions rather than
22 encouraging participation solely by those it regu-
23 lates.

1 (12) The extent to which the agency complies
2 with section 552 of title 5, United States Code (com-
3 monly known as the “Freedom of Information Act”).

4 (13) The impact of any regulatory, privacy, and
5 paperwork concerns resulting from the programs
6 carried out by the agency.

7 (14) The extent to which the agency has coordi-
8 nated with state and local governments in per-
9 forming the functions of the agency.

10 (15) Whether greater oversight is needed of
11 programs developed with grants made by the Office
12 of Juvenile Justice and Delinquency Prevention.

13 (16) The extent to which changes are necessary
14 in the authorizing statutes of the agency in order
15 that the functions of the agency can be performed
16 in a more efficient and effective manner.

17 (b) REPORT.—The report required by subsection (a)
18 shall—

19 (1) include recommendations for legislative
20 changes, as appropriate, based on the evaluation
21 conducted under subsection (a), to be made to the
22 Juvenile Justice and Delinquency Prevention Act of
23 1974 (42 U.S.C. 5601 et seq.), excluding the Run-
24 away and Homeless Youth Act (42 U.S.C. 5701 et

1 seq.) and the Missing Children’s Assistance Act (42
2 U.S.C. 5771 et seq.); and

3 (2) shall be submitted, together with supporting
4 materials, to the Speaker of the House of Represent-
5 atives and the President pro tempore of the Senate,
6 and made available to the public, not later than Oc-
7 tober 1, 2003.

8 **SEC. 120. CONTINGENT WIND-DOWN AND REPEAL OF JUVE-**
9 **NILE JUSTICE AND DELINQUENCY PREVEN-**
10 **TION ACT OF 1974.**

11 If funds are not authorized before October 1, 2004,
12 to be appropriated to carry out title II of the Juvenile
13 Justice and Delinquency Prevention Act of 1974 (42
14 U.S.C. 5611–5676) for fiscal year 2005, then—

15 (1) effective October 1, 2004—

16 (A) sections 205, 206, and 299; and

17 (B) parts B, C, D, E, F, G, H, and I,

18 of the Juvenile Justice and Delinquency Prevention
19 Act of 1974 are repealed; and

20 (2) effective October 1, 2005—

21 (A) the first section; and

22 (B) titles I and II,

23 of the Juvenile Justice and Delinquency Prevention
24 Act of 1974 are repealed.

1 **TITLE II—JUVENILE JUSTICE**
2 **REFORM**

3 **SEC. 201. DELINQUENCY PROCEEDINGS OR CRIMINAL**
4 **PROSECUTIONS IN DISTRICT COURTS.**

5 Section 5032 of title 18, United States Code, is
6 amended to read as follows:

7 **“§ 5032. Delinquency proceedings or criminal pros-**
8 **ecutions in district courts**

9 “(a)(1) A juvenile alleged to have committed an of-
10 fense against the United States or an act of juvenile delin-
11 quency may be surrendered to State or Indian tribal au-
12 thorities, but if not so surrendered, shall be proceeded
13 against as a juvenile under this subsection or tried as an
14 adult in the circumstances described in subsections (b)
15 and (c).

16 “(2) A juvenile may be proceeded against as a juve-
17 nile in a court of the United States under this subsection
18 if—

19 “(A) the alleged offense or act of juvenile delin-
20 quency is committed within the special maritime and
21 territorial jurisdiction of the United States and is
22 one for which the maximum authorized term of im-
23 prisonment does not exceed 6 months; or

1 “(B) the Attorney General, after investigation,
2 certifies to the appropriate United States district
3 court that—

4 “(i) the juvenile court or other appropriate
5 court of a State or Indian tribe does not have
6 jurisdiction or declines to assume jurisdiction
7 over the juvenile with respect to the alleged act
8 of juvenile delinquency; or

9 “(ii) there is a substantial Federal interest
10 in the case or the offense to warrant the exer-
11 cise of Federal jurisdiction.

12 “(3) If the Attorney General does not so certify or
13 does not have authority to try such juvenile as an adult,
14 such juvenile shall be surrendered to the appropriate legal
15 authorities of such State or tribe.

16 “(4) If a juvenile alleged to have committed an act
17 of juvenile delinquency is proceeded against as a juvenile
18 under this section, any proceedings against the juvenile
19 shall be in an appropriate district court of the United
20 States. For such purposes, the court may be convened at
21 any time and place within the district, and shall be open
22 to the public, except that the court may exclude all or
23 some members of the public, other than a victim unless
24 the victim is a witness in the determination of guilt or
25 innocence, if required by the interests of justice or if other

1 good cause is shown. The Attorney General shall proceed
2 by information or as authorized by section 3401(g) of this
3 title, and no criminal prosecution shall be instituted except
4 as provided in this chapter.

5 “(b)(1) Except as provided in paragraph (2), a juve-
6 nile shall be prosecuted as an adult—

7 “(A) if the juvenile has requested in writing
8 upon advice of counsel to be prosecuted as an adult;
9 or

10 “(B) if the juvenile is alleged to have committed
11 an act after the juvenile attains the age of 14 years
12 which if committed by an adult would be a serious
13 violent felony or a serious drug offense described in
14 section 3559(c) of this title, or a conspiracy or at-
15 tempt to commit that felony or offense, which is
16 punishable under section 406 of the Controlled Sub-
17 stances Act (21 U.S.C. 846), or section 1013 of the
18 Controlled Substances Import and Export Act (21
19 U.S.C. 963).

20 “(2) The requirements of paragraph (1) do not apply
21 if the Attorney General certifies to the appropriate United
22 States district court that the interests of public safety are
23 best served by proceeding against the juvenile as a juve-
24 nile.

1 “(c)(1) A juvenile may also be prosecuted as an adult
2 if the juvenile is alleged to have committed an act after
3 the juvenile has attained the age of 13 years which if com-
4 mitted by a juvenile after the juvenile attained the age
5 of 14 years would require that the juvenile be prosecuted
6 as an adult under subsection (b), upon approval of the
7 Attorney General.

8 “(2) The Attorney General shall not delegate the au-
9 thority to give the approval required under paragraph (1)
10 to an officer or employee of the Department of Justice
11 at a level lower than a Deputy Assistant Attorney General.

12 “(3) Such approval shall not be granted, with respect
13 to a juvenile who has not attained the age of 14 and who
14 is subject to the criminal jurisdiction of an Indian tribal
15 government and who is alleged to have committed an act
16 over which, if committed by an adult, there would be Fed-
17 eral jurisdiction based solely on its commission in Indian
18 country (as defined in section 1151), unless the governing
19 body of the tribe having jurisdiction over the place in
20 which the alleged act was committed has before such act
21 notified the Attorney General in writing of its election that
22 prosecution may take place under this subsection.

23 “(4) A juvenile may also be prosecuted as an adult
24 if the juvenile is alleged to have committed an act which
25 is not described in subsection (b)(1)(B) after the juvenile

1 has attained the age of 14 years and which if committed
2 by an adult would be—

3 “(A) a crime of violence (as defined in sec-
4 tion 3156(a)(4)) that is a felony;

5 “(B) an offense described in section
6 844(d), (k), or (l), or subsection (a)(4) or (6),
7 (b), (g), (h), (j), (k), or (l) of section 924;

8 “(C) a violation of section 922(o) that is
9 an offense under section 924(a)(2);

10 “(D) a violation of section 5861 of the In-
11 ternal Revenue Code of 1986 that is an offense
12 under section 5871 of such Code (26 U.S.C.
13 5871);

14 “(E) a conspiracy to commit an offense de-
15 scribed in any of subparagraphs (A) through
16 (D); or

17 “(F) an offense described in section 401 or
18 408 of the Controlled Substances Act (21
19 U.S.C. 841, 848) or a conspiracy or attempt to
20 commit that offense which is punishable under
21 section 406 of the Controlled Substances Act
22 (21 U.S.C. 846), or an offense punishable
23 under section 409 or 419 of the Controlled Sub-
24 stances Act (21 U.S.C. 849, 860), or an offense
25 described in section 1002, 1003, 1005, or 1009

1 of the Controlled Substances Import and Ex-
2 port Act (21 U.S.C. 952, 953, 955, or 959), or
3 a conspiracy or attempt to commit that offense
4 which is punishable under section 1013 of the
5 Controlled Substances Import and Export Act
6 (21 U.S.C. 963).

7 “(d) A determination to approve or not to approve,
8 or to institute or not to institute, a prosecution under sub-
9 section (b) or (c), and a determination to file or not to
10 file, and the contents of, a certification under subsection
11 (a) or (b) shall not be reviewable in any court.

12 “(e) In a prosecution under subsection (b) or (c), the
13 juvenile may be prosecuted and convicted as an adult for
14 any other offense which is properly joined under the Fed-
15 eral Rules of Criminal Procedure, and may also be con-
16 victed of a lesser included offense.

17 “(f) The Attorney General shall annually report to
18 Congress—

19 “(1) the number of juveniles adjudicated delin-
20 quent or tried as adults in Federal court;

21 “(2) the race, ethnicity, and gender of those ju-
22 veniles;

23 “(3) the number of those juveniles who were
24 abused or neglected by their families, to the extent
25 such information is available; and

1 “(4) the number and types of assault crimes,
2 such as rapes and beatings, committed against juve-
3 niles while incarcerated in connection with the adju-
4 dication or conviction.

5 “(g) As used in this section—

6 “(1) the term ‘State’ includes a State of the
7 United States, the District of Columbia, any com-
8 monwealth, territory, or possession of the United
9 States and, with regard to an act of juvenile delin-
10 quency that would have been a misdemeanor if com-
11 mitted by an adult, a federally recognized tribe; and

12 “(2) the term ‘serious violent felony’ has the
13 same meaning given that term in section
14 3559(c)(2)(F)(i).”.

15 **SEC. 202. CUSTODY PRIOR TO APPEARANCE BEFORE JUDI-**
16 **CIAL OFFICER.**

17 Section 5033 of title 18, United States Code, is
18 amended to read as follows:

19 **“§ 5033. Custody prior to appearance before judicial**
20 **officer**

21 “(a) Whenever a juvenile is taken into custody, the
22 arresting officer shall immediately advise such juvenile of
23 the juvenile’s rights, in language comprehensible to a juve-
24 nile. The arresting officer shall promptly take reasonable
25 steps to notify the juvenile’s parents, guardian, or custo-

1 dian of such custody, of the rights of the juvenile, and
 2 of the nature of the alleged offense.

3 “(b) The juvenile shall be taken before a judicial offi-
 4 cer without unreasonable delay.”.

5 **SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS TO**
 6 **SECTION 5034.**

7 Section 5034 of title 18, United States Code, is
 8 amended—

9 (1) by striking “The” each place it appears at
 10 the beginning of a paragraph and inserting “the”;

11 (2) by striking “If” at the beginning of the
 12 third paragraph and inserting “if”;

13 (3)(A) by designating the three paragraphs as
 14 paragraphs (1), (2), and (3), respectively; and

15 (B) by moving such designated paragraphs 2
 16 ems to the right; and

17 (4) by inserting at the beginning of such section
 18 before those paragraphs the following:

19 “In a proceeding under section 5032(a)—”.

20 **SEC. 204. DETENTION PRIOR TO DISPOSITION OR SEN-**
 21 **TENCING.**

22 Section 5035 of title 18, United States Code, is
 23 amended to read as follows:

1 **“§ 5035. Detention prior to disposition or sentencing**

2 “(a) A juvenile alleged to be delinquent or a juvenile
3 being prosecuted as an adult, if detained at any time prior
4 to sentencing, shall be detained in such suitable place as
5 the Attorney General may designate. Whenever appro-
6 priate, detention shall be in a foster home or community
7 based facility. Preference shall be given to a place located
8 within, or within a reasonable distance of, the district in
9 which the juvenile is being prosecuted.

10 “(b) To the maximum extent feasible, a juvenile pros-
11 ecuted pursuant to subsection (b) or (c) of section 5032
12 shall not be detained prior to sentencing in any facility
13 in which the juvenile has regular contact with adult per-
14 sons convicted of a crime or awaiting trial on criminal
15 charges.

16 “(c) A juvenile who is proceeded against under sec-
17 tion 5032(a) shall not be detained prior to disposition in
18 any facility in which the juvenile has regular contact with
19 adult persons convicted of a crime or awaiting trial on
20 criminal charges.

21 “(d) Every juvenile who is detained prior to disposi-
22 tion or sentencing shall be provided with reasonable safety
23 and security and with adequate food, heat, light, sanitary
24 facilities, bedding, clothing, recreation, education, and
25 medical care, including necessary psychiatric, psycho-
26 logical, or other care and treatment.”.

1 **SEC. 205. SPEEDY TRIAL.**

2 Section 5036 of title 18, United States Code, is
3 amended by—

4 (1) striking “If an alleged delinquent” and in-
5 serting “If a juvenile proceeded against under sec-
6 tion 5032(a)”;

7 (2) striking “thirty” and inserting “45”; and

8 (3) striking “the court,” and all that follows
9 through the end of the section and inserting “the
10 court. The periods of exclusion under section
11 3161(h) of this title shall apply to this section.”.

12 **SEC. 206. DISPOSITION; AVAILABILITY OF INCREASED DE-**
13 **TENTION, FINES AND SUPERVISED RELEASE**
14 **FOR JUVENILE OFFENDERS.**

15 (a) DISPOSITION.—Section 5037 of title 18, United
16 States Code, is amended to read as follows:

17 **“§ 5037. Disposition**

18 “(a) In a proceeding under section 5032(a), if the
19 court finds a juvenile to be a juvenile delinquent, the court
20 shall hold a hearing concerning the appropriate disposition
21 of the juvenile no later than 40 court days after the find-
22 ing of juvenile delinquency, unless the court has ordered
23 further study pursuant to subsection (e). A predisposition
24 report shall be prepared by the probation officer who shall
25 promptly provide a copy to the juvenile, the juvenile’s
26 counsel, and the attorney for the Government. Victim im-

1 pact information shall be included in the report, and vic-
2 tims, or in appropriate cases their official representatives,
3 shall be provided the opportunity to make a statement to
4 the court in person or present any information in relation
5 to the disposition. After the dispositional hearing, and
6 after considering the sanctions recommended pursuant to
7 subsection (f), the court shall impose an appropriate sanc-
8 tion, including the ordering of restitution pursuant to sec-
9 tion 3556 of this title. The court may order the juvenile's
10 parent, guardian, or custodian to be present at the
11 dispositional hearing and the imposition of sanctions and
12 may issue orders directed to such parent, guardian, custo-
13 dian regarding conduct with respect to the juvenile. With
14 respect to release or detention pending an appeal or a peti-
15 tion for a writ of certiorari after disposition, the court
16 shall proceed pursuant to chapter 207.

17 “(b) The term for which probation may be ordered
18 for a juvenile found to be a juvenile delinquent may not
19 extend beyond the maximum term that would be author-
20 ized by section 3561(c) if the juvenile had been tried and
21 convicted as an adult. Sections 3563, 3564, and 3565 are
22 applicable to an order placing a juvenile on probation.

23 “(c) The term for which official detention may be or-
24 dered for a juvenile found to be a juvenile delinquent may
25 not extend beyond the lesser of—

1 “(1) the maximum term of imprisonment that
2 would be authorized if the juvenile had been tried
3 and convicted as an adult;

4 “(2) ten years; or

5 “(3) the date when the juvenile becomes twen-
6 ty-six years old.

7 Section 3624 is applicable to an order placing a juvenile
8 in detention.

9 “(d) The term for which supervised release may be
10 ordered for a juvenile found to be a juvenile delinquent
11 may not extend beyond 5 years. Subsections (c) through
12 (i) of section 3583 apply to an order placing a juvenile
13 on supervised release.

14 “(e) If the court desires more detailed information
15 concerning a juvenile alleged to have committed an act of
16 juvenile delinquency or a juvenile adjudicated delinquent,
17 it may commit the juvenile, after notice and hearing at
18 which the juvenile is represented by counsel, to the custody
19 of the Attorney General for observation and study by an
20 appropriate agency or entity. Such observation and study
21 shall be conducted on an outpatient basis, unless the court
22 determines that inpatient observation and study are nec-
23 essary to obtain the desired information. In the case of
24 an alleged juvenile delinquent, inpatient study may be or-
25 dered only with the consent of the juvenile and the juve-

1 nile’s attorney. The agency or entity shall make a study
2 of all matters relevant to the alleged or adjudicated delin-
3 quent behavior and the court’s inquiry. The Attorney Gen-
4 eral shall submit to the court and the attorneys for the
5 juvenile and the Government the results of the study with-
6 in 30 days after the commitment of the juvenile, unless
7 the court grants additional time. Time spent in custody
8 under this subsection shall be excluded for purposes of sec-
9 tion 5036.

10 “(f)(1) The United States Sentencing Commission, in
11 consultation with the Attorney General, shall develop a list
12 of possible sanctions for juveniles adjudicated delinquent.

13 “(2) Such list shall—

14 “(A) be comprehensive in nature and encom-
15 pass punishments of varying levels of severity;

16 “(B) include terms of confinement; and

17 “(C) provide punishments that escalate in se-
18 verity with each additional or subsequent more seri-
19 ous delinquent conduct.”.

20 (b) EFFECTIVE DATE.—The Sentencing Commission
21 shall develop the list required pursuant to section 5037(f),
22 as amended by subsection (a), not later than 180 days
23 after the date of the enactment of this Act.

24 (c) CONFORMING AMENDMENT TO ADULT SEN-
25 TENCING SECTION.—Section 3553 of title 18, United

1 States Code, is amended by adding at the end the fol-
2 lowing:

3 “(g) LIMITATION ON APPLICABILITY OF STATUTORY
4 MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS
5 UNDER THE AGE OF 16.—Notwithstanding any other pro-
6 vision of law, in the case of a defendant convicted for con-
7 duct that occurred before the juvenile attained the age of
8 16 years, the court shall impose a sentence without regard
9 to any statutory minimum sentence, if the court finds at
10 sentencing, after affording the Government an opportunity
11 to make a recommendation, that the juvenile has not been
12 previously adjudicated delinquent for or convicted of an
13 offense described in section 5032(b)(1)(B).”.

14 **SEC. 207. JUVENILE RECORDS AND FINGERPRINTING.**

15 Section 5038 of title 18, United States Code, is
16 amended to read as follows:

17 **“§ 5038. Juvenile records and fingerprinting**

18 “(a)(1) Throughout and upon the completion of the
19 juvenile delinquency proceeding under section 5032(a), the
20 court shall keep a record relating to the arrest and adju-
21 dication that is—

22 “(A) equivalent to the record that would be
23 kept of an adult arrest and conviction for such an
24 offense; and

1 “(B) retained for a period of time that is equal
2 to the period of time records are kept for adult con-
3 victions.

4 “(2) Such records shall be made available for official
5 purposes, including communications with any victim or, in
6 the case of a deceased victim, such victim’s representative,
7 or school officials, and to the public to the same extent
8 as court records regarding the criminal prosecutions of
9 adults are available.

10 “(b) The Attorney General shall establish guidelines
11 for fingerprinting and photographing a juvenile who is the
12 subject of any proceeding authorized under this chapter.
13 Such guidelines shall address the availability of pictures
14 of any juvenile taken into custody but not prosecuted as
15 an adult. Fingerprints and photographs of a juvenile who
16 is prosecuted as an adult shall be made available in the
17 manner applicable to adult offenders.

18 “(c) Whenever a juvenile has been adjudicated delin-
19 quent for an act that, if committed by an adult, would
20 be a felony or for a violation of section 924(a)(6), the
21 court shall transmit to the Federal Bureau of Investiga-
22 tion the information concerning the adjudication, includ-
23 ing name, date of adjudication, court, offenses, and sen-
24 tence, along with the notation that the matter was a juve-
25 nile adjudication.

1 “(d) In addition to any other authorization under this
2 section for the reporting, retention, disclosure, or avail-
3 ability of records or information, if the law of the State
4 in which a Federal juvenile delinquency proceeding takes
5 place permits or requires the reporting, retention, disclo-
6 sure, or availability of records or information relating to
7 a juvenile or to a juvenile delinquency proceeding or adju-
8 dication in certain circumstances, then such reporting, re-
9 tention, disclosure, or availability is permitted under this
10 section whenever the same circumstances exist.”.

11 **SEC. 208. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND**
12 **5034.**

13 (a) **ELIMINATION OF PRONOUNS.**—Sections 5031
14 and 5034 of title 18, United States Code, are each amend-
15 ed by striking “his” each place it appears and inserting
16 “the juvenile’s”.

17 (b) **UPDATING OF REFERENCE.**—Section 5034 of
18 title 18, United States Code, is amended—

19 (1) in the heading of such section, by striking
20 “**magistrate**” and inserting “**judicial officer**”;
21 and

22 (2) by striking “magistrate” each place it ap-
23 pears and inserting “judicial officer”.

1 **SEC. 209. CLERICAL AMENDMENTS TO TABLE OF SECTIONS**
 2 **FOR CHAPTER 403.**

3 The heading and the table of sections at the begin-
 4 ning of chapter 403 of title 18, United States Code, is
 5 amended to read as follows:

6 **“CHAPTER 403—JUVENILE DELINQUENCY**

“Sec.

“5031. Definitions.

“5032. Delinquency proceedings or criminal prosecutions in district courts.

“5033. Custody prior to appearance before judicial officer.

“5034. Duties of judicial officer.

“5035. Detention prior to disposition or sentencing.

“5036. Speedy trial.

“5037. Disposition.

“5038. Juvenile records and fingerprinting.

“5039. Commitment.

“5040. Support.

“5041. Repealed.

“5042. Revocation of probation.”.

7 **TITLE III—EFFECTIVE ENFORCE-**
 8 **MENT OF FEDERAL FIRE-**
 9 **ARMS LAWS**

10 **SEC. 301. ARMED CRIMINAL APPREHENSION PROGRAM.**

11 (a) IN GENERAL.—Not later than 90 days after the
 12 date of the enactment of this Act, the Attorney General
 13 shall establish in the office of each United States Attorney
 14 a program that meets the requirements of subsections (b)
 15 and (c). The program shall be known as the “Armed
 16 Criminal Apprehension Program”.

17 (b) PROGRAM REQUIREMENTS.—In the office of each
 18 United States Attorney, the program established under
 19 subsection (a) shall—

1 (1) provide for coordination with State and
2 local law enforcement officials in the identification of
3 violations of Federal firearms laws;

4 (2) provide for the establishment of agreements
5 with State and local law enforcement officials for the
6 referral to the Bureau of Alcohol, Tobacco, and
7 Firearms and the United States Attorney for pros-
8 ecution of persons arrested for violations of chapter
9 44 of title 18, United States Code, or section
10 5861(d) or 5861(h) of the Internal Revenue Code of
11 1986, relating to firearms;

12 (3) require that the United States Attorney
13 designate not less than one Assistant United States
14 Attorney to prosecute violations of Federal firearms
15 laws;

16 (4) provide for the hiring of agents for the Bu-
17 reau of Alcohol, Tobacco, and Firearms to inves-
18 tigate violations of the provisions referred to in
19 paragraph (2); and

20 (5) ensure that each person referred to the
21 United States Attorney under paragraph (2) be
22 charged with a violation of the most serious Federal
23 firearm offense consistent with the act committed.

24 (c) PUBLIC EDUCATION CAMPAIGN.—As part of the
25 program, each United States Attorney shall carry out, in

1 cooperation with local civic, community, law enforcement,
2 and religious organizations, an extensive media and public
3 outreach campaign focused in high-crime areas to—

4 (1) educate the public about the severity of pen-
5 alties for violations of Federal firearms laws; and

6 (2) encourage law-abiding citizens to report the
7 possession of illegal firearms to authorities.

8 (d) WAIVER AUTHORITY.—

9 (1) REQUEST FOR WAIVER.—A United States
10 attorney may request the Attorney General to waive
11 the requirements of subsection (b) with respect to
12 the United States attorney.

13 (2) PROVISION OF WAIVER.—The Attorney
14 General may waive the requirements of subsection
15 (b) pursuant to a request made under paragraph
16 (1), in accordance with guidelines which shall be es-
17 tablished by the Attorney General. In establishing
18 the guidelines, the Attorney General shall take into
19 consideration the number of assistant United States
20 attorneys in the office of the United States attorney
21 making the request and the level of violent youth
22 crime committed in the district for which the United
23 States attorney is appointed.

1 **SEC. 302. ANNUAL REPORTS.**

2 Not later than 1 year after the date of the enactment
3 of this Act, and annually thereafter, the Attorney General
4 shall submit to the Committees on the Judiciary of Senate
5 and House of Representatives a report containing the fol-
6 lowing information:

7 (1) The number of Assistant United States At-
8 torneys deisgnated under the program under section
9 301 and cross-deisgnated under section 304 during
10 the year preceding the year in which the report is
11 submitted in order to prosecute violations of Federal
12 firearms laws in Federal court.

13 (2) The number of individuals indicted for such
14 violations during that year by reason of the pro-
15 gram.

16 (3) The increase or decrease in the number of
17 individuals indicted for such violations during that
18 year by reason of the program when compared with
19 the year preceding that year.

20 (4) The number of individuals held without
21 bond in anticipation of prosecution by reason of the
22 program.

23 (5) The average length of prison sentence of the
24 individuals convicted of violations of Federal fire-
25 arms laws by reason of the program.

1 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There
3 are authorized to be appropriated to carry out the pro-
4 gram under section 301 \$50,000,000 for fiscal year 2000,
5 of which—

6 (1) \$40,000,000 shall be used for salaries and
7 expenses of Assistant United States Attorneys and
8 Bureau of Alcohol, Tobacco, and Firearms agents;
9 and

10 (2) \$10,000,000 shall be available for the public
11 relations campaign required by subsection (c) of that
12 section.

13 (b) USE OF FUNDS.—

14 (1) The Assistant United States Attorneys
15 hired using amounts appropriated pursuant to the
16 authorization of appropriations in subsection (a)
17 shall prosecute violations of Federal firearms laws in
18 accordance with section 301(b)(3).

19 (2) The Bureau of Alcohol, Tobacco, and Fire-
20 arms agents hired using amounts appropriated pur-
21 suant to the authorization of appropriations in sub-
22 section (a) shall, to the maximum extent practicable,
23 concentrate their investigations on violations of Fed-
24 eral firearms laws in accordance with section
25 301(b)(4).

1 (3) It is the sense of the Congress that amounts
2 made available under this section for the public edu-
3 cation campaign required by section 301(c) should,
4 to the maximum extent practicable, be matched with
5 State or local funds or private donations.

6 (c) AUTHORIZATION OF ADDITIONAL APPROPRIA-
7 TIONS.—In addition to amounts made available under sub-
8 section (a), there is authorized to be appropriated to the
9 Administrative Office of the United States Courts such
10 sums as may be necessary to carry out this title.

11 **SEC. 304. CROSS-DESIGNATION OF FEDERAL PROSECU-**
12 **TORS.**

13 To better assist state and local law enforcement agen-
14 cies in the investigation and prosecution of firearms of-
15 fenses, each United States Attorney may cross-designate
16 one or more Assistant United States Attorneys to pros-
17 ecute firearms offenses under State law that are similar
18 to those listed in section 301(b)(2) in State and local
19 courts.

1 **TITLE IV—LIMITING JUVENILE**
2 **ACCESS TO FIREARMS AND**
3 **EXPLOSIVES**

4 **SEC. 401. INCREASED PENALTIES FOR UNLAWFUL JUVE-**
5 **NILE POSSESSION OF FIREARMS.**

6 Section 924(a) of title 18, United States Code, is
7 amended—

8 (1) in paragraph (4) by striking “Whoever” and
9 inserting “Except as provided in paragraph (6) of
10 this subsection, whoever”; and

11 (2) by striking paragraph (6) and inserting the
12 following:

13 “(6)(A) A juvenile who violates section 922(x) shall
14 be fined under this title, imprisoned not more than 1 year,
15 or both, except—

16 “(i) the juvenile shall be fined under this title,
17 imprisoned not more than 5 years, or both, if—

18 “(I) the offense of which the juvenile is
19 charged is a violation of section 922(x); and

20 “(II) the violation was also with the intent
21 to possess the handgun, ammunition, large ca-
22 pacity ammunition feeding device, or semiauto-
23 matic assault weapon giving rise to the violation
24 in a school zone, or knowing that another juve-
25 nile intends to possess the handgun, ammuni-

1 tion, large capacity feeding device, or semiauto-
2 matic assault weapon giving rise to the violation
3 in a school zone;

4 “(ii) the juvenile shall be fined under this title,
5 imprisoned not more than 20 years, or both, if—

6 “(I) the offense of which the juvenile is
7 charged is a violation of section 922(x); and

8 “(II) the violation was also with the intent
9 also to use the handgun, ammunition, large ca-
10 pacity ammunition feeding device, or semiauto-
11 matic assault weapon giving rise to the violation
12 in the commission of a violent felony, or know-
13 ing that another juvenile intends to use the
14 handgun, ammunition, large capacity ammuni-
15 tion feeding device, or semiautomatic assault
16 weapon giving rise to the violation in the com-
17 mission of a serious violent felony.

18 “(B) For purposes of this paragraph, the term ‘seri-
19 ous violent felony’ has the meaning given the term in sec-
20 tion 3559(c)(2)(F).

21 “(C) Except as otherwise provided in this chapter,
22 in any case in which a juvenile is prosecuted in a district
23 court of the United States, and the juvenile is subject to
24 penalties under subparagraph (A)(ii), the juvenile shall be
25 subject to the same laws, rules, and proceedings regarding

1 sentencing (including the availability of probation, restitu-
 2 tion, fines, forfeiture, imprisonment, and supervised re-
 3 lease) that would be applicable in the case of an adult.
 4 No juvenile sentenced to a term of imprisonment shall be
 5 released from custody simply because the juvenile attains
 6 18 years of age.”.

7 **SEC. 402. INCREASED PENALTIES AND MANDATORY MIN-**
 8 **IMUM SENTENCE FOR UNLAWFUL TRANSFER**
 9 **OF FIREARM TO JUVENILE.**

10 Section 924(a)(6) of title 18, United States Code, is
 11 further amended by redesignating subparagraphs (B) and
 12 (C) as subparagraphs (C) and (D), respectively, and by
 13 inserting after subparagraph (A) the following:

14 “(B) A person other than a juvenile who knowingly
 15 violates section 922(x)—

16 “(i) shall be fined under this title, imprisoned
 17 not more than 5 years, or both;

18 “(ii) if the person violated section 922(x)(1)
 19 knowing that a juvenile intended to possess the
 20 handgun, ammunition, large capacity ammunition
 21 feeding device, or semiautomatic assault weapon giv-
 22 ing rise to the violation of section 922(x)(1) in a
 23 school zone, shall be fined under this title and im-
 24 prisoned not less than 3 years and not more than 20
 25 years; and

1 “(iii) if the person violated section 922(x)(1)
2 knowing that a juvenile intended to use the hand-
3 gun, ammunition, large capacity ammunition feeding
4 device, or semiautomatic assault weapon giving rise
5 to the violation of section 922(x)(1) in the commis-
6 sion of a serious violent felony, shall be imprisoned
7 not less than 10 years and not more than 20 years
8 and fined under this title.”.

9 **SEC. 403. PROHIBITING POSSESSION OF EXPLOSIVES BY**
10 **JUVENILES AND YOUNG ADULTS.**

11 Section 842 of title 18, United States Code, is
12 amended by adding at the end the following:

13 “(r)(1) It shall be unlawful for any person who has
14 not attained 21 years of age to ship or transport any ex-
15 plosive materials in interstate or foreign commerce or to
16 receive or possess any explosive materials which has been
17 shipped or transported in interstate or foreign commerce.

18 “(2) This subsection shall not apply to commercially
19 manufactured black powder in bulk quantities not to ex-
20 ceed five pounds, and if the person is less than 18 years
21 of age, the person has the prior written consent of the
22 person’s parents or guardian who is not prohibited by Fed-
23 eral, State, or local law from possessing explosive mate-
24 rials, and the person has the prior written consent in the

1 person's possession at all times when the black powder is
 2 in the possession of the person.”.

3 **TITLE V—PREVENTING CRIMI-**
 4 **NAL ACCESS TO FIREARMS**
 5 **AND EXPLOSIVES**

6 **SEC. 501. CRIMINAL PROHIBITION ON DISTRIBUTION OF**
 7 **CERTAIN INFORMATION RELATING TO EX-**
 8 **PLOSIVES, DESTRUCTIVE DEVICES, AND**
 9 **WEAPONS OF MASS DESTRUCTION.**

10 (a) UNLAWFUL CONDUCT.—Section 842 of title 18,
 11 United States Code, is amended by adding at the end the
 12 following:

13 “(p)(1) For purposes of this subsection:

14 “(A) The term ‘destructive device’ has the same
 15 meaning as in section 921(a)(4).

16 “(B) The term ‘explosive’ has the same mean-
 17 ing as in section 844(j).

18 “(C) The term ‘weapon of mass destruction’
 19 has the same meaning as in section 2332a(c)(2).

20 “(2) It shall be unlawful for any person—

21 “(A) to teach or demonstrate the making or use
 22 of an explosive, a destructive device, or a weapon of
 23 mass destruction, or to distribute by any means in-
 24 formation pertaining to, in whole or in part, the
 25 manufacture or use of an explosive, destructive de-

1 vice, or weapon of mass destruction, with the intent
2 that the teaching, demonstration, or information be
3 used for, or in furtherance of, an activity that con-
4 stitutes a Federal crime of violence; or

5 “(B) to teach or demonstrate to any person the
6 making or use of an explosive, a destructive device,
7 or a weapon of mass destruction, or to distribute to
8 any person, by any means, information pertaining
9 to, in whole or in part, the manufacture or use of
10 an explosive, destructive device, or weapon of mass
11 destruction, knowing that such person intends to use
12 the teaching, demonstration, or information for, or
13 in furtherance of, an activity that constitutes a Fed-
14 eral crime of violence.”.

15 (b) PENALTIES.—Section 844 of title 18, United
16 States Code, is amended—

17 (1) in subsection (a), by striking “person who
18 violates any of subsections” and inserting the fol-
19 lowing: “person who—

20 “(1) violates any of subsections”;

21 (2) by striking the period and inserting “;
22 and”;

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

1 “(2) violates section 842(p)(2), shall be fined
2 under this title, imprisoned not more than 20 years,
3 or both.”; and

4 (4) in subsection (j), by inserting “and section
5 842(p),” after “this section,”.

6 **SEC. 502. REQUIRING THEFTS FROM COMMON CARRIERS**
7 **TO BE REPORTED.**

8 (a) Section 922(f) of title 18, United States Code,
9 is amended by adding at the end the following:

10 “(3)(A) It shall be unlawful for any common or con-
11 tract carrier to fail to report the theft or loss of a firearm
12 within 48 hours after the theft or loss is discovered. The
13 theft or loss shall be reported to the Secretary and to the
14 appropriate local authorities.

15 “(B) The Secretary may impose a civil fine of not
16 more than \$10,000 on any person who knowingly violates
17 subparagraph (A).”.

18 (b) Section 924(a)(1)(B) of title 18, United States
19 Code, is amended by striking “(f),” and inserting “(f)(1),
20 (f)(2),”.

21 **SEC. 503. VOLUNTARY SUBMISSION OF DEALER’S RECORDS.**

22 Section 923(g)(4) of title 18, United States Code, is
23 amended to read as follows:

24 “(4) Where a firearms or ammunition business is dis-
25 continued and succeeded by a new licensee, the records

1 required to be kept by this chapter shall appropriately re-
2 flect such facts and shall be delivered to the successor.
3 Upon receipt of such records the successor licensee may
4 retain the records of the discontinued business or submit
5 the discontinued business records to the Secretary. Addi-
6 tionally, a licensee while maintaining a firearms business
7 may voluntarily submit the records required to be kept by
8 this chapter to the Secretary if such records are at least
9 20 years old. Where discontinuance of the business is ab-
10 solute, such records shall be delivered within thirty days
11 after the business is discontinued to the Secretary. Where
12 State law or local ordinance requires the delivery of
13 records to another responsible authority, the Secretary
14 may arrange for the delivery of such records to such other
15 responsible authority.”.

16 **SEC. 504. GRANT PROGRAM FOR JUVENILE RECORDS.**

17 (a) PROGRAM AUTHORIZATION.—The Attorney Gen-
18 eral is authorized to provide grants to States to improve
19 the quality and accessibility of juvenile records and to en-
20 sure juvenile records are routinely available for back-
21 ground checks performed in connection with the transfer
22 of a firearm.

23 (b) ELIGIBILITY.—

24 (1) IN GENERAL.—A State that wishes to re-
25 ceive a grant under this section shall submit an ap-

1 plication to the Attorney General that meets the re-
2 quirements of paragraph (2).

3 (2) ASSURANCE.—The application referred to in
4 paragraph (1) shall include an assurance that the
5 State has in place a system of records that ensures
6 that juvenile records are available for background
7 checks performed in connection with the transfer of
8 a firearm, in which such system provides that—

9 (A) an adjudication of an act of violent ju-
10 venile delinquency as defined in section
11 921(a)(20)(B) is not expunged or set aside
12 after a juvenile reaches the age of majority; and

13 (B) such a juvenile record is available and
14 retained as if it were an adult record.

15 (c) ALLOCATION.—Of the total funds appropriated
16 under subsection (e), each State that meets the require-
17 ments of subsection (b), shall be allocated an amount
18 which bears the same ratio to the amount of funds so ap-
19 propriated as the population of individuals under the age
20 of 18 living in such State for the most recent calendar
21 year in which such data is available bears to the popu-
22 lation of such individuals of all the States that meet the
23 requirements of subsection (b) for such fiscal year.

24 (d) USES OF FUNDS.—A State that receives a grant
25 award under this section may use such funds to support

1 the administrative record system referred to in subsection
2 (b)(2).

3 (e) AUTHORIZATION OF APPROPRIATION.—There are
4 authorized to be appropriated to carry out this section,
5 \$25,000,000 for fiscal year 2000 and such sums as may
6 be necessary for each of the 4 succeeding fiscal years.

7 **TITLE VI—PUNISHING AND DE-**
8 **TERRING CRIMINAL USE OF**
9 **FIREARMS AND EXPLOSIVES**

10 **SEC. 601. MANDATORY MINIMUM SENTENCE FOR DIS-**
11 **CHARGING A FIREARM IN A SCHOOL ZONE.**

12 Section 924(a)(4) of title 18, United States Code, is
13 amended—

14 (1) by striking “922(q) shall be fined” and in-
15 serting “922(q)(2) shall be fined”; and

16 (2) by inserting after the first sentence the fol-
17 lowing: “Whoever violates section 922(q)(3) with
18 reckless disregard for the safety of another shall be
19 fined under this title, imprisoned not more than 20
20 years, or both, except that if serious bodily injury re-
21 sults, shall be fined under this title, imprisoned not
22 more than 25 years, or both, or if death results and
23 the person has attained 16 years of age but has not
24 attained 18 years of age, shall be fined under this
25 title, sentenced to imprisonment for life or for any

1 term of years, or both, or if death results and the
2 person has attained 18 years of age, shall be fined
3 under this title, sentenced to death or to imprison-
4 ment for any term of years or for life, or both. Who-
5 ever knowingly violates section 922(q)(3) shall be
6 fined under this title, imprisoned not less than 10
7 years and not more than 20 years, or both, except
8 that if serious bodily injury results, shall be fined
9 under this title, imprisoned not less than 15 years
10 and not more than 25 years, or both, or if death re-
11 sults and the person has attained 16 years of age
12 but has not attained 18 years of age, shall be fined
13 under this title, sentenced to imprisonment for life,
14 or both, or if death results and the person has at-
15 tained 18 years of age, shall be fined under this
16 title, sentenced to death or to imprisonment for life,
17 or both.”.

18 **SEC. 602. APPREHENSION AND PROCEDURAL TREATMENT**
19 **OF ARMED VIOLENT CRIMINALS.**

20 (a) PRETRIAL DETENTION FOR POSSESSION OF
21 FIREARMS OR EXPLOSIVES BY CONVICTED FELONS.—
22 Section 3156(a)(4) of title 18, United States Code, is
23 amended—

24 (1) by striking “or” at the end of subparagraph
25 (B);

1 (2) by striking “and” at the end of subpara-
 2 graph (C) and inserting “or”; and

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

4 “(D) an offense that is a violation of sec-
 5 tion 842(i) or 922(g) (relating to possession of
 6 explosives or firearms by convicted felons);
 7 and”.

8 (b) FIREARMS POSSESSION BY VIOLENT FELONS
 9 AND SERIOUS DRUG OFFENDERS.—Section 924(a)(2) of
 10 title 18, United States Code, is amended—

11 (1) by striking “Whoever” and inserting “(A)
 12 Except as provided in subparagraph (B), any person
 13 who”; and

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

15 “(B) Notwithstanding any other provision of law, the
 16 court shall not grant a probationary sentence for such a
 17 violation to a person who has more than one previous con-
 18 viction for a violent felony (as defined in subsection
 19 (e)(2)(B)) or a serious drug offense (as defined in sub-
 20 section (e)(2)(A)), committed under different cir-
 21 cumstances.”.

22 **SEC. 603. INCREASED PENALTIES FOR POSSESSING OR**
 23 **TRANSFERRING STOLEN FIREARMS.**

24 (a) IN GENERAL.—Section 924 of title 18, United
 25 States Code, is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (2), by striking “(i),
3 (j),”; and

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

5 “(8) Whoever knowingly violates subsection (i) or (j)
6 of section 922 shall be fined under this title, imprisoned
7 not more than 15 years, or both.”;

8 (2) in subsection (i)(1), by striking “10” and
9 inserting “15”; and

10 (3) in subsection (l), by striking “10” and in-
11 serting “15”.

12 (b) SENTENCING COMMISSION.—The United States
13 Sentencing Commission shall amend the Federal sen-
14 tencing guidelines to reflect the amendments made by sub-
15 section (a).

16 **SEC. 604. INCREASED MANDATORY MINIMUM PENALTIES**
17 **FOR USING A FIREARM TO COMMIT A CRIME**
18 **OF VIOLENCE OR DRUG TRAFFICKING CRIME.**

19 Section 924 of title 18, United States Code, is
20 amended—

21 (1) in subsection (c)(1)(A)—

22 (A) in clause (ii), by striking “and” at the
23 end;

24 (B) in clause (iii), by striking “10 years.”
25 and inserting “12 years; and”; and

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

2 “(iv) if the firearm is used to injure
3 another person, be sentenced to a term of
4 imprisonment of not less than 15 years.”;
5 and

6 (2) in subsection (h), by striking “imprisoned
7 not more than 10 years” and inserting “imprisoned
8 not less than 5 years and not more than 10 years”.

9 **SEC. 605. INCREASED PENALTIES FOR MISREPRESENTED**
10 **FIREARMS PURCHASE IN AID OF A SERIOUS**
11 **VIOLENT FELONY.**

12 (a) IN GENERAL.—Section 924(a) of title 18, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 “(7)(A) Notwithstanding paragraph (2), whoever
16 knowingly violates section 922(a)(6) for the purpose of
17 selling, delivering, or otherwise transferring a firearm,
18 knowing or having reasonable cause to know that another
19 person will carry or otherwise possess or discharge or oth-
20 erwise use the firearm in the commission of a serious vio-
21 lent felony, shall be—

22 “(i) fined under this title, imprisoned not more
23 than 15 years, or both; or

1 “(ii) imprisoned not less than 10 and not more
2 than 20 years and fined under this title, if the pro-
3 curement is for a juvenile.

4 “(B) For purposes of this paragraph—

5 “(i) the term ‘juvenile’ has the meaning given
6 the term in section 922(x); and

7 “(ii) the term ‘serious violent felony’ has the
8 meaning given the term in section 3559(c)(2)(F).”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall take effect 180 days after the date of
11 the enactment of this Act.

12 **SEC. 606. INCREASING PENALTIES ON GUN KINGPINS.**

13 (a) INCREASING THE PENALTY FOR ENGAGING IN AN
14 ILLEGAL FIREARMS BUSINESS.—Section 924(a)(2) of
15 title 18, United States Code, is amended by inserting “,
16 or willfully violates section 922(a)(1),” after “section
17 922”.

18 (b) SENTENCING GUIDELINES INCREASE FOR CER-
19 TAIN VIOLATIONS AND OFFENSES.—Pursuant to its au-
20 thority under section 994(p) of title 28, United States
21 Code, the United States Sentencing Commission shall—

22 (1) review and amend the Federal sentencing
23 guidelines to provide an appropriate enhancement
24 for a violation of section 922(a)(1) of title 18,
25 United States Code; and

1 (2) review and amend the Federal sentencing
2 guidelines to provide additional sentencing increases,
3 as appropriate, for offenses involving more than 50
4 firearms.

5 The Commission shall promulgate the amendments pro-
6 vided for under this subsection as soon as is practicable
7 in accordance with the procedure set forth in section 21(a)
8 of the Sentencing Act of 1987, as though the authority
9 under that Act had not expired.

10 **SEC. 607. SERIOUS RECORDKEEPING OFFENSES THAT AID**
11 **GUN TRAFFICKING.**

12 Section 924(a)(3) of title 18, United States Code, is
13 amended by striking the period and inserting “; but if the
14 violation is in relation to an offense under subsection
15 (a)(6) or (d) of section 922, shall be fined under this title,
16 imprisoned not more than 10 years, or both.”.

17 **SEC. 608. TERMINATION OF FIREARMS DEALER’S LICENSE**
18 **UPON FELONY CONVICTION.**

19 Section 925(b) of title 18, United States Code, is
20 amended by striking “until any conviction pursuant to the
21 indictment becomes final” and inserting “until the date
22 of any conviction pursuant to the indictment”.

1 **SEC. 609. INCREASED PENALTY FOR TRANSACTIONS IN-**
2 **VOLVING FIREARMS WITH OBLITERATED SE-**
3 **RIAL NUMBERS.**

4 Section 924(a) of title 18, United States Code, is
5 amended—

- 6 (1) in paragraph (1)(B), by striking “(k),”; and
7 (2) in paragraph (2), by inserting “(k),” after
8 “(j),”.

9 **SEC. 610. FORFEITURE FOR GUN TRAFFICKING.**

10 Section 982(a) of title 18, United States Code, is
11 amended by adding at the end the following:

12 “(9) The court, in imposing a sentence on a person
13 convicted of a gun trafficking offense, as defined in section
14 981(a)(1)(G), or a conspiracy to commit such offense,
15 shall order the person to forfeit to the United States any
16 conveyance used or intended to be used to commit such
17 offense, and any property traceable to such conveyance.”.

18 **SEC. 611. INCREASED PENALTY FOR FIREARMS CON-**
19 **SPIRACY.**

20 Section 924 of title 18, United States Code, is further
21 amended by adding at the end the following:

22 “(q) Except as otherwise provided in this section, a
23 person who conspires to commit an offense defined in this
24 chapter shall be subject to the same penalties (other than
25 the penalty of death) as those prescribed for the offense
26 the commission of which is the object of the conspiracy.”.

1 **SEC. 612. GUN CONVICTIONS AS PREDICATE CRIMES FOR**
2 **ARMED CAREER CRIMINAL ACT.**

3 (a) Section 924(e)(1) of title 18, United States Code,
4 is amended—

5 (1) by striking “violent felony or a serious drug
6 offense, or both,” and inserting “violent felony, a se-
7 rious drug offense or a violation of section
8 922(g)(1), or a combination of such offenses,”; and

9 (2) by adding at the end the following: “No
10 more than two convictions for violations of section
11 922(g)(1) shall be considered in determining wheth-
12 er a person has three previous convictions for pur-
13 poses of this subsection.”.

14 **SEC. 613. SERIOUS JUVENILE DRUG TRAFFICKING OF-**
15 **FENSES AS ARMED CAREER CRIMINAL ACT**
16 **PREDICATES.**

17 Section 924(e)(2)(C) of title 18, United States Code,
18 is amended by inserting “or serious drug offense” after
19 “violent felony”.

20 **SEC. 614. FORFEITURE OF FIREARMS USED IN CRIMES OF**
21 **VIOLENCE AND FELONIES.**

22 (a) CRIMINAL FORFEITURE.—Section 982(a) of title
23 18, United States Code, is further amended by adding at
24 the end the following:

25 “(10) The court, in imposing a sentence on a person
26 convicted of any crime of violence (as defined in section

1 16 of this title) or any felony under Federal law, shall
2 order that the person forfeit to the United States any fire-
3 arm (as defined in section 921(a)(3) of this title) used
4 or intended to be used to commit or to facilitate the com-
5 mission of the offense.”.

6 (b) DISPOSAL OF PROPERTY.—Section 981(c) of title
7 18, United States Code, is amended by adding at the end
8 the following flush sentence:

9 “Any firearm forfeited pursuant to subsection (a)(1)(H)
10 of this section or section 982(a)(10) of this title shall be
11 disposed of by the seizing agency in accordance with law.”.

12 (c) AUTHORITY TO FORFEIT PROPERTY UNDER
13 SECTION 924(d).—Section 924(d) of title 18, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

16 “(4) Whenever any firearm is subject to forfeiture
17 under this section, the Secretary of the Treasury shall
18 have the authority to seize and forfeit, in accordance with
19 the procedures of the applicable forfeiture statute, any
20 property otherwise forfeitable under the laws of the United
21 States that was involved in or derived from the crime of
22 violence or drug trafficking crime described in subsection
23 (c) in which the forfeited firearm was used or carried.”.

24 (d) 120-DAY RULE FOR ADMINISTRATIVE FOR-
25 FEITURE.—Section 924(d)(1) of title 18, United States

1 Code, is amended by adding “administrative” after “Any”
2 in the last sentence.

3 (e) SECTION 3665.—Section 3665 of title 18, United
4 States Code, is amended—

5 (1) by redesignating the first undesignated
6 paragraph as subsection (a)(1) and the second un-
7 designated paragraph as subsection (a)(2); and

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

9 “(b) The forfeiture of property under this section, in-
10 cluding any seizure and disposition of the property and
11 any related administrative or judicial proceeding, shall be
12 governed by the provisions of section 413 of the Com-
13 prehensive Drug Abuse Prevention and Control Act of
14 1970 (21 U.S.C. 853), except for subsection 413(d) which
15 shall not apply to forfeitures under this section.”.

16 **SEC. 615. SEPARATE LICENSES FOR GUNSMITHS.**

17 (a) Section 921(a)(11) of title 18, United States
18 Code, is amended to read as follows:

19 “(11) The term ‘dealer’ means (A) any person en-
20 gaged in the business as a firearms dealer, (B) any person
21 engaged in the business as a gunsmith, or (C) any person
22 who is a pawnbroker. The term ‘licensed dealer’ means
23 any dealer who is licensed under the provisions of this
24 chapter.”.

1 (b) Section 921(a) of title 18, United States Code,
2 is amended by redesignating paragraphs (12) through
3 (33) as paragraphs (14) through (35), and by inserting
4 after paragraph (11) the following:

5 “(12) The term ‘firearms dealer’ means any
6 person who is engaged in the business of selling fire-
7 arms at wholesale or retail.

8 “(13) The term ‘gunsmith’ means any person,
9 other than a licensed manufacturer, licensed im-
10 porter, or licensed dealer, who is engaged in the
11 business of repairing firearms or of making or fit-
12 ting special barrels, stocks or trigger mechanisms to
13 firearms.”.

14 (c) Section 923(a)(3) of title 18, United States Code
15 is amended to read as follows:

16 “(3) If the applicant is a dealer who is—

17 “(A) a dealer in destructive devices or am-
18 munition for destructive devices, a fee of \$1,000
19 per year;

20 “(B) a dealer in firearms who is not a
21 dealer in destructive devices, a fee of \$200 for
22 3 years, except that the fee for renewal of a
23 valid license shall be \$90 for 3 years; or

1 “(C) a gunsmith, a fee of \$100 for 3
2 years, except that the fee for renewal of a valid
3 license shall be \$50 for 3 years.”.

4 **SEC. 616. PERMITS AND BACKGROUND CHECKS FOR PUR-**
5 **CHASES OF EXPLOSIVES.**

6 (a) PERMITS FOR PURCHASE OF EXPLOSIVES IN
7 GENERAL.—Section 842 of title 18, United States Code,
8 is amended—

9 (1) by amending subparagraphs (A) and (B) of
10 subsection (a)(3) to read as follows:

11 “(A) to transport, ship, cause to be trans-
12 ported, or receive any explosive materials; or

13 “(B) to distribute explosive materials to
14 any person other than a licensee or permittee.”;
15 and

16 (2) in subsection (b)—

17 (A) by adding “or” at the end of para-
18 graph (1);

19 (B) by striking “; or” at the end of para-
20 graph (2) and inserting a period; and

21 (C) by striking paragraph (3).

22 (b) BACKGROUND CHECKS.—Section 842 of title 18,
23 United States Code, is further amended by adding at the
24 end the following:

1 “(q)(1) A licensed importer, licensed manufacturer,
2 or licensed dealer shall not transfer explosive materials to
3 any other person who is not a licensee under section 843
4 of this title unless—

5 “(A) before the completion of the transfer, the
6 licensee contacts the national instant criminal back-
7 ground check system established under section
8 103(d) of the Brady Handgun Violence Prevention
9 Act;

10 “(B)(i) the system provides the licensee with a
11 unique identification number; or

12 “(ii) 5 business days (meaning a day on which
13 State offices are open) have elapsed since the li-
14 censee contacted the system, and the system has not
15 notified the licensee that the receipt of explosive ma-
16 terials by such other person would violate subsection
17 (i) of this section;

18 “(C) the transferor has verified the identity of
19 the transferee by examining a valid identification
20 document (as defined in section 1038(d)(1) of this
21 title) of the transferee containing a photograph of
22 the transferee; and

23 “(D) the transferor has examined the permit
24 issued to the transferee pursuant to section 843 of

1 this title and recorded the permit number on the
2 record of the transfer.

3 “(2) If receipt of explosive materials would not violate
4 section 842(i) of this title or State law, the system shall—

5 “(A) assign a unique identification number to
6 the transfer; and

7 “(B) provide the licensee with the number.

8 “(3) Paragraph (1) shall not apply to the transfer
9 of explosive materials between a licensee and another per-
10 son if on application of the transferor, the Secretary has
11 certified that compliance with paragraph (1)(A) is imprac-
12 ticable because—

13 “(A) the ratio of the number of law enforce-
14 ment officers of the State in which the transfer is
15 to occur to the number of square miles of land area
16 of the State does not exceed 0.0025;

17 “(B) the business premises of the licensee at
18 which the transfer is to occur are extremely remote
19 in relation to the chief law enforcement officer (as
20 defined in section 922(s)(8)); and

21 “(C) there is an absence of telecommunications
22 facilities in the geographical area in which the busi-
23 ness premises are located.

24 “(4) If the national instant criminal background
25 check system notifies the licensee that the information

1 available to the system does not demonstrate that the re-
2 ceipt of explosive materials by such other person would
3 violate subsection (i) or State law, and the licensee trans-
4 fers explosive materials to such other person, the licensee
5 shall include in the record of the transfer the unique iden-
6 tification number provided by the system with respect to
7 the transfer.

8 “(5) If the licensee knowingly transfers explosive ma-
9 terials to such other person and knowingly fails to comply
10 with paragraph (1) of this subsection with respect to the
11 transfer, the Secretary may, after notice and opportunity
12 for a hearing, suspend for not more than 6 months or re-
13 voke any license issued to the licensee under section 843
14 and may impose on the licensee a civil fine of not more
15 than \$5,000.

16 “(6) Neither a local government nor an employee of
17 the Federal Government or of any State or local govern-
18 ment, responsible for providing information to the national
19 instant criminal background check system shall be liable
20 in an action at law for damages—

21 “(A) for failure to prevent the sale or transfer
22 of explosive materials to a person whose receipt or
23 possession of the explosive materials is unlawful
24 under this section; or

1 “(B) for preventing such a sale or transfer to
2 a person who may lawfully receive or possess explo-
3 sive materials.”.

4 (c) ADMINISTRATIVE PROVISIONS.—Section 103 of
5 the Brady Handgun Violence Prevention Act (18 U.S.C.
6 922 note) is amended—

7 (1) in subsection (f), by inserting “or explosive
8 materials” after “firearm”; and

9 (2) in subsection (g), by inserting “or that re-
10 ceipt of explosive materials by a prospective trans-
11 feree would violate section 842(i) of such title, or
12 State law,” after “State law,”.

13 (d) REMEDY FOR ERRONEOUS DENIAL OF EXPLO-
14 SIVE MATERIALS.—

15 (1) IN GENERAL.—Chapter 40 of title 18,
16 United States Code, is amended by inserting after
17 section 843 the following:

18 **“§ 843A. Remedy for erroneous denial of explosive**
19 **materials**

20 “Any person denied explosive materials pursuant to
21 section 842(q)—

22 “(1) due to the provision of erroneous informa-
23 tion relating to the person by any State or political
24 subdivision thereof, or by the national instant crimi-
25 nal background check system established under sec-

1 tion 103 of the Brady Handgun Violence Prevention
2 Act; or

3 “(2) who was not prohibited from receipt of ex-
4 plosive materials pursuant to section 842(i),
5 may bring an action against the State or political subdivi-
6 sion responsible for providing the erroneous information,
7 or responsible for denying the transfer, or against the
8 United States, as the case may be, for an order directing
9 that the erroneous information be corrected or that the
10 transfer be approved, as the case may be. In any action
11 under this section, the court, in its discretion, may allow
12 the prevailing party a reasonable attorney’s fee as part
13 of the costs.”.

14 (2) TECHNICAL AMENDMENT.—The section
15 analysis for chapter 40 of title 18, United States
16 Code, is amended by inserting after the item relating
17 to section 843 the following:

“843A. Remedy for erroneous denial of explosive materials.”.

18 (e) REGULATIONS.—

19 (1) IN GENERAL.—Not later than 6 months
20 after the date of the enactment of this Act, the Sec-
21 retary of the Treasury shall issue final regulations
22 with respect to the amendments made by subsection
23 (a).

24 (2) NOTICE TO STATES.—On the issuance of
25 regulations pursuant to paragraph (1), the Secretary

1 of the Treasury shall notify the States of the regula-
2 tions so that the States may consider revising their
3 explosives laws.

4 (f) LICENSES AND USER PERMITS.—Section 843(a)
5 of title 18, United States Code, is amended—

6 (1) by inserting “, including fingerprints and a
7 photograph of the applicant” before the period at
8 the end of the first sentence; and

9 (2) by striking the second sentence and insert-
10 ing, “Each applicant for a license shall pay for each
11 license a fee established by the Secretary that shall
12 not exceed \$300. Each applicant for a permit shall
13 pay for each permit a fee established by the Sec-
14 retary that shall not exceed \$100.”.

15 (g) PENALTIES.—Section 844 of title 18, United
16 States Code, is amended—

17 (1) by redesignating subsection (a) as sub-
18 section (a)(1); and

19 (2) by inserting after subsection (a)(1) the fol-
20 lowing new paragraph:

21 “(2) Any person who violates section 842(q) shall be
22 fined under this title, imprisoned for not more than 5
23 years, or both.”.

1 (h) EFFECTIVE DATE.—The amendments made by
2 subsections (a), (b), (c), (d), and (g) shall take effect 18
3 months after the date of the enactment of the Act.

4 **SEC. 617. PERSONS PROHIBITED FROM RECEIVING OR POS-**
5 **SESSING EXPLOSIVES.**

6 (a) DISTRIBUTION OF EXPLOSIVES.—Section 842(d)
7 of title 18, United States Code, is amended—

8 (1) in paragraph (5), by striking “or” at the
9 end;

10 (2) in paragraph (6), by striking the period and
11 inserting “or who has been committed to a mental
12 institution;”; and

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

14 “(7) being an alien—

15 “(A) is illegally or unlawfully in the United
16 States; or

17 “(B) except as provided in subsection
18 (q)(2), has been admitted to the United States
19 under a nonimmigrant visa (as that term is de-
20 fined in section 101(a)(26) of the Immigration
21 and Nationality Act (8 U.S.C. 1101(a)(26)));

22 “(8) has been discharged from the Armed
23 Forces under dishonorable conditions;

24 “(9) having been a citizen of the United States,
25 has renounced his citizenship;

1 “(10) is subject to a court order that—

2 “(A) was issued after a hearing of which
3 such person received actual notice, and at which
4 such person had an opportunity to participate;

5 “(B) restrains such person from harassing,
6 stalking, or threatening an intimate partner of
7 such person or child of such intimate partner or
8 person, or engaging in other conduct that would
9 place an intimate partner in reasonable fear of
10 bodily injury to the partner or child; and

11 “(C)(i) includes a finding that such person
12 represents a credible threat to the physical safe-
13 ty of such intimate partner or child; or

14 “(ii) by its terms explicitly prohibits the
15 use, attempted use, or threatened use of phys-
16 ical force against such intimate partner or child
17 that would reasonably be expected to cause bod-
18 ily injury;

19 “(11) has been convicted in any court of a mis-
20 demeanor crime of domestic violence; or

21 “(12) has been adjudicated delinquent.”.

22 (b) POSSESSION OF EXPLOSIVES.—Section 842(i) of
23 title 18, United States Code, is amended—

24 (1) in paragraph (3), by striking “or” at the
25 end; and

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

2 “(5) who, being an alien—

3 “(A) is illegally or unlawfully in the United
4 States; or

5 “(B) except as provided in subsection
6 (q)(2), has been admitted to the United States
7 under a non-immigrant visa (as that term is de-
8 fined in section 101(a)(26) of the Immigration
9 and Nationality Act (8 U.S.C. 1101(a)(26)));

10 “(6) who has been discharged from the Armed
11 Forces under dishonorable conditions;

12 “(7) who, having been a citizen of the United
13 States, has renounced his citizenship;

14 “(8) who is subject to a court order that—

15 “(A) was issued after a hearing of which
16 such person received actual notice, and at which
17 such person had an opportunity to participate;

18 “(B) restrains such person from harassing,
19 stalking, or threatening an intimate partner of
20 such person or child of such intimate partner or
21 person, or engaging in other conduct that would
22 place an intimate partner in reasonable fear of
23 bodily injury to the partner or child; and

1 “(C)(i) includes a finding that such person
2 represents a credible threat to the physical safe-
3 ty of such intimate partner or child; or

4 “(ii) by its terms explicitly prohibits the
5 use, attempted use, or threatened use of phys-
6 ical force against such intimate partner or child
7 that would reasonably be expected to cause bod-
8 ily injury;

9 “(9) who has been convicted in any court of a
10 misdemeanor crime of domestic violence; or

11 “(10) who has been adjudicated delinquent.”.

12 (c) DEFINITION.—Section 841 of title 18, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 “(r)(1) Except as provided in paragraph (2), ‘mis-
16 demeanor crime of domestic violence’ means an offense
17 that—

18 “(A) is a misdemeanor under Federal or State
19 law; and

20 “(B) has, as an element, the use or attempted
21 use of physical force, or the threatened use of a
22 deadly weapon, committed by a current or former
23 spouse, parent, or guardian of the victim, by a per-
24 son with whom the victim shares a child in common,
25 by a person who is cohabiting with or has cohabited

1 with the victim as a spouse, parent, or guardian, or
2 by a person similarly situated to a spouse, parent,
3 or guardian of the victim.

4 “(2)(A) A person shall not be considered to have been
5 convicted of such an offense for purposes of this chapter,
6 unless—

7 “(i) the person was represented by counsel in
8 the case, or knowingly and intelligently waived the
9 right to counsel in the case; and

10 “(ii) in the case of a prosecution for an offense
11 described in this paragraph for which a person was
12 entitled to a jury trial in the jurisdiction in which
13 the case was tried—

14 “(I) the case was tried by a jury; or

15 “(II) the person knowingly and intel-
16 ligently waived the right to have the case tried
17 by jury, by guilty plea or otherwise.

18 “(B) A person shall not be considered to have been
19 convicted of such an offense for purposes of this chapter
20 if the conviction has been expunged or set aside, or is an
21 offense for which the person has been pardoned or has
22 had civil rights restored (if the law of the applica-
23 ble jurisdiction provides for the loss of civil rights under such an
24 offense) unless the pardon, expungement, or restoration

1 of civil rights expressly provides that the person may not
2 ship, transport, possess, or receive firearms.

3 “(s) ‘Adjudicated delinquent’ means an adjudication
4 of delinquency based upon a finding of the commission of
5 an act by a person prior to his or her eighteenth birthday
6 that, if committed by an adult, would be a serious drug
7 offense or violent felony (as defined in section 3559(c)(2)
8 of this title), on or after the date of the enactment of this
9 paragraph.”.

10 (d) ALIENS ADMITTED UNDER NONIMMIGRANT
11 VISAS.—Section 842 is amended by adding at the end the
12 following:

13 “(r)(1) For purposes of this subsection—

14 “(A) the term ‘alien’ has the same meaning as
15 in section 101(a)(3) of the Immigration and Nation-
16 ality Act (8 U.S.C. 1101(a)(3)); and

17 “(B) the term ‘nonimmigrant visa’ has the
18 same meaning as in section 101(a)(26) of the Immi-
19 gration and Nationality Act (8 U.S.C. 1101(a)(26)).

20 “(2) Sections (d)(7)(B) and (i)(5)(B) do not apply
21 to any alien who has been lawfully admitted to the United
22 States under a nonimmigrant visa, if that alien is a for-
23 eign law enforcement officer of a friendly foreign govern-
24 ment entering the United States on official law enforce-
25 ment business.

1 “(3)(A) Any individual who has been admitted to the
2 United States under a nonimmigrant visa may receive a
3 waiver from the requirements of subsection (i)(5)(B), if—

4 “(i) the individual submits to the Attorney Gen-
5 eral a petition that meets the requirements of sub-
6 paragraph (C); and

7 “(ii) the Attorney General approves the peti-
8 tion.

9 “(B) Each petition under subparagraph (B) shall—

10 “(i) demonstrate that the petitioner has resided
11 in the United States for a continuous period of not
12 less than 180 days before the date on which the pe-
13 tition is submitted under this paragraph; and

14 “(ii) include a written statement from the em-
15 bassy or consulate of the petitioner, authorizing the
16 petitioner to acquire explosives and certifying that
17 the alien would not, absent the application of sub-
18 section (i)(5)(B), otherwise be prohibited from such
19 an acquisition under subsection (i).

20 “(C) The Attorney General shall approve a petition
21 submitted in accordance with this paragraph, if the Attor-
22 ney General determines that waiving the requirements of
23 subsection (i)(5)(B) with respect to the petitioner—

24 “(i) would be in the interests of justice; and

25 “(ii) would not jeopardize the public safety.”.

1 (e) CONFORMING AMENDMENT.—Section 845 of title
2 18, United States Code, is amended by adding at the end
3 the following:

4 “(d) Notwithstanding any other provision of this sec-
5 tion, no person convicted of a misdemeanor crime of do-
6 mestic violence may ship or transport any explosive mate-
7 rials in interstate or foreign commerce or to receive or pos-
8 sess any explosive materials which have been shipped or
9 transported in interstate or foreign commerce.”.

10 **TITLE VII—PUNISHING GANG VI-**
11 **OLENCE AND DRUG TRAF-**
12 **FICKING TO MINORS**

13 **SEC. 701. INCREASED MANDATORY MINIMUM PENALTIES**
14 **FOR USING MINORS TO DISTRIBUTE DRUGS.**

15 Section 420 of the Controlled Substances Act (21
16 U.S.C. 861) is amended—

17 (1) in subsection (b), by striking “one year”
18 and inserting “3 years”; and

19 (2) in subsection (c), by striking “one year”
20 and inserting “5 years”.

21 **SEC. 702. INCREASED MANDATORY MINIMUM PENALTIES**
22 **FOR DISTRIBUTING DRUGS TO MINORS.**

23 Section 418 of the Controlled Substances Act (21
24 U.S.C. 859) is amended—

1 (1) in subsection (a), by striking “one year”
2 and inserting “3 years”; and

3 (2) in subsection (b), by striking “one year”
4 and inserting “5 years”.

5 **SEC. 703. INCREASED MANDATORY MINIMUM PENALTIES**
6 **FOR DRUG TRAFFICKING IN OR NEAR A**
7 **SCHOOL OR OTHER PROTECTED LOCATION.**

8 Section 419 of the Controlled Substances Act (21
9 U.S.C. 860) is amended—

10 (1) in subsection (a), by striking “one year”
11 and inserting “3 years”; and

12 (2) in subsection (b), by striking “three years”
13 each place that term appears and inserting “5
14 years”.

15 **SEC. 704. CRIMINAL STREET GANGS.**

16 (a) IN GENERAL.—Section 521 of title 18, United
17 States Code, is amended—

18 (1) in subsection (a), in the second undesig-
19 nated paragraph—

20 (A) by striking “5” and inserting “3”;

21 (B) by inserting “, whether formal or in-
22 formal” after “or more persons”; and

23 (C) in subparagraph (A), by inserting “or
24 activities” after “purposes”;

1 (2) in subsection (b), by inserting after “10
2 years” the following: “and such person shall be sub-
3 ject to the forfeiture prescribed in section 412 of the
4 Controlled Substances Act (21 U.S.C. 853)”;

5 (3) in subsection (c)—

6 (A) in paragraph (2), by striking “and” at
7 the end;

8 (B) in paragraph (3), by striking the pe-
9 riod at the end and inserting a semicolon; and

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

11 “(3) that is a violation of section 522 (relating
12 to the recruitment of persons to participate in crimi-
13 nal gang activity);

14 “(4) that is a violation of section 844, 875, or
15 876 (relating to extortion and threats), section 1084
16 (relating to gambling), section 1955 (relating to
17 gambling), or chapter 73 (relating to obstruction of
18 justice);

19 “(5) that is a violation of section 1956 (relating
20 to money laundering), to the extent that the viola-
21 tion of such section is related to a Federal or State
22 offense involving a controlled substance (as that
23 term is defined in section 102 of the Controlled Sub-
24 stances Act (21 U.S.C. 802)); or

1 “(6) that is a violation of section 274(a)(1)(A),
2 277, or 278 of the Immigration and Nationality Act
3 (8 U.S.C. 1324(a)(1)(A), 1327, or 1328) (relating
4 to alien smuggling); and

5 “(7) a conspiracy, attempt, or solicitation to
6 commit an offense described in paragraphs (1)
7 through (6).”.

8 (b) TECHNICAL AND CONFORMING AMENDMENT.—
9 Section 3663(c)(4) of title 18, United States Code, is
10 amended by striking “chapter 46” and inserting “section
11 521, chapter 46,”.

12 **SEC. 705. INCREASE IN OFFENSE LEVEL FOR PARTICIPA-**
13 **TION IN CRIME AS A GANG MEMBER.**

14 (a) DEFINITION OF CRIMINAL STREET GANG.—In
15 this section, the term “criminal street gang” has the
16 meaning given that term in section 521(a) of title 18,
17 United States Code.

18 (b) AMENDMENT OF SENTENCING GUIDELINES.—

19 (1) IN GENERAL.—Pursuant to its authority
20 under section 994(p) of title 28, United States Code,
21 the United States Sentencing Commission shall
22 amend the Federal Sentencing Guidelines to provide
23 an appropriate enhancement for any Federal offense
24 described in section 521(c) of title 18, United States
25 Code, if the offense was both committed in connec-

1 tion with, or in furtherance of, the activities of a
2 criminal street gang and the defendant was a mem-
3 ber of the criminal street gang at the time of the of-
4 fense.

5 (2) FACTORS TO BE CONSIDERED.—In deter-
6 mining an appropriate enhancement under this sec-
7 tion, the United States Sentencing Commission shall
8 give great weight to the seriousness of the offense,
9 the offender’s relative position in the criminal gang,
10 and the risk of death or serious bodily injury to any
11 person posed by the offense.

12 (c) CONSTRUCTION WITH OTHER GUIDELINES.—
13 The amendment made by subsection (b) shall provide that
14 the increase in the offense level shall be in addition to any
15 other adjustment under chapter 3 of the Federal Sen-
16 tencing Guidelines.

17 **SEC. 706. INTERSTATE AND FOREIGN TRAVEL OR TRANS-**
18 **PORTATION IN AID OF CRIMINAL GANGS.**

19 (a) TRAVEL ACT AMENDMENT.—Section 1952 of
20 title 18, United States Code, is amended to read as fol-
21 lows:

22 **“§ 1952. Interstate and foreign travel or transpor-**
23 **tation in aid of racketeering enterprises**

24 **“(a) PROHIBITED CONDUCT AND PENALTIES.—**

25 **“(1) IN GENERAL.—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—

4 “(i) distribute the proceeds of any un-
5 lawful activity; or

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

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

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

18 “(2) CRIMES OF VIOLENCE.—Whoever—

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

24 “(B) after travel or use of the mail or any
25 facility in interstate or foreign commerce de-

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

8 “(b) DEFINITIONS.—In this section:

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

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

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

19 “(A) any business enterprise involving
20 gambling, liquor on which the Federal excise
21 tax has not been paid, narcotics or controlled
22 substances, or prostitution offenses in violation
23 of the laws of the State in which the offense is
24 committed or of the United States;

1 “(B) extortion, bribery, arson, burglary if
2 the offense involves property valued at not less
3 than \$10,000, assault with a deadly weapon,
4 assault resulting in bodily injury, shooting at an
5 occupied dwelling or motor vehicle, or retalia-
6 tion against or intimidation of witnesses, vic-
7 tims, jurors, or informants, in violation of the
8 laws of the State in which the offense is com-
9 mitted or of the United States; or

10 “(C) any act that is indictable under sec-
11 tion 1956 or 1957 of this title or under sub-
12 chapter II of chapter 53 of title 31, United
13 States Code.”.

14 (b) AMENDMENT OF SENTENCING GUIDELINES.—

15 (1) IN GENERAL.—Pursuant to its authority
16 under section 994(p) of title 28, United States Code,
17 the United States Sentencing Commission shall
18 amend chapter 2 of the Federal Sentencing Guide-
19 lines to provide an appropriate increase in the of-
20 fense levels for traveling in interstate or foreign
21 commerce in aid of unlawful activity.

22 (2) UNLAWFUL ACTIVITY DEFINED.—In this
23 subsection, the term “unlawful activity” has the
24 meaning given that term in section 1952(b) of title
25 18, United States Code, as amended by this section.

1 (3) SENTENCING ENHANCEMENT FOR RECRUIT-
2 MENT ACROSS STATE LINES.—Pursuant to its au-
3 thority under section 994(p) of title 28, United
4 States Code, the United States Sentencing Commis-
5 sion shall amend the Federal Sentencing Guidelines
6 to provide an appropriate enhancement for a person
7 who, in violating section 522 of title 18, United
8 States Code, recruits, solicits, induces, commands, or
9 causes another person residing in another State to
10 be or to remain a member of a criminal street gang,
11 or crosses a State line with the intent to recruit, so-
12 licit, induce, command, or cause another person to
13 be or to remain a member of a criminal street gang.

14 **SEC. 707. GANG-RELATED WITNESS INTIMIDATION AND RE-**
15 **TALIATION.**

16 (a) INTERSTATE TRAVEL TO ENGAGE IN WITNESS
17 INTIMIDATION OR OBSTRUCTION OF JUSTICE.—Section
18 1952 of title 18, United States Code, is amended—

19 (1) by redesignating subsections (b) and (c) as
20 subsections (c) and (d), respectively; and

21 (2) by inserting after subsection (a) the fol-
22 lowing:

23 “(b) Whoever travels in interstate or foreign com-
24 merce with intent by bribery, force, intimidation, or
25 threat, directed against any person, to delay or influence

1 the testimony of or prevent from testifying a witness in
2 a State criminal proceeding or by any such means to cause
3 any person to destroy, alter, or conceal a record, docu-
4 ment, or other object, with intent to impair the object's
5 integrity or availability for use in such a proceeding, and
6 thereafter engages or endeavors to engage in such con-
7 duct, shall be fined under this title or imprisoned not more
8 than 10 years, or both; and if serious bodily injury (as
9 defined in section 1365 of this title) results, shall be so
10 fined or imprisoned for not more than 20 years, or both;
11 and if death results, shall be so fined and imprisoned for
12 any term of years or for life, or both, and may be sen-
13 tenced to death.”.

14 (b) CONSPIRACY PENALTY FOR OBSTRUCTION OF
15 JUSTICE OFFENSES INVOLVING VICTIMS, WITNESSES,
16 AND INFORMANTS.—Section 1512 of title 18, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 “(j) Whoever conspires to commit any offense defined
20 in this section or section 1513 of this title shall be subject
21 to the same penalties as those prescribed for the offense
22 the commission of which was the object of the con-
23 spiracy.”.

24 (c) WITNESS RELOCATION SURVEY AND TRAINING
25 PROGRAM.—

1 (1) SURVEY.—The Attorney General shall sur-
2 vey all State and selected local witness protection
3 and relocation programs to determine the extent and
4 nature of such programs and the training needs of
5 those programs. Not later than 270 days after the
6 date of the enactment of this section, the Attorney
7 General shall report the results of this survey to
8 Congress.

9 (2) TRAINING.—Based on the results of such
10 survey, the Attorney General shall make available to
11 State and local law enforcement agencies training to
12 assist those law enforcement agencies in developing
13 and managing witness protection and relocation pro-
14 grams.

15 (3) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated to carry out
17 paragraphs (1) and (2) for fiscal year 2000 not to
18 exceed \$500,000.

19 (d) FEDERAL-STATE COORDINATION AND COOPERA-
20 TION REGARDING NOTIFICATION OF INTERSTATE WIT-
21 NESS RELOCATION.—

22 (1) ATTORNEY GENERAL TO PROMOTE INTER-
23 STATE COORDINATION.—The Attorney General shall
24 engage in activities, including the establishment of a
25 model Memorandum of Understanding under para-

graph (2), which promote coordination among State and local witness interstate relocation programs.

(2) MODEL MEMORANDUM OF UNDERSTANDING.—The Attorney General shall establish a model Memorandum of Understanding for States and localities that engage in interstate witness relocation. Such a model Memorandum of Understanding shall include a requirement that notice be provided to the jurisdiction to which the relocation has been made by the State or local law enforcement agency that relocates a witness to another State who has been arrested for or convicted of a crime of violence as described in section 16 of title 18, United States Code.

(3) BYRNE GRANT ASSISTANCE.—The Attorney General is authorized to expend up to 10 percent of the total amount appropriated under section 511 of subpart 2 of part E of the Omnibus Crime Control and Safe Streets Act of 1968 for purposes of making grants pursuant to section 510 of that Act to those jurisdictions that have interstate witness relocation programs and that have substantially followed the model Memorandum of Understanding.

(4) GUIDELINES AND DETERMINATION OF ELIGIBILITY.—The Attorney General shall establish

1 guidelines relating to the implementation of para-
 2 graph (4) and shall determine, consistent with such
 3 guidelines, which jurisdictions are eligible for grants
 4 under paragraph (4).

5 (d) BYRNE GRANTS.—Section 501(b) of the Omnibus
 6 Crime Control and Safe Streets Act of 1968 is amended—

7 (1) by striking “and” at the end of paragraph
 8 (25);

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

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

12 “(27) developing and maintaining witness secu-
 13 rity and relocation programs, including providing
 14 training of personnel in the effective management of
 15 such programs.”.

16 (e) DEFINITION.—As used in this section, the term
 17 “State” includes the District of Columbia, Puerto Rico,
 18 and any other commonwealth, territory, or possession of
 19 the United States.

20 **TITLE VIII—JUVENILE GANGS**

21 **SEC. 801. SOLICITATION OR RECRUITMENT OF PERSONS IN** 22 **CRIMINAL STREET GANG ACTIVITY.**

23 (a) PROHIBITED ACTS.—Chapter 26 of title 18,
 24 United States Code, is amended by adding at the end the
 25 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 use any facility in, or travel in, interstate or
5 foreign commerce, or cause another to do so, to recruit,
6 solicit, induce, command, or cause another person to be
7 or remain as a member of a criminal street gang, or con-
8 spire to do so, with the intent that the person being re-
9 cruited, solicited, induced, commanded or caused to be or
10 remain a member of such gang participate in an offense
11 described in section 521(c).

12 “(b) PENALTIES.—Any person who violates sub-
13 section (a) shall—

14 “(1) if the person recruited, solicited, induced,
15 commanded, or caused—

16 “(A) is a minor, be imprisoned not less
17 than 4 years and not more than 10 years, fined
18 in accordance with this title, or both; or

19 “(B) is not a minor, be imprisoned not less
20 than 1 year and not more than 10 years, fined
21 in accordance with this title, or both; and

22 “(2) be liable for any costs incurred by the
23 Federal Government or by any State or local govern-
24 ment for housing, maintaining, and treating the
25 minor until the minor attains the age of 18 years.

26 “(c) DEFINITIONS.—In this section:

1 “(1) CRIMINAL STREET GANG.—The term
2 ‘criminal street gang’ has the meaning given the
3 term in section 521.

4 “(2) MINOR.—The term ‘minor’ means a per-
5 son who is younger than 18 years of age.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 26 of title 18, United States
8 Code, is amended by adding at the end the following new
9 item:

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

10 **TITLE IX—MATTHEW’S LAW**

11 **SEC. 901. SHORT TITLE.**

12 This title may be cited as “Matthew’s Law”.

13 **SEC. 902. ENHANCED PENALTIES FOR CRIMES OF VIO-** 14 **LENCE AGAINST CHILDREN UNDER AGE 13.**

15 (a) IN GENERAL.—Title XVII of the Violent Crime
16 Control and Law Enforcement Act of 1994 is amended
17 by adding at the end the following:

18 **“Subtitle C—Enhanced Penalties** 19 **for Crimes of Violence Against** 20 **Children Under Age 13**

21 **“SEC. 170301. ENHANCED PENALTIES FOR CRIMES OF VIO-** 22 **LENCE AGAINST CHILDREN UNDER AGE 13.**

23 “(a) IN GENERAL.—The United States Sentencing
24 Commission shall amend the Federal sentencing guidelines
25 to provide a sentencing enhancement of not less than 5

1 levels above the offense level otherwise provided for a
2 crime of violence, if the crime of violence is against a child.

3 “(b) DEFINITIONS.—In this section—

4 “(1) the term ‘crime of violence’ means any
5 crime punishable by imprisonment for a term ex-
6 ceeding one year that has as an element the use, at-
7 tempted use, or threatened use of physical force
8 against the person of another; and

9 “(2) the term ‘child’ means a person who has
10 not attained 13 years of age at the time of the of-
11 fense.”.

12 (b) CONFORMING REPEAL.—Section 240002 of such
13 Act (28 U.S.C. 994 note) is repealed.

14 (c) CLERICAL AMENDMENT.—The table of contents
15 of such Act is amended by striking the item relating to
16 subtitle C of title XVII and the items relating to sections
17 170301 through 170303 and inserting the following:

“Subtitle C—Enhanced Penalties for Crimes of Violence Against Children
Under Age 13.

“Sec. 170301. Enhanced penalties for crimes of violence against children under
age 13.”.

1 **SEC. 903. FEDERAL BUREAU OF INVESTIGATION ASSIST-**
2 **ANCE AVAILABLE TO STATE OR LOCAL LAW**
3 **AUTHORITIES IN INVESTIGATING POSSIBLE**
4 **HOMICIDES OF CHILDREN UNDER THE AGE**
5 **OF 13.**

6 To the maximum extent practicable, the Federal Bu-
7 reau of Investigation may provide to State and local law
8 enforcement authorities such assistance as such authori-
9 ties may require in investigating the death of an individual
10 who has not attained 13 years of age under circumstances
11 indicating that the death may have been a homicide.

12 **TITLE X—DRUG DEALER**
13 **LIABILITY**

14 **SEC. 1001. FEDERAL CAUSE OF ACTION FOR DRUG DEALER**
15 **LIABILITY.**

16 (a) IN GENERAL.—Part E of the Controlled Sub-
17 stances Act is amended by adding at the end the following:
18 **“SEC. 521. FEDERAL CAUSE OF ACTION FOR DRUG DEALER**
19 **LIABILITY.**

20 “(a) IN GENERAL.—Except as provided in subsection
21 (b), any person who manufactures or distributes a con-
22 trolled substance in a felony violation of this title or title
23 III shall be liable in a civil action to any party harmed,
24 directly or indirectly, by the use of that controlled sub-
25 stance.

1 “(b) EXCEPTION.—An individual user of a controlled
 2 substance may not bring or maintain an action under this
 3 section unless the individual personally discloses to nar-
 4 cotics enforcement authorities all of the information
 5 known to the individual regarding all that individual’s
 6 sources of illegal controlled substances.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 for the Comprehensive Drug Abuse Prevention and Con-
 9 trol Act of 1970 is amended by inserting after the time
 10 relating to section 520 the following new item:

“Sec. 521. Federal cause of action for drug dealer liability.”.

11 **TITLE XI—LIMITATION ON RE-**
 12 **COVERY OF ATTORNEYS FEES**
 13 **IN CERTAIN CASES**

14 **SEC. 1101. LIMITATION ON RECOVERY OF ATTORNEYS FEES**
 15 **IN CERTAIN CASES.**

16 Section 722(b) of the Revised Statutes of the United
 17 States (42 U.S.C. 1988(b)) is amended—

18 (1) by striking “In” and inserting “Except as
 19 otherwise provided in this subsection, in”;

20 (2) by striking “, except that” and inserting “.
 21 However,”; and

22 (3) by adding at the end the fol-
 23 lowing:“Attorneys’ fees under this section may not
 24 be allowed in any action claiming that a public
 25 school or its agent violates the constitutional prohi-

1 bition against the establishment of religion by per-
2 mitting, facilitating, or accommodating a student’s
3 religious expression.”.

4 **TITLE XII—RIGHTS TO** 5 **RELIGIOUS LIBERTY**

6 **SEC. 1201. FINDINGS.**

7 The Congress finds the following:

8 (1) The Declaration of Independence declares
9 that governments are instituted to secure certain
10 unalienable rights, including life, liberty, and the
11 pursuit of happiness, with which all human beings
12 are endowed by their Creator and to which they are
13 entitled by the laws of nature and of nature’s God.

14 (2) The organic laws of the United States Code
15 and the constitutions of every State, using various
16 expressions, recognize God as the source of the
17 blessings of liberty.

18 (3) The First Amendment to the Constitution
19 of the United States secures rights against laws re-
20 specting an establishment of religion or prohibiting
21 the free exercise thereof made by the United States
22 Government.

23 (4) The rights secured under the First Amend-
24 ment have been interpreted by courts of the United

1 States Government to be included among the provi-
2 sions of the Fourteenth Amendment.

3 (5) The Tenth Amendment reserves to the
4 States respectively the powers not delegated to the
5 United States Government nor prohibited to the
6 States.

7 (6) Disputes and doubts have arisen with re-
8 spect to public displays of the Ten Commandments
9 and to other public expression of religious faith.

10 (7) Section 5 of the Fourteenth Amendment
11 grants the Congress power to enforce the provisions
12 of the said amendment.

13 (8) Article I, Section 8, grants the Congress
14 power to constitute tribunals inferior to the Supreme
15 Court, and Article III, Section 1, grants the Con-
16 gress power to ordain and establish courts in which
17 the judicial power of the United States Government
18 shall be vested.

19 **SEC. 1202. RELIGIOUS LIBERTY RIGHTS DECLARED.**

20 (a) DISPLAY OF TEN COMMANDMENTS.—The power
21 to display the Ten Commandments on or within property
22 owned or administered by the several States or political
23 subdivisions thereof is hereby declared to be among the
24 powers reserved to the States respectively.

1 (b) EXPRESSION OF RELIGIOUS FAITH.—The expres-
 2 sion of religious faith by individual persons on or within
 3 property owned or administered by the several States or
 4 political subdivisions thereof is hereby—

5 (1) declared to be among the rights secured
 6 against laws respecting an establishment of religion
 7 or prohibiting the free exercise of religion made or
 8 enforced by the United States Government or by any
 9 department or executive or judicial officer thereof;
 10 and

11 (2) declared to be among the liberties of which
 12 no State shall deprive any person without due proc-
 13 ess of law made in pursuance of powers reserved to
 14 the States respectively.

15 (c) EXERCISE OF JUDICIAL POWER.—The courts
 16 constituted, ordained, and established by the Congress
 17 shall exercise the judicial power in a manner consistent
 18 with the foregoing declarations.

19 **TITLE XIII—JUVENILE CRIME**
 20 **CONTROL AND DELINQUENCY**
 21 **PREVENTION**

22 **SEC. 1301. SHORT TITLE.**

23 This title may be cited as the “Juvenile Crime Con-
 24 trol and Delinquency Prevention Act of 1999”.

1 **Subtitle A—Amendments to Juve-**
2 **nile Justice and Delinquency**
3 **Prevention Act of 1974**

4 **SEC. 1302. FINDINGS.**

5 Section 101 of the Juvenile Justice and Delinquency
6 Prevention Act of 1974 (42 U.S.C. 5601) is amended to
7 read as follows:

8 “FINDINGS

9 “SEC. 101. (a) The Congress finds the following:

10 “(1) There has been a dramatic increase in ju-
11 venile delinquency, particularly violent crime com-
12 mitted by juveniles. Weapons offenses and homicides
13 are two of the fastest growing crimes committed by
14 juveniles. More than one-half of juvenile victims are
15 killed with a firearm. Approximately one-fifth of the
16 individuals arrested for committing violent crime are
17 less than 18 years of age. The increase in both the
18 number of youth below the age of 15 and females
19 arrested for violent crime is cause for concern.

20 “(2) This problem should be addressed through
21 a 2-track common sense approach that addresses the
22 needs of individual juveniles and society at large by
23 promoting—

24 “(A) quality prevention programs that—

1 “(i) work with juveniles, their fami-
2 lies, local public agencies, and community-
3 based organizations, and take into consid-
4 eration such factors as whether or not ju-
5 veniles have been the victims of family vio-
6 lence (including child abuse and neglect);
7 and

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

12 “(B) programs that assist in holding juve-
13 niles accountable for their actions, including a
14 system of graduated sanctions to respond to
15 each delinquent act, requiring juveniles to make
16 restitution, or perform community service, for
17 the damage caused by their delinquent acts,
18 and methods for increasing victim satisfaction
19 with respect to the penalties imposed on juve-
20 niles for their acts.

21 “(b) Congress must act now to reform this program
22 by focusing on juvenile delinquency prevention programs,
23 as well as programs that hold juveniles accountable for
24 their acts. Without true reform, the criminal justice sys-
25 tem will not be able to overcome the challenges it will face

1 in the coming years when the number of juveniles is ex-
2 pected to increase by 30 percent.”.

3 **SEC. 1303. PURPOSE.**

4 Section 102 of the Juvenile Justice and Delinquency
5 Prevention Act of 1974 (42 U.S.C. 5602) is amended to
6 read as follows:

7 “PURPOSES

8 “SEC. 102. The purposes of this title and title II
9 are—

10 “(1) to support State and local programs that
11 prevent juvenile involvement in delinquent behavior;

12 “(2) to assist State and local governments in
13 promoting public safety by encouraging account-
14 ability for acts of juvenile delinquency; and

15 “(3) to assist State and local governments in
16 addressing juvenile crime through the provision of
17 technical assistance, research, training, evaluation,
18 and the dissemination of information on effective
19 programs for combating juvenile delinquency.”.

20 **SEC. 1304. DEFINITIONS.**

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

23 (1) in paragraph (3) by striking “to help pre-
24 vent juvenile delinquency” and inserting “designed
25 to reduce known risk factors for juvenile delinquent
26 behavior, provides activities that build on protective

1 factors for, and develop competencies in, juveniles to
2 prevent, and reduce the rate of, delinquent juvenile
3 behavior”;

4 (2) in paragraph (4) by inserting “title I of”
5 before “the Omnibus” each place it appears;

6 (3) in paragraph (7) by striking “the Trust
7 Territory of the Pacific Islands,”;

8 (4) in paragraph (9) by striking “justice” and
9 inserting “crime control”;

10 (5) in paragraph (12)(B) by striking “, of any
11 nonoffender,”;

12 (6) in paragraph (13)(B) by striking “, any
13 non-offender,”;

14 (7) in paragraph (14) by inserting “drug traf-
15 ficking,” after “assault,”;

16 (8) in paragraph (16)—

17 (A) in subparagraph (A) by adding “and”
18 at the end; and

19 (B) by striking subparagraph (C);

20 (9) by striking paragraph (17);

21 (10) in paragraph (22)—

22 (A) by redesignating subparagraphs (i),
23 (ii), and (iii) as subparagraphs (A), (B), and
24 (C), respectively; and

25 (B) by striking “and” at the end;

1 (11) in paragraph (23) by striking the period at
2 the end and inserting a semicolon;

3 (12) by redesignating paragraphs (18), (19),
4 (20), (21), (22), and (23) as paragraphs (17)
5 through (22), respectively; and

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

7 “(23) the term ‘boot camp’ means a residential
8 facility (excluding a private residence) at which there
9 are provided—

10 “(A) a highly regimented schedule of dis-
11 cipline, physical training, work, drill, and cere-
12 mony characteristic of military basic training.

13 “(B) regular, remedial, special, and voca-
14 tional education; and

15 “(C) counseling and treatment for sub-
16 stance abuse and other health and mental
17 health problems;

18 “(24) the term ‘graduated sanctions’ means an
19 accountability-based, graduated series of sanctions
20 (including incentives and services) applicable to juve-
21 niles within the juvenile justice system to hold such
22 juveniles accountable for their actions and to protect
23 communities from the effects of juvenile delinquency
24 by providing appropriate sanctions for every act for
25 which a juvenile is adjudicated delinquent, by induc-

1 ing their law-abiding behavior, and by preventing
2 their subsequent involvement with the juvenile jus-
3 tice system;

4 “(25) the term ‘violent crime’ means—

5 “(A) murder or nonnegligent man-
6 slaughter, forcible rape, or robbery; or

7 “(B) aggravated assault committed with
8 the use of a firearm;

9 “(26) the term ‘co-located facilities’ means fa-
10 cilities that are located in the same building, or are
11 part of a related complex of buildings located on the
12 same grounds; and

13 “(27) the term ‘related complex of buildings’
14 means two or more buildings that share—

15 “(A) physical features, such as walls and
16 fences, or services beyond mechanical services
17 (heating, air conditioning, water and sewer); or

18 “(B) the specialized services that are al-
19 lowable under section 31.303(e)(3)(i)(C)(3) of
20 title 28 of the Code of Federal Regulations, as
21 in effect on December 10, 1996.”.

22 **SEC. 1305. NAME OF OFFICE.**

23 Title II of the Juvenile Justice and Delinquency Pre-
24 vention Act of 1974 (42 U.S.C. 5611 et seq.) is
25 amended—

1 (1) by amending the heading of part A to read
2 as follows:

3 “PART A—OFFICE OF JUVENILE CRIME CONTROL AND
4 DELINQUENCY PREVENTION”;

5 (2) in section 201(a) by striking “Justice and
6 Delinquency Prevention” and inserting “Crime Con-
7 trol and Delinquency Prevention”; and

8 (3) in subsections section 299A(c)(2) by strik-
9 ing “Justice and Delinquency Prevention” and in-
10 serting “Crime Control and Delinquency Preven-
11 tion”.

12 **SEC. 1306. CONCENTRATION OF FEDERAL EFFORT.**

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

15 (1) in subsection (a)(1) by striking the last sen-
16 tence;

17 (2) in subsection (b)—

18 (A) in paragraph (3) by striking “and of
19 the prospective” and all that follows through
20 “administered”;

21 (B) by striking paragraph (5); and

22 (C) by redesignating paragraphs (6) and
23 (7) as paragraphs (5) and (6), respectively;

24 (3) in subsection (c) by striking “and reports”
25 and all that follows through “this part”, and insert-

1 ing “as may be appropriate to prevent the duplica-
2 tion of efforts, and to coordinate activities, related to
3 the prevention of juvenile delinquency”;

4 (4) by striking subsection (i); and

5 (5) by redesignating subsection (h) as sub-
6 section (f).

7 **SEC. 1307. COORDINATING COUNCIL ON JUVENILE JUSTICE**
8 **AND DELINQUENCY PREVENTION.**

9 Section 206 of the Juvenile Justice and Delinquency
10 Prevention Act of 1974 (42 U.S.C. 5616) is repealed.

11 **SEC. 1308. ANNUAL REPORT.**

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

14 (1) in paragraph (2)—

15 (A) by inserting “and” after “priorities,”;

16 and

17 (B) by striking “, and recommendations of
18 the Council”;

19 (2) by striking paragraphs (4) and (5), and in-
20 serting the following:

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

1 (3) by redesignating such section as section
2 206.

3 **SEC. 1309. ALLOCATION.**

4 Section 222 of the Juvenile Justice and Delinquency
5 Prevention Act of 1974 (42 U.S.C. 5632) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (2)—

8 (i) in subparagraph (A)—

9 (I) by striking “amount, up to
10 \$400,000,” and inserting “amount up
11 to \$400,000”;

12 (II) by inserting a comma after
13 “1992” the first place it appears;

14 (III) by striking “the Trust Ter-
15 ritory of the Pacific Islands,”; and

16 (IV) by striking “amount, up to
17 \$100,000,” and inserting “amount up
18 to \$100,000”;

19 (ii) in subparagraph (B)—

20 (I) by striking “(other than part
21 D)”;

22 (II) by striking “or such greater
23 amount, up to \$600,000” and all that
24 follows through “section 299(a) (1)
25 and (3)”;

1 (III) by striking “the Trust Ter-
 2 ritory of the Pacific Islands,”;

3 (IV) by striking “amount, up to
 4 \$100,000,” and inserting “amount up
 5 to \$100,000”; and

6 (V) by inserting a comma after
 7 “1992”;

8 (B) in paragraph (3) by striking “allot”
 9 and inserting “allocate”; and
 10 (2) in subsection (b) by striking “the Trust
 11 Territory of the Pacific Islands,”.

12 **SEC. 1310. STATE PLANS.**

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

15 (1) in subsection (a)—

16 (A) in the second sentence by striking
 17 “challenge” and all that follows through “part
 18 E”, and inserting “, projects, and activities”;

19 (B) in paragraph (3)—

20 (i) by striking “, which—” and insert-
 21 ing “that—”;

22 (ii) in subparagraph (A)—

23 (I) by striking “not less” and all
 24 that follows through “33”, and insert-
 25 ing “the attorney general of the State

1 or such other State official who has
2 primary responsibility for overseeing
3 the enforcement of State criminal
4 laws, and”;

5 (II) by inserting “, in consulta-
6 tion with the attorney general of the
7 State or such other State official who
8 has primary responsibility for over-
9 seeing the enforcement of State crimi-
10 nal laws” after “State”;

11 (III) in clause (i) by striking “or
12 the administration of juvenile justice”
13 and inserting “, the administration of
14 juvenile justice, or the reduction of ju-
15 venile delinquency”;

16 (IV) in clause (ii) by striking “in-
17 clude—” and all that follows through
18 the semicolon at the end of subclause
19 (VIII), and inserting the following:

20 “represent a multidisciplinary approach to
21 addressing juvenile delinquency and may
22 include—

23 “(I) individuals who represent
24 units of general local government, law
25 enforcement and juvenile justice agen-

1 cies, public agencies concerned with
2 the prevention and treatment of juve-
3 nile delinquency and with the adju-
4 dication of juveniles, representatives
5 of juveniles, or nonprofit private orga-
6 nizations, particularly such organiza-
7 tions that serve juveniles; and

8 “(II) such other individuals as
9 the chief executive officer considers to
10 be appropriate; and”; and

11 (V) by striking clauses (iv) and
12 (v);

13 (iii) in subparagraph (C) by striking
14 “justice” and inserting “crime control”;

15 (iv) in subparagraph (D)—

16 (I) in clause (i) by inserting
17 “and” at the end;

18 (II) in clause (ii) by striking
19 “paragraphs” and all that follows
20 through “part E”, and inserting
21 “paragraphs (11), (12), and (13)”;

22 and

23 (III) by striking clause (iii); and

1 (v) in subparagraph (E) by striking
2 “title—” and all that follows through
3 “(ii)” and inserting “title,”;

4 (C) in paragraph (5)—

5 (i) in the matter preceding subpara-
6 graph (A) by striking “, other than” and
7 inserting “reduced by the percentage (if
8 any) specified by the State under the au-
9 thority of paragraph (25) and excluding”
10 after “section 222”; and

11 “(ii) in subparagraph (C) by striking
12 “paragraphs (12)(A), (13), and (14)” and
13 inserting “paragraphs (11), (12), and
14 (13)”;

15 (D) by striking paragraph (6);

16 (E) in paragraph (7) by inserting “, in-
17 cluding in rural areas” before the semicolon at
18 the end;

19 (F) in paragraph (8)—

20 (i) in subparagraph (A)—

21 (I) by striking “for (i)” and all
22 that follows through “relevant juris-
23 diction”, and inserting “for an anal-
24 ysis of juvenile delinquency problems
25 in, and the juvenile delinquency con-

1 trol and delinquency prevention needs
2 (including educational needs) of, the
3 State”;

4 (II) by striking “justice” the sec-
5 ond place it appears and inserting
6 “crime control”; and

7 (III) by striking “of the jurisdic-
8 tion; (ii)” and all that follows through
9 the semicolon at the end, and insert-
10 ing “of the State; and”;

11 (ii) by amending subparagraph (B) to
12 read as follows:

13 “(B) contain—

14 “(i) a plan for providing needed gen-
15 der-specific services for the prevention and
16 treatment of juvenile delinquency;

17 “(ii) a plan for providing needed serv-
18 ices for the prevention and treatment of ju-
19 venile delinquency in rural areas; and

20 “(iii) a plan for providing needed
21 mental health services to juveniles in the
22 juvenile justice system, including informa-
23 tion on how such plan is being imple-
24 mented and how such services will be tar-
25 geted to those juveniles in the such system

1 who are in greatest need of such services
2 services;”; and

3 (iii) by striking subparagraphs (C)
4 and (D);

5 (G) by amending paragraph (9) to read as
6 follows:

7 “(9) provide for the coordination and maximum
8 utilization of existing juvenile delinquency programs,
9 programs operated by public and private agencies
10 and organizations, and other related programs (such
11 as education, special education, recreation, health,
12 and welfare programs) in the State;”;

13 (H) in paragraph (10)—

14 (i) in subparagraph (A)—

15 (I) by striking “, specifically”
16 and inserting “including”;

17 (II) by striking clause (i); and

18 (III) redesignating clauses (ii)
19 and (iii) as clauses (i) and (ii), respec-
20 tively;

21 (ii) in subparagraph (C) by striking
22 “juvenile justice” and inserting “juvenile
23 crime control”;

24 (iv) by amending subparagraph (D) to
25 read as follows:

1 “(D) programs that provide treatment to
2 juvenile offenders who are victims of child
3 abuse or neglect, and to their families, in order
4 to reduce the likelihood that such juvenile of-
5 fenders will commit subsequent violations of
6 law;”;

7 (iv) in subparagraph (E)—

8 (I) by redesignating clause (ii) as
9 clause (iii); and

10 (II) by striking “juveniles, pro-
11 vided” and all that follows through
12 “provides; and”, and inserting the fol-
13 lowing:

14 “juveniles—

15 “(i) to encourage juveniles to remain
16 in elementary and secondary schools or in
17 alternative learning situations;

18 “(ii) to provide services to assist juve-
19 niles in making the transition to the world
20 of work and self-sufficiency; and”;

21 (v) by amending subparagraph (F) to
22 read as follows:

23 “(F) expanding the use of probation
24 officers—

1 “(i) particularly for the purpose of permit-
2 ting nonviolent juvenile offenders (including
3 status offenders) to remain at home with their
4 families as an alternative to incarceration or in-
5 stitutionalization; and

6 “(ii) to ensure that juveniles follow the
7 terms of their probation;”;

8 (vi) by amending subparagraph (G) to
9 read as follows:

10 “(G) one-on-one mentoring programs that
11 are designed to link at-risk juveniles and juve-
12 nile offenders, particularly juveniles residing in
13 high-crime areas and juveniles experiencing
14 educational failure, with responsible adults
15 (such as law enforcement officers, adults work-
16 ing with local businesses, and adults working
17 with community-based organizations and agen-
18 cies) who are properly screened and trained;”;

19 (vii) in subparagraph (H) by striking
20 “handicapped youth” and inserting “juve-
21 niles with disabilities”;

22 (viii) by amending subparagraph (K)
23 to read as follows:

24 “(K) boot camps for juvenile offenders;”;

1 (ix) by amending subparagraph (L) to
2 read as follows:

3 “(L) community-based programs and serv-
4 ices to work with juveniles, their parents, and
5 other family members during and after incar-
6 ceration in order to strengthen families so that
7 such juveniles may be retained in their homes;”;

8 (x) by amending subparagraph (N) to
9 read as follows:

10 “(N) establishing policies and systems to
11 incorporate relevant child protective services
12 records into juvenile justice records for pur-
13 poses of establishing treatment plans for juve-
14 nile offenders;”;

15 (xi) in subparagraph (O)—

16 (I) in striking “cultural” and in-
17 serting “other”; and

18 (II) by striking the period at the
19 end and inserting a semicolon; and

20 (xii) by adding at the end the fol-
21 lowing:

22 “(P) programs designed to prevent and to
23 reduce hate crimes committed by juveniles; and

24 “(Q) after-school programs that provide
25 at-risk juveniles and juveniles in the juvenile

1 justice system with a range of age-appropriate
2 activities, including tutoring, mentoring, and
3 other educational and enrichment activities.”;

4 (I) by amending paragraph (12) to read as
5 follows:

6 “(12) shall, in accordance with rules issued by
7 the Administrator, provide that—

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

12 “(i) juveniles who are charged with or
13 who have committed a violation of section
14 922(x)(2) of title 18, United States Code,
15 or of a similar State law;

16 “(ii) juveniles who are charged with or
17 who have committed a violation of a valid
18 court order; and

19 “(iii) juveniles who are held in accord-
20 ance with the Interstate Compact on Juve-
21 niles as enacted by the State,
22 shall not be placed in secure detention facilities
23 or secure correctional facilities; and

24 “(B) juveniles—

1 “(i) who are not charged with any of-
2 fense; and

3 “(ii) who are—

4 “(I) aliens; or

5 “(II) alleged to be dependent, ne-
6 glected, or abused,

7 shall not be placed in secure detention facilities
8 or secure correctional facilities;”;

9 (J) by amending paragraph (13) to read as
10 follows:

11 “(13) provide that—

12 “(A) juveniles alleged to be or found to be
13 delinquent, and juveniles within the purview of
14 paragraph (11), will not be detained or confined
15 in any institution in which they have regular
16 contact, or unsupervised incidental contact,
17 with adults incarcerated because such adults
18 have been convicted of a crime or are awaiting
19 trial on criminal charges; and

20 “(B) there is in effect in the State a policy
21 that requires individuals who work with both
22 such juveniles and such adults in co-located fa-
23 cilities have been trained and certified to work
24 with juveniles;”;

1 (K) by amending paragraph (14) to read
2 as follows:

3 “(14) provide that no juvenile will be detained
4 or confined in any jail or lockup for adults except—

5 “(A) juveniles who are accused of non-
6 status offenses and who are detained in such
7 jail or lockup for a period not to exceed 6
8 hours—

9 “(i) for processing or release;

10 “(ii) while awaiting transfer to a juve-
11 nile facility; or

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

14 “(B) juveniles who are accused of non-
15 status offenses, who are awaiting an initial
16 court appearance that will occur within 48
17 hours after being taken into custody (excluding
18 Saturdays, Sundays, and legal holidays), and
19 who are detained in a jail or lockup—

20 “(i) in which—

21 “(I) such juveniles do not have
22 regular contact, or unsupervised inci-
23 dental contact, with adults incarcer-
24 ated because such adults have been

1 convicted of a crime or are awaiting
2 trial on criminal charges; and

3 “(II) there is in effect in the
4 State a policy that requires individ-
5 uals who work with both such juve-
6 niles and such adults in co-located fa-
7 cilities have been trained and certified
8 to work with juveniles; and

9 “(ii) that—

10 “(I) is located outside a metro-
11 politan statistical area (as defined by
12 the Office of Management and Budg-
13 et) and has no existing acceptable al-
14 ternative placement available;

15 “(II) is located where conditions
16 of distance to be traveled or the lack
17 of highway, road, or transportation do
18 not allow for court appearances within
19 48 hours (excluding Saturdays, Sun-
20 days, and legal holidays) so that a
21 brief (not to exceed an additional 48
22 hours) delay is excusable; or

23 “(III) is located where conditions
24 of safety exist (such as severe adverse,
25 life-threatening weather conditions

1 that do not allow for reasonably safe
2 travel), in which case the time for an
3 appearance may be delayed until 24
4 hours after the time that such condi-
5 tions allow for reasonable safe travel;

6 “(C) juveniles who are accused of non-
7 status offenses and who are detained in a jail
8 or lockup that satisfies the requirements of sub-
9 paragraph (B)(i) if—

10 “(i) such jail or lockup—

11 “(I) is located outside a metro-
12 politan statistical area (as defined by
13 the Office of Management and Budg-
14 et); and

15 “(II) has no existing acceptable
16 alternative placement available;

17 “(ii) a parent or other legal guardian
18 (or guardian ad litem) of the juvenile in-
19 volved, in consultation with the counsel
20 representing the juvenile, consents to de-
21 taining such juvenile in accordance with
22 this subparagraph and has the right to re-
23 voke such consent at any time;

24 “(iii) the juvenile has counsel, and the
25 counsel representing such juvenile—

1 “(I) consults with the parents of
2 the juvenile to determine the appro-
3 priate placement of the juvenile; and

4 “(II) has an opportunity to
5 present the juvenile’s position regard-
6 ing the detention involved to the court
7 before the court approves such deten-
8 tion;

9 “(iv) the court has an opportunity to
10 hear from the juvenile before court ap-
11 proval of such placement; and

12 “(v) detaining such juvenile in accord-
13 ance with this subparagraph is—

14 “(I) approved in advance by a
15 court with competent jurisdiction that
16 has determined that such placement is
17 in the best interest of such juvenile;

18 “(II) required to be reviewed pe-
19 riodically and in the presence of the
20 juvenile, at intervals of not more than
21 5 days (excluding Saturdays, Sun-
22 days, and legal holidays), by such
23 court for the duration of detention;
24 and

1 “(III) for a period preceding the
2 sentencing (if any) of such juvenile,
3 but not to exceed a 20-day period;”;

4 (L) in paragraph (15)—

5 (i) by striking “paragraph (12)(A),
6 paragraph (13), and paragraph (14)” and
7 inserting “paragraphs (11), (12), and
8 (13)”; and

9 (ii) by striking “paragraph (12)(A)
10 and paragraph (13)” and inserting “para-
11 graphs (11) and (12)”;

12 (M) in paragraph (16) by striking “men-
13 tally, emotionally, or physically handicapping
14 conditions” and inserting “disability”;

15 (N) by amending paragraph (19) to read
16 as follows:

17 “(19) provide assurances that—

18 “(A) any assistance provided under this
19 Act will not cause the displacement (including
20 a partial displacement, such as a reduction in
21 the hours of nonovertime work, wages, or em-
22 ployment benefits) of any currently employed
23 employee;

24 “(B) activities assisted under this Act will
25 not impair an existing collective bargaining re-

1 lationship, contract for services, or collective
2 bargaining agreement; and

3 “(C) no such activity that would be incon-
4 sistent with the terms of a collective bargaining
5 agreement shall be undertaken without the
6 written concurrence of the labor organization
7 involved;”;

8 (O) in paragraph (22) by inserting before
9 the semicolon, the following:

10 “; and that the State will not expend funds to carry
11 out a program referred to in subparagraph (A), (B),
12 or (C) of paragraph (5) if the recipient of funds who
13 carried out such program during the preceding 2-
14 year period fails to demonstrate, before the expira-
15 tion of such 2-year period, that such program
16 achieved substantial success in achieving the goals
17 specified in the application submitted such recipient
18 to the State agency”;

19 (P) by amending paragraph (23) to read
20 as follows:

21 “(23) address juvenile delinquency prevention
22 efforts and system improvement efforts designed to
23 reduce, without establishing or requiring numerical
24 standards or quotas, the disproportionate number of

1 juvenile members of minority groups, who come into
2 contact with the juvenile justice system;”;

3 (Q) by amending paragraph (24) to read
4 as follows:

5 “(24) provide that if a juvenile is taken into
6 custody for violating a valid court order issued for
7 committing a status offense—

8 “(A) an appropriate public agency shall be
9 promptly notified that such juvenile is held in
10 custody for violating such order;

11 “(B) not later than 24 hours during which
12 such juvenile is so held, an authorized rep-
13 resentative of such agency shall interview, in
14 person, such juvenile; and

15 “(C) not later than 48 hours during which
16 such juvenile is so held—

17 “(i) such representative shall submit
18 an assessment to the court that issued
19 such order, regarding the immediate needs
20 of such juvenile; and

21 “(ii) such court shall conduct a hear-
22 ing to determine—

23 “(I) whether there is reasonable
24 cause to believe that such juvenile vio-
25 lated such order; and

1 “(II) the appropriate placement
2 of such juvenile pending disposition of
3 the violation alleged;”;

4 (R) in paragraph (25) by striking the pe-
5 riod at the end and inserting a semicolon;

6 (S) by redesignating paragraphs (7)
7 through (25) as paragraphs (6) through (24),
8 respectively; and

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

10 “(25) specify a percentage (if any), not to ex-
11 ceed 5 percent, of funds received by the State under
12 section 222 (other than funds made available to the
13 state advisory group under section 222(d)) that the
14 State will reserve for expenditure by the State to
15 provide incentive grants to units of general local gov-
16 ernment that reduce the caseload of probation offi-
17 cers within such units; and

18 “(26) provide that the State, to the maximum
19 extent practicable, will implement a system to ensure
20 that if a juvenile is before a court in the juvenile jus-
21 tice system, public child welfare records (including
22 child protective services records) relating to such ju-
23 venile that are on file in the geographical area under
24 the jurisdiction of such court will be made known to
25 such court.”; and

1 (2) by amending subsection (c) to read as fol-
2 lows:

3 “(c) If a State fails to comply with any of the applica-
4 ble requirements of paragraphs (11), (12), (13), and (23)
5 of subsection (a) in any fiscal year beginning after Sep-
6 tember 30, 1999, then the amount allocated to such State
7 for the subsequent fiscal year shall be reduced by not to
8 exceed 12.5 percent for each such paragraph with respect
9 to which the failure occurs, unless the Administrator de-
10 termines that the State—

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

14 “(2) has made, through appropriate executive
15 or legislative action, an unequivocal commitment to
16 achieving full compliance with such applicable re-
17 quirements within a reasonable time.”; and

18 (3) in subsection (d)—

19 (A) by striking “allotment” and inserting
20 “allocation”; and

21 (B) by striking “subsection (a) (12)(A),
22 (13), (14) and (23)” each place it appears and
23 inserting “paragraphs (11), (12), (13), and
24 (23) of subsection (a)”.

1 **SEC. 1311. JUVENILE DELINQUENCY PREVENTION BLOCK**
2 **GRANT PROGRAM.**

3 Title II of the Juvenile Justice and Delinquency Pre-
4 vention Act of 1974 (42 U.S.C. 5611 et seq.) is
5 amended—

6 (1) by striking parts C, D, E, F, G, and H;

7 (2) by striking the first part I;

8 (3) by redesignating the second part I as part
9 F; and

10 (4) by inserting after part B the following:

11 **“PART C—JUVENILE DELINQUENCY PREVENTION**
12 **BLOCK GRANT PROGRAM**

13 **“SEC. 241. AUTHORITY TO MAKE GRANTS.**

14 “The Administrator may make grants to eligible
15 States, from funds allocated under section 242, for the
16 purpose of providing financial assistance to eligible entities
17 to carry out projects designed to prevent juvenile delin-
18 quency, including—

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

1 “(2) educational projects or supportive services
2 for delinquent or other juveniles—

3 “(A) to encourage juveniles to remain in
4 elementary and secondary schools or in alter-
5 native learning situations in educational set-
6 tings;

7 “(B) to provide services to assist juveniles
8 in making the transition to the world of work
9 and self-sufficiency;

10 “(C) to assist in identifying learning dif-
11 ficulties (including learning disabilities);

12 “(D) to prevent unwarranted and arbitrary
13 suspensions and expulsions;

14 “(E) to encourage new approaches and
15 techniques with respect to the prevention of
16 school violence and vandalism;

17 “(F) which assist law enforcement per-
18 sonnel and juvenile justice personnel to more ef-
19 fectively recognize and provide for learning-dis-
20 abled and other juveniles with disabilities;

21 “(G) which develop locally coordinated
22 policies and programs among education, juve-
23 nile justice, and social service agencies; or

1 “(H) to provide services to juvenile with
2 serious mental and emotional disturbances
3 (SED) in need of mental health services;

4 “(3) projects which expand the use of probation
5 officers—

6 “(A) particularly for the purpose of per-
7 mitting nonviolent juvenile offenders (including
8 status offenders) to remain at home with their
9 families as an alternative to incarceration or in-
10 stitutionalization; and

11 “(B) to ensure that juveniles follow the
12 terms of their probation;

13 “(4) one-on-one mentoring projects that are de-
14 signed to link at-risk juveniles and juvenile offenders
15 who did not commit serious crime, particularly juve-
16 niles residing in high-crime areas and juveniles expe-
17 riencing educational failure, with responsible adults
18 (such as law enforcement officers, adults working
19 with local businesses, and adults working for com-
20 munity-based organizations and agencies) who are
21 properly screened and trained;

22 “(5) community-based projects and services (in-
23 cluding literacy and social service programs) which
24 work with juvenile offenders and juveniles who are
25 at risk of becoming juvenile offenders, including

1 those from families with limited English-speaking
2 proficiency, their parents, their siblings, and other
3 family members during and after incarceration of
4 the juvenile offenders, in order to strengthen fami-
5 lies, to allow juvenile offenders to be retained in
6 their homes, and to prevent the involvement of other
7 juvenile family members in delinquent activities;

8 “(6) projects designed to provide for the treat-
9 ment (including mental health services) of juveniles
10 for dependence on or abuse of alcohol, drugs, or
11 other harmful substances;

12 “(7) projects which leverage funds to provide
13 scholarships for postsecondary education and train-
14 ing for low-income juveniles who reside in neighbor-
15 hoods with high rates of poverty, violence, and drug-
16 related crimes;

17 “(8) projects which provide for an initial intake
18 screening of each juvenile taken into custody—

19 “(A) to determine the likelihood that such
20 juvenile will commit a subsequent offense; and

21 “(B) to provide appropriate interventions
22 (including mental health services) to prevent
23 such juvenile from committing subsequent of-
24 fenses;

1 “(9) projects (including school- or community-
2 based projects) that are designed to prevent, and re-
3 duce the rate of, the participation of juveniles in
4 gangs that commit crimes (particularly violent
5 crimes), that unlawfully use firearms and other
6 weapons, or that unlawfully traffic in drugs and that
7 involve, to the extent practicable, families and other
8 community members (including law enforcement per-
9 sonnel and members of the business community) in
10 the activities conducted under such projects;

11 “(10) comprehensive juvenile justice and delin-
12 quency prevention projects that meet the needs of
13 juveniles through the collaboration of the many local
14 service systems juveniles encounter, including
15 schools, courts, law enforcement agencies, child pro-
16 tection agencies, mental health agencies, welfare
17 services, health care agencies, private nonprofit
18 agencies, and public recreation agencies offering
19 services to juveniles;

20 “(11) to develop, implement, and support, in
21 conjunction with public and private agencies, organi-
22 zations, and businesses, projects for the employment
23 of juveniles and referral to job training programs
24 (including referral to Federal job training pro-
25 grams);

1 “(12) delinquency prevention activities which
2 involve youth clubs, sports, recreation and parks,
3 peer counseling and teaching, the arts, leadership
4 development, community service, volunteer service,
5 before- and after-school programs, violence preven-
6 tion activities, mediation skills training, camping,
7 environmental education, ethnic or cultural enrich-
8 ment, tutoring, and academic enrichment;

9 “(13) to establish policies and systems to incor-
10 porate relevant child protective services records into
11 juvenile justice records for purposes of establishing
12 treatment plans for juvenile offenders;

13 “(14) programs that encourage social com-
14 petencies, problem-solving skills, and communication
15 skills, youth leadership, and civic involvement;

16 “(15) programs that focus on the needs of
17 young girls at-risk of delinquency or status offenses;

18 “(16) projects which provide for—

19 “(A) an assessment by a qualified mental
20 health professional of incarcerated juveniles
21 who are suspected to be in need of mental
22 health services;

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

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

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

7 “(17) after-school programs that provide at-risk
8 juveniles and juveniles in the juvenile justice system
9 with a range of age-appropriate activities, including
10 tutoring, mentoring, and other educational and en-
11 richment activities;

12 “(18) programs related to the establishment
13 and maintenance of a school violence hotline, based
14 on a public-private partnership, that students and
15 parents can use to report suspicious, violent, or
16 threatening behavior to local school and law enforce-
17 ment authorities;

18 “(19) programs (excluding programs to pur-
19 chase guns from juveniles) designed to reduce the
20 unlawful acquisition and illegal use of guns by juve-
21 niles, including partnerships between law enforce-
22 ment agencies, health professionals, school officials,
23 firearms manufacturers, consumer groups, faith-
24 based groups and community organizations; and

1 “(20) other activities that are likely to prevent
2 juvenile delinquency.

3 **“SEC. 242. ALLOCATION.**

4 “Funds appropriated to carry out this part shall be
5 allocated among eligible States proportionately based on
6 the population that is less than 18 years of age in the
7 eligible States.

8 **“SEC. 243. ELIGIBILITY OF STATES.**

9 “(a) APPLICATION.—To be eligible to receive a grant
10 under section 241, a State shall submit to the Adminis-
11 trator an application that contains the following:

12 “(1) An assurance that the State will use—

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

15 “(i) the costs incurred by the State to
16 carry out this part; and

17 “(ii) to evaluate, and provide technical
18 assistance relating to, projects and activi-
19 ties carried out with funds provided under
20 this part; and

21 “(B) the remainder of such grant to make
22 grants under section 244.

23 “(2) An assurance that, and a detailed descrip-
24 tion of how, such grant will support, and not sup-

1 plant State and local efforts to prevent juvenile de-
2 linquency.

3 “(3) An assurance that such application was
4 prepared after consultation with and participation by
5 community-based organizations, and organizations in
6 the local juvenile justice system, that carry out pro-
7 grams, projects, or activities to prevent juvenile de-
8 linquency.

9 “(4) An assurance that each eligible entity de-
10 scribed in section 244 that receives an initial grant
11 under section 244 to carry out a project or activity
12 shall also receive an assurance from the State that
13 such entity will receive from the State, for the subse-
14 quent fiscal year to carry out such project or activ-
15 ity, a grant under such section in an amount that
16 is proportional, based on such initial grant and on
17 the amount of the grant received under section 241
18 by the State for such subsequent fiscal year, but
19 that does not exceed the amount specified for such
20 subsequent fiscal year in such application as ap-
21 proved by the State.

22 “(5) Such other information and assurances as
23 the Administrator may reasonably require by rule.

24 “(b) APPROVAL OF APPLICATIONS.—

1 “(1) APPROVAL REQUIRED.—Subject to para-
 2 graph (2), the Administrator shall approve an appli-
 3 cation, and amendments to such application sub-
 4 mitted in subsequent fiscal years, that satisfy the re-
 5 quirements of subsection (a).

6 “(2) LIMITATION.—The Administrator may not
 7 approve such application (including amendments to
 8 such application) for a fiscal year unless—

9 “(A)(i) the State submitted a plan under
 10 section 223 for such fiscal year; and

11 “(ii) such plan is approved by the Adminis-
 12 trator for such fiscal year; or

13 “(B) the Administrator waives the applica-
 14 tion of subparagraph (A) to such State for such
 15 fiscal year, after finding good cause for such a
 16 waiver.

17 **“SEC. 244. GRANTS FOR LOCAL PROJECTS.**

18 “(a) GRANTS BY STATES.—Using a grant received
 19 under section 241, a State may make grants to eligible
 20 entities whose applications are received by the State to
 21 carry out projects and activities described in section 241.

22 “(b) SPECIAL CONSIDERATION.—For purposes of
 23 making grants under subsection (a), the State shall give
 24 special consideration to eligible entities that—

1 “(1) propose to carry out such projects in geo-
2 graphical areas in which there is—

3 “(A) a disproportionately high level of seri-
4 ous crime committed by juveniles; or

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

7 “(2)(A) agreed to carry out such projects or ac-
8 tivities that are multidisciplinary and involve more
9 than two private nonprofit agencies, organizations,
10 and institutions that have experience dealing with
11 juveniles; or

12 “(B) represent communities that have a com-
13 prehensive plan designed to identify at-risk juveniles
14 and to prevent or reduce the rate of juvenile delin-
15 quency, and that involve other entities operated by
16 individuals who have a demonstrated history of in-
17 volvement in activities designed to prevent juvenile
18 delinquency; and

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

22 **“SEC. 245. ELIGIBILITY OF ENTITIES.**

23 “(a) ELIGIBILITY.—Except as provided in subsection
24 (b), to be eligible to receive a grant under section 244,
25 a unit of general purpose local government, acting jointly

1 with not fewer than two private nonprofit agencies, organi-
2 zations, and institutions that have experience dealing with
3 juveniles, shall submit to the State an application that
4 contains the following:

5 “(1) An assurance that such applicant will use
6 such grant, and each such grant received for the
7 subsequent fiscal year, to carry out throughout a 2-
8 year period a project or activity described in reason-
9 able detail, and of a kind described in one or more
10 of paragraphs (1) through (14) of section 241 as
11 specified in, such application.

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

16 “(3) A statement identifying the research (if
17 any) such entity relied on in preparing such applica-
18 tion.

19 “(b) LIMITATION.—If an eligible entity that receives
20 a grant under section 244 to carry out a project or activity
21 for a 2-year period, and receives technical assistance from
22 the State or the Administrator after requesting such tech-
23 nical assistance (if any), fails to demonstrate, before the
24 expiration of such 2-year period, that such project or such
25 activity has achieved substantial success in achieving the

1 goals specified in the application submitted by such entity
 2 to receive such grants, then such entity shall not be eligi-
 3 ble to receive any subsequent grant under such section to
 4 continue to carry out such project or activity.”.

5 **SEC. 1312. RESEARCH; EVALUATION; TECHNICAL ASSIST-**
 6 **ANCE; TRAINING.**

7 Title II of the Juvenile Justice and Delinquency Pre-
 8 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended
 9 by inserting after part C, as added by section 1311, the
 10 following:

11 **“PART D—RESEARCH; EVALUATION; TECHNICAL**
 12 **ASSISTANCE; TRAINING**

13 **“SEC. 251. RESEARCH AND EVALUATION; STATISTICAL**
 14 **ANALYSES; INFORMATION DISSEMINATION.**

15 “(a) RESEARCH AND EVALUATION.—(1) The Admin-
 16 istrator may—

17 “(A) plan and identify, after consultation with
 18 the Director of the National Institute of Justice, the
 19 purposes and goals of all agreements carried out
 20 with funds provided under this subsection; and

21 “(B) make agreements with the National Insti-
 22 tute of Justice or, subject to the approval of the As-
 23 sistant Attorney General for the Office of Justice
 24 Programs, with another Federal agency authorized
 25 by law to conduct research or evaluation in juvenile

1 justice matters, for the purpose of providing re-
2 search and evaluation relating to—

3 “(i) the prevention, reduction, and control
4 of juvenile delinquency and serious crime com-
5 mitted by juveniles;

6 “(ii) the link between juvenile delinquency
7 and the incarceration of members of the fami-
8 lies of juveniles;

9 “(iii) successful efforts to prevent first-
10 time minor offenders from committing subse-
11 quent involvement in serious crime;

12 “(iv) successful efforts to prevent recidi-
13 vism;

14 “(v) the juvenile justice system;

15 “(vi) juvenile violence;

16 “(vii) appropriate mental health services
17 for juveniles and youth at risk of participating
18 in delinquent activities;

19 “(viii) reducing the proportion of juveniles
20 detained or confined in secure detention facili-
21 ties, secure correctional facilities, jails, and
22 lockups who are members of minority groups;
23 and

24 “(ix) other purposes consistent with the
25 purposes of this title and title I.

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

5 “(b) STATISTICAL ANALYSES.—The Administrator
6 may—

7 “(1) plan and identify, after consultation with
8 the Director of the Bureau of Justice Statistics, the
9 purposes and goals of all agreements carried out
10 with funds provided under this subsection; and

11 “(2) make agreements with the Bureau of Jus-
12 tice Statistics, or subject to the approval of the As-
13 sistant Attorney General for the Office of Justice
14 Programs, with another Federal agency authorized
15 by law to undertake statistical work in juvenile jus-
16 tice matters, for the purpose of providing for the col-
17 lection, analysis, and dissemination of statistical
18 data and information relating to juvenile delinquency
19 and serious crimes committed by juveniles, to the ju-
20 venile justice system, to juvenile violence, and to
21 other purposes consist with the purposes of this title
22 and title I.

23 “(c) COMPETITIVE SELECTION PROCESS.—The Ad-
24 ministrator shall use a competitive process, established by

1 rule by the Administrator, to carry out subsections (a) and
2 (b).

3 “(d) IMPLEMENTATION OF AGREEMENTS.—A Fed-
4 eral agency that makes an agreement under subsections
5 (a)(1)(B) and (b)(2) with the Administrator may carry out
6 such agreement directly or by making grants to or con-
7 tracts with public and private agencies, institutions, and
8 organizations.

9 “(e) INFORMATION DISSEMINATION.—The Adminis-
10 trator may—

11 “(1) review reports and data relating to the ju-
12 venile justice system in the United States and in for-
13 eign nations (as appropriate), collect data and infor-
14 mation from studies and research into all aspects of
15 juvenile delinquency (including the causes, preven-
16 tion, and treatment of juvenile delinquency) and se-
17 rious crimes committed by juveniles;

18 “(2) establish and operate, directly or by con-
19 tract, a clearinghouse and information center for the
20 preparation, publication, and dissemination of infor-
21 mation relating to juvenile delinquency, including
22 State and local prevention and treatment programs,
23 plans, resources, and training and technical assist-
24 ance programs; and

1 “(3) make grants and contracts with public and
2 private agencies, institutions, and organizations, for
3 the purpose of disseminating information to rep-
4 resentatives and personnel of public and private
5 agencies, including practitioners in juvenile justice,
6 law enforcement, the courts, corrections, schools,
7 and related services, in the establishment, implemen-
8 tation, and operation of projects and activities for
9 which financial assistance is provided under this
10 title.

11 **“SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.**

12 “(a) TRAINING.—The Administrator may—

13 “(1) develop and carry out projects for the pur-
14 pose of training representatives and personnel of
15 public and private agencies, including practitioners
16 in juvenile justice, law enforcement, courts, correc-
17 tions, schools, and related services, to carry out the
18 purposes specified in section 102; and

19 “(2) make grants to and contracts with public
20 and private agencies, institutions, and organizations
21 for the purpose of training representatives and per-
22 sonnel of public and private agencies, including prac-
23 titioners in juvenile justice, law enforcement, courts,
24 corrections, schools, and related services, to carry
25 out the purposes specified in section 102.

1 “(b) TECHNICAL ASSISTANCE.—The Administrator
2 may—

3 “(1) develop and implement projects for the
4 purpose of providing technical assistance to rep-
5 resentatives and personnel of public and private
6 agencies and organizations, including practitioners
7 in juvenile justice, law enforcement, courts, correc-
8 tions, schools, and related services, in the establish-
9 ment, implementation, and operation of programs,
10 projects, and activities for which financial assistance
11 is provided under this title; and

12 “(2) make grants to and contracts with public
13 and private agencies, institutions, and organizations,
14 for the purpose of providing technical assistance to
15 representatives and personnel of public and private
16 agencies, including practitioners in juvenile justice,
17 law enforcement, courts, corrections, schools, and re-
18 lated services, in the establishment, implementation,
19 and operation of programs, projects, and activities
20 for which financial assistance is provided under this
21 title.

22 “(c) TRAINING AND TECHNICAL ASSISTANCE TO
23 MENTAL HEALTH PROFESSIONALS AND LAW ENFORCE-
24 MENT PERSONNEL.—The Administrator shall provide
25 training and technical assistance to mental health profes-

1 sionals and law enforcement personnel (including public
 2 defenders, police officers, probation officers, judges, parole
 3 officials, and correctional officers) to address or to pro-
 4 mote the development, testing, or demonstration of prom-
 5 ising or innovative models, programs, or delivery systems
 6 that address the needs of juveniles who are alleged or ad-
 7 judicated delinquent and who, as a result of such status,
 8 are placed in secure detention or confinement or in non-
 9 secure residential placements.”.

10 **SEC. 1313. DEMONSTRATION PROJECTS.**

11 Title II of the Juvenile Justice and Delinquency Pre-
 12 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amended
 13 by inserting after part D, as added by section 1312, the
 14 following:

15 **“PART E—DEVELOPING, TESTING, AND DEM-**
 16 **ONSTRATING PROMISING NEW INITIATIVES**
 17 **AND PROGRAMS**

18 **“SEC. 261. GRANTS AND PROJECTS.**

19 “(a) **AUTHORITY TO MAKE GRANTS.**—The Adminis-
 20 trator may make grants to and contracts with States,
 21 units of general local government, Indian tribal govern-
 22 ments, public and private agencies, organizations, and in-
 23 dividuals, or combinations thereof, to carry out projects
 24 for the development, testing, and demonstration of prom-
 25 ising initiatives and programs for the prevention, control,

1 or reduction of juvenile delinquency. The Administrator
2 shall ensure that, to the extent reasonable and practicable,
3 such grants are made to achieve an equitable geographical
4 distribution of such projects throughout the United
5 States.

6 “(b) USE OF GRANTS.—A grant made under sub-
7 section (a) may be used to pay all or part of the cost of
8 the project for which such grant is made.

9 **“SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.**

10 “The Administrator may make grants to and con-
11 tracts with public and private agencies, organizations, and
12 individuals to provide technical assistance to States, units
13 of general local government, Indian tribal governments,
14 local private entities or agencies, or any combination
15 thereof, to carry out the projects for which grants are
16 made under section 261.

17 **“SEC. 263. ELIGIBILITY.**

18 “To be eligible to receive a grant made under this
19 part, a public or private agency, Indian tribal government,
20 organization, institution, individual, or combination there-
21 of shall submit an application to the Administrator at such
22 time, in such form, and containing such information as
23 the Administrator may reasonable require by rule.

1 **“SEC. 264. REPORTS.**

2 “Recipients of grants made under this part shall sub-
3 mit to the Administrator such reports as may be reason-
4 ably requested by the Administrator to describe progress
5 achieved in carrying the projects for which such grants
6 are made.”.

7 **SEC. 1314. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 299 of the Juvenile Justice and Delinquency
9 Prevention Act of 1974 (42 U.S.C. 5671) is amended—
10 (1) by striking subsection (e); and
11 (2) by striking subsections (a), (b), and (c), and
12 inserting the following:

13 “(a) AUTHORIZATION OF APPROPRIATIONS FOR
14 TITLE II (EXCLUDING PARTS C AND E).—(1) There are
15 authorized to be appropriated to carry out this title such
16 sums as may be appropriate for fiscal years 2000, 2001,
17 2002, and 2003.

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

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

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

24 “(C) not more than 15 percent shall be avail-
25 able to carry out part D.

1 “(b) AUTHORIZATION OF APPROPRIATIONS FOR
 2 PART C.—There are authorized to be appropriated to
 3 carry out part C such sums as may be necessary for fiscal
 4 years 2000, 2001, 2002, and 2003.

5 “(c) AUTHORIZATION OF APPROPRIATIONS FOR PART
 6 E.—There are authorized to be appropriated to carry out
 7 part E, and authorized to remain available until expended,
 8 such sums as may be necessary for fiscal years 2000,
 9 2001, 2002, and 2003.”.

10 **SEC. 1315. ADMINISTRATIVE AUTHORITY.**

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

14 (1) in subsection (d) by striking “as are con-
 15 sistent with the purpose of this Act” and inserting
 16 “only to the extent necessary to ensure that there is
 17 compliance with the specific requirements of this
 18 title or to respond to requests for clarification and
 19 guidance relating to such compliance”; and

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

21 “(e) If a State requires by law compliance with the
 22 requirements described in paragraphs (11), (12), and (13)
 23 of section 223(a), then for the period such law is in effect
 24 in such State such State shall be rebuttably presumed to
 25 satisfy such requirements.”.

1 **SEC. 1316. USE OF FUNDS.**

2 Section 299C of the Juvenile Justice and Delin-
3 quency Prevention Act of 1974 (42 U.S.C. 5674) is
4 amended—

5 (1) in subsection (a)—

6 (A) by striking “may be used for”;

7 (B) in paragraph (1) by inserting “may be
8 used for” after “(1)”; and

9 (C) by amending paragraph (2) to read as
10 follows:

11 “(2) may not be used for the cost of construc-
12 tion of any facility, except not more than 15 percent
13 of the funds received under this title by a State for
14 a fiscal year may be used for the purpose of ren-
15 ovating or replacing juvenile facilities.”;

16 (2) by striking subsection (b); and

17 (3) by redesignating subsection (c) as sub-
18 section (b).

19 **SEC. 1317. LIMITATION ON USE OF FUNDS.**

20 Part F of title II of the Juvenile Justice and Delin-
21 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),
22 as so redesignated by section 1311, is amended by adding
23 at the end the following:

24 **“SEC. 299F. LIMITATION ON USE OF FUNDS.**

25 “None of the funds made available to carry out this
26 title may be used to advocate for, or support, the unse-

1 cured release of juveniles who are charged with a violent
2 crime.”.

3 **SEC. 1318. RULES OF CONSTRUCTION.**

4 Part F of title II of the Juvenile Justice and Delin-
5 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),
6 as so redesignated by section 1311 and amended by sec-
7 tion 1317, is amended adding at the end the following:

8 **“SEC. 299G. RULES OF CONSTRUCTION.**

9 “Nothing in this title or title I shall be construed—

10 “(1) to prevent financial assistance from being
11 awarded through grants under this title to any oth-
12 erwise eligible organization; or

13 “(2) to modify or affect any Federal or State
14 law relating to collective bargaining rights of em-
15 ployees.”.

16 **SEC. 1319. LEASING SURPLUS FEDERAL PROPERTY.**

17 Part F of title II of the Juvenile Justice and Delin-
18 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),
19 as so redesignated by section 1311 and amended by sec-
20 tions 1317 and 1318, is amended adding at the end the
21 following:

22 **“SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.**

23 “The Administrator may receive surplus Federal
24 property (including facilities) and may lease such property
25 to States and units of general local government for use

1 in or as facilities for juvenile offenders, or for use in or
2 as facilities for delinquency prevention and treatment ac-
3 tivities.”.

4 **SEC. 1320. ISSUANCE OF RULES.**

5 Part F of title II of the Juvenile Justice and Delin-
6 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),
7 as so redesignated by section 1311 and amended by sec-
8 tions 1317, 1318, and 1319, is amended adding at the
9 end the following:

10 **“SEC. 299I. ISSUANCE OF RULES.**

11 “The Administrator shall issue rules to carry out this
12 title, including rules that establish procedures and meth-
13 ods for making grants and contracts, and distributing
14 funds available, to carry out this title.”.

15 **SEC. 1321. CONTENT OF MATERIALS.**

16 Part F of title II of the Juvenile Justice and Delin-
17 quency Prevention Act of 1974 (42 U.S.C. 5671 et seq.),
18 as so redesignated by section 1311 and amended by sec-
19 tions 1317, 1318, 1319, and 1320, is amended by adding
20 at the end the following:

21 **“SEC. 299J. CONTENT OF MATERIALS.**

22 “Materials produced, procured, or distributed using
23 funds appropriated to carry out this Act, for the purpose
24 of preventing hate crimes should be respectful of the diver-
25 sity of deeply held religious beliefs and shall make it clear

1 that for most people religious faith is not associated with
2 prejudice and intolerance.”.

3 **SEC. 1322. TECHNICAL AND CONFORMING AMENDMENTS.**

4 (a) TECHNICAL AMENDMENTS.—The Juvenile Jus-
5 tice and Delinquency Prevention Act of 1974 (42 U.S.C.
6 5601 et seq.) is amended—

7 (1) in section 202(b) by striking “prescribed for
8 GS–18 of the General Schedule by section 5332”
9 and inserting “payable under section 5376”;

10 (2) in section 221(b)(2) by striking the last
11 sentence;

12 (3) in section 299D by striking subsection (d);
13 and

14 (4) by striking titles IV and V, as originally en-
15 acted by Public Law 93–415 (88 Stat. 1132–1143).

16 (b) CONFORMING AMENDMENTS.—(1) Section 5315
17 of title 5, United States Code is amended by striking “Of-
18 fice of Juvenile Justice and Delinquency Prevention” and
19 inserting “Office of Juvenile Crime Control and Delin-
20 quency Prevention”.

21 (2) Section 4351(b) of title 18 of the United States
22 Code is amended by striking “Office of Juvenile Justice
23 and Delinquency Prevention” and inserting “Office of Ju-
24 venile Crime Control and Delinquency Prevention”.

1 (3) Subsections (a)(1) and (c) of section 3220 of title
2 39 of the United States Code is amended by striking “Of-
3 fice of Juvenile Justice and Delinquency Prevention” each
4 place it appears and inserting “Office of Juvenile Crime
5 Control and Delinquency Prevention”.

6 (4) Section 463(f) of the Social Security Act (42
7 U.S.C. 663(f)) is amended by striking “Office of Juvenile
8 Justice and Delinquency Prevention” and inserting “Of-
9 fice of Juvenile Crime Control and Delinquency Preven-
10 tion”.

11 (5) Sections 801(a), 804, 805, and 813 of title I of
12 the Omnibus Crime Control and Safe Streets Act of 1968
13 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amend-
14 ed by striking “Office of Juvenile Justice and Delinquency
15 Prevention” each place it appears and inserting “Office
16 of Juvenile Crime Control and Delinquency Prevention”.

17 (6) The Victims of Child Abuse Act of 1990 (42
18 U.S.C. 13001 et seq.) is amended—

19 (A) in section 214(b)(1) by striking “262, 293,
20 and 296 of subpart II of title II” and inserting
21 “299B and 299E”;

22 (B) in section 214A(c)(1) by striking “262,
23 293, and 296 of subpart II of title II” and inserting
24 “299B and 299E”;

1 (C) in sections 217 and 222 by striking “Office
2 of Juvenile Justice and Delinquency Prevention”
3 each place it appears and inserting “Office of Juve-
4 nile Crime Control and Delinquency Prevention”;
5 and

6 (D) in section 223(c) by striking “section 262,
7 293, and 296” and inserting “sections 262, 299B,
8 and 299E”.

9 (7) The Missing Children’s Assistance Act (42 U.S.C.
10 5771 et seq.) is amended—

11 (A) in section 403(2) by striking “Justice and
12 Delinquency Prevention” and inserting “Crime Con-
13 trol and Delinquency Prevention”; and

14 (B) in subsections (a)(5)(E) and (b)(1)(B) of
15 section 404 by striking “section 313” and inserting
16 “section 331”.

17 (8) The Crime Control Act of 1990 (42 U.S.C. 13001
18 et seq.) is amended—

19 (A) in section 217(c)(1) by striking “sections
20 262, 293, and 296 of subpart II of title II” and in-
21 serting “sections 299B and 299E”; and

22 (B) in section 223(c) by striking “section 262,
23 293, and 296 of title II” and inserting “sections
24 299B and 299E”.

1 **SEC. 1323. REFERENCES.**

2 In any Federal law (excluding this title and the Acts
3 amended by this title), Executive order, rule, regulation,
4 order, delegation of authority, grant, contract, suit, or
5 document—

6 (1) a reference to the Office of Juvenile Justice
7 and Delinquency Prevention shall be deemed to in-
8 clude a reference to the Office of Juvenile Crime
9 Control and Delinquency Prevention; and

10 (2) a reference to the National Institute for Ju-
11 venile Justice and Delinquency Prevention shall be
12 deemed to include a reference to Office of Juvenile
13 Crime Control and Delinquency Prevention.

14 **Subtitle B—Amendments to the**
15 **Runaway and Homeless Youth Act**

16 **SEC. 1331. RUNAWAY AND HOMELESS YOUTH.**

17 (a) FINDINGS.—Section 302 of the Runaway and
18 Homeless Youth Act (42 U.S.C. 5701) is amended—

19 (1) in paragraph (5), by striking “accurate re-
20 porting of the problem nationally and to develop”
21 and inserting “an accurate national reporting system
22 to report the problem, and to assist in the develop-
23 ment of”; and

24 (2) by striking paragraph (8) and inserting the
25 following:

1 “(8) services for runaway and homeless youth
2 are needed in urban, suburban, and rural areas;”.

3 (b) AUTHORITY TO MAKE GRANTS FOR CENTERS
4 AND SERVICES.—Section 311 of the Runaway and Home-
5 less Youth Act (42 U.S.C. 5711) is amended—

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

8 “(a) GRANTS FOR CENTERS AND SERVICES.—

9 “(1) IN GENERAL.—The Secretary shall make
10 grants to public and nonprofit private entities (and
11 combinations of such entities) to establish and oper-
12 ate (including renovation) local centers to provide
13 services for runaway and homeless youth and for the
14 families of such youth.

15 “(2) SERVICES PROVIDED.—Services provided
16 under paragraph (1)—

17 “(A) shall be provided as an alternative to
18 involving runaway and homeless youth in the
19 law enforcement, child welfare, mental health,
20 and juvenile justice systems;

21 “(B) shall include—

22 “(i) safe and appropriate shelter; and

23 “(ii) individual, family, and group
24 counseling, as appropriate; and

25 “(C) may include—

1 “(i) street-based services;

2 “(ii) home-based services for families
3 with youth at risk of separation from the
4 family; and

5 “(iii) drug abuse education and pre-
6 vention services.”;

7 (2) in subsection (b)(2), by striking “the Trust
8 Territory of the Pacific Islands,”; and

9 (3) by striking subsections (c) and (d).

10 (c) ELIGIBILITY.—Section 312 of the Runaway and
11 Homeless Youth Act (42 U.S.C. 5712) is amended—

12 (1) in subsection (b)—

13 (A) in paragraph (8), by striking “para-
14 graph (6)” and inserting “paragraph (7)”;

15 (B) in paragraph (10), by striking “and”
16 at the end;

17 (C) in paragraph (11), by striking the pe-
18 riod at the end and inserting “; and”; and

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

20 “(12) shall submit to the Secretary an annual
21 report that includes, with respect to the year for
22 which the report is submitted—

23 “(A) information regarding the activities
24 carried out under this part;

1 “(B) the achievements of the project under
2 this part carried out by the applicant; and

3 “(C) statistical summaries describing—

4 “(i) the number and the characteris-
5 ties of the runaway and homeless youth,
6 and youth at risk of family separation, who
7 participate in the project; and

8 “(ii) the services provided to such
9 youth by the project.”; and

10 (2) by striking subsections (c) and (d) and in-
11 serting the following:

12 “(c) APPLICANTS PROVIDING STREET-BASED SERV-
13 ICES.—To be eligible to use assistance under section
14 311(a)(2)(C)(i) to provide street-based services, the appli-
15 cant shall include in the plan required by subsection (b)
16 assurances that in providing such services the applicant
17 will—

18 “(1) provide qualified supervision of staff, in-
19 cluding on-street supervision by appropriately
20 trained staff;

21 “(2) provide backup personnel for on-street
22 staff;

23 “(3) provide initial and periodic training of
24 staff who provide such services; and

1 “(4) conduct outreach activities for runaway
2 and homeless youth, and street youth.

3 “(d) APPLICANTS PROVIDING HOME-BASED SERV-
4 ICES.—To be eligible to use assistance under section
5 311(a) to provide home-based services described in section
6 311(a)(2)(C)(ii), an applicant shall include in the plan re-
7 quired by subsection (b) assurances that in providing such
8 services the applicant will—

9 “(1) provide counseling and information to
10 youth and the families (including unrelated individ-
11 uals in the family households) of such youth, includ-
12 ing services relating to basic life skills, interpersonal
13 skill building, educational advancement, job attain-
14 ment skills, mental and physical health care, par-
15 enting skills, financial planning, and referral to
16 sources of other needed services;

17 “(2) provide directly, or through an arrange-
18 ment made by the applicant, 24-hour service to re-
19 spond to family crises (including immediate access to
20 temporary shelter for runaway and homeless youth,
21 and youth at risk of separation from the family);

22 “(3) establish, in partnership with the families
23 of runaway and homeless youth, and youth at risk
24 of separation from the family, objectives and meas-

1 ures of success to be achieved as a result of receiv-
2 ing home-based services;

3 “(4) provide initial and periodic training of
4 staff who provide home-based services; and

5 “(5) ensure that—

6 “(A) caseloads will remain sufficiently low
7 to allow for intensive (5 to 20 hours per week)
8 involvement with each family receiving such
9 services; and

10 “(B) staff providing such services will re-
11 ceive qualified supervision.

12 “(e) APPLICANTS PROVIDING DRUG ABUSE EDU-
13 CATION AND PREVENTION SERVICES.—To be eligible to
14 use assistance under section 311(a)(2)(C)(iii) to provide
15 drug abuse education and prevention services, an appli-
16 cant shall include in the plan required by subsection (b)—

17 “(1) a description of—

18 “(A) the types of such services that the ap-
19 plicant proposes to provide;

20 “(B) the objectives of such services; and

21 “(C) the types of information and training
22 to be provided to individuals providing such
23 services to runaway and homeless youth; and

1 “(2) an assurance that in providing such serv-
2 ices the applicant shall conduct outreach activities
3 for runaway and homeless youth.”.

4 (d) APPROVAL OF APPLICATIONS.—Section 313 of
5 the Runaway and Homeless Youth Act (42 U.S.C. 5713)
6 is amended to read as follows:

7 **“SEC. 313. APPROVAL OF APPLICATIONS.**

8 “(a) IN GENERAL.—An application by a public or
9 private entity for a grant under section 311(a) may be
10 approved by the Secretary after taking into consideration,
11 with respect to the State in which such entity proposes
12 to provide services under this part—

13 “(1) the geographical distribution in such State
14 of the proposed services under this part for which all
15 grant applicants request approval; and

16 “(2) which areas of such State have the great-
17 est need for such services.

18 “(b) PRIORITY.—In selecting applications for grants
19 under section 311(a), the Secretary shall give priority to—

20 “(1) eligible applicants who have demonstrated
21 experience in providing services to runaway and
22 homeless youth; and

23 “(2) eligible applicants that request grants of
24 less than \$200,000.”.

1 (e) AUTHORITY FOR TRANSITIONAL LIVING GRANT
2 PROGRAM.—Section 321 of the Runaway and Homeless
3 Youth Act (42 U.S.C. 5714–1) is amended—

4 (1) in the section heading, by striking “PUR-
5 POSE AND”;

6 (2) in subsection (a), by striking “(a)”; and

7 (3) by striking subsection (b).

8 (f) ELIGIBILITY.—Section 322(a)(9) of the Runaway
9 and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is
10 amended by inserting “, and the services provided to such
11 youth by such project,” after “such project”.

12 (g) COORDINATION.—Section 341 of the Runaway
13 and Homeless Youth Act (42 U.S.C. 5714–21) is amended
14 to read as follows:

15 **“SEC. 341. COORDINATION.**

16 “With respect to matters relating to the health, edu-
17 cation, employment, and housing of runaway and homeless
18 youth, the Secretary—

19 “(1) in conjunction with the Attorney General,
20 shall coordinate the activities of agencies of the De-
21 partment of Health and Human Services with activi-
22 ties under any other Federal juvenile crime control,
23 prevention, and juvenile offender accountability pro-
24 gram and with the activities of other Federal enti-
25 ties; and

1 “(2) shall coordinate the activities of agencies
2 of the Department of Health and Human Services
3 with the activities of other Federal entities and with
4 the activities of entities that are eligible to receive
5 grants under this title.”.

6 (h) AUTHORITY TO MAKE GRANTS FOR RESEARCH,
7 EVALUATION, DEMONSTRATION, AND SERVICE
8 PROJECTS.—Section 343 of the Runaway and Homeless
9 Youth Act (42 U.S.C. 5714–23) is amended—

10 (1) in the section heading, by inserting “EVAL-
11 UATION,” after “RESEARCH,”;

12 (2) in subsection (a), by inserting “evaluation,”
13 after “research,”; and

14 (3) in subsection (b)—

15 (A) by striking paragraph (2); and

16 (B) by redesignating paragraphs (3)
17 through (10) as paragraphs (2) through (9), re-
18 spectively.

19 (i) STUDY.—Part D of the Runaway and Homeless
20 Youth Act (42 U.S.C. 5731 et seq.) is amended by adding
21 after section 344 the following:

22 **“SEC. 345. STUDY**

23 “The Secretary shall conduct a study of a representa-
24 tive sample of runaways to determine the percent who

1 leave home because of sexual abuse. The report on the
2 study shall include—

3 “(1) in the case of sexual abuse , the relation-
4 ship of the assaulter to the runaway; and

5 “(2) recommendations on how Federal laws
6 may be changed to reduce sexual assaults on chil-
7 dren.

8 The study shall be completed to enable the Secretary to
9 make a report to the committees of Congress with jurisdic-
10 tion over this Act, and to make such report available to
11 the public, within one year of the date of the enactment
12 of this section.”

13 (j) ASSISTANCE TO POTENTIAL GRANTEES.—Section
14 371 of the Runaway and Homeless Youth Act (42 U.S.C.
15 5714a) is amended by striking the last sentence.

16 (k) REPORTS.—Section 381 of the Runaway and
17 Homeless Youth Act (42 U.S.C. 5715) is amended to read
18 as follows:

19 **“SEC. 381. REPORTS.**

20 “(a) IN GENERAL.—Not later than April 1, 2000,
21 and biennially thereafter, the Secretary shall submit, to
22 the Committee on Education and the Workforce of the
23 House of Representatives and the Committee on the Judi-
24 ciary of the Senate, a report on the status, activities, and

1 accomplishments of entities that receive grants under
2 parts A, B, C, D, and E, with particular attention to—

3 “(1) in the case of centers funded under part
4 A, the ability or effectiveness of such centers in—

5 “(A) alleviating the problems of runaway
6 and homeless youth;

7 “(B) if applicable or appropriate, reuniting
8 such youth with their families and encouraging
9 the resolution of intrafamily problems through
10 counseling and other services;

11 “(C) strengthening family relationships
12 and encouraging stable living conditions for
13 such youth; and

14 “(D) assisting such youth to decide upon a
15 future course of action; and

16 “(2) in the case of projects funded under part
17 B—

18 “(A) the number and characteristics of
19 homeless youth served by such projects;

20 “(B) the types of activities carried out by
21 such projects;

22 “(C) the effectiveness of such projects in
23 alleviating the problems of homeless youth;

24 “(D) the effectiveness of such projects in
25 preparing homeless youth for self-sufficiency;

1 “(E) the effectiveness of such projects in
2 assisting homeless youth to decide upon future
3 education, employment, and independent living;

4 “(F) the ability of such projects to encour-
5 age the resolution of intrafamily problems
6 through counseling and development of self-suf-
7 ficient living skills; and

8 “(G) activities and programs planned by
9 such projects for the following fiscal year.

10 “(b) CONTENTS OF REPORTS.—The Secretary shall
11 include in each report submitted under subsection (a),
12 summaries of—

13 “(1) the evaluations performed by the Secretary
14 under section 386; and

15 “(2) descriptions of the qualifications of, and
16 training provided to, individuals involved in carrying
17 out such evaluations.”.

18 (l) EVALUATION.—Section 384 of the Runaway and
19 Homeless Youth Act (42 U.S.C. 5732) is amended to read
20 as follows:

21 **“SEC. 386. EVALUATION AND INFORMATION.**

22 “(a) IN GENERAL.—If a grantee receives grants for
23 3 consecutive fiscal years under part A, B, C, D, or E
24 (in the alternative), then the Secretary shall evaluate such

1 grantee on-site, not less frequently than once in the period
2 of such 3 consecutive fiscal years, for purposes of—

3 “(1) determining whether such grants are being
4 used for the purposes for which such grants are
5 made by the Secretary;

6 “(2) collecting additional information for the re-
7 port required by section 384; and

8 “(3) providing such information and assistance
9 to such grantee as will enable such grantee to im-
10 prove the operation of the centers, projects, and ac-
11 tivities for which such grants are made.

12 “(b) COOPERATION.—Recipients of grants under this
13 title shall cooperate with the Secretary’s efforts to carry
14 out evaluations, and to collect information, under this
15 title.”.

16 (m) AUTHORIZATION OF APPROPRIATIONS.—Section
17 385 of the Runaway and Homeless Youth Act (42 U.S.C.
18 5751) is amended to read as follows:

19 **“SEC. 388. AUTHORIZATION OF APPROPRIATIONS.**

20 “(a) IN GENERAL.—

21 “(1) AUTHORIZATION.—There is authorized to
22 be appropriated to carry out this title (other than
23 part E) such sums as may be necessary for fiscal
24 years 2000, 2001, 2002, and 2003.

25 “(2) ALLOCATION.—

1 “(A) PARTS A AND B.—From the amount
2 appropriated under paragraph (1) for a fiscal
3 year, the Secretary shall reserve not less than
4 90 percent to carry out parts A and B.

5 “(B) PART B.—Of the amount reserved
6 under subparagraph (A), not less than 20 per-
7 cent, and not more than 30 percent, shall be re-
8 served to carry out part B.

9 “(3) PARTS C AND D.—In each fiscal year,
10 after reserving the amounts required by paragraph
11 (2), the Secretary shall use the remaining amount
12 (if any) to carry out parts C and D.

13 “(b) SEPARATE IDENTIFICATION REQUIRED.—No
14 funds appropriated to carry out this title may be combined
15 with funds appropriated under any other Act if the pur-
16 pose of combining such funds is to make a single discre-
17 tionary grant, or a single discretionary payment, unless
18 such funds are separately identified in all grants and con-
19 tracts and are used for the purposes specified in this
20 title.”.

21 (n) SEXUAL ABUSE PREVENTION PROGRAM.—

22 (1) AUTHORITY FOR PROGRAM.—The Runaway
23 and Homeless Youth Act (42 U.S.C. 5701 et seq.)
24 is amended—

25 (A) by striking the heading for part F;

1 (B) by redesignating part E as part F; and

2 (C) by inserting after part D the following:

3 **“PART E—SEXUAL ABUSE PREVENTION**

4 **PROGRAM**

5 **“SEC. 351. AUTHORITY TO MAKE GRANTS.**

6 “(a) IN GENERAL.—The Secretary may make grants
7 to nonprofit private agencies for the purpose of providing
8 street-based services to runaway and homeless, and street
9 youth, who have been subjected to, or are at risk of being
10 subjected to, sexual abuse, prostitution, or sexual exploi-
11 tation.

12 “(b) PRIORITY.—In selecting applicants to receive
13 grants under subsection (a), the Secretary shall give pri-
14 ority to nonprofit private agencies that have experience in
15 providing services to runaway and homeless, and street
16 youth.”.

17 (2) AUTHORIZATION OF APPROPRIATIONS.—

18 Section 388(a) of the Runaway and Homeless Youth
19 Act (42 U.S.C. 5751), as amended by subsection
20 (m) of this section, is amended by adding at the end
21 the following:

22 “(4) PART E.—There is authorized to be appro-
23 priated to carry out part E such sums as may be
24 necessary for fiscal years 2000, 2001, 2002, and
25 2003.”.

1 (o) CONSOLIDATED REVIEW OF APPLICATIONS.—
2 The Runaway and Homeless Youth Act (42 U.S.C. 5701
3 et seq.) is amended by inserting after section 383 the fol-
4 lowing:

5 **“SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.**

6 “With respect to funds available to carry out parts
7 A, B, C, D, and E, nothing in this title shall be construed
8 to prohibit the Secretary from—

9 “(1) announcing, in a single announcement, the
10 availability of funds for grants under two or more of
11 such parts; and

12 “(2) reviewing applications for grants under
13 two or more of such parts in a single, consolidated
14 application review process.”.

15 (p) DEFINITIONS.—The Runaway and Homeless
16 Youth Act (42 U.S.C. 5701 et seq.) is amended by insert-
17 ing after section 386, as amended by subsection (l) of this
18 section, the following:

19 **“SEC. 387. DEFINITIONS.**

20 “In this title:

21 “(1) DRUG ABUSE EDUCATION AND PREVEN-
22 TION SERVICES.—The term ‘drug abuse education
23 and prevention services’—

1 “(A) means services to runaway and home-
2 less youth to prevent or reduce the illicit use of
3 drugs by such youth; and

4 “(B) may include—

5 “(i) individual, family, group, and
6 peer counseling;

7 “(ii) drop-in services;

8 “(iii) assistance to runaway and
9 homeless youth in rural areas (including
10 the development of community support
11 groups);

12 “(iv) information and training relating
13 to the illicit use of drugs by runaway and
14 homeless youth, to individuals involved in
15 providing services to such youth; and

16 “(v) activities to improve the avail-
17 ability of local drug abuse prevention serv-
18 ices to runaway and homeless youth.

19 “(2) HOME-BASED SERVICES.—The term
20 ‘home-based services’—

21 “(A) means services provided to youth and
22 their families for the purpose of—

23 “(i) preventing such youth from run-
24 ning away, or otherwise becoming sepa-
25 rated, from their families; and

1 “(ii) assisting runaway youth to re-
2 turn to their families; and

3 “(B) includes services that are provided in
4 the residences of families (to the extent prac-
5 ticable), including—

6 “(i) intensive individual and family
7 counseling; and

8 “(ii) training relating to life skills and
9 parenting.

10 “(3) HOMELESS YOUTH.—The term ‘homeless
11 youth’ means an individual—

12 “(A) who is—

13 “(i) not more than 21 years of age;
14 and

15 “(ii) for the purposes of part B, not
16 less than 16 years of age;

17 “(B) for whom it is not possible to live in
18 a safe environment with a relative; and

19 “(C) who has no other safe alternative liv-
20 ing arrangement.

21 “(4) STREET-BASED SERVICES.—The term
22 ‘street-based services’—

23 “(A) means services provided to runaway
24 and homeless youth, and street youth, in areas
25 where they congregate, designed to assist such

1 youth in making healthy personal choices re-
2 garding where they live and how they behave;
3 and

4 “(B) may include—

5 “(i) identification of and outreach to
6 runaway and homeless youth, and street
7 youth;

8 “(ii) crisis intervention and coun-
9 seling;

10 “(iii) information and referral for
11 housing;

12 “(iv) information and referral for
13 transitional living and health care services;

14 “(v) advocacy, education, and preven-
15 tion services related to—

16 “(I) alcohol and drug abuse;

17 “(II) sexual exploitation;

18 “(III) sexually transmitted dis-
19 eases, including human immuno-
20 deficiency virus (HIV); and

21 “(IV) physical and sexual as-
22 sault.

23 “(5) STREET YOUTH.—The term ‘street youth’
24 means an individual who—

25 “(A) is—

1 “(i) a runaway youth; or

2 “(ii) indefinitely or intermittently a
3 homeless youth; and

4 “(B) spends a significant amount of time
5 on the street or in other areas that increase the
6 risk to such youth for sexual abuse, sexual ex-
7 ploitation, prostitution, or drug abuse.

8 “(6) TRANSITIONAL LIVING YOUTH PROJECT.—

9 The term ‘transitional living youth project’ means a
10 project that provides shelter and services designed to
11 promote a transition to self-sufficient living and to
12 prevent long-term dependency on social services.

13 “(7) YOUTH AT RISK OF SEPARATION FROM
14 THE FAMILY.—The term ‘youth at risk of separation
15 from the family’ means an individual—

16 “(A) who is less than 18 years of age; and

17 “(B)(i) who has a history of running away
18 from the family of such individual;

19 “(ii) whose parent, guardian, or custodian
20 is not willing to provide for the basic needs of
21 such individual; or

22 “(iii) who is at risk of entering the child
23 welfare system or juvenile justice system as a
24 result of the lack of services available to the
25 family to meet such needs.”.

1 (q) REDESIGNATION OF SECTIONS.—Sections 371,
 2 372, 381, 382, and 383 of the Runaway and Homeless
 3 Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended
 4 by this title, are redesignated as sections 380, 381, 382,
 5 383, and 384, respectively.

6 (r) TECHNICAL AMENDMENTS.—The Runaway and
 7 Homeless Youth Act (42 U.S.C. 5701 et seq.) is
 8 amended—

9 (1) in section 331, in the first sentence, by
 10 striking “With” and all that follows through “the
 11 Secretary”, and inserting “The Secretary”; and

12 (2) in section 344(a)(1), by striking “With”
 13 and all that follows through “the Secretary”, and in-
 14 serting “The Secretary”.

15 **Subtitle C—Repeal of Title V Relat-**
 16 **ing to Incentive Grants for**
 17 **Local Delinquency Prevention**
 18 **Programs**

19 **SEC. 1341. REPEALER.**

20 Title V of the Juvenile Justice and Delinquency Pre-
 21 vention Act of 1974 (42 U.S.C. 5681 et seq.), as added
 22 by Public Law 102–586, is repealed.

1 **Subtitle D—Amendments to the**
2 **Missing Children’s Assistance Act**

3 **SEC. 1351. NATIONAL CENTER FOR MISSING AND EX-**
4 **PLOITED CHILDREN.**

5 (a) FINDINGS.—Section 402 of the Missing Chil-
6 dren’s Assistance Act (42 U.S.C. 5771) is amended—

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

9 (2) in paragraph (8), by striking the period at
10 the end and inserting a semicolon; and

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

12 “(9) for 14 years, the National Center for Miss-
13 ing and Exploited Children has—

14 “(A) served as the national resource center
15 and clearinghouse congressionally mandated
16 under the provisions of the Missing Children’s
17 Assistance Act of 1984; and

18 “(B) worked in partnership with the De-
19 partment of Justice, the Federal Bureau of In-
20 vestigation, the Department of the Treasury,
21 the Department of State, and many other agen-
22 cies in the effort to find missing children and
23 prevent child victimization;

24 “(10) Congress has given the Center, which is
25 a private non-profit corporation, access to the Na-

1 tional Crime Information Center of the Federal Bu-
2 reau of Investigation, and the National Law En-
3 forcement Telecommunications System;

4 “(11) since 1987, the Center has operated the
5 National Child Pornography Tipline, in conjunction
6 with the United States Customs Service and the
7 United States Postal Inspection Service and, begin-
8 ning this year, the Center established a new
9 CyberTipline on child exploitation, thus becoming
10 ‘the 911 for the Internet’;

11 “(12) in light of statistics that time is of the es-
12 sence in cases of child abduction, the Director of the
13 Federal Bureau of Investigation in February of
14 1997 created a new NCIC child abduction (‘CA’)
15 flag to provide the Center immediate notification in
16 the most serious cases, resulting in 642 ‘CA’ notifi-
17 cations to the Center and helping the Center to have
18 its highest recovery rate in history;

19 “(13) the Center has established a national and
20 increasingly worldwide network, linking the Center
21 online with each of the missing children clearing-
22 houses operated by the 50 States, the District of Co-
23 lumbia, and Puerto Rico, as well as with Scotland
24 Yard in the United Kingdom, the Royal Canadian
25 Mounted Police, INTERPOL headquarters in Lyon,

1 France, and others, which has enabled the Center to
2 transmit images and information regarding missing
3 children to law enforcement across the United States
4 and around the world instantly;

5 “(14) from its inception in 1984 through March
6 31, 1998, the Center has—

7 “(A) handled 1,203,974 calls through its
8 24-hour toll-free hotline (1-800-THE-LOST)
9 and currently averages 700 calls per day;

10 “(B) trained 146,284 law enforcement,
11 criminal and juvenile justice, and healthcare
12 professionals in child sexual exploitation and
13 missing child case detection, identification, in-
14 vestigation, and prevention;

15 “(C) disseminated 15,491,344 free publica-
16 tions to citizens and professionals; and

17 “(D) worked with law enforcement on the
18 cases of 59,481 missing children, resulting in
19 the recovery of 40,180 children;

20 “(15) the demand for the services of the Center
21 is growing dramatically, as evidenced by the fact
22 that in 1997, the Center handled 129,100 calls, an
23 all-time record, and by the fact that its new Internet
24 website (www.missingkids.com) receives 1,500,000
25 ‘hits’ every day, and is linked with hundreds of other

1 websites to provide real-time images of breaking
2 cases of missing children;

3 “(16) in 1997, the Center provided policy train-
4 ing to 256 police chiefs and sheriffs from 50 States
5 and Guam at its new Jimmy Ryce Law Enforcement
6 Training Center;

7 “(17) the programs of the Center have had a
8 remarkable impact, such as in the fight against in-
9 fant abductions in partnership with the healthcare
10 industry, during which the Center has performed
11 668 onsite hospital walk-throughs and inspections,
12 and trained 45,065 hospital administrators, nurses,
13 and security personnel, and thereby helped to reduce
14 infant abductions in the United States by 82 per-
15 cent;

16 “(18) the Center is now playing a significant
17 role in international child abduction cases, serving as
18 a representative of the Department of State at cases
19 under The Hague Convention, and successfully re-
20 solving the cases of 343 international child abduc-
21 tions, and providing greater support to parents in
22 the United States;

23 “(19) the Center is a model of public/private
24 partnership, raising private sector funds to match
25 congressional appropriations and receiving extensive

1 private in-kind support, including advanced tech-
2 nology provided by the computer industry such as
3 imaging technology used to age the photographs of
4 long-term missing children and to reconstruct facial
5 images of unidentified deceased children;

6 “(20) the Center was one of only 10 of 300
7 major national charities given an A+ grade in 1997
8 by the American Institute of Philanthropy; and

9 “(21) the Center has been redesignated as the
10 Nation’s missing children clearinghouse and resource
11 center once every 3 years through a competitive se-
12 lection process conducted by the Office of Juvenile
13 Justice and Delinquency Prevention of the Depart-
14 ment of Justice, and has received grants from that
15 Office to conduct the crucial purposes of the Cen-
16 ter.”.

17 (b) DEFINITIONS.—Section 403 of the Missing Chil-
18 dren’s Assistance Act (42 U.S.C. 5772) is amended—

19 (1) in paragraph (1), by striking “and” at the
20 end;

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

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

24 “(3) the term ‘Center’ means the National Cen-
25 ter for Missing and Exploited Children.”.

1 (c) DUTIES AND FUNCTIONS OF THE ADMINIS-
2 TRATOR.—Section 404 of the Missing Children’s Assist-
3 ance Act (42 U.S.C. 5773) is amended—

4 (1) by redesignating subsection (c) as sub-
5 section (d); and

6 (2) by striking subsection (b) and inserting the
7 following:

8 “(b) ANNUAL GRANT TO NATIONAL CENTER FOR
9 MISSING AND EXPLOITED CHILDREN.—

10 “(1) IN GENERAL.—The Administrator shall
11 annually make a grant to the Center, which shall be
12 used to—

13 “(A)(i) operate a national 24-hour toll-free
14 telephone line by which individuals may report
15 information regarding the location of any miss-
16 ing child, or other child 13 years of age or
17 younger whose whereabouts are unknown to
18 such child’s legal custodian, and request infor-
19 mation pertaining to procedures necessary to
20 reunite such child with such child’s legal custo-
21 dian; and

22 “(ii) coordinate the operation of such tele-
23 phone line with the operation of the national
24 communications system referred to in part C of

1 the Runaway and Homeless Youth Act (42
2 U.S.C. 5714–11);

3 “(B) operate the official national resource
4 center and information clearinghouse for miss-
5 ing and exploited children;

6 “(C) provide to State and local govern-
7 ments, public and private nonprofit agencies,
8 and individuals, information regarding—

9 “(i) free or low-cost legal, restaurant,
10 lodging, and transportation services that
11 are available for the benefit of missing and
12 exploited children and their families; and

13 “(ii) the existence and nature of pro-
14 grams being carried out by Federal agen-
15 cies to assist missing and exploited chil-
16 dren and their families;

17 “(D) coordinate public and private pro-
18 grams that locate, recover, or reunite missing
19 children with their families;

20 “(E) disseminate, on a national basis, in-
21 formation relating to innovative and model pro-
22 grams, services, and legislation that benefit
23 missing and exploited children;

24 “(F) provide technical assistance and
25 training to law enforcement agencies, State and

1 local governments, elements of the criminal jus-
2 tice system, public and private nonprofit agen-
3 cies, and individuals in the prevention, inves-
4 tigation, prosecution, and treatment of cases in-
5 volving missing and exploited children; and

6 “(G) provide assistance to families and law
7 enforcement agencies in locating and recovering
8 missing and exploited children, both nationally
9 and internationally.

10 “(2) AUTHORIZATION OF APPROPRIATIONS.—

11 There is authorized to be appropriated to the Ad-
12 ministrator to carry out this subsection,
13 \$10,000,000 for each of fiscal years 2000, 2001,
14 2002, and 2003.

15 “(c) NATIONAL INCIDENCE STUDIES.—The Adminis-
16 trator, either by making grants to or entering into con-
17 tracts with public agencies or nonprofit private agencies,
18 shall—

19 “(1) periodically conduct national incidence
20 studies to determine for a given year the actual
21 number of children reported missing each year, the
22 number of children who are victims of abduction by
23 strangers, the number of children who are the vic-
24 tims of parental kidnappings, and the number of chil-
25 dren who are recovered each year; and

1 “(2) provide to State and local governments,
2 public and private nonprofit agencies, and individ-
3 uals information to facilitate the lawful use of school
4 records and birth certificates to identify and locate
5 missing children.”.

6 (d) NATIONAL CENTER FOR MISSING AND EX-
7 PLOITED CHILDREN.—Section 405(a) of the Missing Chil-
8 dren’s Assistance Act (42 U.S.C. 5775(a)) is amended by
9 inserting “the Center and with” before “public agencies”.

10 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
11 408 of the Missing Children’s Assistance Act (42 U.S.C.
12 5777) is amended by striking “1997 through 2001” and
13 inserting “2000 through 2003”.

14 **Subtitle E—Studies and**
15 **Evaluations**

16 **SEC. 1361. STUDY OF SCHOOL VIOLENCE.**

17 (a) CONTRACT FOR STUDY.—Not later than 60 days
18 after the date of the enactment of this Act, the Secretary
19 of Education shall enter into a contract with the National
20 Academy of Sciences for the purposes of conducting a
21 study regarding the antecedents of school violence in
22 urban, suburban, and rural schools, including the inci-
23 dents of school violence that occurred in Pearl, Mis-
24 sissippi; Paducah, Kentucky; Jonesboro, Arkansas;
25 Springfield, Oregon; Edinboro, Pennsylvania; Fayetteville,

1 Tennessee; Littleton, Colorado; and Conyers, Georgia.
2 Under the terms of such contract, the National Academy
3 of Sciences shall appoint a panel that will—

4 (1) review the relevant research about adoles-
5 cent violence in general and school violence in par-
6 ticular, including the existing longitudinal and cross-
7 sectional studies on youth that are relevant to exam-
8 ining violent behavior;

9 (2) relate what can be learned from past and
10 current research and surveys to specific incidents of
11 school shootings;

12 (3) interview relevant individuals, if possible,
13 such as the perpetrators of such incidents, their
14 families, their friends, their teachers, mental health
15 providers, and others; and

16 (4) give particular attention to such issues as—

17 (A) the perpetrators' early development,
18 the relationship with their families, community
19 and school experiences, and utilization of men-
20 tal health services;

21 (B) the relationship between perpetrators
22 and their victims;

23 (C) how the perpetrators gained access to
24 firearms;

1 (D) the impact of cultural influences and
2 exposure to the media, video games, and the
3 Internet; and

4 (E) such other issues as the panel deems
5 important or relevant to the purpose of the
6 study.

7 The National Academy of Sciences shall utilize profes-
8 sionals with expertise in such issues, including psychia-
9 trists, social workers, behavioral and social scientists,
10 practitioners, epidemiologists, statisticians, and meth-
11 odologists.

12 (b) REPORT.—The National Academy of Sciences
13 shall submit a report containing the results of the study
14 required by subsection (a), to the Speaker of the House
15 of Representatives, the President pro tempore of the Sen-
16 ate, the Chair and ranking minority Member of the Com-
17 mittee on Education and the Workforce of the House of
18 Representatives, and the Chair and ranking minority
19 Member of the Committee on Health, Education, Labor,
20 and Pensions of the Senate, not later than January 1,
21 2001, or 18 months after entering into the contract re-
22 quired by such subsection, whichever is earlier.

23 (c) APPROPRIATION.—Of the funds made available
24 under Public Law 105–277 for the Department of Edu-

1 cation, \$2.1 million shall be made available to carry out
2 this section.

3 **SEC. 1362. STUDY OF THE MENTAL HEALTH NEEDS OF JU-**
4 **VENILES IN SECURE OR NONSECURE PLACE-**
5 **MENTS IN THE JUVENILE JUSTICE SYSTEM.**

6 (a) STUDY.—The Administrator of the Office of Ju-
7 venile Crime Control and Delinquency Prevention, in col-
8 laboration with the National Institute of Mental Health,
9 shall conduct a study that includes, but is not limited to,
10 all of the following:

11 (1) Identification of the scope and nature of the
12 mental health problems or disorders of—

13 (A) juveniles who are alleged to be or adju-
14 dicated delinquent and who, as a result of such
15 status, have been placed in secure detention or
16 confinement or in nonsecure residential place-
17 ments; and

18 (B) juveniles on probation after having
19 been adjudicated delinquent and having received
20 a disposition as delinquent.

21 (2) A comprehensive survey of the types of
22 mental health services that are currently being pro-
23 vided to such juveniles by States and units of local
24 government.

1 (3) Identification of governmental entities that
2 have developed or implemented model or promising
3 screening, assessment, or treatment programs or in-
4 novative mental health delivery or coordination sys-
5 tems, that address and meet the mental health needs
6 of such juveniles.

7 (4) A review of the literature that analyzes the
8 mental health problems and needs of juveniles in the
9 juvenile justice system and that documents innova-
10 tive and promising models and programs that ad-
11 dress such needs.

12 (b) REPORT.—Not later than 18 months after the
13 date of the enactment of this Act, the Administrator shall
14 submit to the Congress, and broadly disseminate to indi-
15 viduals and entities engaged in fields that provide services
16 for the benefit of juveniles or that make policy relating
17 to juveniles, a report containing the results of the study
18 conducted under subsection (a) and documentation identi-
19 fying promising or innovative models or programs referred
20 to in such subsection.

21 **SEC. 1363. EVALUATION BY GENERAL ACCOUNTING OF-**
22 **FICE.**

23 (a) EVALUATION.—Not later than October 1, 2002,
24 the Comptroller General of the United States shall con-
25 duct a comprehensive analysis and evaluation regarding

1 the performance of the Office of Juvenile Justice Delin-
2 quency and Prevention, its functions, its programs, and
3 its grants under specified criteria, and shall submit the
4 report required by subsection (b). In conducting the anal-
5 ysis and evaluation, the Comptroller General shall take
6 into consideration the following factors to document the
7 efficiency and public benefit of the Juvenile Justice and
8 Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et
9 seq.), excluding the Runaway and Homeless Youth Act
10 (42 U.S.C. 5701 et seq.) and the Missing Children's As-
11 sistance Act (42 U.S.C. 5771 et seq.):

12 (1) The extent to which the agency has com-
13 plied with the provisions contained in the Govern-
14 ment Performance and Results Act of 1993 (Public
15 Law 103-62; 107 Stat. 285).

16 (2) The outcome and results of the programs
17 carried out by the Office of Juvenile Justice and De-
18 linquency Prevention and those administered
19 through grants by Office of Juvenile Justice and De-
20 linquency Prevention.

21 (3) Whether the agency has acted outside the
22 scope of its original authority, and whether the origi-
23 nal objectives of the agency have been achieved.

24 (4) Whether less restrictive or alternative meth-
25 ods exists to carry out the functions of the agency.

1 Whether present functions or operations are im-
2 peded or enhanced by existing, statutes, rules, and
3 procedures.

4 (5) The extent to which the jurisdiction of, and
5 the programs administered by, the agency duplicate
6 or conflict with the jurisdiction and programs of
7 other agencies.

8 (6) The potential benefits of consolidating pro-
9 grams administered by the agency with similar or
10 duplicative programs of other agencies, and the po-
11 tential for consolidating such programs.

12 (7) The number and types of beneficiaries or
13 persons served by programs carried out under the
14 Act.

15 (8) The extent to which any trends, develop-
16 ments, or emerging conditions that are likely to af-
17 fect the future nature and the extent of the prob-
18 lems or needs the programs carried out by the Act
19 are intended to address.

20 (9) The manner with which the agency seeks
21 public input and input from State and local govern-
22 ments on the performance of the functions of the
23 agency.

24 (10) Whether the agency has worked to enact
25 changes in the law intended to benefit the public as

1 a whole rather than the specific businesses, institu-
2 tions, or individuals the agency regulates or funds.

3 (11) The extent to which the agency grants
4 have encouraged participation by the public as a
5 whole in making its rules and decisions rather than
6 encouraging participation solely by those it regu-
7 lates.

8 (12) The extent to which the agency complies
9 with section 552 of title 5, United States Code (com-
10 monly known as the “Freedom of Information Act”).

11 (13) The impact of any regulatory, privacy, and
12 paperwork concerns resulting from the programs
13 carried out by the agency.

14 (14) The extent to which the agency has coordi-
15 nated with state and local governments in per-
16 forming the functions of the agency.

17 (15) The extent to which changes are necessary
18 in the authorizing statutes of the agency in order
19 that the functions of the agency can be performed
20 in a more efficient and effective manner.

21 (16) Whether greater oversight is needed of
22 programs developed with grants made by the Office
23 of Juvenile Justice and Delinquency Prevention.

24 (b) REPORT.—The report required by subsection (a)
25 shall—

1 (1) include recommendations for legislative
2 changes, as appropriate, based on the evaluation
3 conducted under subsection (a), to be made to the
4 Juvenile Justice and Delinquency Prevention Act of
5 1974 (42 U.S.C. 5601 et seq.), excluding the Run-
6 away and Homeless Youth Act (42 U.S.C. 5701 et
7 seq.) and the Missing Children's Assistance Act (42
8 U.S.C. 5771 et seq.); and

9 (2) shall be submitted, together with supporting
10 materials, to the Speaker of the House of Represent-
11 atives and the President pro tempore of the Senate,
12 and made available to the public.

13 **SEC. 1364. GENERAL ACCOUNTING OFFICE REPORT.**

14 Not later than 1 year after the date of the enactment
15 of this Act, the General Accounting Office shall transmit
16 to Congress a report containing the following:

17 (1) For each State, a description of the types
18 of after-school programs that are available for stu-
19 dents in kindergarten through grade 12, including
20 programs sponsored by the Boys and Girls Clubs of
21 America, the Boy Scouts of America, the Girl Scouts
22 of America, YMCAs, and athletic and other pro-
23 grams operated by public schools and other State
24 and local agencies.

1 (2) For 15 communities selected to represent a
2 variety of regional, population, and demographic
3 profiles, a detailed analysis of all of the after-school
4 programs that are available for students in kinder-
5 garten through grade 12, including programs spon-
6 sored by the Boys and Girls Clubs of America, the
7 Boy Scouts of America, the Girl Scouts of America,
8 YMCAs, mentoring programs, athletic programs,
9 and programs operated by public schools, churches,
10 day care centers, parks, recreation centers, family
11 day care, community organizations, law enforcement
12 agencies, service providers, and for-profit and non-
13 profit organizations.

14 (3) For each State, a description of significant
15 areas of unmet need in the quality and availability
16 of after-school programs.

17 (4) For each State, a description of barriers
18 which prevent or deter the participation of children
19 in after-school programs.

20 (5) For each State, a description of barriers to
21 improving the quality and availability of after-school
22 programs.

23 (6) A list of activities, other than after-school
24 programs, in which students in kindergarten through
25 grade 12 participate when not in school, including

1 jobs, volunteer opportunities, and other non-school
2 affiliated programs.

3 (7) An analysis of the value of the activities
4 listed pursuant to paragraph (6) to the well-being
5 and educational development of students in kinder-
6 garten through grade 12.

7 **SEC. 1365. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH**
8 **ON YOUTH VIOLENCE.**

9 (a) NIH RESEARCH.—The National Institutes of
10 Health, acting through the Office of Behavioral and Social
11 Sciences Research, shall carry out a coordinated, multi-
12 year course of behavioral and social science research on
13 the causes and prevention of youth violence.

14 (b) NATURE OF RESEARCH.—Funds made available
15 to the National Institutes of Health pursuant to this sec-
16 tion shall be utilized to conduct, support, coordinate, and
17 disseminate basic and applied behavioral and social science
18 research with respect to youth violence, including research
19 on one or more of the following subjects:

20 (1) The etiology of youth violence.

21 (2) Risk factors for youth violence.

22 (3) Childhood precursors to antisocial violent
23 behavior.

24 (4) The role of peer pressure in inciting youth
25 violence.

1 (5) The processes by which children develop
2 patterns of thought and behavior, including beliefs
3 about the value of human life.

4 (6) Science-based strategies for preventing
5 youth violence, including school and community-
6 based programs.

7 (7) Other subjects that the Director of the Of-
8 fice of Behavioral and Social Sciences Research
9 deems appropriate.

10 (c) ROLE OF THE OFFICE OF BEHAVIORAL AND SO-
11 CIAL SCIENCES RESEARCH.—Pursuant to this section and
12 section 404A of the Public Health Service Act (42 U.S.C.
13 283c), the Director of the Office of Behavioral and Social
14 Sciences Research shall—

15 (1) coordinate research on youth violence con-
16 ducted or supported by the agencies of the National
17 Institutes of Health;

18 (2) identify youth violence research projects
19 that should be conducted or supported by the re-
20 search institutes, and develop such projects in co-
21 operation with such institutes and in consultation
22 with State and Federal law enforcement agencies;

23 (3) take steps to further cooperation and col-
24 laboration between the National Institutes of Health
25 and the Centers for Disease Control and Prevention,

1 the Substance Abuse and Mental Health Services
2 Administration, the agencies of the Department of
3 Justice, and other governmental and nongovern-
4 mental agencies with respect to youth violence re-
5 search conducted or supported by such agencies;

6 (4) establish a clearinghouse for information
7 about youth violence research conducted by govern-
8 mental and nongovernmental entities; and

9 (5) periodically report to Congress on the state
10 of youth violence research and make recommenda-
11 tions to Congress regarding such research.

12 (d) FUNDING.—There is authorized to be appro-
13 priated, \$5,000,000 for each of fiscal years 2000 through
14 2004 to carry out this section. If amount are not sepa-
15 rately appropriated to carry out this section, the Director
16 of the National Institutes of Health shall carry out this
17 section using funds appropriated generally to the National
18 Institutes of Health, except that funds expended for under
19 this section shall supplement and not supplant existing
20 funding for behavioral research activities at the National
21 Institutes of Health.

(a) **EFFECTIVE DATE.**—Except as provided in sub-
section (b), this title and the amendments made by this
title shall take effect on the date of the enactment of this
Act.

11 **TITLE XIV—CHILDREN’S**
12 **INTERNET PROTECTION**

14 This title may be cited as the “Children’s Internet
15 Protection Act”.

(a) IN GENERAL.—Section 254 of the Communi-
cations Act of 1934 (47 U.S.C. 254) is amended by adding
at the end thereof the following:

23 “(1) IMPLEMENTATION OF AN INTERNET FILTERING
24 OR BLOCKING TECHNOLOGY.—

1 “(1) IN GENERAL.—An elementary school, sec-
2 ondary school, or library that fails to provide the
3 certification required by paragraph (2) or (3), re-
4 spectively, is not eligible to receive or retain uni-
5 versal service assistance provided under subsection
6 (h)(1)(B).

7 “(2) CERTIFICATION FOR SCHOOLS.—To be eli-
8 gible to receive universal service assistance under
9 subsection (h)(1)(B), an elementary or secondary
10 school shall certify to the Commission that it has—

11 “(A) selected a technology for computers
12 with Internet access to filter or block—

13 “(i) child pornographic materials,
14 which shall have the meaning of that term
15 as used in sections 2252, 2252A, 2256 of
16 title 18, United States Code;

17 “(ii) obscene materials, which shall
18 have the meaning of that term as used in
19 section 1460 of title 18, United States
20 Code; and

21 “(iii) during use by minors, materials
22 deemed to be harmful to minors, which
23 shall have the meaning of that term as
24 used in section 231 of the Communications
25 Act of 1934 (47 U.S.C. 231); and

1 “(B) installed, or will install, and uses or
2 will use, as soon as it obtains computers with
3 Internet access, a technology to filter or block
4 such material.

5 “(3) CERTIFICATION FOR LIBRARIES.—To be
6 eligible to receive universal service assistance under
7 subsection (h)(1)(B), a library shall certify to the
8 Commission that it has—

9 “(A) selected a technology for computers
10 with Internet access to filter or block—

11 “(i) child pornographic materials,
12 which shall have the meaning of that term
13 as used in sections 2252, 2252A, 2256 of
14 title 18, United States Code;

15 “(ii) obscene materials, which shall
16 have the meaning of that term as used in
17 section 1460 of title 18, United States
18 Code; and

19 “(iii) during use by minors, materials
20 deemed to be harmful to minors, which
21 shall have the meaning of that term as
22 used in section 231 of the Communications
23 Act of 1934 (47 U.S.C. 231); and

24 “(B) installed, or will install, and uses or
25 will use, as soon as it obtains computers with

1 Internet access, a technology to filter or block
2 such material.

3 “(4) TIME FOR CERTIFICATION.—The certifi-
4 cation required by paragraph (2) or (3) shall be
5 made within 30 days of the date that rules are pro-
6 mulgated by the Federal Communications Commis-
7 sion, or, if later, within 10 days of the date on which
8 any computer with access to the Internet is first
9 made available in the school or library for its in-
10 tended use.

11 “(5) NOTIFICATION OF CESSATION; ADDI-
12 TIONAL INTERNET-ACCESSING COMPUTER.—

13 “(A) CESSATION.—A school or library that
14 has filed the certification required by paragraph
15 (3)(A) shall notify the Commission within 10
16 days after the date on which it ceases to use
17 the filtering or blocking technology to which the
18 certification related.

19 “(B) ADDITIONAL INTERNET-ACCESSING
20 COMPUTER.—A school or library that has filed
21 the certification required by paragraph (3)(B)
22 that adds another computer with Internet ac-
23 cess intended for use by the public (including
24 minors) shall make the certification required by
25 paragraph (3)(A) within 10 days after that

1 computer is made available for use by the pub-
2 lic.

3 “(6) POSTING OF NOTICE.—A school or library
4 that has filed a certification under paragraph (2) or
5 (3) shall post within view of the computers which
6 are the subject of that certification a notice that
7 contains—

8 “(A) a copy of the filter or block certifi-
9 cation;

10 “(B) a statement of such school’s or li-
11 brary’s filtering or block policy; and

12 “(C) information on the specific block
13 technology in use.

14 “(7) PENALTY FOR FAILURE TO COMPLY.—A
15 school or library that fails to meet the requirements
16 of this subsection is liable to repay immediately the
17 full amount of all universal service assistance the
18 school or library received under subsection (h)(1)(B)
19 after the date the failure began.

20 “(8) LOCAL DETERMINATION OF MATERIAL TO
21 BE FILTERED.—For purposes of paragraphs (2) and
22 (3), the determination of what material is to be
23 deemed harmful to minors shall be made by the
24 school, school board, library or other authority re-
25 sponsible for making the required certification. No

1 agency or instrumentality of the United States Gov-
2 ernment may—

3 “(A) establish criteria for making that de-
4 termination;

5 “(B) review the determination made by the
6 certifying school, school board, library, or other
7 authority; or

8 “(C) consider the criteria employed by the
9 certifying school, school board, library, or other
10 authority in the administration of subsection
11 (h)(1)(B).

12 “(9) NO PREEMPTION OR OTHER EFFECT.—
13 Nothing in this subsection shall be construed—

14 “(A) to preempt, supersede, or limit any
15 requirements that imposed by a school or li-
16 brary, or by a political authority for a school or
17 library, that are more stringent than the re-
18 quirements of this subsection; or

19 “(B) to supersede or limit otherwise appli-
20 cable Federal or State child pornography or ob-
21 scenity laws.”.

22 (b) CONFORMING CHANGE.—Section 254(h)(1)(B) of
23 the Communications Act of 1934 (47 U.S.C.
24 254(h)(1)(B)) is amended by striking “All telecommuni-

1 cations” and inserting “Except as provided by subsection
2 (l), all telecommunications”.

3 **SEC. 1403. FEDERAL COMMUNICATIONS COMMISSION TO**
4 **ADOPT RULES WITHIN 4 MONTHS.**

5 The Federal Communications Commission shall
6 adopt rules implementing section 254(l) of the Commu-
7 nications Act of 1934 (as added by this Act) within 120
8 days after the date of the enactment of this Act.

9 **TITLE XV—TEACHER LIABILITY**
10 **PROTECTION**

11 **SEC. 1501. SHORT TITLE.**

12 This title may be cited as the “Teacher Liability Pro-
13 tection Act of 1999”.

14 **SEC. 1502. FINDINGS AND PURPOSE.**

15 (a) FINDINGS.—Congress makes the following find-
16 ings:

17 (1) The ability of teachers, principals and other
18 school professionals to teach, inspire and shape the
19 intellect of our Nation’s elementary and secondary
20 school students is deterred and hindered by frivolous
21 lawsuits and litigation.

22 (2) Each year more and more teachers, prin-
23 cipals and other school professionals face lawsuits
24 for actions undertaken as part of their duties to pro-

1 vide millions of school children quality educational
2 opportunities.

3 (3) Too many teachers, principals and other
4 school professionals face increasingly severe and ran-
5 dom acts of violence in the classroom and in schools.

6 (4) Providing teachers, principals and other
7 school professionals a safe and secure environment is
8 an important part of the effort to improve and ex-
9 pand educational opportunities.

10 (5) Clarifying and limiting the liability of teach-
11 ers, principals and other school professionals who
12 undertake reasonable actions to maintain order, dis-
13 cipline and an appropriate educational environment
14 is an appropriate subject of Federal legislation
15 because—

16 (A) the scope of the problems created by
17 the legitimate fears of teachers, principals and
18 other school professionals about frivolous, arbi-
19 trary or capricious lawsuits against teachers is
20 of national importance; and

21 (B) millions of children and their families
22 across the Nation depend on teachers, prin-
23 cipals and other school professionals for the in-
24 tellectual development of children.

1 (b) PURPOSE.—The purpose of this title is to provide
2 teachers, principals and other school professionals the
3 tools they need to undertake reasonable actions to main-
4 tain order, discipline and an appropriate educational envi-
5 ronment.

6 **SEC. 1503. PREEMPTION AND ELECTION OF STATE NON-**
7 **APPLICABILITY.**

8 (a) PREEMPTION.—This title preempts the laws of
9 any State to the extent that such laws are inconsistent
10 with this title, except that this title shall not preempt any
11 State law that provides additional protection from liability
12 relating to teachers.

13 (b) ELECTION OF STATE REGARDING NONAPPLICA-
14 BILITY.—This title shall not apply to any civil action in
15 a State court against a teacher in which all parties are
16 citizens of the State if such State enacts a statute in ac-
17 cordance with State requirements for enacting
18 legislation—

- 19 (1) citing the authority of this subsection;
20 (2) declaring the election of such State that this
21 title shall not apply, as of a date certain, to such
22 civil action in the State; and
23 (3) containing no other provisions.

1 **SEC. 1504. LIMITATION ON LIABILITY FOR TEACHERS.**

2 (a) LIABILITY PROTECTION FOR TEACHERS.—Ex-
3 cept as provided in subsections (b) and (c), no teacher in
4 a school shall be liable for harm caused by an act or omis-
5 sion of the teacher on behalf of the school if—

6 (1) the teacher was acting within the scope of
7 the teacher's employment or responsibilities related
8 to providing educational services;

9 (2) the actions of the teacher were carried out
10 in conformity with local, state, or federal laws, rules
11 or regulations in furtherance of efforts to control,
12 discipline, expel, or suspend a student or maintain
13 order or control in the classroom or school;

14 (3) if appropriate or required, the teacher was
15 properly licensed, certified, or authorized by the ap-
16 propriate authorities for the activities or practice in
17 the State in which the harm occurred, where the ac-
18 tivities were or practice was undertaken within the
19 scope of the teacher's responsibilities;

20 (4) the harm was not caused by willful or crimi-
21 nal misconduct, gross negligence, reckless mis-
22 conduct, or a conscious, flagrant indifference to the
23 rights or safety of the individual harmed by the
24 teacher; and

25 (5) the harm was not caused by the teacher op-
26 erating a motor vehicle, vessel, aircraft, or other ve-

1 hicle for which the State requires the operator or the
2 owner of the vehicle, craft, or vessel to—

3 (A) possess an operator’s license; or

4 (B) maintain insurance.

5 (b) CONCERNING RESPONSIBILITY OF TEACHERS TO
6 SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in
7 this section shall be construed to affect any civil action
8 brought by any school or any governmental entity against
9 any teacher of such school.

10 (c) EXCEPTIONS TO TEACHER LIABILITY PROTEC-
11 TION.—If the laws of a State limit teacher liability subject
12 to one or more of the following conditions, such conditions
13 shall not be construed as inconsistent with this section:

14 (1) A State law that requires a school or gov-
15 ernmental entity to adhere to risk management pro-
16 cedures, including mandatory training of teachers.

17 (2) A State law that makes the school or gov-
18 ernmental entity liable for the acts or omissions of
19 its teachers to the same extent as an employer is lia-
20 ble for the acts or omissions of its employees.

21 (3) A State law that makes a limitation of li-
22 ability inapplicable if the civil action was brought by
23 an officer of a State or local government pursuant
24 to State or local law.

1 (d) LIMITATION ON PUNITIVE DAMAGES BASED ON
2 THE ACTIONS OF TEACHERS.—

3 (1) GENERAL RULE.—Punitive damages may
4 not be awarded against a teacher in an action
5 brought for harm based on the action of a teacher
6 acting within the scope of the teacher's responsibil-
7 ities to a school or governmental entity unless the
8 claimant establishes by clear and convincing evidence
9 that the harm was proximately caused by an action
10 of such teacher which constitutes willful or criminal
11 misconduct, or a conscious, flagrant indifference to
12 the rights or safety of the individual harmed.

13 (2) CONSTRUCTION.—Paragraph (1) does not
14 create a cause of action for punitive damages and
15 does not preempt or supersede any Federal or State
16 law to the extent that such law would further limit
17 the award of punitive damages.

18 (e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

19 (1) IN GENERAL.—The limitations on the liabil-
20 ity of a teacher under this title shall not apply to
21 any misconduct that—

22 (A) constitutes a crime of violence (as that
23 term is defined in section 16 of title 18, United
24 States Code) or act of international terrorism
25 (as that term is defined in section 2331 of title

1 18, United States Code) for which the defend-
2 ant has been convicted in any court;

3 (B) involves a sexual offense, as defined by
4 applicable State law, for which the defendant
5 has been convicted in any court;

6 (C) involves misconduct for which the de-
7 fendant has been found to have violated a Fed-
8 eral or State civil rights law; or

9 (D) where the defendant was under the in-
10 fluence (as determined pursuant to applicable
11 State law) of intoxicating alcohol or any drug at
12 the time of the misconduct.

13 (2) RULE OF CONSTRUCTION.—Nothing in this
14 subsection shall be construed to effect subsection
15 (a)(3) or (d).

16 **SEC. 1505. LIABILITY FOR NONECONOMIC LOSS.**

17 (a) GENERAL RULE.—In any civil action against a
18 teacher, based on an action of a teacher acting within the
19 scope of the teacher's responsibilities to a school or gov-
20 ernmental entity, the liability of the teacher for non-
21 economic loss shall be determined in accordance with sub-
22 section (b).

23 (b) AMOUNT OF LIABILITY.—

24 (1) IN GENERAL.—Each defendant who is a
25 teacher, shall be liable only for the amount of non-

1 economic loss allocated to that defendant in direct
2 proportion to the percentage of responsibility of that
3 defendant (determined in accordance with paragraph
4 (2)) for the harm to the claimant with respect to
5 which that defendant is liable. The court shall
6 render a separate judgment against each defendant
7 in an amount determined pursuant to the preceding
8 sentence.

9 (2) PERCENTAGE OF RESPONSIBILITY.—For
10 purposes of determining the amount of noneconomic
11 loss allocated to a defendant who is a teacher under
12 this section, the trier of fact shall determine the per-
13 centage of responsibility of that defendant for the
14 claimant’s harm.

15 **SEC. 1506. DEFINITIONS.**

16 For purposes of this title:

17 (1) ECONOMIC LOSS.—The term “economic
18 loss” means any pecuniary loss resulting from harm
19 (including the loss of earnings or other benefits re-
20 lated to employment, medical expense loss, replace-
21 ment services loss, loss due to death, burial costs,
22 and loss of business or employment opportunities) to
23 the extent recovery for such loss is allowed under ap-
24 plicable State law.

1 (2) HARM.—The term “harm” includes phys-
2 ical, nonphysical, economic, and noneconomic losses.

3 (3) NONECONOMIC LOSSES.—The term “non-
4 economic losses” means losses for physical and emo-
5 tional pain, suffering, inconvenience, physical im-
6 pairment, mental anguish, disfigurement, loss of en-
7 joyment of life, loss of society and companionship,
8 loss of consortium (other than loss of domestic serv-
9 ice), hedonic damages, injury to reputation and all
10 other nonpecuniary losses of any kind or nature.

11 (4) SCHOOL.—The term “school” means a pub-
12 lic or private kindergarten, a public or private ele-
13 mentary school or secondary school (as defined in
14 section 14101 of the Elementary and Secondary
15 Education Act of 1965 (20 U.S.C. 8801)), or a
16 home school.

17 (5) STATE.—The term “State” means each of
18 the several States of the United States, the District
19 of Columbia, the Commonwealth of Puerto Rico, the
20 United States Virgin Islands, Guam, American
21 Samoa, the Commonwealth of the Northern Mariana
22 Islands, any other territory or possession of the
23 United States, or any political subdivision of any
24 such State, territory, or possession.

1 (6) TEACHER.—The term “teacher” means a
2 teacher, instructor, principal, administrator, or other
3 educational professional that works in a school, a
4 local school board and any member of such board,
5 and a local educational agency and any employee of
6 such agency.

7 **SEC. 1507. EFFECTIVE DATE.**

8 (a) IN GENERAL.—This title shall take effect 90 days
9 after the date of the enactment of this Act.

10 (b) APPLICATION.—This title applies to any claim for
11 harm caused by an act or omission of a teacher where
12 that claim is filed on or after the effective date of this
13 Act, without regard to whether the harm that is the sub-
14 ject of the claim or the conduct that caused the harm oc-
15 curred before such effective date.

Passed the House of Representatives June 17, 1999.

Attest:

Clerk.