

Calendar No. 165

106<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session  
**H. R. 1501**

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## **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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JUNE 23, 1999

Received; read twice and placed on the calendar

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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.

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(e)(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-

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

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

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

17 **SEC. 117. AMENDMENTS TO JUVENILE JUSTICE AND DELIN-**  
18 **QUENCY PREVENTION ACT OF 1974.**

19 Section 223(a)(10) of the Juvenile Justice and Delin-  
20 quency Prevention Act of 1974 (42 U.S.C. 5633(a)(10))  
21 is amended—

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

24 (2) in subparagraph (O) by striking the period  
25 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(e)(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       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 applicable juris-  
23 diction 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(e)(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           “(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-

1 graph (2), which promote coordination among State  
2 and local witness interstate relocation programs.

3 (2) MODEL MEMORANDUM OF UNDER-  
4 STANDING.—The Attorney General shall establish a  
5 model Memorandum of Understanding for States  
6 and localities that engage in interstate witness relo-  
7 cation. Such a model Memorandum of Under-  
8 standing shall include a requirement that notice be  
9 provided to the jurisdiction to which the relocation  
10 has been made by the State or local law enforcement  
11 agency that relocates a witness to another State who  
12 has been arrested for or convicted of a crime of vio-  
13 lence as described in section 16 of title 18, United  
14 States Code.

15 (3) BYRNE GRANT ASSISTANCE.—The Attorney  
16 General is authorized to expend up to 10 percent of  
17 the total amount appropriated under section 511 of  
18 subpart 2 of part E of the Omnibus Crime Control  
19 and Safe Streets Act of 1968 for purposes of mak-  
20 ing grants pursuant to section 510 of that Act to  
21 those jurisdictions that have interstate witness relo-  
22 cation programs and that have substantially followed  
23 the model Memorandum of Understanding.

24 (4) GUIDELINES AND DETERMINATION OF ELI-  
25 GIBILITY.—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”;

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 sserting “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 relationship, 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)”;

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 GRANTEEES.—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](http://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 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.



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:

JEFF TRANDAHL,

*Clerk.*