

Calendar No. 8

106TH CONGRESS  
1ST Session  
**S. 254**

**A BILL**

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

JANUARY 22, 1999

Read the second time and placed on the calendar

## Calendar No. 8

106TH CONGRESS  
1ST SESSION

## S. 254

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

---

IN THE SENATE OF THE UNITED STATES

JANUARY 20, 1999

Mr. HATCH (for himself, Mr. SESSIONS, Mr. THURMOND, Mr. ABRAHAM, Mr. DEWINE, Mr. ASHCROFT, Mr. LOTT, and Mr. HAGEL) introduced the following bill; which was read the first time

JANUARY 22, 1999

Read the second time and placed on the calendar

---

## A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Violent and Repeat Juvenile Offender Accountability and  
6 Rehabilitation Act of 1999”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

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

#### TITLE I—JUVENILE JUSTICE REFORM

- Sec. 101. Repeal of general provision.  
 Sec. 102. Treatment of Federal juvenile offenders.  
 Sec. 103. Definitions.  
 Sec. 104. Notification after arrest.  
 Sec. 105. Release and detention prior to disposition.  
 Sec. 106. Speedy trial.  
 Sec. 107. Dispositional hearings.  
 Sec. 108. Use of juvenile records.  
 Sec. 109. Implementation of a sentence for juvenile offenders.  
 Sec. 110. Magistrate judge authority regarding juvenile defendants.  
 Sec. 111. Federal sentencing guidelines.  
 Sec. 112. Study and report on Indian tribal jurisdiction.

#### TITLE II—JUVENILE GANGS

- Sec. 201. Solicitation or recruitment of persons in criminal street gang activity.  
 Sec. 202. Increased penalties for using minors to distribute drugs.  
 Sec. 203. Penalties for use of minors in crimes of violence.  
 Sec. 204. Amendment of Federal sentencing guidelines with respect to body armor.  
 Sec. 205. High intensity interstate gang activity areas.  
 Sec. 206. Increasing the penalty for using physical force to tamper with witnesses, victims, or informants.

#### TITLE III—JUVENILE CRIME CONTROL, ACCOUNTABILITY, AND DELINQUENCY PREVENTION

##### Subtitle A—Reform of the Juvenile Justice and Delinquency Prevention Act of 1974

- Sec. 301. Findings; declaration of purpose; definitions.  
 Sec. 302. Juvenile crime control and prevention.  
 Sec. 303. Runaway and homeless youth.  
 Sec. 304. National Center for Missing and Exploited Children.  
 Sec. 305. Transfer of functions and savings provisions.

##### Subtitle B—Accountability for Juvenile Offenders and Public Protection Incentive Grants

- Sec. 321. Block grant program.  
 Sec. 322. Pilot program to promote replication of recent successful juvenile crime reduction strategies.  
 Sec. 323. Repeal of unnecessary and duplicative programs.  
 Sec. 324. Extension of Violent Crime Reduction Trust Fund.  
 Sec. 325. Reimbursement of States for costs of incarcerating juvenile aliens.  
 Sec. 326. Sense of Congress.

Subtitle C—Alternative Education and Delinquency Prevention

Sec. 331. Alternative education.

TITLE IV—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

Sec. 401. Prohibition on firearms possession by violent juvenile offenders.

Subtitle B—Jail-Based Substance Abuse

Sec. 421. Jail-based substance abuse treatment programs.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

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

6 (2) violent crimes committed by juveniles, such  
7 as homicide, rape, and robbery, were an unknown  
8 phenomenon then, but the rate at which juveniles  
9 commit such crimes has escalated astronomically  
10 since that time;

11 (3) in 1994—

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

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

1           9.2 percent, and the number of persons less  
2           than 18 years of age arrested for such crimes  
3           increased by 6.5 percent;

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

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

13          (6) the rehabilitative model of sentencing for ju-  
14          veniles, which Congress rejected for adult offenders  
15          when Congress enacted the Sentencing Reform Act  
16          of 1984, is inadequate and inappropriate for dealing  
17          with many violent and repeat juvenile offenders;

18          (7) the Federal Government should encourage  
19          the States to experiment with progressive solutions  
20          to the escalating problem of juveniles who commit  
21          violent crimes and who are repeat offenders, includ-  
22          ing prosecuting such offenders as adults, but should  
23          not impose specific strategies or programs on the  
24          States;

1           (8) an effective strategy for reducing violent ju-  
2       venile crime requires greater collection of investiga-  
3       tive data and other information, such as fingerprints  
4       and DNA evidence, as well as greater sharing of  
5       such information—

6                   (A) among Federal, State, and local agen-  
7       cies, including the courts; and

8                   (B) among the law enforcement, edu-  
9       cational, and social service systems;

10       (9) data regarding violent juvenile offenders  
11       should be made available to the adult criminal jus-  
12       tice system if recidivism by criminals is to be ad-  
13       dressed adequately;

14       (10) holding juvenile proceedings in secret de-  
15       nies victims of crime the opportunity to attend and  
16       be heard at such proceedings, helps juvenile offend-  
17       ers to avoid accountability for their actions, and  
18       shields juvenile proceedings from public scrutiny and  
19       accountability;

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

23       (12) the prevention, investigation, prosecution,  
24       adjudication, and punishment of criminal offenses  
25       committed by juveniles, and the rehabilitation and

1 correction of juvenile offenders are, and should re-  
2 main, primarily the responsibility of the States, to  
3 be carried out without interference from the Federal  
4 Government.

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

6 (1) to reform Federal juvenile justice programs  
7 and policies in order to promote the emergence of ju-  
8 venile justice systems in which the paramount con-  
9 cerns are providing for the safety of the public and  
10 holding juvenile wrongdoers accountable for their ac-  
11 tions, while providing the wrongdoer a genuine op-  
12 portunity for self-reform;

13 (2) to revise the procedures in Federal court  
14 that are applicable to the prosecution of juvenile of-  
15 fenders; and

16 (3) to encourage and promote, consistent with  
17 the ideals of federalism, adoption of policies by the  
18 States to ensure that the victims of violent crimes  
19 committed by juveniles receive the same level of jus-  
20 tice as do victims of violent crimes that are commit-  
21 ted by adults.

22 **SEC. 3. SEVERABILITY.**

23 If any provision of this Act, an amendment made by  
24 this Act, or the application of such provision or amend-  
25 ment to any person or circumstance is held to be unconsti-

1 tutional, the remainder of this Act, the amendments made  
 2 by this Act, and the application of the provisions of such  
 3 to any person or circumstance shall not be affected there-  
 4 by.

## 5 **TITLE I—JUVENILE JUSTICE** 6 **REFORM**

### 7 **SEC. 101. REPEAL OF GENERAL PROVISION.**

8 (a) IN GENERAL.—Chapter 401 of title 18, United  
 9 States Code, is amended—

10 (1) by striking section 5001; and

11 (2) by redesignating section 5003 as section  
 12 5001.

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

15 (1) by striking the items relating to sections  
 16 5001 and 5002; and

17 (2) by redesignating the item relating to section  
 18 5003 as an item relating to section 5001.

### 19 **SEC. 102. TREATMENT OF FEDERAL JUVENILE OFFENDERS.**

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

22 **“§ 5032. Delinquency proceedings in district courts;**  
 23 **juveniles tried as adults; transfer for**  
 24 **other criminal prosecution**

25 **“(a) IN GENERAL.—**



1           “(1) DELINQUENCY PROCEEDINGS IN DISTRICT  
 2           COURTS.—A juvenile who is alleged to have commit-  
 3           ted a Federal offense shall, except as provided in  
 4           paragraph (2), be tried in the appropriate district  
 5           court of the United States—

6                   “(A) in the case of an offense described in  
 7                   subsection (c), and except as provided in sub-  
 8                   section (i), if the juvenile was not less than 14  
 9                   years of age at the time of the offense, as an  
 10                  adult at the discretion of the United States At-  
 11                  torney in the appropriate jurisdiction, upon cer-  
 12                  tification by that United States Attorney (which  
 13                  certification shall not be subject to review in or  
 14                  by any court) that—

15                   “(i) there is a substantial Federal in-  
 16                   terest in the case or the offense to warrant  
 17                   the exercise of Federal jurisdiction; or

18                   “(ii) the ends of justice otherwise so  
 19                   require;

20                   “(B) in the case of a felony offense that is  
 21                   not described in subsection (c), and except as  
 22                   provided in subsection (i), if the juvenile was  
 23                   not less than 14 years of age at the time of the  
 24                   offense, as an adult, upon certification by the

Attorney General (which certification shall not be subject to review in or by any court) that—

“(i) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction; or

“(ii) the ends of justice otherwise so require;

“(C) in the case of a juvenile who has, on a prior occasion, been tried and convicted as an adult under this section, as an adult; and

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

“(2) REFERRAL BY UNITED STATES ATTORNEY; APPLICATION TO CONCURRENT JURISDICTION.—

“(A) IN GENERAL.—If the United States Attorney in the appropriate jurisdiction (or in the case of an offense under paragraph (1)(B), the Attorney General), declines prosecution of an offense under this section, the matter may be referred to the appropriate legal authorities of the State or Indian tribe with jurisdiction over both the offense and the juvenile.

“(B) APPLICATION TO CONCURRENT JURISDICTION.—The United States Attorney in the appropriate jurisdiction (or, in the case of an offense under paragraph (1)(B), the Attor-

ney General), in cases of concurrent jurisdiction between the Federal Government and a State or Indian tribe over both the offense and the juvenile, shall exercise a presumption in favor of referral pursuant to subparagraph (A), unless the United States Attorney pursuant to paragraph (1)(A) (or the Attorney General pursuant to paragraph (1)(B)) certifies (which certification shall not be subject to review in or by any court) that—

“(i) the prosecuting authority or the juvenile court or other appropriate court of the State or Indian tribe refuses, declines, or will refuse or will decline to assume jurisdiction over the offense or the juvenile; and

“(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

“(C) DEFINITIONS.—In this subsection:

“(i) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

1                   “(ii) STATE.—The term ‘State’ in-  
 2                   cludes a State of the United States, the  
 3                   District of Columbia, and any common-  
 4                   wealth, territory, or possession of the  
 5                   United States.

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

12          “(c) OFFENSES DESCRIBED.—An offense is de-  
 13          scribed in this subsection if it is a Federal offense that—

14                 “(1) is a serious violent felony or a serious drug  
 15                 offense (as those terms are defined in section  
 16                 3559(c), except that section 3559(c)(3) does not  
 17                 apply to this subsection); or

18                 “(2) is a conspiracy or an attempt to commit  
 19                 an offense described in paragraph (1).

20          “(d) WAIVER TO JUVENILE STATUS IN CERTAIN  
 21          CASES; LIMITATIONS ON JUDICIAL REVIEW.—

22                 “(1) IN GENERAL.—Except as otherwise pro-  
 23                 vided in this subsection, a determination to approve  
 24                 or not to approve, or to institute or not to institute,

1 a prosecution under subsection (a)(1) shall not be  
2 reviewable in any court.

3 “(2) DETERMINATION BY COURT ON TRIAL AS  
4 ADULT OF CERTAIN JUVENILE.—In any prosecution  
5 of a juvenile under subsection (a)(1)(A) if the juve-  
6 nile was less than 16 years of age at the time of the  
7 offense, or under subsection (a)(1)(B), upon motion  
8 of the defendant and after a hearing, the court in  
9 which criminal charges have been filed shall deter-  
10 mine whether to issue an order to provide for the  
11 transfer of the defendant to juvenile status for the  
12 purposes of proceeding against the defendant under  
13 subsection (a).

14 “(3) TIME REQUIREMENTS.—A motion by a de-  
15 fendant under paragraph (2) shall not be considered  
16 unless that motion is filed not later than 20 days  
17 after the date on which the defendant—

18 “(A) initially appears through counsel; or

19 “(B) expressly waives the right to counsel  
20 and elects to proceed pro se.

21 “(4) PROHIBITION.—The court shall not order  
22 the transfer of a defendant to juvenile status under  
23 paragraph (2) unless the defendant establishes by  
24 clear and convincing evidence or information that re-  
25 moval to juvenile status would be in the interest of

1 justice. In making a determination under paragraph  
2 (2), the court may consider—

3 “(A) the nature of the alleged offense, in-  
4 cluding the extent to which the juvenile played  
5 a leadership role in an organization, or other-  
6 wise influenced other persons to take part in  
7 criminal activities;

8 “(B) whether prosecution of the juvenile as  
9 an adult is necessary to protect property or  
10 public safety;

11 “(C) the age and social background of the  
12 juvenile;

13 “(D) the extent and nature of the prior  
14 criminal or delinquency record of the juvenile;

15 “(E) the intellectual development and psy-  
16 chological maturity of the juvenile;

17 “(F) the nature of any treatment efforts  
18 and the response of the juvenile to those efforts;  
19 and

20 “(G) the availability of programs designed  
21 to treat any identified behavioral problems of  
22 the juvenile.

23 “(5) STATUS OF ORDERS.—

24 “(A) IN GENERAL.—An order of the court  
25 made in ruling on a motion by a defendant to

1 transfer a defendant to juvenile status under  
 2 this subsection shall not be a final order for the  
 3 purpose of enabling an appeal, except that an  
 4 appeal by the United States shall lie to a court  
 5 of appeals pursuant to section 3731 from an  
 6 order of a district court removing a defendant  
 7 to juvenile status.

8 “(B) APPEALS.—Upon receipt of a notice  
 9 of appeal of an order under this paragraph, a  
 10 court of appeals shall hear and determine the  
 11 appeal on an expedited basis.

12 “(6) INADMISSIBILITY OF EVIDENCE.—

13 “(A) IN GENERAL.—Except as provided in  
 14 subparagraph (B), no statement made by a de-  
 15 fendant during or in connection with a hearing  
 16 under this subsection shall be admissible  
 17 against the defendant in any criminal prosecu-  
 18 tion.

19 “(B) EXCEPTIONS.—The prohibition under  
 20 subparagraph (A) shall not apply, except—

21 “(i) for impeachment purposes; or

22 “(ii) in a prosecution for perjury or  
 23 giving a false statement.

1           “(7) RULES.—The rules concerning the receipt  
2           and admissibility of evidence under this subsection  
3           shall be the same as prescribed in section 3142(f).

4           “(e) APPLICABLE PROCEDURES.—Any prosecution in  
5 a district court of the United States under this section—

6           “(1) in the case of a juvenile tried as an adult  
7           under subsection (a), shall proceed in the same man-  
8           ner as is required by this title and by the Federal  
9           Rules of Criminal Procedure in any proceeding  
10          against an adult; and

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

15          “(f) APPLICATION OF LAWS.—

16          “(1) APPLICABILITY OF SENTENCING PROVI-  
17          SIONS.—

18          “(A) IN GENERAL.—Except as otherwise  
19          provided in this chapter, in any case in which  
20          a juvenile is prosecuted in a district court of the  
21          United States as an adult, the juvenile shall be  
22          subject to the same laws, rules, and proceedings  
23          regarding sentencing (including the availability  
24          of probation, restitution, fines, forfeiture, im-  
25          prisonment, and supervised release) that would



1           be applicable in the case of an adult, except  
 2           that no person shall be subject to the death  
 3           penalty for an offense committed before the  
 4           person attains the age of 18 years.

5           “(B) STATUS AS ADULT.—No juvenile sen-  
 6           tenced to a term of imprisonment shall be re-  
 7           leased from custody on the basis that the juve-  
 8           nile has attained the age of 18 years.

9           “(C) APPLICABLE GUIDELINES.—Each ju-  
 10          venile tried as an adult shall be sentenced in ac-  
 11          cordance with the Federal sentencing guidelines  
 12          promulgated under section 994(z) of title 28,  
 13          United States Code, once such guidelines are  
 14          promulgated and take effect.

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

23          “(g) OPEN PROCEEDINGS.—

24          “(1) IN GENERAL.—Any offense tried or adju-  
 25          dicated in a district court of the United States

1 under this section shall be open to the general pub-  
2 lic, in accordance with rules 10, 26, 31(a), and 53  
3 of the Federal Rules of Criminal Procedure, unless  
4 good cause is established by the moving party or is  
5 otherwise found by the court, for closure.

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

10 “(h) AVAILABILITY OF RECORDS.—

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

20 “(2) CONSIDERATION OF ENTIRE RECORD.—In  
21 any case in which a juvenile is found guilty or adju-  
22 dicated delinquent in an action under this section,  
23 the district court responsible for imposing sentence  
24 shall have complete access to the prior Federal juve-  
25 nile records of the subject juvenile and, to the extent

1       permitted under State law, the prior State juvenile  
 2       records of the subject juvenile. At sentencing, the  
 3       district court shall consider the entire available prior  
 4       juvenile record of the subject juvenile.

5       “(i) APPLICATION TO INDIAN COUNTRY.—Notwith-  
 6       standing sections 1152 and 1153, certification under sub-  
 7       paragraph (A) or (B) of subsection (a)(1) shall not be  
 8       made nor granted with respect to a juvenile who is subject  
 9       to the criminal jurisdiction of an Indian tribal government  
 10      if the juvenile is less than 15 years of age at the time  
 11      of offense and is alleged to have committed an offense for  
 12      which there would be Federal jurisdiction based solely on  
 13      commission of the offense in Indian country (as defined  
 14      in section 1151), unless the governing body of the tribe  
 15      having jurisdiction over the place where the alleged offense  
 16      was committed has, before the occurrence of the alleged  
 17      offense, notified the Attorney General in writing of its  
 18      election that prosecution as an adult may take place under  
 19      this section.”.

20       (b) CONFORMING AMENDMENTS.—

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

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

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

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

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

18                 “(1) IN GENERAL.—

19                         “(A) SENTENCING GUIDELINES.—Pursu-  
 20                         ant to its authority under section 994 of title  
 21                         28, the United States Sentencing Commission  
 22                         (referred to in this subsection as the ‘Commis-  
 23                         sion’) shall amend the Federal sentencing  
 24                         guidelines to provide that, in determining the  
 25                         criminal history score under the Federal sen-

1           tencing guidelines for any adult offender or any  
 2           juvenile offender being sentenced as an adult,  
 3           prior juvenile convictions and adjudications for  
 4           offenses described in paragraph (2) shall receive  
 5           a score similar to that which the defendant  
 6           would have received if those offenses had been  
 7           committed by the defendant as an adult, if any  
 8           portion of the sentence for the offense was im-  
 9           posed or served within 15 years after the com-  
 10          mencement of the instant offense.

11                 “(B) REVIEWS.—The Commission shall re-  
 12           view the criminal history treatment of juvenile  
 13           adjudications or convictions for offenses other  
 14           than those described in paragraph (2) to deter-  
 15           mine whether the treatment should be adjusted  
 16           as described in subparagraph (A), and make  
 17           any amendments to the Federal sentencing  
 18           guidelines as necessary to make whatever ad-  
 19           justments the Commission concludes are nec-  
 20           essary to implement the results of the review.

21                 “(2) OFFENSES DESCRIBED.—The offenses de-  
 22           scribed in this paragraph include any—

23                         “(A) crime of violence;

24                         “(B) controlled substance offense;

1           “(C) other offense for which the defendant  
2           received a sentence or disposition of imprison-  
3           ment of 1 year or more; and

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

7           “(3) DEFINITIONS.—The Federal sentencing  
8           guidelines described in paragraph (1) shall define  
9           the terms ‘crime of violence’ and ‘controlled sub-  
10          stance offense’ in substantially the same manner as  
11          those terms are defined in Guideline Section 4B1.2  
12          of the November 1, 1995, Guidelines Manual.

13          “(4) JUVENILE ADJUDICATIONS.—In carrying  
14          out this subsection, the Commission—

15               “(A) shall assign criminal history points  
16               for juvenile adjudications based principally on  
17               the nature of the acts committed by the juve-  
18               nile; an

19               “(B) may provide for some adjustment of  
20               the score in light of the length of sentence the  
21               juvenile received.

22          “(5) EMERGENCY AUTHORITY.—The Commis-  
23          sion shall promulgate the Federal sentencing guide-  
24          lines and amendments under this subsection as soon  
25          as practicable, and in any event not later than 90

1 days after the date of enactment of the Violent and  
2 Repeat Juvenile Offender Accountability and Reha-  
3 bilitation Act of 1999, in accordance with the proce-  
4 dures set forth in section 21(a) of the Sentencing  
5 Act of 1987, as though the authority under that au-  
6 thority had not expired, except that the Commission  
7 shall submit to Congress the emergency guidelines  
8 or amendments promulgated under this section, and  
9 shall set an effective date for those guidelines or  
10 amendments not earlier than 30 days after their  
11 submission to Congress.

12 “(6) CAREER OFFENDER DETERMINATION.—  
13 Pursuant to its authority under section 994 of title  
14 28, the Commission shall amend the Federal sen-  
15 tencing guidelines to provide for inclusion, in any de-  
16 termination regarding whether a juvenile or adult  
17 defendant is a career offender under section 994(h)  
18 of title 28, and any computation of the sentence that  
19 any defendant found to be a career offender should  
20 receive, of any act for which the defendant was pre-  
21 viously convicted or adjudicated delinquent as a ju-  
22 venile that would be a felony covered by that section  
23 if it had been committed by the defendant as an  
24 adult.”.

1 **SEC. 103. DEFINITIONS.**

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

4 **“§ 5031. Definitions**

5 “In this chapter:

6 “(1) **ADULT INMATE.**—The term ‘adult inmate’  
7 means an individual who has attained the age of 18  
8 years and who is in custody for, awaiting trial on,  
9 or convicted of criminal charges or an act of juvenile  
10 delinquency committed while a juvenile.

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

12 “(A) a person who has not attained the  
13 age of 18 years; or

14 “(B) for the purpose of proceedings and  
15 disposition under this chapter for an alleged act  
16 of juvenile delinquency, a person who has not  
17 attained the age of 21 years.

18 “(3) **JUVENILE DELINQUENCY.**—The term ‘ju-  
19 venile delinquency’ means the violation of a law of  
20 the United States committed by a person before the  
21 eighteenth birthday of that person, if the violation—

22 “(A) would have been a crime if committed  
23 by an adult; or

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

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



1           “(A) IN GENERAL.—The term ‘prohibited  
2 physical contact’ means—

3           “(i) any physical contact between a  
4 juvenile and an adult inmate; and

5           “(ii) proximity that provides an op-  
6 portunity for physical contact between a  
7 juvenile and an adult inmate.

8           “(B) EXCLUSION.—The term does not in-  
9 clude supervised proximity between a juvenile  
10 and an adult inmate that is brief and incidental  
11 or accidental.

12           “(5) SUSTAINED ORAL COMMUNICATION.—

13           “(A) IN GENERAL.—The term ‘sustained  
14 oral communication’ means the imparting or  
15 interchange of speech by or between a juvenile  
16 and an adult inmate.

17           “(B) EXCEPTION.—The term does not  
18 include—

19           “(i) communication that is accidental  
20 or incidental; or

21           “(ii) sounds or noises that cannot rea-  
22 sonably be considered to be speech.

23           “(6) STATE.—The term ‘State’ includes a State  
24 of the United States, the District of Columbia, any  
25 commonwealth, territory, or possession of the United

1 States and, with regard to an act of juvenile delin-  
 2 quency that would have been a misdemeanor if com-  
 3 mitted by an adult, an Indian tribe (as defined in  
 4 section 4(e) of the Indian Self-Determination and  
 5 Education Assistance Act (25 U.S.C. 4506(e))).

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

12 **SEC. 104. NOTIFICATION AFTER ARREST.**

13 Section 5033 of title 18, United States Code, is  
 14 amended—

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

21 (2) in the second sentence of the second undes-  
 22 ignated paragraph, by inserting before the period at  
 23 the end the following: “, and the juvenile shall not  
 24 be subject to detention under conditions that permit  
 25 prohibited physical contact with adult inmates or in

1       which the juvenile and an adult inmate can engage  
2       in sustained oral communication”.

3   **SEC. 105. RELEASE AND DETENTION PRIOR TO DISPOSI-**  
4                   **TION.**

5       (a) DUTIES OF MAGISTRATE.—Section 5034 of title  
6 18, United States Code, is amended—

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

9       “(a) IN GENERAL.—

10           “(1) REPRESENTATION BY COUNSEL.—The  
11       magistrate shall ensure”;

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

14           “(2) GUARDIAN AD LITEM.—The magistrate  
15       may appoint”;

16           (3) by striking “If the juvenile” and inserting  
17       the following:

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

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

21       “(c) RELEASE OF CERTAIN JUVENILES.—A juvenile  
22       who is to be tried as an adult pursuant to section 5032  
23       shall be released pending trial only in accordance with the  
24       applicable provisions of chapter 207. The release shall be  
25       conducted in the same manner and shall be subject to the

1 same terms, conditions, and sanctions for violation of a  
 2 release condition as provided for an adult under chapter  
 3 207.

4 “(d) PENALTY FOR AN OFFENSE COMMITTED WHILE  
 5 ON RELEASE.—

6 “(1) IN GENERAL.—A juvenile alleged to have  
 7 committed, while on release under this section, an  
 8 offense that, if committed by an adult, would be a  
 9 Federal criminal offense, shall be subject to prosecu-  
 10 tion under section 5032.

11 “(2) APPLICABILITY OF CERTAIN PENALTIES.—  
 12 Section 3147 shall apply to a juvenile who is to be  
 13 tried as an adult pursuant to section 5032 for an of-  
 14 fense committed while on release under this sec-  
 15 tion.”.

16 (b) DETENTION PRIOR TO DISPOSITION.—Section  
 17 5035 of title 18, United States Code, is amended—

18 (1) by striking “A juvenile” and inserting the  
 19 following:

20 “(a) IN GENERAL.—Except as provided in subsection  
 21 (b), a juvenile”;

22 (2) in subsection (a), as redesignated—

23 (A) in the third sentence, by striking “reg-  
 24 ular contact” and inserting “prohibited physical  
 25 contact or sustained oral communication”; and

1 (B) after the fourth sentence, by inserting  
 2 the following: “To the extent practicable, vio-  
 3 lent juveniles shall be kept separate from non-  
 4 violent juveniles.”; and

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

6 “(b) DETENTION OF CERTAIN JUVENILES.—

7 “(1) IN GENERAL.—A juvenile who is to be  
 8 tried as an adult pursuant to section 5032 shall be  
 9 subject to detention in accordance with chapter 207  
 10 in the same manner, to the same extent, and subject  
 11 to the same terms and conditions as an adult would  
 12 be subject to under that chapter.

13 “(2) EXCEPTION.—A juvenile shall not be de-  
 14 tained or confined in any institution in which the ju-  
 15 venile has prohibited physical contact or sustained  
 16 oral communication with adult inmates. To the ex-  
 17 tent practicable, violent juveniles shall be kept sepa-  
 18 rate from nonviolent juveniles.”.

19 **SEC. 106. SPEEDY TRIAL.**

20 Section 5036 of title 18, United States Code, is  
 21 amended—

22 (1) by inserting “who is to be proceeded against  
 23 as a juvenile pursuant to section 5032 and” after  
 24 “If an alleged delinquent”;

25 (2) by striking “thirty” and inserting “70”; and

1           (3) by striking “the court,” and all that follows  
 2           through the end of the section and inserting the fol-  
 3           lowing: “the court. The periods of exclusion under  
 4           section 3161(h) shall apply to this section. In deter-  
 5           mining whether an information should be dismissed  
 6           with or without prejudice, the court shall consider  
 7           the seriousness of the alleged act of juvenile delin-  
 8           quency, the facts and circumstances of the case that  
 9           led to the dismissal, and the impact of a reprobsecu-  
 10          tion on the administration of justice.”.

11 **SEC. 107. DISPOSITIONAL HEARINGS.**

12          Section 5037 of title 18, United States Code, is  
 13          amended—

14               (1) by striking subsection (a) and inserting the  
 15          following:

16          “(a) IN GENERAL.—

17               “(1) DISPOSITIONAL HEARING.—

18                       “(A) IN GENERAL.—In a proceeding under  
 19                       section 5032(a)(1)(D), if the court finds a juve-  
 20                       nile to be a juvenile delinquent, the court shall  
 21                       hold a hearing concerning the appropriate dis-  
 22                       position of the juvenile not later than 40 court  
 23                       days after the finding of juvenile delinquency,  
 24                       unless the court has ordered further study pur-  
 25                       suant to subsection (e).

1           “(B) PREDISPOSITION REPORT.—A pre-  
 2           disposition report shall be prepared by the pro-  
 3           bation officer, who shall promptly provide a  
 4           copy to the juvenile, the juvenile’s counsel, and  
 5           the attorney for the Government. Victim impact  
 6           information shall be included in the predisposi-  
 7           tion report, and victims or, in appropriate  
 8           cases, their official representatives, shall be pro-  
 9           vided the opportunity to make a statement to  
 10          the court in person or to present any informa-  
 11          tion in relation to the disposition.

12          “(2) ACTIONS OF COURT AFTER HEARING.—  
 13          After a dispositional hearing under paragraph (1),  
 14          after considering any pertinent policy statements  
 15          promulgated by the United States Sentencing Com-  
 16          mission pursuant to section 994 of title 28, and in  
 17          conformance with the guidelines promulgated by the  
 18          United States Sentencing Commission pursuant to  
 19          section 994(z)(1)(B) of title 28, the court shall—

20               “(A) place the juvenile on probation or  
 21               commit the juvenile to official detention (includ-  
 22               ing the possibility of a term of supervised re-  
 23               lease), and impose any fine that would be au-  
 24               thorized if the juvenile had been tried and con-  
 25               victed as an adult; and

1           “(B) enter an order of restitution pursuant  
2           to section 3663.”;

3           (2) in subsection (b)—

4           (A) in the matter preceding paragraph (1),  
5           by inserting “or supervised release” after “pro-  
6           bation”;

7           (B) by striking “extend—” and all that  
8           follows through “The provisions” and inserting  
9           the following: “extend, in the case of a juvenile,  
10          beyond the maximum term of probation that  
11          would be authorized by section 3561, or beyond  
12          the maximum term of supervised release au-  
13          thorized by section 3583, if the juvenile had  
14          been tried and convicted as an adult. The provi-  
15          sions dealing with supervised release set forth  
16          in section 3583 and the provisions”; and

17          (C) in the last sentence, by inserting “or  
18          supervised release” after “on probation”; and

19          (3) in subsection (c), by striking “may not ex-  
20          tend—” and all that follows through “Section 3624”  
21          and inserting the following: “may not extend beyond  
22          the earlier of the 26th birthday of the juvenile or the  
23          termination date of the maximum term of imprison-  
24          ment, exclusive of any term of supervised release,  
25          that would be authorized if the juvenile had been



1        tried and convicted as an adult. No juvenile sen-  
 2        tenced to a term of imprisonment shall be released  
 3        from custody simply because the juvenile attains the  
 4        age of 18 years. Section 3624”.

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

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

8    **“§ 5038. Use of juvenile records**

9        “(a) IN GENERAL.—Throughout a juvenile delin-  
 10       quency proceeding under section 5032 or 5037, the  
 11       records of such proceeding shall be safeguarded from dis-  
 12       closure to unauthorized persons, and shall only be released  
 13       to the extent necessary for purposes of—

14                “(1) compliance with section 5032(h);

15                “(2) docketing and processing by the court;

16                “(3) responding to an inquiry received from an-  
 17       other court of law;

18                “(4) responding to an inquiry from an agency  
 19       preparing a presentence report for another court;

20                “(5) responding to an inquiry from a law en-  
 21       forcement agency, if the request for information is  
 22       related to the investigation of a crime or a position  
 23       within that agency or analysis requested by the At-  
 24       torney General;

1           “(6) responding to a written inquiry from the  
2           director of a treatment agency or the director of a  
3           facility to which the juvenile has been committed by  
4           the court;

5           “(7) responding to an inquiry from an agency  
6           considering the person for a position immediately  
7           and directly affecting national security;

8           “(8) responding to an inquiry from any victim  
9           of such juvenile delinquency or, if the victim is de-  
10          ceased, from a member of the immediate family of  
11          the victim, related to the final disposition of such ju-  
12          venile by the court in accordance with section 5032  
13          or 5037, as applicable; and

14          “(9) communicating with a victim of such juve-  
15          nile delinquency or, in appropriate cases, with the  
16          official representative of a victim, in order to—

17                 “(A) apprise the victim or representative of  
18                 the status or disposition of the proceeding;

19                 “(B) effectuate any other provision of law;  
20                 or

21                 “(C) assist in the allocution at disposition  
22                 of the victim or the representative of the victim.

23          “(b) RECORDS OF ADJUDICATION.—

24                 “(1) TRANSMISSION TO FBI.—Upon an adju-  
25          dication of delinquency under section 5032 or 5037,

1 the court shall transmit to the Director of the Fed-  
2 eral Bureau of Investigation a record of such adju-  
3 dication.

4 “(2) MAINTAINING RECORDS.—The Director of  
5 the Federal Bureau of Investigation shall maintain,  
6 in the central repository of the Federal Bureau of  
7 Investigation, in accordance with the established  
8 practices and policies relating to adult criminal his-  
9 tory records of the Federal Bureau of  
10 Investigation—

11 “(A) a fingerprint supported record of the  
12 Federal adjudication of delinquency of any juve-  
13 nile who commits an act that, if committed by  
14 an adult, would constitute the offense of mur-  
15 der, armed robbery, rape (except statutory  
16 rape), or a felony offense involving sexual mo-  
17 lestation of a child, or a conspiracy or attempt  
18 to commit any such offense, that is equivalent  
19 to, and maintained and disseminated in the  
20 same manner and for the same purposes, as are  
21 adult criminal history records for the same of-  
22 fenses; and

23 “(B) a fingerprint supported record of the  
24 Federal adjudication of delinquency of any juve-  
25 nile who commits an act that, if committed by

an adult, would be any offense (other than an offense described in subparagraph (A)) that is equivalent to, and maintained and disseminated in the same manner, as are adult criminal history records for the same offenses—

“(i) for use by and within the criminal justice system for the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, sentencing, disposition, correctional supervision, or rehabilitation of an accused person, criminal offender, or juvenile delinquent; and

“(ii) for purposes of responding to an inquiry from an agency considering the subject of the record for a position or clearance immediately and directly affecting national security.

“(3) AVAILABILITY OF RECORDS TO SCHOOLS IN CERTAIN CIRCUMSTANCES.—Notwithstanding paragraph (2), the Director of the Federal Bureau of Investigation shall make an adjudication record of a juvenile maintained pursuant to subparagraph (A) or (B) of that paragraph, or conviction record described in subsection (d), available to an official of an elementary, secondary, or post-secondary school,

1 in appropriate circumstances (as defined by and  
2 under rules issued by the Attorney General), if—

3 “(A) the subject of the record is a student  
4 enrolled at the school, or a juvenile who seeks,  
5 intends, or is instructed to enroll at that school;

6 “(B) the school official is subject to the  
7 same standards and penalties under applicable  
8 Federal and State law relating to the handling  
9 and disclosure of information contained in juve-  
10 nile adjudication records as are employees of  
11 law enforcement and juvenile justice agencies in  
12 the State; and

13 “(C) information contained in the record is  
14 not used for the purpose of making an admis-  
15 sion determination.

16 “(c) NOTIFICATION OF RIGHTS.—A district court of  
17 the United States that exercises jurisdiction over a juve-  
18 nile shall notify the juvenile, and a parent or guardian  
19 of the juvenile, in writing, and in clear and nontechnical  
20 language, of the rights of the juvenile relating to the adju-  
21 dication record of the juvenile.

22 “(d) RECORDS OF JUVENILES TRIED AS ADULTS.—  
23 In any case in which a juvenile is tried as an adult in  
24 Federal court, the Federal criminal record of the juvenile

1 shall be made available in the same manner as is applica-  
 2 ble to the records of adult defendants.”.

3 **SEC. 109. IMPLEMENTATION OF A SENTENCE FOR JUVENILE**  
 4 **OFFENDERS.**

5 (a) IN GENERAL.—Section 5039 of title 18, United  
 6 States Code, is amended to read as follows:

7 **“§ 5039. Implementation of a sentence**

8 “(a) IN GENERAL.—Except as otherwise provided in  
 9 this chapter, the sentence for a juvenile who is adjudicated  
 10 delinquent or found guilty of an offense under any pro-  
 11 ceeding in a district court of the United States under sec-  
 12 tion 5032 shall be carried out in the same manner as for  
 13 an adult defendant.

14 “(b) SENTENCES OF IMPRISONMENT, PROBATION,  
 15 AND SUPERVISED RELEASE.—Subject to subsection (d),  
 16 the implementation of a sentence of imprisonment is gov-  
 17 erned by subchapter C of chapter 229 and, if the sentence  
 18 includes a term of probation or supervised release, by sub-  
 19 chapter A of chapter 229.

20 “(c) SENTENCES OF FINES AND ORDERS OF RES-  
 21 TITUTION; SPECIAL ASSESSMENTS.—

22 “(1) IN GENERAL.—A sentence of a fine, an  
 23 order of restitution, or a special assessment under  
 24 section 3013 shall be implemented and collected in  
 25 the same manner as for an adult defendant.

1           “(2) PROHIBITION.—The parent, guardian, or  
 2           custodian of a juvenile sentenced to pay a fine or or-  
 3           dered to pay restitution or a special assessment  
 4           under section 3013 may not be made liable for such  
 5           payment by any court.

6           “(d) SEGREGATION OF JUVENILES; CONDITIONS OF  
 7           CONFINEMENT.—

8           “(1) IN GENERAL.—No juvenile committed for  
 9           incarceration, whether pursuant to an adjudication  
 10          of delinquency or conviction for an offense, to the  
 11          custody of the Attorney General may, before the ju-  
 12          venile attains the age of 18 years, be placed or re-  
 13          tained in any jail or correctional institution in which  
 14          the juvenile has prohibited physical contact with  
 15          adult inmate or can engage in sustained oral com-  
 16          munication with adult inmates. To the extent prac-  
 17          ticable, violent juveniles shall be kept separate from  
 18          nonviolent juveniles.

19          “(2) REQUIREMENTS.—Each juvenile who is  
 20          committed for incarceration shall be provided with—

21                 “(A) adequate food, heat, light, sanitary  
 22                 facilities, bedding, clothing, and recreation; and

23                 “(B) as appropriate, counseling, education,  
 24                 training, and medical care (including necessary

1           psychiatric, psychological, or other care or  
2           treatment).

3           “(3) COMMITMENT TO FOSTER HOME OR COM-  
4           MUNITY-BASED FACILITY.—Except in the case of a  
5           juvenile who is found guilty of a violent felony or  
6           who is adjudicated delinquent for an offense that  
7           would be a violent felony if the juvenile had been  
8           prosecuted as an adult, the Attorney General shall  
9           commit a juvenile to a foster home or community-  
10          based facility located in or near his home community  
11          if that commitment is—

12                   “(A) practicable;

13                   “(B) in the best interest of the juvenile;

14                   and

15                   “(C) consistent with the safety of the com-  
16                   munity.”.

17          (b) CONFORMING AMENDMENT.—The analysis for  
18          chapter 403 of title 18, United States Code, is amended  
19          by striking the item relating to section 5039 and inserting  
20          the following:

          “5039. Implementation of a sentence.”.

21       **SEC. 110. MAGISTRATE JUDGE AUTHORITY REGARDING JU-**  
22       **VENILE DEFENDANTS.**

23          Section 3401(g) of title 18, United States Code, is  
24          amended—



1           (1) in the second sentence, by inserting after  
 2           “magistrate judge may, in any” the following: “class  
 3           A misdemeanor or any”; and

4           (2) in the third sentence, by striking “, except  
 5           that no” and all that follows before the period at the  
 6           end of the subsection.

7   **SEC. 111. FEDERAL SENTENCING GUIDELINES.**

8           (a) APPLICATION OF GUIDELINES TO CERTAIN JU-  
 9   VENILE DEFENDANTS.—Section 994(h) of title 28, United  
 10   States Code, is amended by inserting “, or in which the  
 11   defendant is a juvenile who is tried as an adult,” after  
 12   “old or older”.

13          (b) GUIDELINES FOR JUVENILE CASES.—

14           (1) IN GENERAL.—Section 994 of title 28,  
 15   United States Code, is amended by adding at the  
 16   end the following:

17          “(z) GUIDELINES FOR JUVENILE CASES.—

18           “(1) IN GENERAL.—Not later than 1 year after  
 19   the date of enactment of the Violent and Repeat Ju-  
 20   venile Offender Accountability and Rehabilitation  
 21   Act of 1999, the Commission, by affirmative vote of  
 22   not less than 4 members of the Commission, and  
 23   pursuant to its rules and regulations and consistent  
 24   with all pertinent provisions of any Federal statute,  
 25   shall promulgate and distribute to all courts of the

1 United States and to the United States Probation  
2 System—

3 “(A) guidelines, as described in this sec-  
4 tion, for use by a sentencing court in determin-  
5 ing the sentence to be imposed in a criminal  
6 case if the defendant committed the offense as  
7 a juvenile, and is tried as an adult pursuant to  
8 section 5032 of title 18, United States Code;  
9 and

10 “(B) guidelines, as described in this sec-  
11 tion, for use by a court in determining the sen-  
12 tence to be imposed on a juvenile adjudicated  
13 delinquent pursuant to section 5032 of title 18,  
14 United States Code, and sentenced pursuant to  
15 a dispositional hearing under section 5037 of  
16 title 18, United States Code.

17 “(2) DETERMINATIONS.—In carrying out this  
18 subsection, the Commission shall make the deter-  
19 minations required by subsection (a)(1) and promul-  
20 gate the policy statements and guidelines required  
21 by paragraphs (2) and (3) of subsection (a).

22 “(3) CONSIDERATIONS.—In addition to any  
23 other considerations required by this section, the  
24 Commission, in promulgating guidelines—

1           “(A) pursuant to paragraph (1)(A), shall  
2           presume the appropriateness of adult sentenc-  
3           ing provisions, but may make such adjustments  
4           to sentence lengths and to provisions governing  
5           downward departures from the guidelines as re-  
6           flect the specific interests and circumstances of  
7           juvenile defendants; and

8           “(B) pursuant to paragraph (1)(B), shall  
9           ensure that the guidelines—

10           “(i) reflect the broad range of sen-  
11           tencing options available to the court  
12           under section 5037 of title 18, United  
13           States Code; and

14           “(ii) effectuate a policy of an account-  
15           ability-based juvenile justice system that  
16           provides substantial and appropriate sanc-  
17           tions, that are graduated to reflect the se-  
18           verity or repeated nature of violations, for  
19           each delinquent act, and reflect the specific  
20           interests and circumstances of juvenile de-  
21           fendants.

22           “(4) REVIEW PERIOD.—The review period spec-  
23           ified by subsection (p) applies to guidelines promul-  
24           gated pursuant to this subsection and any amend-  
25           ments to those guidelines.”.

1           (2) TECHNICAL CORRECTION TO ASSURE COM-  
 2           PLIANCE OF SENTENCING GUIDELINES WITH PROVI-  
 3           SIONS OF ALL FEDERAL STATUTES.—Section 994(a)  
 4           of title 28, United States Code, is amended by strik-  
 5           ing “consistent with all pertinent provisions of this  
 6           title and title 18, United States Code,” and inserting  
 7           “consistent with all pertinent provisions of any Fed-  
 8           eral statute”.

9   **SEC. 112. STUDY AND REPORT ON INDIAN TRIBAL JURIS-**  
 10                   **DICTION.**

11           Not later than 18 months after the date of enactment  
 12           of this Act, the Attorney General shall conduct a study  
 13           of the juvenile justice systems of Indian tribes (as defined  
 14           in section 4(e) of the Indian Self-Determination and Edu-  
 15           cation Assistance Act (25 U.S.C. 450b(e))) and shall re-  
 16           port to the Chairman and Ranking Member of the Com-  
 17           mittee on the Judiciary and the Committee on Indian Af-  
 18           fairs of the Senate and the Chairman and Ranking Mem-  
 19           ber of the Committee on the Judiciary of the House of  
 20           Representatives on—

21           (1) the extent to which tribal governments are  
 22           equipped to adjudicate felonies, misdemeanors, and  
 23           acts of delinquency committed by juveniles subject to  
 24           tribal jurisdiction; and

1           (2) the need for and benefits from expanding  
 2           the jurisdiction of tribal courts and the authority to  
 3           impose the same sentences that can be imposed by  
 4           Federal or State courts on such juveniles.

## 5           **TITLE II—JUVENILE GANGS**

### 6   **SEC. 201. SOLICITATION OR RECRUITMENT OF PERSONS IN** 7                           **CRIMINAL STREET GANG ACTIVITY.**

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

#### 11   **“§ 522. Recruitment of persons to participate in** 12                           **criminal street gang activity**

13           “(a) PROHIBITED ACT.—It shall be unlawful for any  
 14 person to use any facility in, or travel in, interstate or  
 15 foreign commerce, or cause another to do so, to recruit,  
 16 solicit, induce, command, or cause another person to be  
 17 or to remain as a member of a criminal street gang, or  
 18 conspire to do so.

19           “(b) PENALTIES.—Any person who violates sub-  
 20 section (a) shall—

21                   “(1) if the person recruited, solicited, induced,  
 22                   commanded, or caused—

23                           “(A) is a minor, be imprisoned not less  
 24                   than 4 years and not more than 10 years, fined  
 25                   in accordance with this title, or both; or

1           “(B) is not a minor, be imprisoned not less  
2           than 1 year and not more than 10 years, fined  
3           in accordance with this title, or both; and

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

8           “(c) DEFINITIONS.—In this section:

9           “(1) CRIMINAL STREET GANG.—The term  
10          ‘criminal street gang’ has the meaning given the  
11          term in section 521.

12          “(2) MINOR.—The term ‘minor’ means a per-  
13          son who is younger than 18 years of age.”.

14          (b) CONFORMING AMENDMENT.—The analysis for  
15          chapter 26 of title 18, United States Code, is amended  
16          by adding at the end the following:

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

17       **SEC. 202. INCREASED PENALTIES FOR USING MINORS TO**  
18                               **DISTRIBUTE DRUGS.**

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

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

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

1 **SEC. 203. PENALTIES FOR USE OF MINORS IN CRIMES OF**  
 2 **VIOLENCE.**

3 (a) IN GENERAL.—Chapter 1 of title 18, United  
 4 States Code, is amended by adding at the end the follow-  
 5 ing:

6 **“§ 25. Use of minors in crimes of violence**

7 “(a) PENALTIES.—Except as otherwise provided by  
 8 law, whoever, being not less than 18 years of age, know-  
 9 ingly and intentionally uses a minor to commit a Federal  
 10 offense that is a crime of violence, or to assist in avoiding  
 11 detection or apprehension for such an offense, shall—

12 “(1) be subject to 2 times the maximum impris-  
 13 onment and 2 times the maximum fine that would  
 14 otherwise be imposed for the offense; and

15 “(2) for second or subsequent convictions under  
 16 this subsection, be subject to 3 times the maximum  
 17 imprisonment and 3 times the maximum fine that  
 18 would otherwise be imposed for the offense.

19 “(b) DEFINITIONS.—In this section:

20 “(1) CRIME OF VIOLENCE.—The term ‘crime of  
 21 violence’ has the meaning given the term in section  
 22 16 of this title.

23 “(2) MINOR.—The term ‘minor’ means a per-  
 24 son who is less than 18 years of age.

25 “(3) USES.—The term ‘uses’ means employs,  
 26 hires, persuades, induces, entices, or coerces.”.

1 (b) CONFORMING AMENDMENT.—The analysis for  
 2 chapter 1 of title 18, United States Code, is amended by  
 3 adding at the end the following:

“25. Use of minors in crimes of violence.”.

4 **SEC. 204. AMENDMENT OF FEDERAL SENTENCING GUIDE-**  
 5 **LINES WITH RESPECT TO BODY ARMOR.**

6 (a) SHORT TITLE.—This section may be cited as the  
 7 “James Guelff Body Armor Act of 1999”.

8 (b) DEFINITIONS.—In this section:

9 (1) BODY ARMOR.—The term “body armor”  
 10 means any product sold or offered for sale as per-  
 11 sonal protective body covering intended to protect  
 12 against gunfire, regardless of whether the product is  
 13 to be worn alone or is sold as a complement to an-  
 14 other product or garment.

15 (2) LAW ENFORCEMENT OFFICER.—The term  
 16 “law enforcement officer” means any officer, agent,  
 17 or employee of the United States, a State, or a polit-  
 18 ical subdivision of a State, authorized by law or by  
 19 a government agency to engage in or supervise the  
 20 prevention, detection, investigation, or prosecution of  
 21 any violation of criminal law.

22 (c) SENTENCING ENHANCEMENT.—The United  
 23 States Sentencing Commission shall amend the Federal  
 24 sentencing guidelines to provide an appropriate sentencing  
 25 enhancement, increasing the offense level not less than 2



1 levels, for any offense in which the defendant used body  
2 armor.

3 (d) APPLICABILITY.—No amendment made to the  
4 Federal sentencing guidelines pursuant to this section  
5 shall apply if the Federal offense in which the body armor  
6 is used constitutes a violation of, attempted violation of,  
7 or conspiracy to violate the civil rights of any person by  
8 a law enforcement officer acting under color of the author-  
9 ity of such law enforcement officer.

10 **SEC. 205. HIGH INTENSITY INTERSTATE GANG ACTIVITY**  
11 **AREAS.**

12 (a) DEFINITIONS.—In this section:

13 (1) GOVERNOR.—The term “Governor” means  
14 a Governor of a State or the Mayor of the District  
15 of Columbia.

16 (2) HIGH INTENSITY INTERSTATE GANG ACTIV-  
17 ITY AREA.—The term “high intensity interstate  
18 gang activity area” means an area within a State  
19 that is designated as a high intensity interstate gang  
20 activity area under subsection (b)(1).

21 (3) STATE.—The term “State” means a State  
22 of the United States or the District of Columbia.

23 (b) HIGH INTENSITY INTERSTATE GANG ACTIVITY  
24 AREAS.—

1           (1) DESIGNATION.—The Attorney General,  
 2           upon consultation with the Secretary of the Treas-  
 3           ury and the Governors of appropriate States, may  
 4           designate as a high intensity interstate gang activity  
 5           area a specified area that is located—

6                       (A) within a State; or

7                       (B) in more than 1 State.

8           (2) ASSISTANCE.—In order to provide Federal  
 9           assistance to a high intensity interstate gang activity  
 10          area, the Attorney General may—

11                    (A) facilitate the establishment of a re-  
 12                    gional task force, consisting of Federal, State,  
 13                    and local law enforcement authorities, for the  
 14                    coordinated investigation, disruption, apprehen-  
 15                    sion, and prosecution of criminal activities of  
 16                    gangs and gang members in the high intensity  
 17                    interstate gang activity area; and

18                    (B) direct the detailing from any Federal  
 19                    department or agency (subject to the approval  
 20                    of the head of that department or agency, in  
 21                    the case of a department or agency other than  
 22                    the Department of Justice) of personnel to the  
 23                    high intensity interstate gang activity area.

24           (3) CRITERIA FOR DESIGNATION.—In consider-  
 25          ing an area (within a State or within more than 1

1 State) for designation as a high intensity interstate  
2 gang activity area under this section, the Attorney  
3 General shall consider—

4 (A) the extent to which gangs from the  
5 area are involved in interstate or international  
6 criminal activity;

7 (B) the extent to which the area is affected  
8 by the criminal activity of gang members who—

9 (i) are located in, or have relocated  
10 from, other States; or

11 (ii) are located in, or have immigrated  
12 (legally or illegally) from, foreign countries;

13 (C) the extent to which the area is affected  
14 by the criminal activity of gangs that originated  
15 in other States or foreign countries;

16 (D) the extent to which State and local law  
17 enforcement agencies have committed resources  
18 to respond to the problem of criminal gang ac-  
19 tivity in the area, as an indication of their de-  
20 termination to respond aggressively to the prob-  
21 lem;

22 (E) the extent to which a significant in-  
23 crease in the allocation of Federal resources  
24 would enhance local response to gang-related  
25 criminal activities in the area; and

1 (F) any other criteria that the Attorney  
 2 General considers to be appropriate.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be  
 5 appropriated to carry out this section \$100,000,000  
 6 for each of fiscal years 1999 through 2004, to be  
 7 used in accordance with paragraph (2).

8 (2) USE OF FUNDS.—Of amounts made avail-  
 9 able under paragraph (1) in each fiscal year—

10 (A) 75 percent shall be used to carry out  
 11 subsection (b)(2); and

12 (B) 25 percent shall be used to make  
 13 grants for community-based programs to pro-  
 14 vide crime prevention and intervention services  
 15 that are designed for gang members and at-risk  
 16 youth in areas designated pursuant to this sec-  
 17 tion as high intensity interstate gang activity  
 18 areas.

19 (3) REQUIREMENT.—

20 (A) IN GENERAL.—The Attorney General  
 21 shall ensure that not less than 10 percent of  
 22 amounts made available under paragraph (1) in  
 23 each fiscal year are used to assist rural States  
 24 affected as described in subparagraphs (B) and  
 25 (C) of subsection (b)(3).

1 (B) DEFINITION OF RURAL STATE.—In  
 2 this paragraph, the term “rural State” has the  
 3 meaning given the term in section 1501(b) of  
 4 title I of the Omnibus Crime Control and Safe  
 5 Streets Act of 1968 (42 U.S.C. 3796bb(b)).

6 **SEC. 206. INCREASING THE PENALTY FOR USING PHYSICAL**  
 7 **FORCE TO TAMPER WITH WITNESSES, VIC-**  
 8 **TIMS, OR INFORMANTS.**

9 Section 1512 of title 18, United States Code, is  
 10 amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), by striking “as pro-  
 13 vided in paragraph (2)” and inserting “as pro-  
 14 vided in paragraph (3)”;

15 (B) by redesignating paragraph (2) as  
 16 paragraph (3);

17 (C) by inserting after paragraph (1) the  
 18 following:

19 “(2) USE OF PHYSICAL FORCE TO TAMPER  
 20 WITH WITNESSES, VICTIMS, OR INFORMANTS.—Who-  
 21 ever uses physical force or the threat of physical  
 22 force against any person, or attempts to do so, with  
 23 intent to—

24 “(A) influence, delay, or prevent the testi-  
 25 mony of any person in an official proceeding;

1 “(B) cause or induce any person to—

2 “(i) withhold testimony, or withhold a  
3 record, document, or other object, from an  
4 official proceeding;

5 “(ii) alter, destroy, mutilate, or con-  
6 ceal an object with intent to impair the ob-  
7 ject’s integrity or availability for use in an  
8 official proceeding;

9 “(iii) evade legal process summoning  
10 that person to appear as a witness, or to  
11 produce a record, document, or other ob-  
12 ject, in an official proceeding; or

13 “(iv) be absent from an official pro-  
14 ceeding to which such person has been  
15 summoned by legal process; or

16 “(C) hinder, delay, or prevent the commu-  
17 nication to a law enforcement officer or judge  
18 of the United States of information relating to  
19 the commission or possible commission of a  
20 Federal offense or a violation of conditions of  
21 probation, parole, or release pending judicial  
22 proceedings;

23 shall be punished as provided in paragraph (3).”;

24 and

1 (D) by paragraph (3), as redesignated, by  
2 striking subparagraph (B) and inserting the fol-  
3 lowing:

4 “(B) in the case of—

5 “(i) an attempt to murder; or

6 “(ii) the use of physical force against  
7 any person;

8 imprisonment for not more than 20 years.”;

9 (2) in subsection (b), by striking “or physical  
10 force”; and

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

12 “(j) CONSPIRACY.—Whoever conspires to commit any  
13 offense under this section or section 1513 shall be subject  
14 to the same penalties as those prescribed for the offense  
15 the commission of which was the object of the conspir-  
16 acy.”.

1 **TITLE III—JUVENILE CRIME**  
 2 **CONTROL, ACCOUNTABILITY,**  
 3 **AND DELINQUENCY PREVEN-**  
 4 **TION**

5 **Subtitle A—Reform of the Juvenile**  
 6 **Justice and Delinquency Pre-**  
 7 **vention Act of 1974**

8 **SEC. 301. FINDINGS; DECLARATION OF PURPOSE; DEFINI-**  
 9 **TIONS.**

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

13 **“TITLE I—FINDINGS AND**  
 14 **DECLARATION OF PURPOSE**

15 **“SEC. 101. FINDINGS.**

16 “Congress makes the following findings:

17 “(1) During the past decade, the United States  
 18 has experienced an alarming increase in arrests of  
 19 adolescents for murder, assault, and weapons of-  
 20 fenses.

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



1           “(3) Understaffed and overcrowded juvenile  
2 courts, prosecutorial and public defender offices,  
3 probation services, and correctional facilities no  
4 longer adequately address the changing nature of ju-  
5 venile crime, protect the public, or correct youth of-  
6 fenders.

7           “(4) The juvenile justice system has proven in-  
8 adequate to meet the needs of society and the needs  
9 of children who may be at risk of becoming  
10 delinquents are not being met.

11           “(5) Existing programs and policies have not  
12 adequately responded to the particular threats that  
13 drugs, alcohol abuse, violence, and gangs pose to the  
14 youth of the Nation.

15           “(6) Projected demographic increases in the  
16 number of youth offenders require reexamination of  
17 current prosecution and incarceration policies for se-  
18 rious violent youth offenders and crime prevention  
19 policies.

20           “(7) State and local communities require assist-  
21 ance to deal comprehensively with the problems of  
22 juvenile delinquency.

23           “(8) Existing Federal programs have not pro-  
24 vided the States with necessary flexibility, nor have  
25 these programs provided the coordination, resources,

1       and leadership required to meet the crisis of youth  
2       violence.

3               “(9) Overlapping and uncoordinated Federal  
4       programs have created a multitude of Federal fund-  
5       ing streams to States and units of local government,  
6       that have become a barrier to effective program co-  
7       ordination, responsive public safety initiatives, and  
8       the provision of comprehensive services for children  
9       and youth.

10              “(10) Violent crime by juveniles constitutes a  
11       growing threat to the national welfare that requires  
12       an immediate and comprehensive governmental re-  
13       sponse, combining flexibility and coordinated evalua-  
14       tion.

15              “(11) The role of the Federal Government  
16       should be to encourage and empower communities to  
17       develop and implement policies to protect adequately  
18       the public from serious juvenile crime as well as im-  
19       plement quality prevention programs that work with  
20       at-risk juveniles, their families, local public agencies,  
21       and community-based organizations.

22              “(12) A strong partnership among law enforce-  
23       ment, local government, juvenile and family courts,  
24       schools, businesses, philanthropic organizations,  
25       families, and the religious community, can create a

1 community environment that supports the youth of  
2 the Nation in reaching their highest potential and  
3 reduces the destructive trend of juvenile crime.

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

5 “(a) IN GENERAL.—The purposes of this Act are  
6 to—

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

11 “(2) protect the public and to hold juveniles ac-  
12 countable for their acts;

13 “(3) encourage and promote, consistent with  
14 the ideals of federalism, the adoption by the States  
15 of policies recognizing the rights of victims in the ju-  
16 venile justice system, and ensuring that the victims  
17 of violent crimes committed by juveniles receive the  
18 same level of justice as do the victims of violent  
19 crimes committed by adults;

20 “(4) provide for the thorough and ongoing eval-  
21 uation of all federally funded programs addressing  
22 juvenile crime and delinquency;

23 “(5) provide technical assistance to public and  
24 private nonprofit entities that protect public safety,  
25 administer justice and corrections to delinquent

1 youth, or provide services to youth at risk of delin-  
2 quency, and their families;

3 “(6) establish a centralized research effort on  
4 the problems of youth crime and juvenile delin-  
5 quency, including the dissemination of the findings  
6 of such research and all related data;

7 “(7) establish a Federal assistance program to  
8 deal with the problems of runaway and homeless  
9 youth;

10 “(8) assist States and units of local government  
11 in improving the administration of justice for juve-  
12 niles;

13 “(9) assist the States and units of local govern-  
14 ment in reducing the level of youth violence and ju-  
15 venile delinquency;

16 “(10) assist States and units of local govern-  
17 ment in promoting public safety by supporting juve-  
18 nile delinquency prevention and control activities;

19 “(11) encourage and promote programs de-  
20 signed to keep in school juvenile delinquents expelled  
21 or suspended for disciplinary reasons;

22 “(12) assist States and units of local govern-  
23 ment in promoting public safety by encouraging ac-  
24 countability for acts of juvenile delinquency;

1           “(13) assist States and units of local govern-  
2           ment in promoting public safety by improving the  
3           extent, accuracy, availability and usefulness of juve-  
4           nile court and law enforcement records and the  
5           openness of the juvenile justice system;

6           “(14) assist States and units of local govern-  
7           ment in promoting public safety by encouraging the  
8           identification of violent and hardcore juveniles;

9           “(15) assist States and units of local govern-  
10          ment in promoting public safety by providing re-  
11          sources to States to build or expand juvenile deten-  
12          tion facilities;

13          “(16) provide for the evaluation of federally as-  
14          sisted juvenile crime control programs, and the  
15          training necessary for the establishment and oper-  
16          ation of such programs;

17          “(17) ensure the dissemination of information  
18          regarding juvenile crime control programs by provid-  
19          ing a national clearinghouse; and

20          “(18) provide technical assistance to public and  
21          private nonprofit juvenile justice and delinquency  
22          prevention programs.

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

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

3           “(2) enhance efforts to prevent juvenile crime  
4           and delinquency; and

5           “(3) improve the quality of juvenile justice in  
6           the United States.

7   **“SEC. 103. DEFINITIONS.**

8           “In this Act:

9           “(1) ADMINISTRATOR.—The term ‘Adminis-  
10          trator’ means the Administrator of the Office of Ju-  
11          venile Crime Control and Prevention, appointed in  
12          accordance with section 201.

13          “(2) ADULT INMATE.—The term ‘adult inmate’  
14          means an individual who—

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

17               “(B) has been arrested and is in custody  
18               for, awaiting trial on, or convicted of criminal  
19               charges.

20          “(3) BOOT CAMP.—The term ‘boot camp’  
21          means a residential facility (excluding a private resi-  
22          dence) at which there are provided—

23               “(A) a highly regimented schedule of dis-  
24               cipline, physical training, work, drill, and cere-  
25               mony characteristic of military basic training;

1           “(B) regular, remedial, special, and voca-  
2           tional education; and

3           “(C) counseling and treatment for sub-  
4           stance abuse and other health and mental  
5           health problems.

6           “(4) BUREAU OF JUSTICE ASSISTANCE.—The  
7           term ‘Bureau of Justice Assistance’ means the bu-  
8           reau established by section 401 of title I of the Om-  
9           nibus Crime Control and Safe Streets Act of 1968  
10          (42 U.S.C. 3741).

11          “(5) BUREAU OF JUSTICE STATISTICS.—The  
12          term ‘Bureau of Justice Statistics’ means the bu-  
13          reau established by section 302(a) of title I of the  
14          Omnibus Crime Control and Safe Streets Act of  
15          1968 (42 U.S.C. 3732).

16          “(6) COLLOCATED FACILITIES.—The term ‘col-  
17          located facilities’ means facilities that are located in  
18          the same building, or are part of a related complex  
19          of buildings located on the same grounds.

20          “(7) COMBINATION.—The term ‘combination’  
21          as applied to States or units of local government  
22          means any grouping or joining together of such  
23          States or units for the purpose of preparing, devel-  
24          oping, or implementing a juvenile crime control and  
25          delinquency prevention plan.

1           “(8) COMMUNITY-BASED.—The term ‘commu-  
 2           nity-based’ facility, program, or service means a  
 3           small, open group home or other suitable place lo-  
 4           cated near the juvenile’s home or family and pro-  
 5           grams of community supervision and service that  
 6           maintain community and consumer participation in  
 7           the planning operation, and evaluation of their pro-  
 8           grams which may include, medical, educational, vo-  
 9           cational, social, and psychological guidance, training,  
 10          special education, counseling, alcoholism treatment,  
 11          drug treatment, and other rehabilitative services.

12           “(9) COMPREHENSIVE AND COORDINATED SYS-  
 13          TEM OF SERVICES.—The term ‘comprehensive and  
 14          coordinated system of services’ means a system  
 15          that—

16           “(A) ensures that services and funding for  
 17          the prevention and treatment of juvenile delin-  
 18          quency are consistent with policy goals of pre-  
 19          serving families and providing appropriate serv-  
 20          ices in the least restrictive environment so as to  
 21          simultaneously protect juveniles and maintain  
 22          public safety;

23           “(B) identifies, and intervenes early for  
 24          the benefit of, young children who are at risk  
 25          of developing emotional or behavioral problems



1           because of physical or mental stress or abuse,  
 2           and for the benefit of their families;

3           “(C) increases interagency collaboration  
 4           and family involvement in the prevention and  
 5           treatment of juvenile delinquency; and

6           “(D) encourages private and public part-  
 7           nerships in the delivery of services for the pre-  
 8           vention and treatment of juvenile delinquency.

9           “(10) CONSTRUCTION.—The term ‘construc-  
 10          tion’ means erection of new buildings or acquisition,  
 11          expansion, remodeling, and alteration of existing  
 12          buildings, and initial equipment of any such build-  
 13          ings, or any combination of such activities (including  
 14          architects’ fees but not the cost of acquisition of  
 15          land for buildings).

16          “(11) FEDERAL JUVENILE CRIME CONTROL,  
 17          PREVENTION, AND JUVENILE OFFENDER ACCOUNT-  
 18          ABILITY PROGRAM.—The term ‘Federal juvenile  
 19          crime control, prevention, and juvenile offender ac-  
 20          countability program’ means any Federal program a  
 21          primary objective of which is the prevention of juve-  
 22          nile crime or reduction of the incidence of arrest, the  
 23          commission of criminal acts or acts of delinquency,  
 24          violence, the use of alcohol or illegal drugs, or the  
 25          involvement in gangs among juveniles.

1           “(12) GENDER-SPECIFIC SERVICES.—The term  
2           ‘gender-specific services’ means services designed to  
3           address needs unique to the gender of the individual  
4           to whom such services are provided.

5           “(13) GRADUATED SANCTIONS.—The term  
6           ‘graduated sanctions’ means an accountability-based  
7           juvenile justice system that protects the public, and  
8           holds juvenile delinquents accountable for acts of de-  
9           linquency by providing substantial and appropriate  
10          sanctions that are graduated in such a manner as to  
11          reflect (for each act of delinquency or offense) the  
12          severity or repeated nature of that act or offense.

13          “(14) HOME-BASED ALTERNATIVE SERVICES.—  
14          The term ‘home-based alternative services’ means  
15          services provided to a juvenile in the home of the ju-  
16          venile as an alternative to incarcerating the juvenile,  
17          and includes home detention.

18          “(15) INDIAN TRIBE.—The term ‘Indian tribe’  
19          means any Indian tribe, band, nation, or other orga-  
20          nized group or community, including any Alaska Na-  
21          tive village or regional or village corporation as de-  
22          fined in or established pursuant to the Alaska Na-  
23          tive Claims Settlement Act (43 U.S.C. 1601 et seq.),  
24          that is recognized as eligible for the special pro-

grams and services provided by the United States to Indians because of their status as Indians.

“(16) JUVENILE.—The term ‘juvenile’ means a person who has not attained the age of 18 years who is subject to delinquency proceedings under applicable State law.

“(17) JUVENILE POPULATION.—The term ‘juvenile population’ means the population of a State under 18 years of age.

“(18) JAIL OR LOCKUP FOR ADULTS.—The term ‘jail or lockup for adults’ means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

“(A) pending the filing of a charge of violating a criminal law;

“(B) awaiting trial on a criminal charge;  
or

“(C) convicted of violating a criminal law.

“(19) JUVENILE DELINQUENCY PROGRAM.—The term ‘juvenile delinquency program’ means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including—

1                   “(A) drug and alcohol abuse programs;

2                   “(B) the improvement of the juvenile jus-  
3                   tice system; and

4                   “(C) any program or activity that is de-  
5                   signed to reduce known risk factors for juvenile  
6                   delinquent behavior, by providing activities that  
7                   build on protective factors for, and develop com-  
8                   petencies in, juveniles to prevent and reduce the  
9                   rate of delinquent juvenile behavior.

10                  “(20) LAW ENFORCEMENT AND CRIMINAL JUS-  
11                  TICE.—The term ‘law enforcement and criminal jus-  
12                  tice’ means any activity pertaining to crime preven-  
13                  tion, control, or reduction or the enforcement of the  
14                  criminal law, including, but not limited to police ef-  
15                  forts to prevent, control, or reduce crime or to ap-  
16                  prehend criminals, activities of courts having crimi-  
17                  nal jurisdiction and related agencies (including pros-  
18                  ecutorial and defender services), activities of correc-  
19                  tions, probation, or parole authorities, and programs  
20                  relating to the prevention, control, or reduction of  
21                  juvenile delinquency or narcotic addiction.

22                  “(21) NATIONAL INSTITUTE OF JUSTICE.—The  
23                  term ‘National Institute of Justice’ means the insti-  
24                  tute established by section 202(a) of title I of the

1 Omnibus Crime Control and Safe Streets Act of  
2 1968 (42 U.S.C. 3721).

3 “(22) NONPROFIT ORGANIZATION.—The term  
4 ‘nonprofit organization’ means an organization de-  
5 scribed in section 501(c)(3) of the Internal Revenue  
6 Code of 1986 that is exempt from taxation under  
7 section 501(a) of the Internal Revenue Code of  
8 1986.

9 “(23) OFFICE.—The term ‘Office’ means the  
10 Office of Juvenile Crime Control and Prevention es-  
11 tablished under section 201.

12 “(24) OFFICE OF JUSTICE PROGRAMS.—The  
13 term ‘Office of Justice Programs’ means the office  
14 established by section 101 of title I of the Omnibus  
15 Crime Control and Safe Streets Act of 1968 (42  
16 U.S.C. 3711).

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

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

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

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

14           “(27) PROHIBITED PHYSICAL CONTACT.—

15                   “(A) IN GENERAL.—The term ‘prohibited  
16                  physical contact’ means—

17                           “(i) any physical contact between a  
18                           juvenile and an adult inmate; and

19                           “(ii) proximity that provides an op-  
20                           portunity for physical contact between a  
21                           juvenile and an adult inmate.

22                   “(B) EXCLUSION.—The term does not in-  
23                  clude supervised proximity between a juvenile  
24                  and an adult inmate that is brief and incidental  
25                  or accidental.

1           “(28) RELATED COMPLEX OF BUILDINGS.—The  
 2           term ‘related complex of buildings’ means 2 or more  
 3           buildings that share—

4                   “(A) physical features, such as walls and  
 5                   fences, or services beyond mechanical services  
 6                   (heating, air conditioning, water and sewer); or

7                   “(B) the specialized services that are al-  
 8                   lowable under section 31.303(e)(3)(i)(C)(3) of  
 9                   title 28, Code of Federal Regulations, as in ef-  
 10                  fect on December 10, 1996.

11           “(29) SECURE CORRECTIONAL FACILITY.—The  
 12           term ‘secure correctional facility’ means any public  
 13           or private residential facility that—

14                   “(A) includes construction fixtures de-  
 15                   signed to physically restrict the movements and  
 16                   activities of juveniles or other individuals held  
 17                   in lawful custody in such facility; and

18                   “(B) is used for the placement, after adju-  
 19                   dication and disposition, of any juvenile who  
 20                   has been adjudicated as having committed an  
 21                   offense or any other individual convicted of a  
 22                   criminal offense.

23           “(30) SECURE DETENTION FACILITY.—The  
 24           term ‘secure detention facility’ means any public or  
 25           private residential facility that—

1           “(A) includes construction fixtures de-  
2           signed to physically restrict the movements and  
3           activities of juveniles or other individuals held  
4           in lawful custody in such facility; and

5           “(B) is used for the temporary placement  
6           of any juvenile who is accused of having com-  
7           mitted an offense or of any other individual ac-  
8           cused of having committed a criminal offense.

9           “(31) SERIOUS CRIME.—The term ‘serious  
10          crime’ means criminal homicide, forcible rape or  
11          other sex offenses punishable as a felony, mayhem,  
12          kidnapping, aggravated assault, drug trafficking,  
13          robbery, larceny or theft punishable as a felony,  
14          motor vehicle theft, burglary or breaking and enter-  
15          ing, extortion accompanied by threats of violence,  
16          and arson punishable as a felony.

17          “(32) STATE.—The term ‘State’ means any  
18          State of the United States, the District of Columbia,  
19          the Commonwealth of Puerto Rico, the Virgin Is-  
20          lands, Guam, American Samoa, and the Common-  
21          wealth of the Northern Mariana Islands.

22          “(33) STATE OFFICE.—The term ‘State office’  
23          means an office designated by the chief executive of-  
24          ficer of a State to carry out this title, as provided



1 in section 507 of the Omnibus Crime Control and  
2 Safe Streets Act of 1968 (42 U.S.C. 3757).

3 “(34) SUSTAINED ORAL COMMUNICATION.—

4 “(A) IN GENERAL.—The term ‘sustained  
5 oral communication’ means the imparting or  
6 interchange of speech by or between an adult  
7 inmate and a juvenile.

8 “(B) EXCEPTION.—The term does not  
9 include—

10 “(i) communication that is accidental  
11 or incidental; or

12 “(ii) sounds or noises that cannot rea-  
13 sonably be considered to be speech.

14 “(35) TREATMENT.—The term ‘treatment’ in-  
15 cludes medical and other rehabilitative services de-  
16 signed to protect the public, including any services  
17 designed to benefit addicts and other users by—

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

20 “(B) controlling or reducing their depend-  
21 ence and susceptibility to addiction or use.

22 “(36) UNIT OF LOCAL GOVERNMENT.—The  
23 term ‘unit of local government’ means—

1           “(A) any city, county, township, town, bor-  
 2           ough, parish, village, or other general purpose  
 3           political subdivision of a State;

4           “(B) any law enforcement district or judi-  
 5           cial enforcement district that—

6                 “(i) is established under applicable  
 7                 State law; and

8                 “(ii) has the authority to, in a manner  
 9                 independent of other State entities, estab-  
 10                lish a budget and raise revenues;

11           “(C) an Indian tribe that performs law en-  
 12           forcement functions, as determined by the Sec-  
 13           retary of the Interior; or

14           “(D) for the purposes of assistance eligi-  
 15           bility, any agency of the government of the Dis-  
 16           trict of Columbia or the Federal Government  
 17           that performs law enforcement functions in and  
 18           for—

19                 “(i) the District of Columbia; or

20                 “(ii) any Trust Territory of the  
 21                 United States.

22           “(37) VALID COURT ORDER.—The term ‘valid  
 23           court order’ means a court order given by a juvenile  
 24           court judge to a juvenile—

1           “(A) who was brought before the court and  
2           made subject to such order; and

3           “(B) who received, before the issuance of  
4           such order, the full due process rights guaran-  
5           teed to such juvenile by the Constitution of the  
6           United States.

7           “(38) VIOLENT CRIME.—The term ‘violent  
8           crime’ means—

9           “(A) murder or nonnegligent man-  
10          slaughter, forcible rape, or robbery; or

11          “(B) aggravated assault committed with  
12          the use of a firearm.

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

16 **SEC. 302. JUVENILE CRIME CONTROL AND PREVENTION.**

17          (a) IN GENERAL.—Title II of the Juvenile Justice  
18          and Delinquency Prevention Act of 1974 (42 U.S.C. 5611  
19          et seq.) is amended to read as follows:

1       **“TITLE II—JUVENILE CRIME**  
2       **CONTROL AND PREVENTION**  
3       **“PART A—OFFICE OF JUVENILE CRIME CONTROL**  
4               **AND PREVENTION**

5       **“SEC. 201. ESTABLISHMENT OF OFFICE.**

6           “(a) IN GENERAL.—There is established in the De-  
7       partment of Justice, under the general authority of the  
8       Attorney General, an Office of Juvenile Crime Control and  
9       Prevention.

10          “(b) ADMINISTRATOR.—

11               “(1) IN GENERAL.—The Office shall be headed  
12       by an Administrator, who shall be appointed by the  
13       President, by and with the advice and consent of the  
14       Senate, from among individuals who have had expe-  
15       rience in juvenile delinquency prevention and crime  
16       control programs.

17               “(2) REGULATIONS.—The Administrator may  
18       prescribe regulations consistent with this Act to  
19       award, administer, modify, extend, terminate, mon-  
20       itor, evaluate, reject, or deny all grants and con-  
21       tracts from, and applications for, amounts made  
22       available under this title.

23               “(3) RELATIONSHIP TO ATTORNEY GENERAL.—  
24       The Administrator shall have the same reporting re-  
25       lationship with the Attorney General as the directors

1 of other offices and bureaus within the Office of  
2 Justice Programs have with the Attorney General.

3 “(c) DEPUTY ADMINISTRATOR.—There shall be in  
4 the Office a Deputy Administrator, who shall be appointed  
5 by the Attorney General. The Deputy Administrator shall  
6 perform such functions as the Administrator may assign  
7 or delegate and shall act as the Administrator during the  
8 absence or disability of the Administrator.

9 “(d) ASSOCIATE ADMINISTRATOR.—

10 “(1) IN GENERAL.—There shall be in the Office  
11 an Associate Administrator, who shall be appointed  
12 by the Administrator, and who shall be treated as a  
13 career reserved position within the meaning of sec-  
14 tion 3132 of title 5, United States Code.

15 “(2) DUTIES.—The duties of the Associate Ad-  
16 ministrator shall include keeping Congress, other  
17 Federal agencies, outside organizations, and State  
18 and local government officials informed about activi-  
19 ties carried out by the Office.

20 “(e) DELEGATION AND ASSIGNMENT.—

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

24 “(A) delegate any of the functions of the  
25 Administrator, and any function transferred or

1 granted to the Administrator after the date of  
 2 enactment of the Violent and Repeat Juvenile  
 3 Offender Accountability and Rehabilitation Act  
 4 of 1999, to such officers and employees of the  
 5 Office as the Administrator may designate; and

6 “(B) authorize successive redelegations of  
 7 such functions as may be necessary or appro-  
 8 priate.

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

14 “(f) REORGANIZATION.—The Administrator may al-  
 15 locate or reallocate any function transferred among the  
 16 officers of the Office, and establish, consolidate, alter, or  
 17 discontinue such organizational entities in that Office as  
 18 may be necessary or appropriate.

19 **“SEC. 202. PERSONNEL, SPECIAL PERSONNEL, EXPERTS,**  
 20 **AND CONSULTANTS.**

21 “(a) IN GENERAL.—The Administrator may select,  
 22 employ, and fix the compensation of such officers and em-  
 23 ployees, including attorneys, as are necessary to perform  
 24 the functions vested in the Administrator and to prescribe  
 25 their functions.

1       “(b) OFFICERS.—The Administrator may select, ap-  
 2 point, and employ not to exceed 4 officers and to fix their  
 3 compensation at rates not to exceed the maximum rate  
 4 payable under section 5376 of title 5, United States Code.

5       “(c) DETAIL OF FEDERAL PERSONNEL.—Upon the  
 6 request of the Administrator, the head of any Federal  
 7 agency may detail, on a reimbursable basis, any of its per-  
 8 sonnel to the Administrator to assist the Administrator  
 9 in carrying out the functions of the Administrator under  
 10 this title.

11       “(d) SERVICES.—The Administrator may obtain  
 12 services as authorized by section 3109 of title 5, United  
 13 States Code, at rates not to exceed the rate now or here-  
 14 after payable under section 5376 of title 5, United States  
 15 Code.

16 **“SEC. 203. VOLUNTARY SERVICE.**

17       “The Administrator may accept and employ, in carry-  
 18 ing out the provisions of this Act, voluntary and uncom-  
 19 pensated services notwithstanding the provisions of section  
 20 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

21 **“SEC. 204. NATIONAL PROGRAM.**

22       “(a) NATIONAL JUVENILE CRIME CONTROL, PRE-  
 23 VENTION, AND JUVENILE OFFENDER ACCOUNTABILITY  
 24 PLAN.—

1           “(1) IN GENERAL.—Subject to the general au-  
2           thority of the Attorney General, the Administrator  
3           shall develop objectives, priorities, and short- and  
4           long-term plans, and shall implement overall policy  
5           and a strategy to carry out such plan, for all Fed-  
6           eral juvenile crime control, prevention, and juvenile  
7           offender accountability programs and activities relat-  
8           ing to improving juvenile crime control, the rehabili-  
9           tation of juvenile offenders, the prevention of juve-  
10          nile crime, and the enhancement of accountability by  
11          offenders within the juvenile justice system in the  
12          United States.

13           “(2) CONTENTS OF PLANS.—

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

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



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

9           “(iii) provide a detailed summary and  
10          analysis of the most recent data available  
11          regarding the number of juveniles taken  
12          into custody, the rate at which juveniles  
13          are taken into custody, the time served by  
14          juveniles in custody, and the trends dem-  
15          onstrated by such data;

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

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

1                   “(vi) provide for the coordination of  
2                   Federal, State, and local initiatives for the  
3                   reduction of youth crime, preventing delin-  
4                   quency, and ensuring accountability for ju-  
5                   venile offenders.

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

15                   “(i) the types of offenses with which  
16                   the juveniles are charged;

17                   “(ii) the ages of the juveniles;

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

24                   “(iv) the length of time served by ju-  
25                   veniles in custody; and

1                   “(v) the number of juveniles who died  
 2                   or who suffered serious bodily injury while  
 3                   in custody and the circumstances under  
 4                   which each juvenile died or suffered such  
 5                   injury.

6                   “(C) DEFINITION OF SERIOUS BODILY IN-  
 7                   JURY.—In this paragraph, the term ‘serious  
 8                   bodily injury’ means bodily injury involving ex-  
 9                   treme physical pain or the impairment of a  
 10                  function of a bodily member, organ, or mental  
 11                  faculty that requires medical intervention such  
 12                  as surgery, hospitalization, or physical rehabili-  
 13                  tation.

14                  “(3) ANNUAL REVIEW.—The Administrator  
 15                  shall annually—

16                       “(A) review each plan submitted under this  
 17                       subsection;

18                       “(B) revise the plans, as the Administrator  
 19                       considers appropriate; and

20                       “(C) not later than March 1 of each year,  
 21                       present the plans to the Committee on the Ju-  
 22                       diciary of the Senate and the Committee on  
 23                       Education and the Workforce of the House of  
 24                       Representatives.

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

3               “(1) advise the President through the Attorney  
4 General as to all matters relating to federally as-  
5 sisted juvenile crime control, prevention, and juvenile  
6 offender accountability programs, and Federal poli-  
7 cies regarding juvenile crime and justice, including  
8 policies relating to juveniles prosecuted or adju-  
9 dicated in the Federal courts;

10              “(2) implement and coordinate Federal juvenile  
11 crime control, prevention, and juvenile offender ac-  
12 countability programs and activities among Federal  
13 departments and agencies and between such pro-  
14 grams and activities and other Federal programs  
15 and activities that the Administrator determines  
16 may have an important bearing on the success of the  
17 entire national juvenile crime control, prevention,  
18 and juvenile offender accountability effort including,  
19 in consultation with the Director of the Office of  
20 Management and Budget listing annually those pro-  
21 grams to be considered Federal juvenile crime con-  
22 trol, prevention, and juvenile accountability pro-  
23 grams for the following fiscal year;

24              “(3) serve as a single point of contact for  
25 States, units of local government, and private enti-

1       ties to apply for and coordinate the use of and ac-  
2       cess to all Federal juvenile crime control, prevention,  
3       and juvenile offender accountability programs;

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

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

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

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

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

1           “(7) involve consultation with appropriate au-  
 2           thorities in the States and with appropriate private  
 3           entities in the development, review, and revision of  
 4           the plans required by subsection (a) and in the de-  
 5           velopment of policies relating to juveniles prosecuted  
 6           or adjudicated in the Federal courts; and

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

11          “(c) INFORMATION, REPORTS, STUDIES, AND SUR-  
 12          VEYS FROM OTHER AGENCIES.—The Administrator  
 13          through the general authority of the Attorney General,  
 14          may require, through appropriate authority, Federal de-  
 15          partments and agencies engaged in any activity involving  
 16          any Federal juvenile crime control, prevention, and juve-  
 17          nile offender accountability program to provide the Ad-  
 18          ministrator with such information and reports, and to con-  
 19          duct such studies and surveys, as the Administrator deter-  
 20          mines to be necessary to carry out the purposes of this  
 21          title.

22          “(d) UTILIZATION OF SERVICES AND FACILITIES OF  
 23          OTHER AGENCIES; REIMBURSEMENT.—The Adminis-  
 24          trator, through the general authority of the Attorney Gen-  
 25          eral, may utilize the services and facilities of any agency

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

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

10 “(f) ANNUAL JUVENILE DELINQUENCY DEVELOP-  
 11 MENT STATEMENTS.—

12 “(1) IN GENERAL.—Each Federal agency that  
 13 administers a Federal juvenile crime control, preven-  
 14 tion, and juvenile offender accountability program  
 15 shall annually submit to the Administrator a juvenile  
 16 crime control, prevention, and juvenile offender ac-  
 17 countability development statement.

18 “(2) CONTENTS.—Each development statement  
 19 submitted under paragraph (1) shall contain such  
 20 information, data, and analyses as the Administrator  
 21 may require. Such analyses shall include an analysis  
 22 of the extent to which the program of the Federal  
 23 agency submitting such development statement con-  
 24 forms with and furthers Federal juvenile crime con-

trol, prevention, and juvenile offender accountability,  
prevention, and treatment goals and policies.

“(3) REVIEW AND COMMENT.—

“(A) IN GENERAL.—The Administrator shall review and comment upon each juvenile crime control, prevention, and juvenile offender accountability development statement transmitted to the Administrator under paragraph (1).

“(B) INCLUSION IN OTHER DOCUMENTATION.—The development statement transmitted under paragraph (1), together with the comments of the Administrator under subparagraph (A), shall be—

“(i) included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation that significantly affects juvenile crime control, prevention, and juvenile offender accountability; and

“(ii) made available for promulgation to and use by State and local government officials, and by nonprofit organizations involved in delinquency prevention programs.

“(g) JOINT FUNDING.—Notwithstanding any other provision of law, if funds are made available by more than



1 1 Federal agency to be used by any agency, organization,  
 2 institution, or individual to carry out a Federal juvenile  
 3 crime control, prevention, or juvenile offender accountabil-  
 4 ity program or activity—

5 “(1) any 1 of the Federal agencies providing  
 6 funds may be requested by the Administrator to act  
 7 for all in administering the funds advanced; and

8 “(2) in such a case, a single non-Federal share  
 9 requirement may be established according to the  
 10 proportion of funds advanced by each Federal agen-  
 11 cy, and the Administrator may order any such agen-  
 12 cy to waive any technical grant or contract require-  
 13 ment (as defined in those regulations) that is incon-  
 14 sistent with the similar requirement of the admin-  
 15 istering agency or which the administering agency  
 16 does not impose.

17 **“SEC. 205. JUVENILE DELINQUENCY PREVENTION CHAL-**  
 18 **LENCE GRANT PROGRAM.**

19 “(a) **AUTHORITY TO MAKE GRANTS.**—The Adminis-  
 20 trator may make grants to eligible States in accordance  
 21 with this part for the purpose of providing financial assist-  
 22 ance to eligible entities to carry out projects designed to  
 23 prevent juvenile delinquency, including—

24 “(1) educational projects or supportive services  
 25 for delinquent or other juveniles—

1           “(A) to encourage juveniles to remain in  
2 elementary and secondary schools or in alter-  
3 native learning situations in educational set-  
4 tings;

5           “(B) to provide services to assist juveniles  
6 in making the transition to the world of work  
7 and self-sufficiency;

8           “(C) to assist in identifying learning dif-  
9 ficulties (including learning disabilities);

10          “(D) to prevent unwarranted and arbitrary  
11 suspensions and expulsions;

12          “(E) to encourage new approaches and  
13 techniques with respect to the prevention of  
14 school violence and vandalism;

15          “(F) that assist law enforcement personnel  
16 and juvenile justice personnel to more effec-  
17 tively recognize and provide for learning-dis-  
18 abled and other disabled juveniles; or

19          “(G) that develop locally coordinated poli-  
20 cies and programs among education, juvenile  
21 justice, and social service agencies;

22          “(2) projects that use neighborhood courts or  
23 panels that increase victim satisfaction and require  
24 juveniles to make restitution, or perform community

1 service, for the damage caused by their delinquent  
2 acts;

3 “(3) projects that provide treatment to juvenile  
4 offenders who are victims of child abuse or neglect,  
5 and to their families, in order to reduce the likeli-  
6 hood that such juvenile offenders will commit subse-  
7 quent violations of law;

8 “(4) projects that expand the use of probation  
9 officers—

10 “(A) particularly for the purpose of per-  
11 mitting nonviolent juvenile offenders (including  
12 status offenders) to remain at home with their  
13 families as an alternative to incarceration or in-  
14 stitutionalization; and

15 “(B) to ensure that juveniles follow the  
16 terms of their probation;

17 “(5) one-on-one mentoring projects that are de-  
18 signed to link at-risk juveniles and juvenile offenders  
19 who did not commit serious crime, particularly juve-  
20 niles residing in high-crime areas and juveniles expe-  
21 riencing educational failure, with responsible adults  
22 (such as law enforcement officers, adults working  
23 with local businesses, and adults working for com-  
24 munity-based organizations and agencies) who are  
25 properly screened and trained;

1           “(6) community-based projects and services (in-  
2           cluding literacy and social service programs) that  
3           work with juvenile offenders, including those from  
4           families with limited English-speaking proficiency,  
5           their parents, their siblings, and other family mem-  
6           bers during and after incarceration of the juvenile  
7           offenders, in order to strengthen families, to allow  
8           juvenile offenders to remain in their homes, and to  
9           prevent the involvement of other juvenile family  
10          members in delinquent activities;

11          “(7) projects designed to provide for the treat-  
12          ment of juveniles for dependence on or abuse of al-  
13          cohol, drugs, or other harmful substances, giving  
14          priority to juveniles who have been arrested for an  
15          alleged act of juvenile delinquency or adjudicated de-  
16          linquent;

17          “(8) projects that leverage funds to provide  
18          scholarships for postsecondary education and train-  
19          ing for low-income juveniles who reside in neighbor-  
20          hoods with high rates of poverty, violence, and drug-  
21          related crimes;

22          “(9) projects that provide for initial intake  
23          screening, which may include drug testing, of each  
24          juvenile taken into custody—

1           “(A) to determine the likelihood that such  
2           juvenile will commit a subsequent offense; and

3           “(B) to provide appropriate interventions  
4           to prevent such juvenile from committing subse-  
5           quent offenses;

6           “(10) projects (including school- or community-  
7           based projects) that are designed to prevent, and re-  
8           duce the rate of, the participation of juveniles in  
9           gangs that commit crimes (particularly violent  
10          crimes), that unlawfully use firearms and other  
11          weapons, or that unlawfully traffic in drugs and that  
12          involve, to the extent practicable, families and other  
13          community members (including law enforcement per-  
14          sonnel and members of the business community) in  
15          the activities conducted under such projects;

16          “(11) comprehensive juvenile justice and delin-  
17          quency prevention projects that meet the needs of  
18          juveniles through the collaboration of the many local  
19          service systems juveniles encounter, including  
20          schools, courts, law enforcement agencies, child pro-  
21          tection agencies, mental health agencies, welfare  
22          services, health care agencies, and private nonprofit  
23          agencies offering services to juveniles;

24          “(12) to develop, implement, and support, in  
25          conjunction with public and private agencies, organi-

1 zations, and businesses, projects for the employment  
2 of juveniles and referral to job training programs  
3 (including referral to Federal job training pro-  
4 grams);

5 “(13) delinquency prevention activities that in-  
6 volve youth clubs, sports, recreation and parks, peer  
7 counseling and teaching, the arts, leadership devel-  
8 opment, community service, volunteer service,  
9 before- and after-school programs, violence preven-  
10 tion activities, mediation skills training, camping,  
11 environmental education, ethnic or cultural enrich-  
12 ment, tutoring, and academic enrichment;

13 “(14) to establish policies and systems to incor-  
14 porate relevant child protective services records into  
15 juvenile justice records for purposes of establishing  
16 treatment plans for juvenile offenders;

17 “(15) family strengthening activities, such as  
18 mutual support groups for parents and their chil-  
19 dren; and

20 “(16) other activities that are likely to prevent  
21 juvenile delinquency.

22 “(b) ELIGIBILITY OF STATES.—

23 “(1) APPLICATION.—To be eligible to receive a  
24 grant under subsection (a), a State shall submit to

1 the Administrator an application that contains the  
2 following:

3 “(A) An assurance that the State will  
4 use—

5 “(i) not more than 5 percent of such  
6 grant, in the aggregate, for—

7 “(I) the costs incurred by the  
8 State to carry out this part; and

9 “(II) to evaluate, and provide  
10 technical assistance relating to,  
11 projects and activities carried out with  
12 funds provided under this part; and

13 “(ii) the remainder of such grant to  
14 make grants under subsection (c).

15 “(B) An assurance that, and a detailed de-  
16 scription of how, such grant will support, and  
17 not supplant State and local efforts to prevent  
18 juvenile delinquency.

19 “(C) An assurance that such application  
20 was prepared after consultation with and par-  
21 ticipation by—

22 “(i) community-based organizations  
23 that carry out programs, projects, or ac-  
24 tivities to prevent juvenile delinquency; and

1                   “(ii) police, sheriff, prosecutors, State  
2                   or local probation services, juvenile courts,  
3                   schools, businesses, and religious affiliated  
4                   fraternal, nonprofit, and social service or-  
5                   ganizations involved in crime prevention.

6                   “(D) An assurance that each eligible entity  
7                   described in subsection (c)(1) that receives an  
8                   initial grant under subsection (c) to carry out  
9                   a project or activity shall also receive an assur-  
10                  ance from the State that such entity will receive  
11                  from the State, for the subsequent fiscal year to  
12                  carry out such project or activity, a grant under  
13                  such section in an amount that is proportional,  
14                  based on such initial grant and on the amount  
15                  of the grant received under subsection (a) by  
16                  the State for such subsequent fiscal year, but  
17                  that does not exceed the amount specified for  
18                  such subsequent fiscal year in such application  
19                  as approved by the State.

20                  “(E) An assurance that each eligible entity  
21                  described in subsection (c)(1) that receives a  
22                  grant to carry out a project or activity under  
23                  subsection (c) has agreed to provide a 50 per-  
24                  cent match of the amount of the grant, includ-  
25                  ing the value of in-kind contributions to fund



the project or activity, except that the Administrator may for good cause reduce the matching requirement to  $33\frac{1}{3}$  percent for economically disadvantaged communities.

“(F) An assurance that projects or activities funded by a grant under subsection (a) shall be carried out through or in coordination with a court with a juvenile crime or delinquency docket.

“(G) Such other information as the Administrator may reasonably require by rule.

“(2) APPROVAL OF APPLICATIONS.—

“(A) APPROVAL REQUIRED.—Subject to subparagraph (A), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of paragraph (1).

“(B) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

“(i)(I) the State submitted a plan under section 222 for such fiscal year; and

1 “(II) such plan is approved by the Ad-  
 2 ministrator for such fiscal year; or

3 “(ii) the Administrator waives the ap-  
 4 plication of clause (i) to such State for  
 5 such fiscal year, after finding good cause  
 6 for such a waiver.

7 “(c) GRANTS FOR LOCAL PROJECTS.—

8 “(1) SELECTION FROM AMONG APPLICA-  
 9 TIONS.—

10 “(A) IN GENERAL.—Using a grant re-  
 11 ceived under subsection (a), a State may make  
 12 grants to eligible entities whose applications are  
 13 received by the State in accordance with para-  
 14 graph (2) to carry out projects and activities  
 15 described in subsection (a).

16 “(B) SPECIAL CONSIDERATION.—For pur-  
 17 poses of making such grants, the State shall  
 18 give special consideration to eligible entities  
 19 that—

20 “(i) propose to carry out such projects  
 21 in geographical areas in which there is—

22 “(I) a disproportionately high  
 23 level of serious crime committed by  
 24 juveniles; or

1                   “(II) a recent rapid increase in  
2                   the number of nonstatus offenses  
3                   committed by juveniles;

4                   “(ii)(I) agree to carry out such  
5                   projects or activities that are multidisci-  
6                   plinary and involve 2 or more eligible enti-  
7                   ties; or

8                   “(II) represent communities that have  
9                   a comprehensive plan designed to identify  
10                  at-risk juveniles and to prevent or reduce  
11                  the rate of juvenile delinquency, and that  
12                  involve other entities operated by individ-  
13                  uals who have a demonstrated history of  
14                  involvement in activities designed to pre-  
15                  vent juvenile delinquency; and

16                  “(iii) state the amount of resources  
17                  (in cash or in kind) such entities will pro-  
18                  vide to carry out such projects and activi-  
19                  ties.

20                  “(2) RECEIPT OF APPLICATIONS.—

21                  “(A) IN GENERAL.—Subject to subpara-  
22                  graph (B), a unit of local government shall sub-  
23                  mit to the State simultaneously all applications  
24                  that are—

1 “(i) timely received by such unit from  
2 eligible entities; and

3 “(ii) determined by such unit to be  
4 consistent with a current plan formulated  
5 by such unit for the purpose of preventing,  
6 and reducing the rate of, juvenile delin-  
7 quency in the geographical area under the  
8 jurisdiction of such unit.

9 “(B) DIRECT SUBMISSION.—If an applica-  
10 tion submitted to such unit by an eligible entity  
11 satisfies the requirements specified in clauses  
12 (i) and (ii) of subparagraph (A), such entity  
13 may submit such application directly to the  
14 State.

15 “(d) ELIGIBILITY OF ENTITIES.—

16 “(1) ELIGIBILITY.—Subject to paragraph (2)  
17 and except as provided in paragraph (3), to be eligi-  
18 ble to receive a grant under subsection (c), a com-  
19 munity-based organization, local juvenile justice sys-  
20 tem officials (including prosecutors, police officers,  
21 judges, probation officers, parole officers, and public  
22 defenders), local education authority (as defined in  
23 section 14101 of the Elementary and Secondary  
24 Education Act of 1965 and including a school within  
25 such authority), nonprofit private organization (in-

1 cluding a faith-based organization), unit of local gov-  
2 ernment, or social service provider, and or other en-  
3 tity with a demonstrated history of involvement in  
4 the prevention of juvenile delinquency, shall submit  
5 to a unit of local government an application that  
6 contains the following:

7 “(A) An assurance that such applicant will  
8 use such grant, and each such grant received  
9 for the subsequent fiscal year, to carry out  
10 throughout a 2-year period a project or activity  
11 described in reasonable detail, and of a kind de-  
12 scribed in 1 or more of paragraphs (1) through  
13 (14) of subsection (a) as specified in, such ap-  
14 plication.

15 “(B) A statement of the particular goals  
16 such project or activity is designed to achieve,  
17 and the methods such entity will use to achieve,  
18 and assess the achievement of, each of such  
19 goals.

20 “(C) A statement identifying the research  
21 (if any) such entity relied on in preparing such  
22 application.

23 “(2) REVIEW AND SUBMISSION OF APPLICA-  
24 TIONS.—Except as provided in paragraph (3), an en-

1       tity shall not be eligible to receive a grant under  
2       subsection (c) unless—

3               “(A) such entity submits to a unit of local  
4       government an application that—

5                       “(i) satisfies the requirements speci-  
6       fied in subsection (a); and

7                       “(ii) describes a project or activity to  
8       be carried out in the geographical area  
9       under the jurisdiction of such unit; and

10               “(B) such unit determines that such  
11       project or activity is consistent with a current  
12       plan formulated by such unit for the purpose of  
13       preventing, and reducing the rate of, juvenile  
14       delinquency in the geographical area under the  
15       jurisdiction of such unit.

16               “(3) LIMITATION.—If an entity that receives a  
17       grant under subsection (c) to carry out a project or  
18       activity for a 2-year period, and receives technical  
19       assistance from the State or the Administrator after  
20       requesting such technical assistance (if any), fails to  
21       demonstrate, before the expiration of such 2-year pe-  
22       riod, that such project or such activity has achieved  
23       substantial success in achieving the goals specified in  
24       the application submitted by such entity to receive  
25       such grants, then such entity shall not be eligible to

1 receive any subsequent grant under such section to  
 2 continue to carry out such project or activity.

3 “(e) REPORTING REQUIREMENT.—Not later than  
 4 180 days after the last day of each fiscal year, the Admin-  
 5 istrator shall submit to the Chairman of the Committee  
 6 on Education and the Workforce of the House of Rep-  
 7 resentatives and the Chairman of the Committee on the  
 8 Judiciary of the Senate a report, which shall—

9 “(1) describe activities and accomplishments of  
 10 grant activities funded under this section;

11 “(2) describe procedures followed to dissemi-  
 12 nate grant activity products and research findings;

13 “(3) describe activities conducted to develop  
 14 policy and to coordinate Federal agency and inter-  
 15 agency efforts related to delinquency prevention;

16 “(4) identify successful approaches and making  
 17 the recommendations for future activities to be con-  
 18 ducted under this section; and

19 “(5) describe, on a State-by-State basis, the  
 20 total amount of matching contributions made by  
 21 States and eligible entities for activities funded  
 22 under this section.

23 “(f) RESEARCH AND EVALUATION.—

24 “(1) IN GENERAL.—Except as provided in para-  
 25 graph (2), of the amount made available to carry out

1       this section in each fiscal year, the Administrator  
 2       shall use the lesser of 5 percent or \$5,000,000 for  
 3       research, statistics, and evaluation activities carried  
 4       out in conjunction with the grant programs under  
 5       this section.

6           “(2) EXCEPTION.—No amount shall be avail-  
 7       able as provided in paragraph (1) for a fiscal year,  
 8       if amounts are made available for that fiscal year for  
 9       the National Institute of Justice for evaluation re-  
 10      search of juvenile delinquency programs pursuant to  
 11      subsection (b)(6) or (c)(6) of section 313.

12   **“SEC. 206. GRANTS TO INDIAN TRIBES.**

13       “(a) IN GENERAL.—From the amount reserved  
 14      under section 207(b) in each fiscal year, the Administrator  
 15      shall make grants to Indian tribes for programs pursuant  
 16      to the permissible purposes under section 205 and part  
 17      B.

18       “(b) APPLICATIONS.—

19           “(1) IN GENERAL.—To be eligible to receive a  
 20      grant under this section, an Indian tribe shall sub-  
 21      mit to the Administrator an application in such form  
 22      and containing such information as the Adminis-  
 23      trator may by regulation require.

24           “(2) PLANS.—Each application submitted  
 25      under paragraph (1) shall include a plan for con-



1       ducting projects described in section 205(a), which  
2       plan shall—

3               “(A) provide evidence that the Indian tribe  
4               performs law enforcement functions (as deter-  
5               mined by the Secretary of the Interior);

6               “(B) identify the juvenile justice and delin-  
7               quency problems and juvenile delinquency pre-  
8               vention needs to be addressed by activities con-  
9               ducted by the Indian tribe in the area under the  
10              jurisdiction of the Indian tribe with assistance  
11              provided by the grant;

12              “(C) provide for fiscal control and account-  
13              ing procedures that—

14                      “(i) are necessary to ensure the pru-  
15                      dent use, proper disbursement, and ac-  
16                      counting of funds received under this sec-  
17                      tion; and

18                      “(ii) are consistent with the require-  
19                      ments of subparagraph (B); and

20              “(D) comply with the requirements of sec-  
21              tion 222(a) (except that such subsection relates  
22              to consultation with a State advisory group)  
23              and with the requirements of section 222(c);  
24              and

1           “(E) contain such other information, and  
2           be subject to such additional requirements, as  
3           the Administrator may reasonably prescribe to  
4           ensure the effectiveness of the grant program  
5           under this section.

6           “(c) FACTORS FOR CONSIDERATION.—In awarding  
7           grants under this section, the Administrator shall  
8           consider—

9           “(1) the resources that are available to each ap-  
10          plicant that will assist, and be coordinated with, the  
11          overall juvenile justice system of the Indian tribe;  
12          and

13          “(2) for each Indian tribe that receives assist-  
14          ance under such a grant—

15                 “(A) the relative juvenile population; and

16                 “(B) who will be served by the assistance  
17                 provided by the grant.

18          “(d) GRANT AWARDS.—

19                 “(1) IN GENERAL.—

20                 “(A) COMPETITIVE AWARDS.—Except as  
21                 provided in paragraph (2), the Administrator  
22                 shall annually award grants under this section  
23                 on a competitive basis. The Administrator shall  
24                 enter into a grant agreement with each grant

1           recipient under this section that specifies the  
2           terms and conditions of the grant.

3           “(B) PERIOD OF GRANT.—The period of  
4           each grant awarded under this section shall be  
5           2 years.

6           “(2) EXCEPTION.—In any case in which the  
7           Administrator determines that a grant recipient  
8           under this section has performed satisfactorily dur-  
9           ing the preceding year in accordance with an appli-  
10          cable grant agreement, the Administrator may—

11           “(A) waive the requirement that the recipi-  
12           ent be subject to the competitive award process  
13           described in paragraph (1)(A); and

14           “(B) renew the grant for an additional  
15           grant period (as specified in paragraph (1)(B)).

16           “(3) MODIFICATIONS OF PROCESSES.—The Ad-  
17           ministrator may prescribe requirements to provide  
18           for appropriate modifications to the plan preparation  
19           and application process specified in subsection (b)  
20           for an application for a renewal grant under para-  
21           graph (2)(B).

22           “(e) REPORTING REQUIREMENT.—Each Indian tribe  
23           that receives a grant under this section shall be subject  
24           to the fiscal accountability provisions of section 5(f)(1) of  
25           the Indian Self-Determination and Education Assistance

1 Act (25 U.S.C. 450c(f)(1)), relating to the submission of  
2 a single-agency audit report required by chapter 75 of title  
3 31, United States Code.

4 “(f) MATCHING REQUIREMENT.—Funds appro-  
5 priated by Congress for the activities of any agency of an  
6 Indian tribal government or the Bureau of Indian Affairs  
7 performing law enforcement functions on any Indian lands  
8 may be used to provide the non-Federal share of any pro-  
9 gram or project with a matching requirement funded  
10 under this section.

11 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-  
12 tion may be construed to affect in any manner the juris-  
13 diction of an Indian tribe with respect to land or persons  
14 in the State of Alaska.

15 “(h) TECHNICAL ASSISTANCE.—From the amount  
16 reserved under section 207(b) in each fiscal year, the Ad-  
17 ministrator may reserve 1 percent for the purpose of pro-  
18 viding technical assistance to recipients of grants under  
19 this section.

20 **“SEC. 207. ALLOCATION OF GRANTS.**

21 “(a) IN GENERAL.—Subject to subsections (b), (c),  
22 and (d), the amount allocated under section 291 to carry  
23 out section 205 in each fiscal year shall be allocated to  
24 the States as follows:

1           “(1) 0.5 percent shall be allocated to each eligi-  
2       ble State.

3           “(2) The amount remaining after the allocation  
4       under subparagraph (A) shall be allocated among el-  
5       igible States as follows:

6           “(A) 50 percent of such amount shall be  
7       allocated proportionately based on the juvenile  
8       population in the eligible States.

9           “(B) 50 percent of such amount shall be  
10      allocated proportionately based on the annual  
11      average number of arrests for serious crimes  
12      committed in the eligible States by juveniles  
13      during the then most recently completed period  
14      of 3 consecutive calendar years for which suffi-  
15      cient information is available to the Adminis-  
16      trator.

17      “(b) RESERVATION OF FUNDS.—Notwithstanding  
18      any other provision of law, from the amounts allocated  
19      under section 291 to carry out section 205 and part B  
20      in each fiscal year, the Administrator shall reserve an  
21      amount equal to the amount to which all Indian tribes  
22      that qualify for a grant under section 206 would collec-  
23      tively be entitled, if such tribes were collectively treated  
24      as a State for purposes of subsection (a).

1       “(c) EXCEPTION.—The amount allocated to the Vir-  
 2 gin Islands of the United States, Guam, American Samoa,  
 3 the Trust Territory of the Pacific Islands, and the Com-  
 4 monwealth of the Northern Mariana Islands shall be not  
 5 less than \$75,000 and not more than \$100,000.

6       “(d) ADMINISTRATIVE COSTS.—A State, unit of local  
 7 government, or eligible unit that receives funds under this  
 8 part may not use more than 5 percent of those funds to  
 9 pay for administrative costs.

10   **“PART B—FEDERAL ASSISTANCE FOR STATE AND**  
 11                                   **LOCAL PROGRAMS**

12   **“SEC. 221. AUTHORITY TO MAKE GRANTS AND CONTRACTS.**

13       “(a) IN GENERAL.—The Administrator may make  
 14 grants to States and units of local government, or com-  
 15 binations thereof, to assist them in planning, establishing,  
 16 operating, coordinating, and evaluating projects directly or  
 17 through grants and contracts with public and private  
 18 agencies for the development of more effective education,  
 19 training, research, prevention, diversion, treatment, and  
 20 rehabilitation programs in the area of juvenile delinquency  
 21 and programs to improve the juvenile justice system.

22       “(b) TRAINING AND TECHNICAL ASSISTANCE.—

23               “(1) IN GENERAL.—With not to exceed 2 per-  
 24 cent of the funds available in a fiscal year to carry  
 25 out this part, the Administrator shall make grants

1 to and enter into contracts with public and private  
 2 agencies, organizations, and individuals to provide  
 3 training and technical assistance to States, units of  
 4 local governments (and combinations thereof), and  
 5 local private agencies to facilitate compliance with  
 6 section 222 and implementation of the State plan  
 7 approved under section 222(c).

8 “(2) ELIGIBLE RECIPIENTS.—Grants may be  
 9 made and contracts may be entered into under para-  
 10 graph (1) only to public and private agencies, orga-  
 11 nizations, and individuals that have experience in  
 12 providing such training and technical assistance. In  
 13 providing such training and technical assistance, the  
 14 recipient of a grant or contract under this subsection  
 15 shall coordinate its activities with the State agency  
 16 described in section 222(a)(1).

17 **“SEC. 222. STATE PLANS.**

18 “(a) IN GENERAL.—In order to receive formula  
 19 grants under this part, a State shall submit a plan, devel-  
 20 oped in consultation with the State Advisory Group estab-  
 21 lished by the State under subsection (b)(2)(A), for carry-  
 22 ing out its purposes applicable to a 3-year period. The  
 23 State shall submit annual performance reports to the Ad-  
 24 ministrator, each of which shall describe progress in imple-  
 25 menting programs contained in the original plan, and

1 amendments necessary to update the plan, and shall de-  
2 scribe the status of compliance with State plan require-  
3 ments. In accordance with regulations that the Adminis-  
4 trator shall prescribe, such plan shall—

5           “(1) designate a State agency as the sole agen-  
6 cy for supervising the preparation and administra-  
7 tion of the plan;

8           “(2) contain satisfactory evidence that the  
9 State agency designated in accordance with para-  
10 graph (1) has or will have authority, by legislation  
11 if necessary, to implement such plan in conformity  
12 with this part;

13           “(3) provide for the active consultation with  
14 and participation of units of local government, or  
15 combinations thereof, in the development of a State  
16 plan that adequately takes into account the needs  
17 and requests of units of local government, except  
18 that nothing in the plan requirements, or any regu-  
19 lations promulgated to carry out such requirements,  
20 shall be construed to prohibit or impede the State  
21 from making grants to, or entering into contracts  
22 with, local private agencies, including religious orga-  
23 nizations;

24           “(4) to the extent feasible and consistent with  
25 paragraph (5), provide for an equitable distribution



1 of the assistance received with the State, including  
2 rural areas;

3 “(5) require that the State or unit of local gov-  
4 ernment that is a recipient of amounts under this  
5 part distributes those amounts intended to be used  
6 for the prevention of juvenile delinquency and reduc-  
7 tion of incarceration, to the extent feasible, in pro-  
8 portion to the amount of juvenile crime committed  
9 within those regions and communities;

10 “(6) provide assurances that youth coming into  
11 contact with the juvenile justice system are treated  
12 equitably on the basis of gender, race, family in-  
13 come, and disability;

14 “(7)(A) provide for—

15 “(i) an analysis of juvenile crime and de-  
16 linquency problems (including the joining of  
17 gangs that commit crimes) and juvenile justice  
18 and delinquency prevention needs (including  
19 educational needs) of the State (including any  
20 geographical area in which an Indian tribe per-  
21 forms law enforcement functions), a description  
22 of the services to be provided, and a description  
23 of performance goals and priorities, including a  
24 specific statement of the manner in which pro-  
25 grams are expected to meet the identified juve-

1       nile crime problems (including the joining of  
2       gangs that commit crimes) and juvenile justice  
3       and delinquency prevention needs (including  
4       educational needs) of the State;

5               “(ii) an indication of the manner in which  
6       the programs relate to other similar State or  
7       local programs that are intended to address the  
8       same or similar problems; and

9               “(iii) a plan for the concentration of State  
10       efforts, which shall coordinate all State juvenile  
11       crime control, prevention, and delinquency pro-  
12       grams with respect to overall policy and devel-  
13       opment of objectives and priorities for all State  
14       juvenile crime control and delinquency pro-  
15       grams and activities, including provision for  
16       regular meetings of State officials with respon-  
17       sibility in the area of juvenile justice and delin-  
18       quency prevention;

19       “(B) contain—

20               “(i) a plan for providing needed gender-  
21       specific services for the prevention and treat-  
22       ment of juvenile delinquency;

23               “(ii) a plan for providing needed services  
24       for the prevention and treatment of juvenile de-  
25       linquency in rural areas; and

1           “(iii) a plan for providing needed mental  
2           health services to juveniles in the juvenile jus-  
3           tice system;

4           “(8) provide for the coordination and maximum  
5           utilization of existing juvenile delinquency programs,  
6           programs operated by public and private agencies  
7           and organizations, and other related programs (such  
8           as education, special education, recreation, health,  
9           and welfare programs) in the State;

10          “(9) provide for the development of an adequate  
11          research, training, and evaluation capacity within  
12          the State;

13          “(10) provide that not less than 75 percent of  
14          the funds available to the State under section 221,  
15          other than funds made available to the State advi-  
16          sory group under this section, whether expended di-  
17          rectly by the State, by the unit of local government,  
18          or by a combination thereof, or through grants and  
19          contracts with public or private nonprofit agencies,  
20          shall be used for—

21                 “(A) community-based alternatives (includ-  
22                 ing home-based alternatives) to incarceration  
23                 and institutionalization, including—

1           “(i) for youth who need temporary  
2           placement: crisis intervention, shelter, and  
3           after-care; and

4           “(ii) for youth who need residential  
5           placement: a continuum of foster care or  
6           group home alternatives that provide ac-  
7           cess to a comprehensive array of services;

8           “(B) programs that assist in holding juve-  
9           niles accountable for their actions, including the  
10          use of graduated sanctions and of neighborhood  
11          courts or panels that increase victim satisfac-  
12          tion and require juveniles to make restitution  
13          for the damage caused by their delinquent be-  
14          havior;

15          “(C) comprehensive juvenile crime control  
16          and delinquency prevention programs that meet  
17          the needs of youth through the collaboration of  
18          the many local systems before which a youth  
19          may appear, including schools, courts, law en-  
20          forcement agencies, child protection agencies,  
21          mental health agencies, welfare services, health  
22          care agencies, and private nonprofit agencies of-  
23          fering youth services;

24          “(D) programs that provide treatment to  
25          juvenile offenders who are victims of child

1 abuse or neglect, and to their families, in order  
2 to reduce the likelihood that such juvenile of-  
3 fenders will commit subsequent violations of  
4 law;

5 “(E) educational programs or supportive  
6 services for delinquent or other juveniles—

7 “(i) to encourage juveniles to remain  
8 in elementary and secondary schools or in  
9 alternative learning situations;

10 “(ii) to provide services to assist juve-  
11 niles in making the transition to the world  
12 of work and self-sufficiency; and

13 “(iii) enhance coordination with the  
14 local schools that such juveniles would oth-  
15 erwise attend, to ensure that—

16 “(I) the instruction that juveniles  
17 receive outside school is closely  
18 aligned with the instruction provided  
19 in school; and

20 “(II) information regarding any  
21 learning problems identified in such  
22 alternative learning situations are  
23 communicated to the schools;

24 “(F) expanding the use of probation  
25 officers—

1                   “(i) particularly for the purpose of  
2                   permitting nonviolent juvenile offenders  
3                   (including status offenders) to remain at  
4                   home with their families as an alternative  
5                   to incarceration or institutionalization; and

6                   “(ii) to ensure that juveniles follow  
7                   the terms of their probation;

8                   “(G) one-on-one mentoring programs that  
9                   are designed to link at-risk juveniles and juve-  
10                  nile offenders, particularly juveniles residing in  
11                  high-crime areas and juveniles experiencing  
12                  educational failure, with responsible adults  
13                  (such as law enforcement officers, adults work-  
14                  ing with local businesses, and adults working  
15                  with community-based organizations and agen-  
16                  cies) who are properly screened and trained;

17                  “(H) programs designed to develop and  
18                  implement projects relating to juvenile delin-  
19                  quency and learning disabilities, including on-  
20                  the-job training programs to assist community  
21                  services, law enforcement, and juvenile justice  
22                  personnel to more effectively recognize and pro-  
23                  vide for learning disabled and other juveniles  
24                  with disabilities;

1           “(I) projects designed both to deter in-  
2           volvement in illegal activities and to promote in-  
3           volvement in lawful activities on the part of  
4           gangs whose membership is substantially com-  
5           posed of youth;

6           “(J) programs and projects designed to  
7           provide for the treatment of youths’ dependence  
8           on or abuse of alcohol or other addictive or non-  
9           addictive drugs;

10          “(K) boot camps for juvenile offenders;

11          “(L) community-based programs and serv-  
12          ices to work with juveniles, their parents, and  
13          other family members during and after incar-  
14          ceration in order to strengthen families so that  
15          such juveniles may be retained in their homes;

16          “(M) other activities (such as court-ap-  
17          pointed advocates) that the State determines  
18          will hold juveniles accountable for their acts  
19          and decrease juvenile involvement in delinquent  
20          activities;

21          “(N) establishing policies and systems to  
22          incorporate relevant child protective services  
23          records into juvenile justice records for pur-  
24          poses of establishing treatment plans for juve-  
25          nile offenders;

1           “(O) programs (including referral to lit-  
 2           eracy programs and social service programs) to  
 3           assist families with limited English-speaking  
 4           ability that include delinquent juveniles to over-  
 5           come language and other barriers that may pre-  
 6           vent the complete treatment of such juveniles  
 7           and the preservation of their families;

8           “(P) programs that utilize multidisci-  
 9           plinary interagency case management and infor-  
 10          mation sharing, that enable the juvenile justice  
 11          and law enforcement agencies, schools, and so-  
 12          cial service agencies to make more informed de-  
 13          cisions regarding early identification, control,  
 14          supervision, and treatment of juveniles who re-  
 15          peatedly commit violent or serious delinquent  
 16          acts; and

17          “(Q) programs designed to prevent and re-  
 18          duce hate crimes committed by juveniles;

19          “(11) shall provide that—

20               “(A) juveniles who are charged with or  
 21               who have committed an offense that would not  
 22               be criminal if committed by an adult,  
 23               excluding—

24                       “(i) juveniles who are charged with or  
 25                       who have committed a violation of section



1           922(x)(2) of title 18, United States Code,  
2           or of a similar State law;

3           “(ii) juveniles who are charged with or  
4           who have committed a violation of a valid  
5           court order; and

6           “(iii) juveniles who are held in accord-  
7           ance with the Interstate Compact on Juve-  
8           niles as enacted by the State;  
9           shall not be placed in secure detention facilities  
10          or secure correctional facilities; and

11          “(B) juveniles—

12               “(i) who are not charged with any of-  
13               fense; and

14               “(ii) who are—

15                       “(I) aliens; or

16                       “(II) alleged to be dependent, ne-  
17                       glected, or abused;

18          shall not be placed in secure detention facilities  
19          or secure correctional facilities;

20          “(12) provide that—

21               “(A) juveniles alleged to be or found to be  
22               delinquent or juveniles within the purview of  
23               paragraph (11) will not be detained or confined  
24               in any institution in which they have prohibited

1 physical contact or sustained oral communica-  
 2 tion with adult inmates; and

3 “(B) there is in effect in the State a policy  
 4 that requires individuals who work with both  
 5 such juveniles and such adult inmates in collo-  
 6 cated facilities have been trained and certified  
 7 to work with juveniles;

8 “(13) provide that no juvenile will be detained  
 9 or confined in any jail or lockup for adults except—

10 “(A) juveniles who are accused of nonsta-  
 11 tus offenses and who are detained in such jail  
 12 or lockup for a period not to exceed 6 hours—

13 “(i) for processing or release;

14 “(ii) while awaiting transfer to a juve-  
 15 nile facility; or

16 “(iii) in which period such juveniles  
 17 make a court appearance;

18 “(B) juveniles who are accused of nonsta-  
 19 tus offenses, who are awaiting an initial court  
 20 appearance that will occur within 48 hours  
 21 after being taken into custody (excluding Satur-  
 22 days, Sundays, and legal holidays), and who are  
 23 detained or confined in a jail or lockup—

24 “(i) in which—

1           “(I) such juveniles do not have  
2 prohibited physical contact or sus-  
3 tained oral communication with adult  
4 inmates; and

5           “(II) there is in effect in the  
6 State a policy that requires individ-  
7 uals who work with both such juve-  
8 niles and such adult inmates in collo-  
9 cated facilities have been trained and  
10 certified to work with juveniles; and

11          “(ii) that—

12           “(I) is located outside a metro-  
13 politan statistical area (as defined by  
14 the Office of Management and Budg-  
15 et);

16           “(II) has no existing acceptable  
17 alternative placement available;

18           “(III) is located where conditions  
19 of distance to be traveled or the lack  
20 of highway, road, or transportation do  
21 not allow for court appearances within  
22 48 hours (excluding Saturdays, Sun-  
23 days, and legal holidays) so that a  
24 brief (not to exceed an additional 48  
25 hours) delay is excusable; or

1 “(IV) is located where conditions  
2 of safety exist (such as severe adverse,  
3 life-threatening weather conditions  
4 that do not allow for reasonably safe  
5 travel), in which case the time for an  
6 appearance may be delayed until 24  
7 hours after the time that such condi-  
8 tions allow for reasonable safe travel;

9 “(C) juveniles who are accused of nonsta-  
10 tus offenses and who are detained or confined  
11 in a jail or lockup that satisfies the require-  
12 ments of subparagraph (B)(i) if—

13 “(i) such jail or lockup—

14 “(I) is located outside a metro-  
15 politan statistical area (as defined by  
16 the Office of Management and Budg-  
17 et); and

18 “(II) has no existing acceptable  
19 alternative placement available;

20 “(ii) a parent or other legal guardian  
21 (or guardian ad litem) of the juvenile in-  
22 volved consents to detaining or confining  
23 such juvenile in accordance with this sub-  
24 paragraph;

1           “(iii) the juvenile has counsel, and the  
2           counsel representing such juvenile has an  
3           opportunity to present the juvenile’s posi-  
4           tion regarding the detention or confine-  
5           ment involved to the court before the court  
6           approves such detention or confinement;  
7           and

8           “(iv) detaining or confining such juve-  
9           nile in accordance with this subparagraph  
10          is—

11               “(I) approved in advance by a  
12               court with competent jurisdiction;

13               “(II) required to be reviewed pe-  
14               riodically, at intervals of not more  
15               than 5 days (excluding Saturdays,  
16               Sundays, and legal holidays), by such  
17               court for the duration of detention or  
18               confinement; and

19               “(III) for a period preceding the  
20               sentencing (if any) of such juvenile;

21           “(14) provide assurances that consideration will  
22           be given to and that assistance will be available for  
23           approaches designed to strengthen the families of  
24           delinquent and other youth to prevent juvenile delin-  
25           quency (which approaches should include the involve-

1       ment of grandparents or other extended family  
2       members, when possible, and appropriate and the  
3       provision of family counseling during the incarceration  
4       of juvenile family members and coordination of  
5       family services when appropriate and feasible);

6           “(15) provide for procedures to be established  
7       for protecting the rights of recipients of services and  
8       for assuring appropriate privacy with regard to  
9       records relating to such services provided to any in-  
10      dividual under the State plan;

11          “(16) provide for such fiscal control and fund  
12      accounting procedures necessary to assure prudent  
13      use, proper disbursement, and accurate accounting  
14      of funds received under this title;

15          “(17) provide reasonable assurances that Fed-  
16      eral funds made available under this part for any pe-  
17      riod shall be so used as to supplement and increase  
18      (but not supplant) the level of the State, local, and  
19      other non-Federal funds that would in the absence  
20      of such Federal funds be made available for the pro-  
21      grams described in this part, and shall in no event  
22      replace such State, local, and other non-Federal  
23      funds;

24          “(18) provide that the State agency designated  
25      under paragraph (1) will, not less often than annu-

1 ally, review its plan and submit to the Administrator  
2 an analysis and evaluation of the effectiveness of the  
3 programs and activities carried out under the plan,  
4 and any modifications in the plan, including the sur-  
5 vey of State and local needs, that the agency consid-  
6 ers necessary;

7 “(19) provide assurances that the State or each  
8 unit of local government that is a recipient of  
9 amounts under this part require that any person  
10 convicted of a sexual act or sexual contact involving  
11 any other person who has not attained the age of 18  
12 years, and who is not less than 4 years younger than  
13 such convicted person, be tested for the presence of  
14 any sexually transmitted disease and that the results  
15 of such test be provided to the victim or to the fam-  
16 ily of the victim as well as to any court or other gov-  
17 ernment agency with primary authority for sentenc-  
18 ing the person convicted for the commission of the  
19 sexual act or sexual contact (as those terms are de-  
20 fined in paragraphs (2) and (3), respectively, of sec-  
21 tion 2246 of title 18, United States Code) involving  
22 a person not having attained the age of 18 years;

23 “(20) provide that if a juvenile is taken into  
24 custody for violating a valid court order issued for  
25 committing a status offense—

1           “(A) an appropriate public agency shall be  
2 promptly notified that such juvenile is held in  
3 custody for violating such order;

4           “(B) not later than 24 hours during which  
5 such juvenile is so held, an authorized rep-  
6 resentative of such agency shall interview, in  
7 person, such juvenile; and

8           “(C) not later than 48 hours during which  
9 such juvenile is so held—

10           “(i) such representative shall submit  
11 an assessment to the court that issued  
12 such order, regarding the immediate needs  
13 of such juvenile; and

14           “(ii) such court shall conduct a hear-  
15 ing to determine—

16           “(I) whether there is reasonable  
17 cause to believe that such juvenile vio-  
18 lated such order; and

19           “(II) the appropriate placement  
20 of such juvenile pending disposition of  
21 the violation alleged;

22           “(21) specify a percentage (if any), not to ex-  
23 ceed 5 percent, of funds received by the State under  
24 section 221 that the State will reserve for expendi-  
25 ture by the State to provide incentive grants to units



1 of local government that reduce the case load of pro-  
2 bation officers within such units;

3 “(22) provide that the State, to the maximum  
4 extent practicable, will implement a system to ensure  
5 that if a juvenile is before a court in the juvenile jus-  
6 tice system, public child welfare records (including  
7 child protective services records) relating to such ju-  
8 venile that are on file in the geographical area under  
9 the jurisdiction of such court will be made known to  
10 such court;

11 “(23) unless the provisions of this paragraph  
12 are waived at the discretion of the Administrator for  
13 any State in which the services for delinquent or  
14 other youth are organized primarily on a statewide  
15 basis, provide that at least 50 percent of funds re-  
16 ceived by the State under this section, other than  
17 funds made available to the State advisory group,  
18 shall be expended—

19 “(A) through programs of units of general  
20 local government or combinations thereof, to  
21 the extent such programs are consistent with  
22 the State plan; and

23 “(B) through programs of local private  
24 agencies, to the extent such programs are con-  
25 sistent with the State plan, except that direct

1 funding of any local private agency by a State  
 2 shall be permitted only if such agency requests  
 3 such funding after it has applied for and been  
 4 denied funding by any unit of general local gov-  
 5 ernment or combination thereof; and

6 “(24) to the extent that segments of the juve-  
 7 nile population are shown to be detained or confined  
 8 in secure detention facilities, secure correctional fa-  
 9 cilities, jails, and lockups, to a greater extent than  
 10 the proportion of these groups in the general juve-  
 11 nile population, address prevention efforts designed  
 12 to reduce such disproportionate confinement, with-  
 13 out requiring the release or the failure to detain any  
 14 individual.

15 “(b) APPROVAL BY STATE AGENCY.—

16 “(1) STATE AGENCY.—The State agency des-  
 17 ignated under subsection (a)(1) shall approve the  
 18 State plan and any modification thereof prior to  
 19 submission of the plan to the Administrator.

20 “(2) STATE ADVISORY GROUP.—

21 “(A) ESTABLISHMENT.—The State advi-  
 22 sory group referred to in subsection (a) shall be  
 23 known as the ‘State Advisory Group’, consisting  
 24 of representatives from both the private and  
 25 public sector, each of whom shall be appointed

1 for a term of not more than 6 years. The State  
2 shall ensure that members of the State Advisory  
3 Group shall have experience in the area of  
4 juvenile delinquency prevention, the prosecution  
5 of juvenile offenders, the treatment of juvenile  
6 delinquency, the investigation of juvenile  
7 crimes, or the administration of juvenile justice  
8 programs, and shall include not less than 1  
9 prosecutor and not less than 1 judge from a  
10 court with a juvenile crime or delinquency docket.  
11 The chairperson of the State Advisory  
12 Group shall not be a full-time employee of the  
13 Federal Government or the State government.

14 “(B) CONSULTATION.—

15 “(i) IN GENERAL.—The State shall  
16 consult with the State Advisory Group established  
17 under subparagraph (A) in developing and reviewing  
18 the State plan under  
19 this section.

20 “(ii) AUTHORITY.—The State Advisory  
21 Group shall report to the chief executive officer  
22 and the legislature of the State  
23 on an annual basis regarding recommendations  
24 related to the State’s compliance  
25 under this section.

1           “(C) FUNDING.—From amounts reserved  
 2           for administrative costs, the State may make  
 3           available to the State Advisory Group such  
 4           sums as may be necessary to assist the State  
 5           Advisory Group in adequately performing its  
 6           duties under this paragraph.

7           “(c) COMPLIANCE WITH STATUTORY REQUIRE-  
 8           MENTS.—

9           “(1) IN GENERAL.—If a State fails to comply  
 10          with any of the applicable requirements of para-  
 11          graph (11), (12), (13), or (24) of subsection (a) in  
 12          any fiscal year beginning after September 30, 1999,  
 13          the amount allocated to such State for the subse-  
 14          quent fiscal year shall be reduced by not to exceed  
 15          12.5 percent for each such paragraph with respect  
 16          to which the failure occurs, unless the Administrator  
 17          determines that the State—

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

21                 “(B) has made, through appropriate execu-  
 22                 tive or legislative action, an unequivocal com-  
 23                 mitment to achieving full compliance with such  
 24                 applicable requirements within a reasonable  
 25                 time.

1           “(2) WAIVER.—The Administrator may, upon  
 2           request by a State showing good cause, waive the  
 3           application of this subsection with respect to such  
 4           State.

5   **“SEC. 223. ALLOCATION OF GRANTS.**

6           “(a) IN GENERAL.—Subject to subsections (b), (c),  
 7           and (d), the amount allocated under section 291 to carry  
 8           out this part in each fiscal year that remains after reserva-  
 9           tion under section 207(b) for that fiscal year shall be allo-  
 10          cated to the States as follows:

11           “(1) 0.5 percent shall be allocated to each eligi-  
 12          ble State.

13           “(2) The amount remaining after the allocation  
 14          under clause (i) shall be allocated proportionately  
 15          based on the juvenile population in the eligible  
 16          States.

17          “(b) SYSTEM SUPPORT GRANTS.—Of the amount al-  
 18          located under section 291 to carry out this part in each  
 19          fiscal year that remains after reservation under section  
 20          207(b) for that fiscal year, up to 10 percent may be avail-  
 21          able for use by the Administrator to provide—

22           “(1) training and technical assistance consist-  
 23          ent with the purposes authorized under sections 204,  
 24          205, and 221;

1           “(2) direct grant awards and other support to  
2       develop, test, and demonstrate new approaches to  
3       improving the juvenile justice system and reducing,  
4       preventing, and abating delinquent behavior, juvenile  
5       crime, and youth violence;

6           “(3) for research and evaluation efforts to dis-  
7       cover and test methods and practices to improve the  
8       juvenile justice system and reduce, prevent, and  
9       abate delinquent behavior, juvenile crime, and youth  
10      violence; and

11          “(4) information, including information on best  
12      practices, consistent with purposes authorized under  
13      sections 204, 205, and 221.

14          “(c) EXCEPTION.—The amount allocated to the Vir-  
15      gin Islands of the United States, Guam, American Samoa,  
16      the Trust Territory of the Pacific Islands, and the Com-  
17      monwealth of the Northern Mariana Islands shall be not  
18      less than \$75,000 and not more than \$100,000.

19          “(d) ADMINISTRATIVE COSTS.—A State, unit of local  
20      government, or eligible unit that receives funds under this  
21      part may not use more than 5 percent of those funds to  
22      pay for administrative costs.

**“PART C—NATIONAL PROGRAMS**

**“SEC. 241. ESTABLISHMENT OF NATIONAL INSTITUTE FOR  
JUVENILE CRIME CONTROL AND DELIN-  
QUENCY PREVENTION.**

“(a) IN GENERAL.—There is established within the National Institute of Justice a National Institute for Juvenile Crime Control and Delinquency Prevention, the purpose of which shall be to provide—

“(1) a coordinating center for the collection, preparation, and dissemination of useful data regarding the prevention, treatment, and control of juvenile delinquency;

“(2) through the National Institute of Justice, for the rigorous and independent evaluation of the delinquency and youth violence prevention programs funded under this title;

“(3) funding for new research, through the National Institute of Justice, on the nature, causes, and prevention of juvenile violence and juvenile delinquency; and

“(4) appropriate training (including training designed to strengthen and maintain the family unit) for representatives of Federal, State, local law enforcement officers, teachers and special education personnel, recreation and park personnel, family counselors, child welfare workers, juvenile judges

1 and judicial personnel, probation personnel, prosecu-  
2 tors and defense attorneys, correctional personnel  
3 (including volunteer lay personnel), persons associ-  
4 ated with law-related education, youth workers, and  
5 representatives of private agencies and organizations  
6 with specific experience in the prevention, treatment,  
7 and control of juvenile delinquency.

8 “(b) ADMINISTRATION.—The National Institute for  
9 Juvenile Crime Control and Delinquency Prevention shall  
10 be under the supervision and direction of the Director of  
11 the National Institute of Justice (referred to in this part  
12 as the ‘Director’), in consultation with the Administrator.

13 “(c) COORDINATION.—The activities of the National  
14 Institute for Juvenile Crime Control and Delinquency Pre-  
15 vention shall be coordinated with the activities of the Na-  
16 tional Institute of Justice.

17 “(d) DUTIES OF THE INSTITUTE.—

18 “(1) IN GENERAL.—The Administrator shall  
19 transfer appropriated amounts to the National Insti-  
20 tute of Justice, or to other Federal agencies, for the  
21 purposes of new research and evaluation projects  
22 funded by the National Institute for Juvenile Crime  
23 Control and Delinquency Prevention, and for evalua-  
24 tion of discretionary programs of the Office of Juve-  
25 nile Crime Control and Prevention.



1           “(2) REQUIREMENTS.—Each evaluation and re-  
2           search study funded with amounts transferred under  
3           paragraph (1) shall—

4                   “(A) be independent in nature;

5                   “(B) be awarded competitively; and

6                   “(C) employ rigorous and scientifically rec-  
7           ognized standards and methodologies, including  
8           peer review by nonapplicants.

9           “(e) POWERS OF THE INSTITUTE.—In addition to the  
10          other powers, express and implied, the National Institute  
11          for Juvenile Crime Control and Delinquency Prevention  
12          may—

13                   “(1) request any Federal agency to supply such  
14          statistics, data, program reports, and other material  
15          as the National Institute for Juvenile Crime Control  
16          and Delinquency Prevention deems necessary to  
17          carry out its functions;

18                   “(2) arrange with and reimburse the heads of  
19          Federal agencies for the use of personnel or facilities  
20          or equipment of such agencies;

21                   “(3) confer with and avail itself of the coopera-  
22          tion, services, records, and facilities of State, municipi-  
23          pal, or other public or private local agencies;

24                   “(4) make grants and enter into contracts with  
25          public or private agencies, organizations, or individ-

1 uals for the partial performance of any functions of  
2 the National Institute for Juvenile Crime Control  
3 and Delinquency Prevention; and

4 “(5) compensate consultants and members of  
5 technical advisory councils who are not in the regu-  
6 lar full-time employ of the United States, at a rate  
7 now or hereafter payable under section 5376 of title  
8 5, United States Code, and while away from home,  
9 or regular place of business, they may be allowed  
10 travel expenses, including per diem in lieu of subsist-  
11 ence, as authorized by section 5703 of title 5,  
12 United States Code, for persons in the Government  
13 service employed intermittently.

14 “(f) INFORMATION FROM FEDERAL AGENCIES.—A  
15 Federal agency that receives a request from the National  
16 Institute for Juvenile Crime Control and Delinquency Pre-  
17 vention under subsection (e)(1) may cooperate with the  
18 National Institute for Juvenile Crime Control and Delin-  
19 quency Prevention and shall, to the maximum extent prac-  
20 ticable, consult with and furnish information and advice  
21 to the National Institute for Juvenile Crime Control and  
22 Delinquency Prevention.

1 **“SEC. 242. INFORMATION FUNCTION.**

2 “The Administrator, acting through the National In-  
3 stitute for Juvenile Crime Control and Delinquency Pre-  
4 vention, as appropriate, shall—

5 “(1) on a continuing basis, review reports, data,  
6 and standards relating to the juvenile justice system  
7 in the United States;

8 “(2) serve as an information bank by collecting  
9 systematically and synthesizing the data and knowl-  
10 edge obtained from studies and research by public  
11 and private agencies, institutions, or individuals con-  
12 cerning all aspects of juvenile delinquency, including  
13 the prevention and treatment of juvenile delin-  
14 quency; and

15 “(3) serve as a clearinghouse and information  
16 center for the preparation, publication, and dissemi-  
17 nation of all information regarding juvenile delin-  
18 quency, including State and local juvenile delin-  
19 quency prevention and treatment programs (includ-  
20 ing drug and alcohol programs and gender-specific  
21 programs) and plans, availability of resources, train-  
22 ing and educational programs, statistics, and other  
23 pertinent data and information.

1 **“SEC. 243. RESEARCH, DEMONSTRATION, AND EVALUATION**  
2 **FUNCTIONS.**

3 “(a) IN GENERAL.—The Administrator, acting  
4 through the National Institute for Juvenile Crime Control  
5 and Delinquency Prevention, as appropriate, may—

6 “(1) conduct, encourage, and coordinate re-  
7 search and evaluation into any aspect of juvenile de-  
8 linquency, particularly with regard to new programs  
9 and methods that show promise of making a con-  
10 tribution toward the prevention and treatment of ju-  
11 venile delinquency;

12 “(2) encourage the development of demonstra-  
13 tion projects in new, innovative techniques and  
14 methods to prevent and treat juvenile delinquency;

15 “(3) establish or expand programs that, in rec-  
16 ognition of varying degrees of the seriousness of de-  
17 linquent behavior and the corresponding gradations  
18 in the responses of the juvenile justice system in re-  
19 sponse to that behavior, are designed to—

20 “(A) encourage courts to develop and im-  
21 plement a continuum of post-adjudication re-  
22 straints that bridge the gap between traditional  
23 probation and confinement in a correctional set-  
24 ting (including expanded use of probation, me-  
25 diation, restitution, community service, treat-  
26 ment, home detention, intensive supervision,

1 electronic monitoring, boot camps and similar  
2 programs, and secure community-based treat-  
3 ment facilities linked to other support services  
4 such as health, mental health, education (reme-  
5 dial and special), job training, and recreation);  
6 and

7 “(B) assist in the provision by the Admin-  
8 istrator of best practices of information and  
9 technical assistance, including technology trans-  
10 fer, to States in the design and utilization of  
11 risk assessment mechanisms to aid juvenile jus-  
12 tice personnel in determining appropriate sanc-  
13 tions for delinquent behavior;

14 “(4) encourage the development of programs  
15 that, in addition to helping youth take responsibility  
16 for their behavior, through control and incarceration,  
17 if necessary, provide therapeutic intervention such as  
18 providing skills;

19 “(5) encourage the development and establish-  
20 ment of programs to enhance the States’ ability to  
21 identify chronic serious and violent juvenile offend-  
22 ers who commit crimes such as rape, murder, fire-  
23 arms offenses, gang-related crimes, violent felonies,  
24 and serious drug offenses;

1           “(6) prepare, in cooperation with education in-  
2           stitutions, with Federal, State, and local agencies,  
3           and with appropriate individuals and private agen-  
4           cies, such studies as it considers to be necessary  
5           with respect to prevention of and intervention with  
6           juvenile violence and delinquency and the improve-  
7           ment of juvenile justice systems, including—

8                   “(A) evaluations of programs and interven-  
9                   tions designed to prevent youth violence and ju-  
10                  venile delinquency;

11                   “(B) assessments and evaluations of the  
12                   methodological approaches to evaluating the ef-  
13                   fectiveness of interventions and programs de-  
14                   signed to prevent youth violence and juvenile  
15                   delinquency;

16                   “(C) studies of the extent, nature, risk,  
17                   and protective factors, and causes of youth vio-  
18                   lence and juvenile delinquency;

19                   “(D) comparisons of youth adjudicated  
20                   and treated by the juvenile justice system com-  
21                   pared to juveniles waived to and adjudicated by  
22                   the adult criminal justice system (including in-  
23                   carcerated in adult, secure correctional facili-  
24                   ties);

1           “(E) recommendations with respect to ef-  
2           fective and ineffective primary, secondary, and  
3           tertiary prevention interventions, including for  
4           which juveniles, and under what circumstances  
5           (including circumstances connected with the  
6           staffing of the intervention), prevention efforts  
7           are effective and ineffective; and

8           “(F) assessments of risk prediction sys-  
9           tems of juveniles used in making decisions re-  
10          garding pretrial detention;

11          “(7) disseminate the results of such evaluations  
12          and research and demonstration activities particu-  
13          larly to persons actively working in the field of juve-  
14          nile delinquency;

15          “(8) disseminate pertinent data and studies to  
16          individuals, agencies, and organizations concerned  
17          with the prevention and treatment of juvenile delin-  
18          quency; and

19          “(9) routinely collect, analyze, compile, publish,  
20          and disseminate uniform national statistics  
21          concerning—

22                 “(A) all aspects of juveniles as victims and  
23                 offenders;

24                 “(B) the processing and treatment, in the  
25                 juvenile justice system, of juveniles who are sta-

1           tus offenders, delinquent, neglected, or abused;  
2           and

3                   “(C) the processing and treatment of such  
4           juveniles who are treated as adults for purposes  
5           of the criminal justice system.

6           “(b) PUBLIC DISCLOSURE.—The Administrator or  
7   the Director, as appropriate, shall make available to the  
8   public—

9                   “(1) the results of research, demonstration, and  
10          evaluation activities referred to in subsection (a)(8);

11                   “(2) the data and studies referred to in sub-  
12          section (a)(9); and

13                   “(3) regular reports regarding each State’s ob-  
14          jective measurements of youth violence, such as the  
15          number, rate, and trend of homicides committed by  
16          youths.

17   **“SEC. 244. TECHNICAL ASSISTANCE AND TRAINING FUNC-**  
18                   **TIONS.**

19           “The Administrator, acting through the National In-  
20   stitute for Crime Control and Delinquency Prevention, as  
21   appropriate, may—

22                   “(1) provide technical assistance and training  
23          assistance to Federal, State, and local governments  
24          and to courts, public and private agencies, institu-  
25          tions, and individuals in the planning, establishment,



1 funding, operation, and evaluation of juvenile delin-  
2 quency programs;

3 “(2) develop, conduct, and provide for training  
4 programs for the training of professional, para-  
5 professional, and volunteer personnel, and other per-  
6 sons who are working with or preparing to work  
7 with juveniles, juvenile offenders (including juveniles  
8 who commit hate crimes), and their families;

9 “(3) develop, conduct, and provide for seminars,  
10 workshops, and training programs in the latest prov-  
11 en effective techniques and methods of preventing  
12 and treating juvenile delinquency for law enforce-  
13 ment officers, juvenile judges, prosecutors, and de-  
14 fense attorneys, and other court personnel, probation  
15 officers, correctional personnel, and other Federal,  
16 State, and local government personnel who are en-  
17 gaged in work relating to juvenile delinquency;

18 “(4) develop technical training teams to aid in  
19 the development of training programs in the States  
20 and to assist State and local agencies that work di-  
21 rectly with juveniles and juvenile offenders; and

22 “(5) provide technical assistance and training  
23 to assist States and units of general local govern-  
24 ment.

1   **“SEC. 245. ESTABLISHMENT OF TRAINING PROGRAM.**

2           “(a) IN GENERAL.—The Administrator shall estab-  
3   lish within the National Institute for Juvenile Crime Con-  
4   trol and Delinquency Prevention a training program de-  
5   signed to train enrollees with respect to methods and tech-  
6   niques for the prevention and treatment of juvenile delin-  
7   quency, including methods and techniques specifically de-  
8   signed to prevent and reduce the incidence of hate crimes  
9   committed by juveniles. In carrying out this program the  
10  Administrator may make use of available State and local  
11  services, equipment, personnel, facilities, and the like.

12          “(b) QUALIFICATIONS FOR ENROLLMENT.—Enroll-  
13  ees in the training program established under this section  
14  shall be drawn from law enforcement and correctional per-  
15  sonnel (including volunteer lay personnel), teachers and  
16  special education personnel, family counselors, child wel-  
17  fare workers, juvenile judges and judicial personnel, per-  
18  sons associated with law-related education, youth workers,  
19  and representatives of private agencies and organizations  
20  with specific experience in the prevention and treatment  
21  of juvenile delinquency.

22   **“SEC. 246. REPORT ON STATUS OFFENDERS.**

23          “Not later than September 1, 2002, the Adminis-  
24  trator, through the National Institute of Justice, shall—

25               “(1) conduct a study on the effect of incarcer-  
26       ation on status offenders compared to similarly situ-

1       ated individuals who are not placed in secure deten-  
 2       tion in terms of the continuation of their inappropri-  
 3       ate or illegal conduct, delinquency, or future crimi-  
 4       nal behavior, and evaluating the safety of status of-  
 5       fenders placed in secure detention; and

6           “(2) submit to the Chairman and Ranking  
 7       Member of the Committee on the Judiciary of the  
 8       Senate and the Chairman and Ranking Member of  
 9       the Committee on Education and the Workforce of  
 10      the House of Representatives a report on the results  
 11      of the study conducted under paragraph (1).

12   **“SEC. 247. CONSIDERATIONS FOR APPROVAL OF APPLICA-**  
 13           **TIONS.**

14       “(a) IN GENERAL.—Any agency, institution, or indi-  
 15      vidual seeking to receive a grant, or enter into a contract,  
 16      under section 243, 244, or 245 shall submit an application  
 17      at such time, in such manner, and containing or accom-  
 18      panied by such information as the Administrator or the  
 19      Director, as appropriate, may prescribe.

20       “(b) APPLICATION CONTENTS.—In accordance with  
 21      guidelines established by the Administrator or the Direc-  
 22      tor, as appropriate, each application for assistance under  
 23      section 243, 244, or 245 shall—

24           “(1) set forth a program for carrying out 1 or  
 25      more of the purposes set forth in section 243, 244,

1 or 245, and specifically identify each such purpose  
2 such program is designed to carry out;

3 “(2) provide that such program shall be admin-  
4 istered by or under the supervision of the applicant;

5 “(3) provide for the proper and efficient admin-  
6 istration of such program;

7 “(4) provide for regular evaluation of such pro-  
8 gram; and

9 “(5) provide for such fiscal control and fund ac-  
10 counting procedures as may be necessary to ensure  
11 prudent use, proper disbursement, and accurate ac-  
12 counting of funds received under this title.

13 “(c) FACTORS FOR CONSIDERATION.—In determin-  
14 ing whether or not to approve applications for grants and  
15 for contracts under this part, the Administrator or the Di-  
16 rector, as appropriate, shall consider—

17 “(1) whether the project uses appropriate and  
18 rigorous methodology, including appropriate sam-  
19 ples, control groups, psychometrically sound meas-  
20 urement, and appropriate data analysis techniques;

21 “(2) the experience of the principal and coprin-  
22 cipal investigators in the area of youth violence and  
23 juvenile delinquency;

1           “(3) the protection offered human subjects in  
2     the study, including informed consent procedures;  
3     and

4           “(4) the cost-effectiveness of the proposed  
5     project.

6     “(d) SELECTION PROCESS.—

7           “(1) IN GENERAL.—

8           “(A) COMPETITIVE PROCESS.—Subject to  
9     subparagraph (B), programs selected for assist-  
10    ance through grants or contracts under section  
11    243, 244, or 245 shall be selected through a  
12    competitive process, which shall be established  
13    by the Administrator or the Director, as appro-  
14    priate, by rule. As part of such a process, the  
15    Administrator or the Director, as appropriate,  
16    shall announce in the Federal Register—

17           “(i) the availability of funds for such  
18    assistance;

19           “(ii) the general criteria applicable to  
20    the selection of applicants to receive such  
21    assistance; and

22           “(iii) a description of the procedures  
23    applicable to submitting and reviewing ap-  
24    plications for such assistance.

1           “(B) WAIVER.—The competitive process  
2 described in subparagraph (A) shall not be re-  
3 quired if the Administrator or the Director, as  
4 appropriate, makes a written determination  
5 waiving the competitive process with respect to  
6 a program to be carried out in an area with re-  
7 spect to which the President declares under the  
8 Robert T. Stafford Disaster Relief and Emer-  
9 gency Assistance Act (42 U.S.C. 5121 et seq.)  
10 that a major disaster or emergency exists.

11           “(2) REVIEW PROCESS.—

12           “(A) IN GENERAL.—Programs selected for  
13 assistance through grants and contracts under  
14 this part shall be selected after a competitive  
15 process that provides potential grantees and  
16 contractors with not less than 90 days to sub-  
17 mit applications for funds. Applications for  
18 funds shall be reviewed through a formal peer  
19 review process by qualified scientists with ex-  
20 pertise in the fields of criminology, juvenile de-  
21 linquency, sociology, psychology, research meth-  
22 odology, evaluation research, statistics, and re-  
23 lated areas. The peer review process shall con-  
24 form to the process used by the National Insti-

tutes of Health, the National Institute of Justice, or the National Science Foundation.

“(B) ESTABLISHMENT OF PROCESS.—

Such process shall be established by the Administrator or the Director, as appropriate, in consultation with the Directors and other appropriate officials of the National Science Foundation and the National Institute of Mental Health. Before implementation of such process, the Administrator or the Director, as appropriate, shall submit such process to such Directors, each of whom shall prepare and furnish to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate a final report containing their comments on such process as proposed to be established.

“(3) EMERGENCY EXPEDITED CONSIDER-

ATION.—In establishing the process required under paragraphs (1) and (2), the Administrator or the Director, as appropriate, shall provide for emergency expedited consideration of a proposed program if the Administrator or the Director, as appropriate, determines such action to be necessary in order to avoid

1       a delay that would preclude carrying out the pro-  
2       gram.

3       “(e) EFFECT OF POPULATION.—A city shall not be  
4       denied assistance under section 243, 244, or 245 solely  
5       on the basis of its population.

6       “(f) NOTIFICATION PROCESS.—Notification of grants  
7       and contracts made under sections 243, 244, and 245  
8       (and the applications submitted for such grants and con-  
9       tracts) shall, upon being made, be transmitted by the Ad-  
10      ministrators or the Director, as appropriate, to the Chair-  
11      man of the Committee on Education and the Workforce  
12      of the House of Representatives and the Chairman of the  
13      Committee on the Judiciary of the Senate.

14   **“PART D—GANG-FREE SCHOOLS AND COMMU-**  
15       **NITIES; COMMUNITY-BASED GANG INTER-**  
16       **VENTION**

17   **“SEC. 251. DEFINITION OF JUVENILE.**

18       “In this part, the term ‘juvenile’ means an individual  
19      who has not attained the age of 22 years.

20   **“SEC. 252. GANG-FREE SCHOOLS AND COMMUNITIES.**

21       “(a) IN GENERAL.—

22           “(1) The Administrator shall make grants to or  
23      enter into contracts with public agencies (including  
24      local educational agencies) and private nonprofit  
25      agencies, organizations, and institutions to establish



1 and support programs and activities that involve  
2 families and communities and that are designed to  
3 carry out any of the following purposes:

4 “(A) To prevent and to reduce the partici-  
5 pation of juveniles in the activities of gangs  
6 that commit crimes. Such programs and activi-  
7 ties may include—

8 “(i) individual, peer, family, and  
9 group counseling, including the provision  
10 of life skills training and preparation for  
11 living independently, which shall include  
12 cooperation with social services, welfare,  
13 and health care programs;

14 “(ii) education and social services de-  
15 signed to address the social and develop-  
16 mental needs of juveniles that such juve-  
17 niles would otherwise seek to have met  
18 through membership in gangs;

19 “(iii) crisis intervention and counsel-  
20 ing to juveniles, who are particularly at  
21 risk of gang involvement, and their fami-  
22 lies, including assistance from social serv-  
23 ice, welfare, health care, mental health,  
24 and substance abuse prevention and treat-  
25 ment agencies where necessary;

1           “(iv) the organization of neighborhood  
2           and community groups to work closely with  
3           parents, schools, law enforcement, and  
4           other public and private agencies in the  
5           community; and

6           “(v) training and assistance to adults  
7           who have significant relationships with ju-  
8           veniles who are or may become members of  
9           gangs, to assist such adults in providing  
10          constructive alternatives to participating in  
11          the activities of gangs.

12          “(B) To develop within the juvenile adju-  
13          dicatory and correctional systems new and inno-  
14          vative means to address the problems of juve-  
15          niles convicted of serious drug-related and  
16          gang-related offenses.

17          “(C) To target elementary school students,  
18          with the purpose of steering students away  
19          from gang involvement.

20          “(D) To provide treatment to juveniles  
21          who are members of such gangs, including  
22          members who are accused of committing a seri-  
23          ous crime and members who have been adju-  
24          dicated as being delinquent.

1           “(E) To promote the involvement of juve-  
2           niles in lawful activities in geographical areas in  
3           which gangs commit crimes.

4           “(F) To promote and support, with the co-  
5           operation of community-based organizations ex-  
6           perienced in providing services to juveniles en-  
7           gaged in gang-related activities and the co-  
8           operation of local law enforcement agencies, the  
9           development of policies and activities in public  
10          elementary and secondary schools that will as-  
11          sist such schools in maintaining a safe environ-  
12          ment conducive to learning.

13          “(G) To assist juveniles who are or may  
14          become members of gangs to obtain appropriate  
15          educational instruction, in or outside a regular  
16          school program, including the provision of coun-  
17          seling and other services to promote and sup-  
18          port the continued participation of such juve-  
19          niles in such instructional programs.

20          “(H) To expand the availability of preven-  
21          tion and treatment services relating to the ille-  
22          gal use of controlled substances and controlled  
23          substance analogues (as defined in paragraphs  
24          (6) and (32) of section 102 of the Controlled  
25          Substances Act (21 U.S.C. 802)) by juveniles,

1 provided through State and local health and so-  
2 cial services agencies.

3 “(I) To provide services to prevent juve-  
4 niles from coming into contact with the juvenile  
5 justice system again as a result of gang-related  
6 activity.

7 “(J) To provide services authorized in this  
8 section at a special location in a school or hous-  
9 ing project.

10 “(K) To support activities to inform juve-  
11 niles of the availability of treatment and serv-  
12 ices for which financial assistance is available  
13 under this section.

14 “(2) From not more than 15 percent of the  
15 total amount appropriated to carry out this part in  
16 each fiscal year, the Administrator may make grants  
17 to and enter into contracts with public agencies and  
18 private nonprofit agencies, organizations, and  
19 institutions—

20 “(A) to conduct research on issues related  
21 to juvenile gangs;

22 “(B) to evaluate the effectiveness of pro-  
23 grams and activities funded under paragraph  
24 (1); and

1           “(C) to increase the knowledge of the pub-  
 2           lic (including public and private agencies that  
 3           operate or desire to operate gang prevention  
 4           and intervention programs) by disseminating in-  
 5           formation on research and on effective pro-  
 6           grams and activities funded under this section.

7           “(b) APPROVAL OF APPLICATIONS.—

8           “(1) IN GENERAL.—Any agency, organization,  
 9           or institution seeking to receive a grant, or to enter  
 10          into a contract, under this section shall submit an  
 11          application at such time, in such manner, and con-  
 12          taining such information as the Administrator may  
 13          prescribe.

14          “(2) APPLICATION CONTENTS.—In accordance  
 15          with guidelines established by the Administrator,  
 16          each application submitted under paragraph (1)  
 17          shall—

18               “(A) set forth a program or activity for  
 19               carrying out 1 or more of the purposes specified  
 20               in subsection (a) and specifically identify each  
 21               such purpose such program or activity is de-  
 22               signed to carry out;

23               “(B) provide that such program or activity  
 24               shall be administered by or under the super-  
 25               vision of the applicant;

1           “(C) provide for the proper and efficient  
2 administration of such program or activity;

3           “(D) provide for regular evaluation of such  
4 program or activity;

5           “(E) provide an assurance that the pro-  
6 posed program or activity will supplement, not  
7 supplant, similar programs and activities al-  
8 ready available in the community;

9           “(F) describe how such program or activity  
10 is coordinated with programs, activities, and  
11 services available locally under part B or C of  
12 this title, and under chapter 1 of subtitle B of  
13 title III of the Anti-Drug Abuse Act of 1988  
14 (42 U.S.C. 11801–11805);

15           “(G) certify that the applicant has re-  
16 quested the State planning agency to review  
17 and comment on such application and summa-  
18 rize the responses of such State planning agen-  
19 cy to such request;

20           “(H) provide that regular reports on such  
21 program or activity shall be sent to the Admin-  
22 istrator and to such State planning agency; and

23           “(I) provide for such fiscal control and  
24 fund accounting procedures as may be nec-  
25 essary to ensure prudent use, proper disburse-

1           ment, and accurate accounting of funds re-  
2           ceived under this section.

3           “(3) PRIORITY.—In reviewing applications for  
4           grants and contracts under this section, the Admin-  
5           istrator shall give priority to applications—

6                   “(A) submitted by, or substantially involv-  
7                   ing, local educational agencies (as defined in  
8                   section 1471 of the Elementary and Secondary  
9                   Education Act of 1965 (20 U.S.C. 2891));

10                   “(B) based on the incidence and severity of  
11                   crimes committed by gangs whose membership  
12                   is composed primarily of juveniles in the geo-  
13                   graphical area in which the applicants propose  
14                   to carry out the programs and activities for  
15                   which such grants and contracts are requested;  
16                   and

17                   “(C) for assistance for programs and ac-  
18                   tivities that—

19                           “(i) are broadly supported by public  
20                           and private nonprofit agencies, organiza-  
21                           tions, and institutions located in such geo-  
22                           graphical area; and

23                           “(ii) will substantially involve the fam-  
24                           ilies of juvenile gang members in carrying  
25                           out such programs or activities.

1 **“SEC. 253. COMMUNITY-BASED GANG INTERVENTION.**

2       “(a) IN GENERAL.—The Administrator shall make  
3 grants to or enter into contracts with public and private  
4 nonprofit agencies, organizations, and institutions to carry  
5 out programs and activities—

6           “(1) to reduce the participation of juveniles in  
7 the illegal activities of gangs;

8           “(2) to develop regional task forces involving  
9 State, local, and community-based organizations to  
10 coordinate the disruption of gangs and the prosecu-  
11 tion of juvenile gang members and to curtail inter-  
12 state activities of gangs; and

13           “(3) to facilitate coordination and cooperation  
14 among—

15           “(A) local education, juvenile justice, em-  
16 ployment, and social service agencies; and

17           “(B) community-based programs with a  
18 proven record of effectively providing interven-  
19 tion services to juvenile gang members for the  
20 purpose of reducing the participation of juve-  
21 niles in illegal gang activities; and

22           “(4) to support programs that, in recognition of  
23 varying degrees of the seriousness of delinquent be-  
24 havior and the corresponding gradations in the re-  
25 sponses of the juvenile justice system in response to  
26 that behavior, are designed to—



1           “(A) encourage courts to develop and im-  
 2           plement a continuum of post-adjudication re-  
 3           straints that bridge the gap between traditional  
 4           probation and confinement in a correctional set-  
 5           ting (including expanded use of probation, me-  
 6           diation, restitution, community service, treat-  
 7           ment, home detention, intensive supervision,  
 8           electronic monitoring, boot camps and similar  
 9           programs, and secure community-based treat-  
 10          ment facilities linked to other support services  
 11          such as health, mental health, education (reme-  
 12          dial and special), job training, and recreation);  
 13          and

14           “(B) assist in the provision by the Admin-  
 15          istrator of information and technical assistance,  
 16          including technology transfer, to States in the  
 17          design and utilization of risk assessment mech-  
 18          anisms to aid juvenile justice personnel in de-  
 19          termining appropriate sanctions for delinquent  
 20          behavior.

21          “(b) ELIGIBLE PROGRAMS AND ACTIVITIES.—Pro-  
 22          grams and activities for which grants and contracts are  
 23          to be made under this section may include—

24           “(1) the hiring of additional State and local  
 25          prosecutors, and the establishment and operation of

1 programs, including multijurisdictional task forces,  
2 for the disruption of gangs and the prosecution of  
3 gang members;

4 “(2) developing within the juvenile adjudicatory  
5 and correctional systems new and innovative means  
6 to address the problems of juveniles convicted of se-  
7 rious drug-related and gang-related offenses;

8 “(3) providing treatment to juveniles who are  
9 members of such gangs, including members who are  
10 accused of committing a serious crime and members  
11 who have been adjudicated as being delinquent;

12 “(4) promoting the involvement of juveniles in  
13 lawful activities in geographical areas in which  
14 gangs commit crimes;

15 “(5) expanding the availability of prevention  
16 and treatment services relating to the illegal use of  
17 controlled substances and controlled substances ana-  
18 logues (as defined in paragraphs (6) and (32) of sec-  
19 tion 102 of the Controlled Substances Act (21  
20 U.S.C. 802)), by juveniles, provided through State  
21 and local health and social services agencies;

22 “(6) providing services to prevent juveniles  
23 from coming into contact with the juvenile justice  
24 system again as a result of gang-related activity; or

1           “(7) supporting activities to inform juveniles of  
2           the availability of treatment and services for which  
3           financial assistance is available under this section.

4           “(c) APPROVAL OF APPLICATIONS.—

5           “(1) IN GENERAL.—Any agency, organization,  
6           or institution desiring to receive a grant, or to enter  
7           into a contract, under this section shall submit an  
8           application at such time, in such manner, and con-  
9           taining such information as the Administrator may  
10          prescribe.

11          “(2) APPLICATION CONTENTS.—In accordance  
12          with guidelines established by the Administrator,  
13          each application submitted under paragraph (1)  
14          shall—

15               “(A) set forth a program or activity for  
16               carrying out 1 or more of the purposes specified  
17               in subsection (a) and specifically identify each  
18               such purpose such program or activity is de-  
19               signed to carry out;

20               “(B) provide that such program or activity  
21               shall be administered by or under the super-  
22               vision of the applicant;

23               “(C) provide for the proper and efficient  
24               administration of such program or activity;

1           “(D) provide for regular evaluation of such  
2           program or activity;

3           “(E) provide an assurance that the pro-  
4           posed program or activity will supplement, not  
5           supplant, similar programs and activities al-  
6           ready available in the community;

7           “(F) describe how such program or activity  
8           is coordinated with programs, activities, and  
9           services available locally under part B of this  
10          title and under chapter 1 of subtitle B of title  
11          III of the Anti-Drug Abuse Act of 1988 (42  
12          U.S.C. 11801–11805);

13          “(G) certify that the applicant has re-  
14          quested the State planning agency to review  
15          and comment on such application and summa-  
16          rize the responses of such State planning agen-  
17          cy to such request;

18          “(H) provide that regular reports on such  
19          program or activity shall be sent to the Admin-  
20          istrator and to such State planning agency; and

21          “(I) provide for such fiscal control and  
22          fund accounting procedures as may be nec-  
23          essary to ensure prudent use, proper disburse-  
24          ment, and accurate accounting of funds re-  
25          ceived under this section.

1           “(3) PRIORITY.—In reviewing applications for  
2           grants and contracts under subsection (a), the Ad-  
3           ministrators shall give priority to applications—

4                   “(A) submitted by, or substantially involv-  
5                   ing, community-based organizations experienced  
6                   in providing services to juveniles;

7                   “(B) based on the incidence and severity of  
8                   crimes committed by gangs whose membership  
9                   is composed primarily of juveniles in the geo-  
10                  graphical area in which the applicants propose  
11                  to carry out the programs and activities for  
12                  which such grants and contracts are requested;  
13                  and

14                  “(C) for assistance for programs and ac-  
15                  tivities that—

16                   “(i) are broadly supported by public  
17                   and private nonprofit agencies, organiza-  
18                   tions, and institutions located in such geo-  
19                   graphical area; and

20                   “(ii) will substantially involve the fam-  
21                   ilies of juvenile gang members in carrying  
22                   out such programs or activities.

1 **“SEC. 254. PRIORITY.**

2 “In making grants under this part, the Administrator  
3 shall give priority to funding programs and activities de-  
4 scribed in subsections (a)(2) and (b)(1) of section 253.

5 **“PART E—DEVELOPING, TESTING, AND DEM-**  
6 **ONSTRATING PROMISING NEW INITIATIVES**  
7 **AND PROGRAMS**

8 **“SEC. 261. GRANTS AND PROJECTS.**

9 “(a) **AUTHORITY TO MAKE GRANTS.**—The Adminis-  
10 trator may make grants to, and enter into contracts with,  
11 States, units of local government, Indian tribal govern-  
12 ments, public and private agencies, organizations, and in-  
13 dividuals, or combinations thereof, to carry out projects  
14 for the development, testing, and demonstration of promis-  
15 ing initiatives and programs for the prevention, control,  
16 or reduction of juvenile delinquency. The Administrator  
17 shall ensure that, to the extent reasonable and practicable,  
18 such grants are made to achieve an equitable geographical  
19 distribution of such projects throughout the United  
20 States.

21 “(b) **USE OF GRANTS.**—A grant made under sub-  
22 section (a) may be used to pay all or part of the cost of  
23 the project for which such grant is made.

1   **“SEC. 262. GRANTS FOR TRAINING AND TECHNICAL ASSIST-**  
2                                   **ANCE.**

3           “The Administrator may make grants to, and enter  
4 into contracts with, public and private agencies, organiza-  
5 tions, and individuals to provide training and technical as-  
6 sistance to States, units of local government, Indian tribal  
7 governments, local private entities or agencies, or any  
8 combination thereof, to carry out the projects for which  
9 grants are made under section 261.

10   **“SEC. 263. ELIGIBILITY.**

11           “To be eligible to receive assistance pursuant to a  
12 grant or contract under this part, a public or private agen-  
13 cy, Indian tribal government, organization, institution, in-  
14 dividual, or combination thereof, shall submit an applica-  
15 tion to the Administrator at such time, in such form, and  
16 containing such information as the Administrator may  
17 reasonably require by rule.

18   **“SEC. 264. REPORTS.**

19           “Each recipient of assistance pursuant to a grant or  
20 contract under this part shall submit to the Administrator  
21 such reports as may be reasonably requested by the Ad-  
22 ministrator to describe progress achieved in carrying the  
23 projects for which the assistance was provided.

1                   **“PART F—MENTORING**

2   **“SEC. 271. MENTORING.**

3           “The purposes of this part are to, through the use  
4 of mentors for at-risk youth—

5               “(1) reduce juvenile delinquency and gang par-  
6 ticipation;

7               “(2) improve academic performance; and

8               “(3) reduce the dropout rate.

9   **“SEC. 272. DEFINITIONS.**

10          “In this part—

11               “(1) the term ‘at-risk youth’ means a youth at  
12 risk of educational failure, dropping out of school, or  
13 involvement in criminal or delinquent activities; and

14               “(2) the term ‘mentor’ means a person who  
15 works with an at-risk youth on a one-to-one basis,  
16 providing a positive role model for the youth, estab-  
17 lishing a supportive relationship with the youth, and  
18 providing the youth with academic assistance and  
19 exposure to new experiences and examples of oppor-  
20 tunity that enhance the ability of the youth to be-  
21 come a responsible adult.

22   **“SEC. 273. GRANTS.**

23          “The Administrator shall, by making grants to and  
24 entering into contracts with local educational agencies  
25 (each of which agency shall be in partnership with a public  
26 or private agency, institution, or business), establish and



1 support programs and activities for the purpose of imple-  
2 menting mentoring programs that—

3 “(1) are designed to link at-risk children, par-  
4 ticularly children living in high crime areas and chil-  
5 dren experiencing educational failure, with respon-  
6 sible adults such as law enforcement officers, per-  
7 sons working with local businesses, and adults work-  
8 ing for community-based organizations and agencies;  
9 and

10 “(2) are intended to achieve 1 or more of the  
11 following goals:

12 “(A) Provide general guidance to at-risk  
13 youth.

14 “(B) Promote personal and social respon-  
15 sibility among at-risk youth.

16 “(C) Increase at-risk youth’s participation  
17 in and enhance their ability to benefit from ele-  
18 mentary and secondary education.

19 “(D) Discourage at-risk youth’s use of ille-  
20 gal drugs, violence, and dangerous weapons,  
21 and other criminal activity.

22 “(E) Discourage involvement of at-risk  
23 youth in gangs.

1                   “(F) Encourage at-risk youth’s participa-  
2                   tion in community service and community ac-  
3                   tivities.

4   **“SEC. 274. REGULATIONS AND GUIDELINES.**

5           “(a) PROGRAM GUIDELINES.—The Administrator  
6   shall issue program guidelines to implement this part. The  
7   program guidelines shall be effective only after a period  
8   for public notice and comment.

9           “(b) MODEL SCREENING GUIDELINES.—The Admin-  
10   istrator shall develop and distribute to program partici-  
11   pants specific model guidelines for the screening of pro-  
12   spective program mentors.

13   **“SEC. 275. USE OF GRANTS.**

14           “(a) PERMITTED USES.—Grants awarded under this  
15   part shall be used to implement mentoring programs,  
16   including—

17                   “(1) hiring of mentoring coordinators and sup-  
18                   port staff;

19                   “(2) recruitment, screening, and training of  
20                   adult mentors;

21                   “(3) reimbursement of mentors for reasonable  
22                   incidental expenditures such as transportation that  
23                   are directly associated with mentoring; and

24                   “(4) such other purposes as the Administrator  
25                   may reasonably prescribe by regulation.

1       “(b) PROHIBITED USES.—Grants awarded pursuant  
2 to this part shall not be used—

3               “(1) to directly compensate mentors, except as  
4 provided pursuant to subsection (a)(3);

5               “(2) to obtain educational or other materials or  
6 equipment that would otherwise be used in the ordi-  
7 nary course of the grantee’s operations;

8               “(3) to support litigation of any kind; or

9               “(4) for any other purpose reasonably prohib-  
10 ited by the Administrator by regulation.

11 **“SEC. 276. PRIORITY.**

12       “(a) IN GENERAL.—In making grants under this  
13 part, the Administrator shall give priority for awarding  
14 grants to applicants that—

15               “(1) serve at-risk youth in high crime areas;

16               “(2) have 60 percent or more of their youth eli-  
17 gible to receive funds under the Elementary and  
18 Secondary Education Act of 1965; and

19               “(3) have a considerable number of youth who  
20 drop out of school each year.

21       “(b) OTHER CONSIDERATIONS.—In making grants  
22 under this part, the Administrator shall give consideration  
23 to—

24               “(1) the geographic distribution (urban and  
25 rural) of applications;

1           “(2) the quality of a mentoring plan,  
2 including—

3               “(A) the resources, if any, that will be  
4 dedicated to providing participating youth with  
5 opportunities for job training or postsecondary  
6 education; and

7               “(B) the degree to which parents, teachers,  
8 community-based organizations, and the local  
9 community participate in the design and imple-  
10 mentation of the mentoring plan; and

11           “(3) the capability of the applicant to effectively  
12 implement the mentoring plan.

13 **“SEC. 277. APPLICATIONS.**

14           “An application for assistance under this part shall  
15 include—

16               “(1) information on the youth expected to be  
17 served by the program;

18               “(2) a provision for a mechanism for matching  
19 youth with mentors based on the needs of the youth;

20               “(3) an assurance that no mentor will be as-  
21 signed to more than 1 youth, so as to ensure a one-  
22 to-one relationship;

23               “(4) an assurance that projects operated in sec-  
24 ondary schools will provide youth with a variety of  
25 experiences and support, including—

1           “(A) an opportunity to spend time in a  
2           work environment and, when possible, partici-  
3           pate in the work environment;

4           “(B) an opportunity to witness the job  
5           skills that will be required for youth to obtain  
6           employment upon graduation;

7           “(C) assistance with homework assign-  
8           ments; and

9           “(D) exposure to experiences that youth  
10          might not otherwise encounter;

11          “(5) an assurance that projects operated in ele-  
12          mentary schools will provide youth with—

13               “(A) academic assistance;

14               “(B) exposure to new experiences and ac-  
15               tivities that youth might not encounter on their  
16               own; and

17               “(C) emotional support;

18          “(6) an assurance that projects will be mon-  
19          itored to ensure that each youth benefits from a  
20          mentor relationship, with provision for a new mentor  
21          assignment if the relationship is not beneficial to the  
22          youth;

23          “(7) the method by which mentors and youth  
24          will be recruited to the project;

1           “(8) the method by which prospective mentors  
2       will be screened; and

3           “(9) the training that will be provided to men-  
4       tors.

5   **“SEC. 278. GRANT CYCLES.**

6       “Each grant under this part shall be made for a 3-  
7   year period.

8   **“SEC. 279. FAMILY MENTORING PROGRAM.**

9       “(a) DEFINITIONS.—In this section—

10           “(1) the term ‘cooperative extension services’  
11       has the meaning given that term in section 1404 of  
12       the National Agricultural Research, Extension, and  
13       Teaching Policy Act of 1977 (7 U.S.C. 3103);

14           “(2) the term ‘family mentoring program’  
15       means a mentoring program that—

16           “(A) utilizes a 2-tier mentoring approach  
17       that uses college age or young adult mentors  
18       working directly with at-risk youth and uses re-  
19       tirement-age couples working with the parents  
20       and siblings of at-risk youth; and

21           “(B) has a local advisory board to provide  
22       direction and advice to program administrators;  
23       and

24           “(3) the term ‘qualified cooperative extension  
25       service’ means a cooperative extension service that

1       has established a family mentoring program, as of  
2       the date of enactment of the Violent and Repeat Ju-  
3       venile Offender Accountability and Rehabilitation  
4       Act of 1999.

5       “(b) MODEL PROGRAM.—The Administrator, in co-  
6       operation with the Secretary of Agriculture, shall make  
7       a grant to a qualified cooperative extension service for the  
8       purpose of expanding and replicating family mentoring  
9       programs to reduce the incidence of juvenile crime and  
10      delinquency among at-risk youth.

11      “(c) ESTABLISHMENT OF NEW FAMILY MENTORING  
12      PROGRAMS.—

13           “(1) IN GENERAL.—The Administrator, in co-  
14      operation with the Secretary of Agriculture, may  
15      make 1 or more grants to cooperative extension serv-  
16      ices for the purpose of establishing family mentoring  
17      programs to reduce the incidence of juvenile crime  
18      and delinquency among at-risk youth.

19           “(2) MATCHING REQUIREMENT AND SOURCE OF  
20      MATCHING FUNDS.—

21           “(A) IN GENERAL.—The amount of a  
22      grant under this subsection may not exceed 35  
23      percent of the total costs of the program funded  
24      by the grant.

1           “(B) SOURCE OF MATCH.—Matching funds  
 2           for grants under this subsection may be derived  
 3           from amounts made available to a State under  
 4           subsections (b) and (c) of section 3 of the  
 5           Smith-Lever Act (7 U.S.C. 343), except that  
 6           the total amount derived from Federal sources  
 7           may not exceed 70 percent of the total cost of  
 8           the program funded by the grant.

9           **“PART G—ADMINISTRATIVE PROVISIONS**

10       **“SEC. 291. AUTHORIZATION OF APPROPRIATIONS.**

11       “(a) IN GENERAL.—There is authorized to be appro-  
 12       priated to carry out this title, and to carry out part R  
 13       of title I of the Omnibus Crime Control and Safe Streets  
 14       Act of 1968 (42 U.S.C. 3796 et seq.), \$1,000,000,000 for  
 15       each of fiscal years 1999 through 2004.

16       “(b) ALLOCATION OF APPROPRIATIONS.—Of the  
 17       amount made available under subsection (a) for each fiscal  
 18       year—

19           “(1) \$450,000,000 shall be for programs under  
 20       section 1801 of part R of title I of the Omnibus  
 21       Crime Control and Safe Streets Act of 1968 (42  
 22       U.S.C. 3796 et seq.);

23           “(2) \$75,000,000 shall be for grants for juve-  
 24       nile criminal history records upgrades pursuant to  
 25       section 1802 of part R of title I of the Omnibus



1 Crime Control and Safe Streets Act of 1968 (42  
2 U.S.C. 3796 et seq.);

3 “(3) \$200,000,000 shall be for programs under  
4 section 205 of part A of this title;

5 “(4) \$200,000,000 shall be for programs under  
6 part B of this title;

7 “(5) \$40,000,000 shall be for prevention pro-  
8 grams under part C of this title, of which  
9 \$20,000,000 shall be for evaluation research of pri-  
10 mary, secondary, and tertiary juvenile delinquency  
11 programs;

12 “(6) \$20,000,000 shall be for programs under  
13 parts D and E of this title; and

14 “(7) \$15,000,000 shall be for programs under  
15 part F of this title, of which \$3,000,000 shall be for  
16 programs under section 279.

17 “(c) SOURCE OF SUMS.—Amounts authorized to be  
18 appropriated pursuant to this section may be derived from  
19 the Violent Crime Reduction Trust Fund.

20 “(d) ADMINISTRATION AND OPERATIONS.—There is  
21 authorized to be appropriated for the administration and  
22 operation of the Office of Juvenile Crime Control and Pre-  
23 vention such sums as may be necessary for each of fiscal  
24 years 1999 through 2004.

1       “(e) AVAILABILITY OF FUNDS.—Amounts made  
 2 available pursuant to this section and allocated in accord-  
 3 ance with this title in any fiscal year shall remain available  
 4 until expended.

5       **“SEC. 292. RELIGIOUS NONDISCRIMINATION; RESTRIC-**  
 6                   **TIONS ON USE OF AMOUNTS; PENALTIES.**

7       “(a) RELIGIOUS NONDISCRIMINATION.—The provi-  
 8 sions of section 104 of the Personal Responsibility and  
 9 Work Opportunity Reconciliation Act of 1996 (42 U.S.C.  
 10 604a) shall apply to a State or local government exercising  
 11 its authority to distribute grants to applicants under this  
 12 title.

13       “(b) RESTRICTIONS ON THE USE OF AMOUNTS.—

14               “(1) EXPERIMENTATION ON INDIVIDUALS.—

15                   “(A) IN GENERAL.—No amounts made  
 16 available to carry out this title may be used for  
 17 any biomedical or behavior control experimen-  
 18 tation on individuals or any research involving  
 19 such experimentation.

20                   “(B) DEFINITION OF BEHAVIOR CON-  
 21 TROL.—In this paragraph, the term ‘behavior  
 22 control’—

23                               “(i) means any experimentation or re-  
 24 search employing methods that—

1                   “(I) involve a substantial risk of  
2                   physical or psychological harm to the  
3                   individual subject; and

4                   “(II) are intended to modify or  
5                   alter criminal and other antisocial be-  
6                   havior, including aversive conditioning  
7                   therapy, drug therapy, chemotherapy  
8                   (except as part of routine clinical  
9                   care), physical therapy of mental dis-  
10                  orders, electroconvulsive therapy, or  
11                  physical punishment; and

12                  “(ii) does not include a limited class  
13                  of programs generally recognized as involv-  
14                  ing no such risk, including methadone  
15                  maintenance and certain substance abuse  
16                  treatment programs, psychological counsel-  
17                  ing, parent training, behavior contracting,  
18                  survival skills training, restitution, or com-  
19                  munity service, if safeguards are estab-  
20                  lished for the informed consent of subjects  
21                  (including parents or guardians of minors).

22                  “(2) PROHIBITION AGAINST PRIVATE AGENCY  
23                  USE OF AMOUNTS IN CONSTRUCTION.—

24                  “(A) IN GENERAL.—No amount made  
25                  available to any private agency or institution, or

1 to any individual, under this title (either di-  
2 rectly or through a State office) may be used  
3 for construction.

4 “(B) EXCEPTION.—The restriction in  
5 clause (i) shall not apply to any juvenile pro-  
6 gram in which training or experience in con-  
7 struction or renovation is used as a method of  
8 juvenile accountability or rehabilitation.

9 “(3) LOBBYING.—

10 “(A) IN GENERAL.—Except as provided in  
11 subparagraph (B), no amount made available  
12 under this title to any public or private agency,  
13 organization or institution, or to any individual  
14 shall be used to pay for any personal service,  
15 advertisement, telegram, telephone communica-  
16 tion, letter, printed or written matter, or other  
17 device intended or designed to influence a Mem-  
18 ber of Congress or any other Federal, State, or  
19 local elected official to favor or oppose any Act,  
20 bill, resolution, or other legislation, or any ref-  
21 erendum, initiative, constitutional amendment,  
22 or any other procedure of Congress, any State  
23 legislature, any local council, or any similar  
24 governing body.

1           “(B) EXCEPTION.—This paragraph does  
 2           not preclude the use of amounts made available  
 3           under this title in connection with communica-  
 4           tions to Federal, State, or local elected officials,  
 5           upon the request of such officials through prop-  
 6           er official channels, pertaining to authorization,  
 7           appropriation, or oversight measures directly af-  
 8           fecting the operation of the program involved.

9           “(4) LEGAL ACTION.—No amounts made avail-  
 10          able under this title to any public or private agency,  
 11          organization, institution, or to any individual, shall  
 12          be used in any way directly or indirectly to file an  
 13          action or otherwise take any legal action against any  
 14          Federal, State, or local agency, institution, or em-  
 15          ployee.

16          “(c) PENALTIES.—

17               “(1) IN GENERAL.—If any amounts are used  
 18               for the purposes prohibited in either paragraph (3)  
 19               or (4) of subsection (b), or in violation of subsection  
 20               (a)—

21                       “(A) funding for the agency, organization,  
 22                       institution, or individual at issue shall be imme-  
 23                       diately discontinued in whole or in part; and

24                       “(B) the agency, organization, institution,  
 25                       or individual using amounts for the purpose

1 prohibited in paragraph (3) or (4) of subsection  
 2 (b), or in violation of subsection (a), shall be  
 3 liable for reimbursement of all amounts granted  
 4 to the individual or entity for the fiscal year for  
 5 which the amounts were granted.

6 “(2) LIABILITY FOR EXPENSES AND DAM-  
 7 AGES.—In relation to a violation of subsection  
 8 (b)(4), the individual filing the lawsuit or responsible  
 9 for taking the legal action against the Federal,  
 10 State, or local agency or institution, or individual  
 11 working for the Government, shall be individually  
 12 liable for all legal expenses and any other expenses  
 13 of the Government agency, institution, or individual  
 14 working for the Government, including damages as-  
 15 sessed by the jury against the Government agency,  
 16 institution, or individual working for the Govern-  
 17 ment, and any punitive damages.

18 **“SEC. 293. ADMINISTRATIVE PROVISIONS.**

19 “(a) AUTHORITY OF ADMINISTRATOR.—The Office  
 20 shall be administered by the Administrator under the gen-  
 21 eral authority of the Attorney General.

22 “(b) APPLICABILITY OF CERTAIN CRIME CONTROL  
 23 PROVISIONS.—Sections 809(c), 811(a), 811(b), 811(c),  
 24 812(a), 812(b), and 812(d) of the Omnibus Crime Control  
 25 and Safe Streets Act of 1968 (42 U.S.C. 3789d(c),

1 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b),  
 2 3789g(d)) shall apply with respect to the administration  
 3 of and compliance with this title, except that for purposes  
 4 of this Act—

5 “(1) any reference to the Office of Justice Pro-  
 6 grams in such sections shall be considered to be a  
 7 reference to the Assistant Attorney General who  
 8 heads the Office of Justice Programs; and

9 “(2) the term ‘this title’ as it appears in such  
 10 sections shall be considered to be a reference to this  
 11 title.

12 “(c) APPLICABILITY OF CERTAIN OTHER CRIME  
 13 CONTROL PROVISIONS.—Sections 801(a), 801(c), and 806  
 14 of the Omnibus Crime Control and Safe Streets Act of  
 15 1968 (42 U.S.C. 3711(a), 3711(c), and 3787) shall apply  
 16 with respect to the administration of and compliance with  
 17 this title, except that, for purposes of this title—

18 “(1) any reference to the Attorney General, the  
 19 Assistant Attorney General who heads the Office of  
 20 Justice Programs, the Director of the National In-  
 21 stitute of Justice, the Director of the Bureau of Jus-  
 22 tice Statistics, or the Director of the Bureau of Jus-  
 23 tice Assistance shall be considered to be a reference  
 24 to the Administrator;

1           “(2) any reference to the Office of Justice Pro-  
 2           grams, the Bureau of Justice Assistance, the Na-  
 3           tional Institute of Justice, or the Bureau of Justice  
 4           Statistics shall be considered to be a reference to the  
 5           Office of Juvenile Crime Control and Prevention;  
 6           and

7           “(3) the term ‘this title’ as it appears in those  
 8           sections shall be considered to be a reference to this  
 9           title.

10          “(d) RULES, REGULATIONS, AND PROCEDURES.—  
 11          The Administrator may, after appropriate consultation  
 12          with representatives of States and units of local govern-  
 13          ment, and an opportunity for notice and comment in ac-  
 14          cordance with subchapter II of chapter 5 of title 5, United  
 15          States Code, establish such rules, regulations, and proce-  
 16          dures as are necessary for the exercise of the functions  
 17          of the Office and as are consistent with the purpose of  
 18          this Act.

19          “(e) WITHHOLDING.—The Administrator shall initi-  
 20          ate such proceedings as the Administrator determines to  
 21          be appropriate if the Administrator, after giving reason-  
 22          able notice and opportunity for hearing to a recipient of  
 23          financial assistance under this title, finds that—

24               “(1) the program or activity for which the  
 25               grant or contract involved was made has been so



1       changed that the program or activity no longer com-  
2       plies with this title; or

3               “(2) in the operation of such program or activ-  
4       ity there is failure to comply substantially with any  
5       provision of this title.”.

6       (b) REPEAL.—Title V of the Juvenile Justice and De-  
7       linquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.)  
8       is repealed.

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

10       (a) FINDINGS.—Section 302 of the Runaway and  
11       Homeless Youth Act (42 U.S.C. 5701) is amended—

12               (1) in paragraph (5), by striking “accurate re-  
13       porting of the problem nationally and to develop”  
14       and inserting “an accurate national reporting system  
15       to report the problem, and to assist in the develop-  
16       ment of”; and

17               (2) by striking paragraph (8) and inserting the  
18       following:

19               “(8) services for runaway and homeless youth  
20       are needed in urban, suburban and rural areas;”.

21       (b) AUTHORITY TO MAKE GRANTS FOR CENTERS  
22       AND SERVICES.—Section 311 of the Runaway and Home-  
23       less Youth Act (42 U.S.C. 5711) is amended—

24               (1) by striking subsection (a) and inserting the  
25       following:

1 “(a) GRANTS FOR CENTERS AND SERVICES.—

2 “(1) IN GENERAL.—The Secretary shall make  
3 grants to public and nonprofit private entities (and  
4 combinations of such entities) to establish and oper-  
5 ate (including renovation) local centers to provide  
6 services for runaway and homeless youth and for the  
7 families of such youth.

8 “(2) Such services—

9 “(A) shall be provided as an alternative to  
10 involving runaway and homeless youth in the  
11 law enforcement, child welfare, mental health,  
12 and juvenile justice systems;

13 “(B) shall include—

14 “(i) safe and appropriate shelter; and

15 “(ii) individual, family, and group  
16 counseling, as appropriate; and

17 “(C) may include—

18 “(i) street-based services;

19 “(ii) home-based services for families  
20 with youth at risk of separation from the  
21 family; and

22 “(iii) drug abuse education and pre-  
23 vention services.”;

24 (2) in subsection (b)(2), by striking “the Trust  
25 Territory of the Pacific Islands,”; and

1 (3) by striking subsections (c) and (d).

2 (c) ELIGIBILITY.—Section 312 of the Runaway and  
3 Homeless Youth Act (42 U.S.C. 5712) is amended—

4 (1) in subsection (b)—

5 (A) in paragraph (7), by striking “criminal  
6 charges against” and inserting “criminal or de-  
7 linquency charges against or the coordinated  
8 delivery of services to”;

9 (B) in paragraph (8), by striking “para-  
10 graph (6)” and inserting “paragraph (7)”;

11 (C) in paragraph (10), by striking “and”  
12 at the end;

13 (D) in paragraph (11), by striking the pe-  
14 riod at the end and inserting “; and”; and

15 (E) by adding at the end the following:

16 “(12) shall submit to the Secretary an annual  
17 report that includes, with respect to the year for  
18 which the report is submitted—

19 “(A) information regarding the activities  
20 carried out under this part;

21 “(B) the achievements of the project under  
22 this part carried out by the applicant; and

23 “(C) statistical summaries describing—

24 “(i) the number and the characteris-  
25 ties of the runaway and homeless youth,

1                   and youth at risk of family separation, who  
2                   participate in the project; and

3                   “(ii) the services provided to such  
4                   youth by the project.”; and

5                   (2) by striking subsections (c) and (d) and in-  
6                   serting the following:

7                   “(c) APPLICANTS PROVIDING STREET-BASED SERV-  
8 ICES.—To be eligible to use assistance under section  
9 311(a)(2)(C)(i) to provide street-based services, the appli-  
10 cant shall include in the plan required by subsection (b)  
11 assurances that in providing such services the applicant  
12 will—

13                   “(1) provide qualified supervision of staff, in-  
14 cluding on-street supervision by appropriately  
15 trained staff;

16                   “(2) provide backup personnel for on-street  
17 staff;

18                   “(3) provide initial and periodic training of  
19 staff who provide such services; and

20                   “(4) conduct outreach activities for runaway  
21 and homeless youth, and street youth.

22                   “(d) APPLICANTS PROVIDING HOME-BASED SERV-  
23 ICES.—To be eligible to use assistance under section  
24 311(a) to provide home-based services described in section  
25 311(a)(2)(C)(ii), an applicant shall include in the plan re-

1 quired by subsection (b) assurances that in providing such  
2 services the applicant will—

3 “(1) provide counseling and information to  
4 youth and the families (including unrelated individ-  
5 uals in the family households) of such youth, includ-  
6 ing services relating to basic life skills, interpersonal  
7 skill building, educational advancement, job attain-  
8 ment skills, mental and physical health care, parent-  
9 ing skills, financial planning, and referral to sources  
10 of other needed services;

11 “(2) provide directly, or through an arrange-  
12 ment made by the applicant, 24-hour service to re-  
13 spond to family crises (including immediate access to  
14 temporary shelter for runaway and homeless youth,  
15 and youth at risk of separation from the family);

16 “(3) establish, in partnership with the families  
17 of runaway and homeless youth, and youth at risk  
18 of separation from the family, objectives and meas-  
19 ures of success to be achieved as a result of receiv-  
20 ing home-based services;

21 “(4) provide initial and periodic training of  
22 staff who provide home-based services; and

23 “(5) ensure that—

24 “(A) caseloads will remain sufficiently low  
25 to allow for intensive (5 to 20 hours per week)

1 involvement with each family receiving such  
2 services; and

3 “(B) staff providing such services will re-  
4 ceive qualified supervision.

5 “(e) APPLICANTS PROVIDING DRUG ABUSE EDU-  
6 CATION AND PREVENTION SERVICES.—To be eligible to  
7 use assistance under section 311(a)(2)(C)(iii) to provide  
8 drug abuse education and prevention services, an appli-  
9 cant shall include in the plan required by subsection (b)—

10 “(1) a description of—

11 “(A) the types of such services that the ap-  
12 plicant proposes to provide;

13 “(B) the objectives of such services; and

14 “(C) the types of information and training  
15 to be provided to individuals providing such  
16 services to runaway and homeless youth; and

17 “(2) an assurance that in providing such serv-  
18 ices the applicant shall conduct outreach activities  
19 for runaway and homeless youth.”.

20 (d) APPROVAL OF APPLICATIONS.—Section 313 of  
21 the Runaway and Homeless Youth Act (42 U.S.C. 5713)  
22 is amended to read as follows:

23 **“SEC. 313. APPROVAL OF APPLICATIONS.**

24 “(a) IN GENERAL.—An application by a public or  
25 private entity for a grant under section 311(a) may be

1 approved by the Secretary after taking into consideration,  
 2 with respect to the State in which such entity proposes  
 3 to provide services under this part—

4 “(1) the geographical distribution in such State  
 5 of the proposed services under this part for which all  
 6 grant applicants request approval; and

7 “(2) which areas of such State have the great-  
 8 est need for such services.

9 “(b) PRIORITY.—In selecting applications for grants  
 10 under section 311(a), the Secretary shall give priority to—

11 “(1) eligible applicants who have demonstrated  
 12 experience in providing services to runaway and  
 13 homeless youth; and

14 “(2) eligible applicants that request grants of  
 15 less than \$200,000.”.

16 (e) AUTHORITY FOR TRANSITIONAL LIVING GRANT  
 17 PROGRAM.—Section 321 of the Runaway and Homeless  
 18 Youth Act (42 U.S.C. 5714–1) is amended—

19 (1) in the section heading, by striking “PUR-  
 20 POSE AND”;

21 (2) in subsection (a), by striking “(a)”; and

22 (3) by striking subsection (b).

23 (f) ELIGIBILITY.—Section 322(a)(9) of the Runaway  
 24 and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is

1 amended by inserting “, and the services provided to such  
2 youth by such project,” after “such project”.

3 (g) COORDINATION.—Section 341 of the Runaway  
4 and Homeless Youth Act (42 U.S.C. 5714–21) is amended  
5 to read as follows:

6 **“SEC. 341. COORDINATION.**

7 “With respect to matters relating to the health, edu-  
8 cation, employment, and housing of runaway and homeless  
9 youth, the Secretary—

10 (1) through the Administrator of the Office of  
11 Juvenile Crime Control and Prevention, shall coordi-  
12 nate the activities of agencies of the Department of  
13 Health and Human Services with activities under  
14 any other Federal juvenile crime control, prevention,  
15 and juvenile offender accountability program and  
16 with the activities of other Federal entities; and

17 (2) shall coordinate the activities of agencies of  
18 the Department of Health and Human Services with  
19 the activities of other Federal entities and with the  
20 activities of entities that are eligible to receive  
21 grants under this title.”.

22 (h) AUTHORITY TO MAKE GRANTS FOR RESEARCH,  
23 EVALUATION, DEMONSTRATION, AND SERVICE  
24 PROJECTS.—Section 343 of the Runaway and Homeless  
25 Youth Act (42 U.S.C. 5714–23) is amended—



1           (1) in the section heading, by inserting “EVAL-  
2           UATION,” after “RESEARCH,”;

3           (2) in subsection (a), by inserting “evaluation,”  
4           after “research,”; and

5           (3) in subsection (b)—

6                   (A) by striking paragraph (2); and

7                   (B) by redesignating paragraphs (3)  
8           through (10) as paragraphs (2) through (9), re-  
9           spectively.

10          (i) ASSISTANCE TO POTENTIAL GRANTEES.—Section  
11   371 of the Runaway and Homeless Youth Act (42 U.S.C.  
12   5714a) is amended by striking the last sentence.

13          (j) REPORTS.—Section 381 of the Runaway and  
14   Homeless Youth Act (42 U.S.C. 5715) is amended to read  
15   as follows:

16   **“SEC. 381. REPORTS.**

17          “(a) IN GENERAL.—Not later than April 1, 1999,  
18   and biennially thereafter, the Secretary shall submit, to  
19   the Committee on Education and the Workforce of the  
20   House of Representatives and the Committee on the Judi-  
21   ciary of the Senate, a report on the status, activities, and  
22   accomplishments of entities that receive grants under  
23   parts A, B, C, D, and E, with particular attention to—

24               “(1) in the case of centers funded under part  
25   A, the ability or effectiveness of such centers in—

1           “(A) alleviating the problems of runaway  
2           and homeless youth;

3           “(B) if applicable or appropriate, reuniting  
4           such youth with their families and encouraging  
5           the resolution of intrafamily problems through  
6           counseling and other services;

7           “(C) strengthening family relationships  
8           and encouraging stable living conditions for  
9           such youth; and

10          “(D) assisting such youth to decide upon a  
11          future course of action; and

12          “(2) in the case of projects funded under part

13          B—

14               “(A) the number and characteristics of  
15               homeless youth served by such projects;

16               “(B) the types of activities carried out by  
17               such projects;

18               “(C) the effectiveness of such projects in  
19               alleviating the problems of homeless youth;

20               “(D) the effectiveness of such projects in  
21               preparing homeless youth for self-sufficiency;

22               “(E) the effectiveness of such projects in  
23               assisting homeless youth to decide upon future  
24               education, employment, and independent living;

1           “(F) the ability of such projects to encour-  
2           age the resolution of intrafamily problems  
3           through counseling and development of self-suf-  
4           ficient living skills; and

5           “(G) activities and programs planned by  
6           such projects for the following fiscal year.

7           “(b) CONTENTS OF REPORTS.—The Secretary shall  
8           include in each report submitted under subsection (a),  
9           summaries of—

10           “(1) the evaluations performed by the Secretary  
11           under section 386; and

12           “(2) descriptions of the qualifications of, and  
13           training provided to, individuals involved in carrying  
14           out such evaluations.”.

15           (k) REPORTS.—Section 383 of the Runaway and  
16           Homeless Youth Act (42 U.S.C. 5731) is amended by  
17           striking “Records” and inserting “Except for the purposes  
18           of the disposition of criminal or delinquency charges  
19           against or the coordinated delivery of services to individual  
20           youths, records”.

21           (l) EVALUATION.—Section 384 of the Runaway and  
22           Homeless Youth Act (42 U.S.C. 5732) is amended to read  
23           as follows:

1 **“SEC. 384. EVALUATION AND INFORMATION.**

2 “(a) IN GENERAL.—If a grantee receives grants for  
3 3 consecutive fiscal years under part A, B, C, D, or E  
4 (in the alternative), then the Secretary shall evaluate such  
5 grantee on-site, not less frequently than once in the period  
6 of such 3 consecutive fiscal years, for purposes of—

7 “(1) determining whether such grants are being  
8 used for the purposes for which such grants are  
9 made by the Secretary;

10 “(2) collecting additional information for the re-  
11 port required by section 383; and

12 “(3) providing such information and assistance  
13 to such grantee as will enable such grantee to im-  
14 prove the operation of the centers, projects, and ac-  
15 tivities for which such grants are made.

16 “(b) COOPERATION.—Recipients of grants under this  
17 title shall cooperate with the Secretary’s efforts to carry  
18 out evaluations, and to collect information, under this  
19 title.”.

20 (m) AUTHORIZATION OF APPROPRIATIONS.—Section  
21 385 of the Runaway and Homeless Youth Act (42 U.S.C.  
22 5751) is amended to read as follows:

23 **“SEC. 389. AUTHORIZATION OF APPROPRIATIONS.**

24 “(a) IN GENERAL.—

25 “(1) AUTHORIZATION.—There is authorized to  
26 be appropriated to carry out this title (other than

part E) such sums as may be necessary for fiscal years 1999, 2000, 2001, 2002, 2003, and 2004.

“(2) ALLOCATION.—

“(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

“(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

“(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

“(b) SEPARATE IDENTIFICATION REQUIRED.—

No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.”.

(n) SEXUAL ABUSE PREVENTION PROGRAM.—

1           (1) AUTHORITY FOR PROGRAM.—The Runaway  
2           and Homeless Youth Act (42 U.S.C. 5701 et seq.)  
3           is amended—

4                       (A) by striking the heading for part F;

5                       (B) by redesignating part E as part F; and

6                       (C) by inserting after part D the following:

7           **“PART E—SEXUAL ABUSE PREVENTION**

8                               **PROGRAM**

9           **“SEC. 351. AUTHORITY TO MAKE GRANTS.**

10           “(a) IN GENERAL.—The Secretary may make grants  
11           to nonprofit private agencies for the purpose of providing  
12           street-based services to runaway and homeless, and street  
13           youth, who have been subjected to, or are at risk of being  
14           subjected to, sexual abuse, prostitution, or sexual exploi-  
15           tation.

16           “(b) PRIORITY.—In selecting applicants to receive  
17           grants under subsection (a), the Secretary shall give prior-  
18           ity to nonprofit private agencies that have experience in  
19           providing services to runaway and homeless, and street  
20           youth.”.

21           (2) AUTHORIZATION OF APPROPRIATIONS.—

22           Section 389(a) of the Runaway and Homeless Youth  
23           Act (42 U.S.C. 5751), as amended by subsection  
24           (m) of this section, is amended by adding at the end  
25           the following:

1       “(4) PART E.—There is authorized to be appro-  
 2       priated to carry out part E such sums as may be necessary  
 3       for fiscal years 1999, 2000, 2001, 2002, 2003, and  
 4       2004.”.

5       (o) CONSOLIDATED REVIEW OF APPLICATIONS.—  
 6       The Runaway and Homeless Youth Act (42 U.S.C. 5701  
 7       et seq.) is amended by inserting after section 384 the fol-  
 8       lowing:

9       **“SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.**

10       “With respect to funds available to carry out parts  
 11       A, B, C, D, and E, nothing in this title shall be construed  
 12       to prohibit the Secretary from—

13               “(1) announcing, in a single announcement, the  
 14       availability of funds for grants under 2 or more of  
 15       such parts; and

16               “(2) reviewing applications for grants under 2  
 17       or more of such parts in a single, consolidated appli-  
 18       cation review process.”.

19       (p) DEFINITIONS.—The Runaway and Homeless  
 20       Youth Act (42 U.S.C. 5701 et seq.) is amended by insert-  
 21       ing after section 385, as added by subsection (o) of this  
 22       section, the following:

23       **“SEC. 386. DEFINITIONS.**

24       “In this title:

1           “(1) DRUG ABUSE EDUCATION AND PREVEN-  
2           TION SERVICES.—The term ‘drug abuse education  
3           and prevention services’—

4                   “(A) means services to runaway and home-  
5           less youth to prevent or reduce the illicit use of  
6           drugs by such youth; and

7                   “(B) may include—

8                           “(i) individual, family, group, and  
9                           peer counseling;

10                           “(ii) drop-in services;

11                           “(iii) assistance to runaway and  
12                           homeless youth in rural areas (including  
13                           the development of community support  
14                           groups);

15                           “(iv) information and training relating  
16                           to the illicit use of drugs by runaway and  
17                           homeless youth, to individuals involved in  
18                           providing services to such youth; and

19                           “(v) activities to improve the availabil-  
20                           ity of local drug abuse prevention services  
21                           to runaway and homeless youth.

22           “(2) HOME-BASED SERVICES.—The term  
23           ‘home-based services’—

24                   “(A) means services provided to youth and  
25           their families for the purpose of—



1 “(i) preventing such youth from run-  
 2 ning away, or otherwise becoming sepa-  
 3 rated, from their families; and

4 “(ii) assisting runaway youth to re-  
 5 turn to their families; and

6 “(B) includes services that are provided in  
 7 the residences of families (to the extent prac-  
 8 ticable), including—

9 “(i) intensive individual and family  
 10 counseling; and

11 “(ii) training relating to life skills and  
 12 parenting.

13 “(3) HOMELESS YOUTH.—The term ‘homeless  
 14 youth’ means an individual—

15 “(A) who is—

16 “(i) not more than 21 years of age;  
 17 and

18 “(ii) for the purposes of part B, not  
 19 less than 16 years of age;

20 “(B) for whom it is not possible to live in  
 21 a safe environment with a relative; and

22 “(C) who has no other safe alternative liv-  
 23 ing arrangement.

24 “(4) STREET-BASED SERVICES.—The term  
 25 ‘street-based services’—

1           “(A) means services provided to runaway  
2           and homeless youth, and street youth, in areas  
3           where they congregate, designed to assist such  
4           youth in making healthy personal choices re-  
5           garding where they live and how they behave;  
6           and

7           “(B) may include—

8                   “(i) identification of and outreach to  
9                   runaway and homeless youth, and street  
10                  youth;

11                  “(ii) crisis intervention and counsel-  
12                  ing;

13                  “(iii) information and referral for  
14                  housing;

15                  “(iv) information and referral for  
16                  transitional living and health care services;

17                  “(v) advocacy, education, and preven-  
18                  tion services related to—

19                          “(I) alcohol and drug abuse;

20                          “(II) sexual exploitation;

21                          “(III) sexually transmitted dis-  
22                          eases, including human immuno-  
23                          deficiency virus (HIV); and

24                          “(IV) physical and sexual as-  
25                          sault.

1           “(5) STREET YOUTH.—The term ‘street youth’  
2 means an individual who—

3           “(A) is—

4           “(i) a runaway youth; or

5           “(ii) indefinitely or intermittently a  
6 homeless youth; and

7           “(B) spends a significant amount of time  
8 on the street or in other areas that increase the  
9 risk to such youth for sexual abuse, sexual ex-  
10 ploitation, prostitution, or drug abuse.

11          “(6) TRANSITIONAL LIVING YOUTH PROJECT.—  
12 The term ‘transitional living youth project’ means a  
13 project that provides shelter and services designed to  
14 promote a transition to self-sufficient living and to  
15 prevent long-term dependency on social services.

16          “(7) YOUTH AT RISK OF SEPARATION FROM  
17 THE FAMILY.—The term ‘youth at risk of separation  
18 from the family’ means an individual—

19           “(A) who is less than 18 years of age; and

20           “(B)(i) who has a history of running away  
21 from the family of such individual;

22           “(ii) whose parent, guardian, or custodian  
23 is not willing to provide for the basic needs of  
24 such individual; or

1           “(iii) who is at risk of entering the child  
2           welfare system or juvenile justice system as a  
3           result of the lack of services available to the  
4           family to meet such needs.”.

5           (q) REDESIGNATION OF SECTIONS.—Sections 371,  
6 372, 381, 382, 383, 384, 385, and 386 of the Runaway  
7 and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.),  
8 as amended by this title, are redesignated as sections 381,  
9 382, 383, 384, 385, 386, 387, and 388, respectively.

10          (r) TECHNICAL AMENDMENT.—Section 331 of the  
11 Runaway and Homeless Youth Act (42 U.S.C. 5701 et  
12 seq.) is amended in the first sentence by striking “With”  
13 and all that follows through “the Secretary”, and inserting  
14 “The Secretary”.

15 **SEC. 304. NATIONAL CENTER FOR MISSING AND EXPLOITED**  
16 **CHILDREN.**

17          (a) FINDINGS.—Section 402 of the Missing Chil-  
18 dren’s Assistance Act (42 U.S.C. 5771) is amended—

19           (1) in paragraph (7), by striking “and” at the  
20           end;

21           (2) in paragraph (8), by striking the period at  
22           the end and inserting “; and”; and

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

24           “(9) for 14 years, the National Center for Miss-  
25           ing and Exploited Children has—

1           “(A) served as the national resource center  
2           and clearinghouse congressionally mandated  
3           under the provisions of the Missing Children’s  
4           Assistance Act of 1984; and

5           “(B) worked in partnership with the De-  
6           partment of Justice, the Federal Bureau of In-  
7           vestigation, the Department of the Treasury,  
8           the Department of State, and many other agen-  
9           cies in the effort to find missing children and  
10          prevent child victimization;

11          “(10) Congress has given the Center, which is  
12          a private non-profit corporation, access to the Na-  
13          tional Crime Information Center of the Federal Bu-  
14          reau of Investigation, and the National Law En-  
15          forcement Telecommunications System;

16          “(11) since 1987, the Center has operated the  
17          National Child Pornography Tipline, in conjunction  
18          with the United States Customs Service and the  
19          United States Postal Inspection Service and, begin-  
20          ning this year, the Center established a new  
21          CyberTipline on child exploitation, thus becoming  
22          ‘the 911 for the Internet’;

23          “(12) in light of statistics that time is of the es-  
24          sence in cases of child abduction, the Director of the  
25          Federal Bureau of Investigation in February of

1       1997 created a new NCIC child abduction (‘CA’)  
2       flag to provide the Center immediate notification in  
3       the most serious cases, resulting in 642 ‘CA’ notifi-  
4       cations to the Center and helping the Center to have  
5       its highest recovery rate in history;

6               “(13) the Center has established a national and  
7       increasingly worldwide network, linking the Center  
8       online with each of the missing children clearing-  
9       houses operated by the 50 States, the District of Co-  
10      lumbia, and Puerto Rico, as well as with Scotland  
11      Yard in the United Kingdom, the Royal Canadian  
12      Mounted Police, INTERPOL headquarters in Lyon,  
13      France, and others, which has enabled the Center to  
14      transmit images and information regarding missing  
15      children to law enforcement across the United States  
16      and around the world instantly;

17              “(14) from its inception in 1984 through March  
18      31, 1998, the Center has—

19                      “(A) handled 1,203,974 calls through its  
20                      24-hour toll-free hotline (1-800-THE-LOST)  
21                      and currently averages 700 calls per day;

22                      “(B) trained 146,284 law enforcement,  
23                      criminal and juvenile justice, and healthcare  
24                      professionals in child sexual exploitation and

1 missing child case detection, identification, in-  
2 vestigation, and prevention;

3 “(C) disseminated 15,491,344 free publica-  
4 tions to citizens and professionals; and

5 “(D) worked with law enforcement on the  
6 cases of 59,481 missing children, resulting in  
7 the recovery of 40,180 children;

8 “(15) the demand for the services of the Center  
9 is growing dramatically, as evidenced by the fact  
10 that in 1997, the Center handled 129,100 calls, an  
11 all-time record, and by the fact that its new Internet  
12 website ([www.missingkids.com](http://www.missingkids.com)) receives 1,500,000  
13 ‘hits’ every day, and is linked with hundreds of other  
14 websites to provide real-time images of breaking  
15 cases of missing children;

16 “(16) in 1997, the Center provided policy train-  
17 ing to 256 police chiefs and sheriffs from 50 States  
18 and Guam at its new Jimmy Ryce Law Enforcement  
19 Training Center;

20 “(17) the programs of the Center have had a  
21 remarkable impact, such as in the fight against in-  
22 fant abductions in partnership with the healthcare  
23 industry, during which the Center has performed  
24 668 onsite hospital walk-throughs and inspections,  
25 and trained 45,065 hospital administrators, nurses,

1 and security personnel, and thereby helped to reduce  
2 infant abductions in the United States by 82 per-  
3 cent;

4 “(18) the Center is now playing a significant  
5 role in international child abduction cases, serving as  
6 a representative of the Department of State at cases  
7 under The Hague Convention, and successfully re-  
8 solving the cases of 343 international child abduc-  
9 tions, and providing greater support to parents in  
10 the United States;

11 “(19) the Center is a model of public/private  
12 partnership, raising private sector funds to match  
13 congressional appropriations and receiving extensive  
14 private in-kind support, including advanced tech-  
15 nology provided by the computer industry such as  
16 imaging technology used to age the photographs of  
17 long-term missing children and to reconstruct facial  
18 images of unidentified deceased children;

19 “(20) the Center was 1 of only 10 of 300 major  
20 national charities given an A+ grade in 1997 by the  
21 American Institute of Philanthropy; and

22 “(21) the Center has been redesignated as the  
23 Nation’s missing children clearinghouse and resource  
24 center once every 3 years through a competitive se-  
25 lection process conducted by the Office of Juvenile



1 Justice and Delinquency Prevention of the Depart-  
 2 ment of Justice, and has received grants from that  
 3 Office to conduct the crucial purposes of the Cen-  
 4 ter.”.

5 (b) DEFINITIONS.—Section 403 of the Missing Chil-  
 6 dren’s Assistance Act (42 U.S.C. 5772) is amended—

7 (1) in paragraph (1), by striking “and” at the  
 8 end;

9 (2) in paragraph (2), by striking the period at  
 10 the end and inserting “; and”; and

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

12 “(3) the term ‘Center’ means the National Cen-  
 13 ter for Missing and Exploited Children.”.

14 (c) DUTIES AND FUNCTIONS OF THE ADMINIS-  
 15 TRATOR.—Section 404 of the Missing Children’s Assist-  
 16 ance Act (42 U.S.C. 5773) is amended—

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

19 (2) by striking subsection (b) and inserting the  
 20 following:

21 “(b) ANNUAL GRANT TO NATIONAL CENTER FOR  
 22 MISSING AND EXPLOITED CHILDREN.—

23 “(1) IN GENERAL.—The Administrator shall  
 24 annually make a grant to the National Center for

1 Missing and Exploited Children, which shall be used  
2 to—

3 “(A)(i) operate a national 24-hour toll-free  
4 telephone line by which individuals may report  
5 information regarding the location of any miss-  
6 ing child, or other child 13 years of age or  
7 younger whose whereabouts are unknown to  
8 such child’s legal custodian, and request infor-  
9 mation pertaining to procedures necessary to  
10 reunite such child with such child’s custo-  
11 dian; and

12 “(ii) coordinate the operation of such tele-  
13 phone line with the operation of the national  
14 communications system referred to in part C of  
15 the Runaway and Homeless Youth Act (42  
16 U.S.C. 5714–11);

17 “(B) operate the official national resource  
18 center and information clearinghouse for miss-  
19 ing and exploited children;

20 “(C) provide to State and local govern-  
21 ments, public and private nonprofit agencies,  
22 and individuals, information regarding—

23 “(i) free or low-cost legal, restaurant,  
24 lodging, and transportation services that

1           are available for the benefit of missing and  
2           exploited children and their families; and

3           “(ii) the existence and nature of pro-  
4           grams being carried out by Federal agen-  
5           cies to assist missing and exploited chil-  
6           dren and their families;

7           “(D) coordinate public and private pro-  
8           grams that locate, recover, or reunite missing  
9           children with their families;

10          “(E) disseminate, on a national basis, in-  
11          formation relating to innovative and model pro-  
12          grams, services, and legislation that benefit  
13          missing and exploited children;

14          “(F) provide technical assistance and  
15          training to law enforcement agencies, State and  
16          local governments, elements of the criminal jus-  
17          tice system, public and private nonprofit agen-  
18          cies, and individuals in the prevention, inves-  
19          tigation, prosecution, and treatment of cases in-  
20          volving missing and exploited children; and

21          “(G) provide assistance to families and law  
22          enforcement agencies in locating and recovering  
23          missing and exploited children, both nationally  
24          and internationally.

1           “(2) AUTHORIZATION OF APPROPRIATIONS.—

2       There is authorized to be appropriated to the Ad-  
3       ministrator to carry out this subsection,  
4       \$10,000,000 for each of fiscal years 1999, 2000,  
5       2001, 2002, 2003, and 2004.

6       “(c) NATIONAL INCIDENCE STUDIES.—The Adminis-  
7       trator, either by making grants to or entering into con-  
8       tracts with public agencies or nonprofit private agencies,  
9       shall—

10           “(1) periodically conduct national incidence  
11       studies to determine for a given year the actual  
12       number of children reported missing each year, the  
13       number of children who are victims of abduction by  
14       strangers, the number of children who are the vic-  
15       tims of parental kidnappings, and the number of chil-  
16       dren who are recovered each year; and

17           “(2) provide to State and local governments,  
18       public and private nonprofit agencies, and individ-  
19       uals information to facilitate the lawful use of school  
20       records and birth certificates to identify and locate  
21       missing children.”.

22       (d) NATIONAL CENTER FOR MISSING AND EX-  
23       PLOITED CHILDREN.—Section 405(a) of the Missing Chil-  
24       dren’s Assistance Act (42 U.S.C. 5775(a)) is amended by

1 inserting “the National Center for Missing and Exploited  
2 Children and with” before “public agencies”.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
4 408 of the Missing Children’s Assistance Act (42 U.S.C.  
5 5777) is amended by striking “1997 through 2001” and  
6 inserting “1999 through 2004”.

7 (f) REPEAL OF OBSOLETE REPORTING REQUIRE-  
8 MENTS.—Section 409 of the Missing Children’s Assistance  
9 Act (42 U.S.C. 5778) is repealed.

10 **SEC. 305. TRANSFER OF FUNCTIONS AND SAVINGS PROVI-**  
11 **SIONS.**

12 (a) DEFINITIONS.—In this section, unless otherwise  
13 provided or indicated by the context:

14 (1) ADMINISTRATOR.—The term “Adminis-  
15 trator” means the Administrator of the Office of Ju-  
16 venile Crime Control and Prevention established by  
17 operation of subsection (b).

18 (2) ADMINISTRATOR OF THE OFFICE.—The  
19 term “Administrator of the Office” means the Ad-  
20 ministrator of the Office of Juvenile Justice and De-  
21 linquency Prevention.

22 (3) BUREAU OF JUSTICE ASSISTANCE.—The  
23 term “Bureau of Justice Assistance” means the bu-  
24 reau established under section 401 of title I of the

1 Omnibus Crime Control and Safe Streets Act of  
2 1968.

3 (4) FEDERAL AGENCY.—The term “Federal  
4 agency” has the meaning given the term “agency”  
5 by section 551(1) of title 5, United States Code.

6 (5) FUNCTION.—The term “function” means  
7 any duty, obligation, power, authority, responsibility,  
8 right, privilege, activity, or program.

9 (6) OFFICE OF JUVENILE CRIME CONTROL AND  
10 PREVENTION.—The term “Office of Juvenile Crime  
11 Control and Prevention” means the office estab-  
12 lished by operation of subsection (b).

13 (7) OFFICE OF JUVENILE JUSTICE AND DELIN-  
14 QUENCY PREVENTION.—The term “Office of Juve-  
15 nile Justice and Delinquency Prevention” means the  
16 Office of Juvenile Justice and Delinquency Preven-  
17 tion of the Department of Justice, established by  
18 section 201 of the Juvenile Justice and Delinquency  
19 Prevention Act of 1974, as in effect on the day be-  
20 fore the date of enactment of this Act.

21 (8) OFFICE.—The term “office” includes any  
22 office, administration, agency, institute, unit, organi-  
23 zational entity, or component thereof.

24 (b) TRANSFER OF FUNCTIONS.—There are trans-  
25 ferred to the Office of Juvenile Crime Control and Preven-

tion all functions that the Administrator of the Office exercised before the date of enactment of this Act (including all related functions of any officer or employee of the Office of Juvenile Justice and Delinquency Prevention), and authorized after the date of enactment of this Act, relating to carrying out the Juvenile Justice and Delinquency Prevention Act of 1974.

(c) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other amounts employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Office of Juvenile Crime Control and Prevention.

(2) UNEXPENDED AMOUNTS.—Any unexpended amounts transferred pursuant to this subsection shall be used only for the purposes for which the amounts were originally authorized and appropriated.

1 (d) INCIDENTAL TRANSFERS.—

2 (1) IN GENERAL.—The Director of the Office of  
3 Management and Budget, at such time or times as  
4 the Director of that Office shall provide, may make  
5 such determinations as may be necessary with re-  
6 gard to the functions transferred by this section, and  
7 to make such additional incidental dispositions of  
8 personnel, assets, liabilities, grants, contracts, prop-  
9 erty, records, and unexpended balances of appropria-  
10 tions, authorizations, allocations, and other amounts  
11 held, used, arising from, available to, or to be made  
12 available in connection with such functions, as may  
13 be necessary to carry out this section.

14 (2) TERMINATION OF AFFAIRS.—The Director  
15 of the Office of Management and Budget shall pro-  
16 vide for the termination of the affairs of all entities  
17 terminated by this section and for such further  
18 measures and dispositions as may be necessary to ef-  
19 fectuate the purposes of this section.

20 (e) EFFECT ON PERSONNEL.—

21 (1) IN GENERAL.—Except as otherwise pro-  
22 vided by this section, the transfer pursuant to this  
23 section of full-time personnel (except special Govern-  
24 ment employees) and part-time personnel holding  
25 permanent positions shall not cause any such em-



1        ployee to be separated or reduced in grade or com-  
2        pensation for 1 year after the date of transfer of  
3        such employee under this section.

4            (2) EXECUTIVE SCHEDULE POSITIONS.—Except  
5        as otherwise provided in this section, any person  
6        who, on the day before the date of enactment of this  
7        Act, held a position compensated in accordance with  
8        the Executive Schedule prescribed in chapter 53 of  
9        title 5, United States Code, and who, without a  
10       break in service, is appointed in the Office of Juve-  
11       nile Crime Control and Prevention to a position hav-  
12       ing duties comparable to the duties performed imme-  
13       diately preceding such appointment shall continue to  
14       be compensated in such new position at not less  
15       than the rate provided for such previous position, for  
16       the duration of the service of such person in such  
17       new position.

18           (3) TRANSITION RULE.—The incumbent Ad-  
19        ministrator of the Office as of the date immediately  
20        preceding the date of enactment of this Act shall  
21        continue to serve as Administrator after the date of  
22        enactment of this Act until such time as the incum-  
23        bent resigns, is relieved of duty by the President, or  
24        an Administrator is appointed by the President, by  
25        and with the advice and consent of the Senate.

1 (f) SAVINGS PROVISIONS.—

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

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

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

23 (2) PROCEEDINGS NOT AFFECTED.—

24 (A) IN GENERAL.—This section shall not  
25 affect any proceedings, including notices of pro-

1 posed rulemaking, or any application for any li-  
2 cense, permit, certificate, or financial assistance  
3 pending before the Office of Juvenile Justice  
4 and Delinquency Prevention on the date on  
5 which this section takes effect, with respect to  
6 functions transferred by this section but such  
7 proceedings and applications shall be continued.

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

18 (C) DISCONTINUANCE OR MODIFICA-  
19 TION.—Nothing in this paragraph shall be con-  
20 strued to prohibit the discontinuance or modi-  
21 fication of any such proceeding under the same  
22 terms and conditions and to the same extent  
23 that such proceeding could have been discon-  
24 tinued or modified if this paragraph had not  
25 been enacted.

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

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

15          (5) ADMINISTRATIVE ACTIONS RELATING TO  
16          PROMULGATION OF REGULATIONS.—Any administra-  
17          tive action relating to the preparation or promulga-  
18          tion of a regulation by the Office of Juvenile Justice  
19          and Delinquency Prevention relating to a function  
20          transferred under this section may be continued, to  
21          the extent authorized by this section, by the Office  
22          of Juvenile Crime Control and Prevention with the  
23          same effect as if this section had not been enacted.

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

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

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

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

12           (1) the Administrator of the Office of Juvenile  
13          Justice and Delinquency Prevention with regard to  
14          functions transferred by operation of subsection (b),  
15          shall be considered to refer to the Administrator of  
16          the Office of Juvenile Crime Control and Prevention;  
17          and

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

23          (i) TECHNICAL AND CONFORMING AMENDMENTS.—

24           (1) Section 5315 of title 5, United States Code,  
25          is amended by striking “Administrator, Office of Ju-

1       venile Justice and Delinquency Prevention” and in-  
2       serting “Administrator, Office of Juvenile Crime  
3       Control and Prevention”.

4           (2) Section 4351(b) of title 18, United States  
5       Code, is amended by striking “Office of Juvenile  
6       Justice and Delinquency Prevention” and inserting  
7       “Office of Juvenile Crime Control and Prevention”.

8           (3) Subsections (a)(1) and (c) of section 3220  
9       of title 39, United States Code, are each amended  
10      by striking “Office of Juvenile Justice and Delin-  
11      quency Prevention” each place it appears and insert-  
12      ing “Office of Juvenile Crime Control and Preven-  
13      tion”.

14          (4) Section 463(f) of the Social Security Act  
15      (42 U.S.C. 663(f)) is amended by striking “Office of  
16      Juvenile Justice and Delinquency Prevention” and  
17      inserting “Office of Juvenile Crime Control and Pre-  
18      vention”.

19          (5) Sections 801(a), 804, 805, and 813 of title  
20      I of the Omnibus Crime Control and Safe Streets  
21      Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786,  
22      3789i) are amended by striking “Office of Juvenile  
23      Justice and Delinquency Prevention” each place it  
24      appears and inserting “Office of Juvenile Crime  
25      Control and Prevention”.

1           (6) The Victims of Child Abuse Act of 1990  
2       (42 U.S.C. 13001 et seq.) is amended—

3           (A) in section 214(b)(1) by striking “262,  
4       293, and 296 of subpart II of title II” and in-  
5       serting “299B and 299E”;

6           (B) in section 214A(c)(1) by striking  
7       “262, 293, and 296 of subpart II of title II”  
8       and inserting “299B and 299E”;

9           (C) in sections 217 and 222 by striking  
10       “Office of Juvenile Justice and Delinquency  
11       Prevention” each place it appears and inserting  
12       “Office of Juvenile Crime Control and Preven-  
13       tion”; and

14          (D) in section 223(c) by striking “section  
15       262, 293, and 296” and inserting “sections  
16       262, 299B, and 299E”.

17       (7) The Missing Children’s Assistance Act (42  
18       U.S.C. 5771 et seq.) is amended—

19          (A) in section 403(2) by striking “Justice  
20       and Delinquency Prevention” and inserting  
21       “Crime Control and Delinquency Prevention”;  
22       and

23          (B) in subsections (a)(5)(E) and (b)(1)(B)  
24       of section 404 by striking “section 313” and in-  
25       serting “section 331”.

1           (8) The Crime Control Act of 1990 (42 U.S.C.  
2       13001 et seq.) is amended—

3           (A) in section 217(c)(1) by striking “sec-  
4       tions 262, 293, and 296 of subpart II of title  
5       II” and inserting “sections 299B and 299E”;  
6       and

7           (B) in section 223(c) by striking “section  
8       262, 293, and 296 of title II” and inserting  
9       “sections 299B and 299E”.

10       (j) REFERENCES.—In any Federal law (excluding  
11   this Act and the Acts amended by this Act), Executive  
12   order, rule, regulation, order, delegation of authority,  
13   grant, contract, suit, or document a reference to the Office  
14   of Juvenile Justice and Delinquency Prevention shall be  
15   deemed to include a reference to the Office of Juvenile  
16   Crime Control and Prevention.

17   **Subtitle B—Accountability for Ju-**  
18   **venile Offenders and Public**  
19   **Protection Incentive Grants**

20   **SEC. 321. BLOCK GRANT PROGRAM.**

21       (a) IN GENERAL.—Part R of title I of the Omnibus  
22   Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
23   3796 et seq.) is amended to read as follows:



1     **“PART R—JUVENILE ACCOUNTABILITY BLOCK**

2                             **GRANTS**

3     **“SEC. 1801. PROGRAM AUTHORIZED.**

4             “(a) IN GENERAL.—The Attorney General shall  
 5 make, subject to the availability of appropriations, grants  
 6 to States for use by States and units of local government  
 7 in planning, establishing, operating, coordinating, and  
 8 evaluating projects, directly or through grants and con-  
 9 tracts with public and private agencies, for the develop-  
 10 ment of more effective investigation, prosecution, and pun-  
 11 ishment (including the imposition of graduated sanctions)  
 12 of crimes or acts of delinquency committed by juveniles,  
 13 programs to improve the administration of justice for and  
 14 ensure accountability by juvenile offenders, and programs  
 15 to reduce the risk factors (such as truancy, drug or alcohol  
 16 use, and gang involvement) associated with juvenile crime  
 17 or delinquency.

18             “(b) USE OF GRANTS.—Grants under this section  
 19 may be used by States and units of local government—

20                     “(1) for programs to enhance the identification,  
 21 investigation, prosecution, and punishment of juve-  
 22 nile offenders, such as—

23                             “(A) the utilization of graduated sanctions;

24                             “(B) the utilization of short-term confine-  
 25 ment of juvenile offenders;

1           “(C) the incarceration of violent juvenile  
2 offenders for extended periods of time;

3           “(D) the hiring of juvenile prosecutors, ju-  
4 venile public defenders, juvenile judges, juvenile  
5 probation officers, and juvenile correctional offi-  
6 cers to implement policies to control juvenile  
7 crime and ensure accountability of juvenile of-  
8 fenders; and

9           “(E) the development and implementation  
10 of coordinated, multi-agency systems for—

11           “(i) the comprehensive and coordi-  
12 nated booking, identification, and assess-  
13 ment of juveniles arrested or detained by  
14 law enforcement agencies, including the  
15 utilization of multi-agency facilities such as  
16 juvenile assessment centers; and

17           “(ii) the coordinated delivery of sup-  
18 port services for juveniles who have had or  
19 are at risk for contact with the juvenile or  
20 criminal systems, including utilization of  
21 court-established local service delivery  
22 councils;

23           “(2) for programs that require juvenile offend-  
24 ers to make restitution to the victims of offenses  
25 committed by those juvenile offenders;

1           “(3) for programs that require juvenile offend-  
2           ers to attend and successfully complete school or vo-  
3           cational training as part of a sentence imposed by  
4           a court;

5           “(4) for programs that require juvenile offend-  
6           ers who are parents to demonstrate parental respon-  
7           sibility by working and paying child support;

8           “(5) for programs that seek to curb or punish  
9           truancy;

10          “(6) for programs designed to collect, record,  
11          retain, and disseminate information useful in the  
12          identification, prosecution, and sentencing of juvenile  
13          offenders, such as criminal history information, fin-  
14          gerprints, DNA tests, and ballistics tests;

15          “(7) for the development and implementation of  
16          coordinated multijurisdictional or multiagency pro-  
17          grams for the identification, control, supervision,  
18          prevention, investigation, and treatment of the most  
19          serious juvenile offenses and offenders, popularly  
20          known as a ‘SHOCAP Program’ (Serious Habitual  
21          Offenders Comprehensive Action Program);

22          “(8) for the development and implementation of  
23          coordinated multijurisdictional or multiagency pro-  
24          grams for the identification, control, supervision,

1 prevention, investigation, and disruption of youth  
2 gangs;

3 “(9) for the construction or remodeling of  
4 short- and long-term facilities for juvenile offenders;

5 “(10) for the development and implementation  
6 of technology, equipment, training programs for ju-  
7 venile crime control, for law enforcement officers,  
8 judges, prosecutors, probation officers, and other  
9 court personnel who are employed by State and local  
10 governments, in furtherance of the purposes identi-  
11 fied in this section; and

12 “(11) for programs to seek to target, curb, and  
13 punish adults who knowingly and intentionally use a  
14 juvenile during the commission or attempted com-  
15 mission of a crime, including programs that specifi-  
16 cally provide for additional punishments or sentence  
17 enhancements for adults who knowingly and inten-  
18 tionally use a juvenile during the commission or at-  
19 tempted commission of a crime.

20 “(c) REQUIREMENTS.—To be eligible to receive an in-  
21 centive grant under this section, a State shall submit to  
22 the Attorney General an application, in such form as shall  
23 be prescribed by the Attorney General, which shall contain  
24 assurances that, not later than 1 year after the date on  
25 which the State submits such application—

1           “(1) the State has established or will establish  
 2           a system of graduated sanctions for juvenile offend-  
 3           ers that ensures appropriate sanctions, which are  
 4           graduated to reflect the severity or repeated nature  
 5           of violations, for each act of delinquency;

6           “(2) the State has established or will establish  
 7           a policy of drug testing (including followup testing)  
 8           juvenile offenders upon their arrest for any offense  
 9           within an appropriate category of offenses des-  
 10          ignated by the chief executive officer of the State;  
 11          and

12          “(3) the State has an established policy rec-  
 13          ognizing the rights and needs of victims of crimes  
 14          committed by juveniles.

15          “(d) ALLOCATION AND DISTRIBUTION OF STATE  
 16          GRANTS.—

17               “(1) IN GENERAL.—

18                   “(A) STATE AND LOCAL DISTRIBUTION.—

19                   Subject to subparagraph (B), of amounts made  
 20                   available to the State, 30 percent may be re-  
 21                   tained by the State for use pursuant to para-  
 22                   graph (2) and 70 percent shall be reserved by  
 23                   the State for local distribution pursuant to  
 24                   paragraph (3).

1           “(B) SPECIAL RULE.—The Attorney Gen-  
2           eral may waive the requirements of this para-  
3           graph with respect to any State in which the  
4           criminal and juvenile justice services for delin-  
5           quent or other youth are organized primarily on  
6           a statewide basis, in which case not more than  
7           50 percent of funds shall be made available to  
8           all units of local government in that State pur-  
9           suant to paragraph (3).

10          “(2) OTHER DISTRIBUTION.—Of amounts re-  
11          tained by the State under paragraph (1) not less  
12          than 50 percent shall be designated for—

13               “(A) programs pursuant to paragraph (1)  
14               or (9) of subsection (b), except that if the State  
15               designates any amounts for purposes of con-  
16               struction or remodeling of short- or long-term  
17               facilities pursuant to subsection (b)(9), such  
18               amounts shall constitute not more than 50 per-  
19               cent of the estimated construction or remodel-  
20               ing cost and that no funds expended pursuant  
21               to this subparagraph may be used for the incar-  
22               ceration of any offender who was more than 21  
23               years of age at the time of the offense, and no  
24               funds expended pursuant to this subparagraph  
25               may be used for construction, renovation, or ex-

1           pansion of facilities for such offenders, except  
2           that funds may be used to construct juvenile fa-  
3           cilities collocated with adult facilities; or

4           “(B) drug testing upon arrest for any of-  
5           fense within the category of offenses designated  
6           pursuant to subsection (c)(3), and intensive su-  
7           pervision thereafter pursuant to programs  
8           under subsection (b)(7) and subsection (c)(3).

9           “(3) LOCAL ELIGIBILITY AND DISTRIBUTION.—

10           “(A) IN GENERAL.—

11           “(i) LOCAL DISTRIBUTION SUBGRANT  
12           ELIGIBILITY.—To be eligible to receive a  
13           subgrant, a unit of local government shall  
14           provide such assurances to the State as the  
15           State shall require, that, to the maximum  
16           extent applicable, the unit of local govern-  
17           ment has laws or policies and programs  
18           that comply with the eligibility require-  
19           ments of subsection (c).

20           “(ii) COORDINATED LOCAL EFFORT.—

21           Prior to receiving a grant under this sec-  
22           tion, a unit of local government shall cer-  
23           tify that it has or will establish a coordi-  
24           nated enforcement plan for reducing juve-  
25           nile crime within the jurisdiction of the

1 unit of local government, developed by a  
2 juvenile crime enforcement coalition, such  
3 coalition consisting of individuals within  
4 the jurisdiction representing the police,  
5 sheriff, prosecutor, State or local probation  
6 services, juvenile court, schools, business,  
7 and religious affiliated, fraternal, non-  
8 profit, or social service organizations in-  
9 volved in crime prevention.

10 “(B) SPECIAL RULE.—The requirements  
11 of subparagraph (A) shall apply to an eligible  
12 unit that receives funds from the Attorney Gen-  
13 eral under subparagraph (H), except that infor-  
14 mation that would otherwise be submitted to  
15 the State shall be submitted to the Attorney  
16 General.

17 “(C) LOCAL DISTRIBUTION.—From  
18 amounts reserved for local distribution under  
19 paragraph (1), the State shall allocate to such  
20 units of local government an amount that bears  
21 the same ratio to the aggregate amount of such  
22 funds as—

23 “(i) the sum of—

24 “(I) the product of—



1                   “(aa) two-thirds; multiplied  
2                   by

3                   “(bb) the average law en-  
4                   forcement expenditure for such  
5                   unit of local government for the  
6                   3 most recent calendar years for  
7                   which such data is available; plus  
8                   “(II) the product of—

9                   “(aa) one-third; multiplied  
10                  by

11                  “(bb) the average annual  
12                  number of part 1 violent crimes  
13                  in such unit of local government  
14                  for the 3 most recent calendar  
15                  years for which such data is  
16                  available, bears to—

17                  “(ii) the sum of the products deter-  
18                  mined under subparagraph (A) for all such  
19                  units of local government in the State.

20                  “(D) EXPENDITURES.—The allocation any  
21                  unit of local government shall receive under  
22                  paragraph (1) for a payment period shall not  
23                  exceed 100 percent of law enforcement expendi-  
24                  tures of the unit for such payment period.

1           “(E) REALLOCATION.—The amount of any  
2           unit of local government’s allocation that is not  
3           available to such unit by operation of paragraph  
4           (2) shall be available to other units of local gov-  
5           ernment that are not affected by such operation  
6           in accordance with this subsection.

7           “(F) UNAVAILABILITY OF DATA FOR UNITS  
8           OF LOCAL GOVERNMENT.—If the State has rea-  
9           son to believe that the reported rate of part 1  
10          violent crimes or law enforcement expenditure  
11          for a unit of local government is insufficient or  
12          inaccurate, the State shall—

13               “(i) investigate the methodology used  
14               by the unit to determine the accuracy of  
15               the submitted data; and

16               “(ii) if necessary, use the best avail-  
17               able comparable data regarding the num-  
18               ber of violent crimes or law enforcement  
19               expenditure for the relevant years for the  
20               unit of local government.

21          “(G) LOCAL GOVERNMENT WITH ALLOCA-  
22          TIONS LESS THAN \$5,000.—If, under this sec-  
23          tion, a unit of local government is allocated less  
24          than \$5,000 for a payment period, the amount  
25          allocated shall be expended by the State on

1 services to units of local government whose al-  
 2 lotment is less than such amount in a manner  
 3 consistent with this part.

4 “(H) DIRECT GRANTS TO ELIGIBLE  
 5 UNITS.—

6 “(i) IN GENERAL.—If a State does  
 7 not qualify or apply for a grant under this  
 8 section, by the application deadline estab-  
 9 lished by the Attorney General, the Attor-  
 10 ney General shall reserve not more than 70  
 11 percent of the allocation that the State  
 12 would have received for grants under this  
 13 section under subsection (e) for such fiscal  
 14 year to provide grants to eligible units that  
 15 meet the requirements for funding under  
 16 subparagraph (A).

17 “(ii) AWARD BASIS.—In addition to  
 18 the qualification requirements for direct  
 19 grants for eligible units the Attorney Gen-  
 20 eral may use the average amount allocated  
 21 by the States to like governmental units as  
 22 a basis for awarding grants under this sec-  
 23 tion.

24 “(I) ALLOCATION BY UNITS OF LOCAL  
 25 GOVERNMENT.—Of amounts made available

1 under this section to a unit of local government,  
2 not less than 50 percent shall be designated  
3 for—

4 “(i) paragraph (1) or (9) of sub-  
5 section (b), except that, if amounts are al-  
6 located for purposes of construction or re-  
7 modeling of short- or long-term facilities  
8 pursuant to subsection (b)(9)—

9 “(I) the unit of local government  
10 shall coordinate such expenditures  
11 with similar State expenditures;

12 “(II) Federal funds shall con-  
13 stitute not more than 50 percent of  
14 the estimated construction or remodel-  
15 ing cost; and

16 “(III) no funds expended pursu-  
17 ant to this clause may be used for the  
18 incarceration of any offender who was  
19 more than 21 years of age at the time  
20 of the offense or for construction, ren-  
21 ovation, or expansion of facilities for  
22 such offenders, except that funds may  
23 be used to construct juvenile facilities  
24 collocated with adult facilities, includ-  
25 ing separate buildings for juveniles

1                   and separate juvenile wings, cells, or  
2                   areas collocated within an adult jail or  
3                   lockup; or

4                   “(ii) drug testing upon arrest for any  
5                   offense within the category of offenses des-  
6                   ignated pursuant to subsection (c)(3), and  
7                   intensive supervision thereafter pursuant  
8                   to programs under subsection (b)(7) and  
9                   subsection (c)(3).

10                  “(4) NONSUPPLANTATION.—Amounts made  
11                  available under this section to the States (or units  
12                  of local government in the State) shall not be used  
13                  to supplant State or local funds (or in the case of  
14                  Indian tribal governments, to supplant amounts pro-  
15                  vided by the Bureau of Indian Affairs) but shall be  
16                  used to increase the amount of funds that would in  
17                  the absence of amounts received under this section,  
18                  be made available from a State or local source, or  
19                  in the case of Indian tribal governments, from  
20                  amounts provided by the Bureau of Indian Affairs.

21                  “(e) ALLOCATION OF GRANTS AMONG QUALIFYING  
22                  STATES; RESTRICTIONS ON USE.—

23                  “(1) ALLOCATION.—Amounts made available  
24                  under this section shall be allocated as follows:

1           “(A) 0.5 percent shall be allocated to each  
2           eligible State.

3           “(B) The amount remaining after the allo-  
4           cation under subparagraph (A) shall be allo-  
5           cated proportionately based on the population  
6           that is less than 18 years of age in the eligible  
7           States.

8           “(2) RESTRICTIONS ON USE.—Amounts made  
9           available under this section shall be subject to the  
10          restrictions of subsections (a) and (b) of section 292  
11          of the Juvenile Justice and Delinquency Prevention  
12          Act of 1974, except that the penalties in section  
13          292(c) of such Act do not apply.

14          “(f) GRANTS TO INDIAN TRIBES.—

15          “(1) RESERVATION OF FUNDS.—Notwithstand-  
16          ing any other provision of law, from the amounts ap-  
17          propriated pursuant to section 291 of the Juvenile  
18          Justice and Delinquency Prevention Act of 1974, for  
19          each fiscal year, the Attorney General shall reserve  
20          an amount equal to the amount to which all Indian  
21          tribes eligible to receive a grant under paragraph (3)  
22          would collectively be entitled, if such tribes were col-  
23          lectively treated as a State to carry out this sub-  
24          section.

1           “(2) GRANTS TO INDIAN TRIBES.—From the  
2           amounts reserved under paragraph (1), the Attorney  
3           General shall make grants to Indian tribes for pro-  
4           grams pursuant to the permissible purposes under  
5           section 1801.

6           “(3) APPLICATIONS.—To be eligible to receive a  
7           grant under this subsection, an Indian tribe shall  
8           submit to the Attorney General an application in  
9           such form and containing such information as the  
10          Attorney General may by regulation require. The re-  
11          quirements of subsection (c) apply to grants under  
12          this subsection.

13   **“SEC. 1802. JUVENILE CRIMINAL HISTORY GRANTS.**

14          “(a) IN GENERAL.—The Attorney General, through  
15          the Director of the Bureau of Justice Statistics and with  
16          consultation and coordination with the Office of Justice  
17          Programs and the Attorney General, upon application  
18          from a State (in such form and containing such informa-  
19          tion as the Attorney General may reasonably require) shall  
20          make a grant to each eligible State to be used by the State  
21          exclusively for purposes of meeting the eligibility require-  
22          ments of subsection (b).

23          “(b) ELIGIBILITY.—A State is eligible for a grant  
24          under subsection (a) if its application provides assurances

1 that, not later than 3 years after the date on which such  
2 application is submitted, the State will—

3 “(1) maintain, at the adult State central reposi-  
4 tory in accordance with the State’s established prac-  
5 tices and policies relating to adult criminal history  
6 records—

7 “(A) a fingerprint supported record of the  
8 adjudication of delinquency of any juvenile who  
9 commits an act that, if committed by an adult,  
10 would constitute the offense of murder, armed  
11 robbery, rape (except statutory rape), or a fel-  
12 ony offense involving sexual molestation of a  
13 child, or a conspiracy or attempt to commit any  
14 such offense (all as defined by State law), that  
15 is equivalent to, and maintained and dissemi-  
16 nated in the same manner and for the same  
17 purposes as are adult criminal history records  
18 for the same offenses, except that the record  
19 may include a notation of expungement pursu-  
20 ant to State law; and

21 “(B) a fingerprint supported record of the  
22 adjudication of delinquency of any juvenile who  
23 commits an act that, if committed by an adult,  
24 would be a felony other than a felony described  
25 in subparagraph (A) that is equivalent to, and



1 maintained and disseminated in the same man-  
 2 ner for any criminal justice purpose as are  
 3 adult criminal history records for the same of-  
 4 fenses, except that the record may include a no-  
 5 tation of expungement pursuant to State law;  
 6 and

7 “(2) will establish procedures by which an offi-  
 8 cial of an elementary, secondary, and post-secondary  
 9 school may, in appropriate circumstances (as defined  
 10 by applicable State law), gain access to the juvenile  
 11 adjudication record of a student enrolled at the  
 12 school, or a juvenile who seeks, intends, or is in-  
 13 structed to enroll at that school, if—

14 “(A) the official is subject to the same  
 15 standards and penalties under applicable Fed-  
 16 eral and State law relating to the handling and  
 17 disclosure of information contained in juvenile  
 18 adjudication records as are employees of law  
 19 enforcement and juvenile justice agencies in the  
 20 State; and

21 “(B) information contained in the juvenile  
 22 adjudication record may not be used for the  
 23 purpose of making an admission determination.

24 “(c) VALIDITY OF CERTAIN JUDGMENTS.—Nothing  
 25 in this section shall require States, in order to qualify for

1 grants under this title, to modify laws concerning the sta-  
 2 tus of any adjudication of juvenile delinquency or judg-  
 3 ment of conviction under the law of the State that entered  
 4 the judgment.

5 “(d) DEFINITIONS.—In this section—

6 “(1) the term ‘criminal justice purpose’ means  
 7 the use by and within the criminal justice system for  
 8 the detection, apprehension, detention, pretrial re-  
 9 lease, post-trial release, prosecution, adjudication,  
 10 sentencing, disposition, correctional supervision, or  
 11 rehabilitation of accused persons, criminal offenders,  
 12 or juvenile delinquents; and

13 “(2) the term ‘expungement’ means the nul-  
 14 lification of the legal effect of the conviction or adju-  
 15 dication to which the record applies.”.

16 **SEC. 322. PILOT PROGRAM TO PROMOTE REPLICATION OF**  
 17 **RECENT SUCCESSFUL JUVENILE CRIME RE-**  
 18 **DUCTION STRATEGIES.**

19 (a) PILOT PROGRAM TO PROMOTE REPLICATION OF  
 20 RECENT SUCCESSFUL JUVENILE CRIME REDUCTION  
 21 STRATEGIES.—

22 (1) ESTABLISHMENT.—The Attorney General  
 23 (or a designee of the Attorney General), in conjunc-  
 24 tion with the Secretary of the Treasury (or the des-  
 25 ignee of the Secretary), shall establish a pilot pro-

1       gram (referred to in this section as the “program”)  
2       to encourage and support communities that adopt a  
3       comprehensive approach to suppressing and prevent-  
4       ing violent juvenile crime patterned after successful  
5       State juvenile crime reduction strategies.

6           (2) PROGRAM.—In carrying out the program,  
7       the Attorney General shall—

8           (A) make and track grants to grant recipi-  
9       ents (referred to in this section as “coalitions”);

10          (B) in conjunction with the Secretary of  
11       the Treasury, provide for technical assistance  
12       and training, data collection, and dissemination  
13       of relevant information; and

14          (C) provide for the general administration  
15       of the program.

16          (3) ADMINISTRATION.—Not later than 30 days  
17       after the date of enactment of this Act, the Attorney  
18       General shall appoint or designate an Administrator  
19       (referred to in this section as the “Administrator”)  
20       to carry out the program.

21          (4) PROGRAM AUTHORIZATION.—To be eligible  
22       to receive an initial grant or a renewal grant under  
23       this section, a coalition shall meet each of the follow-  
24       ing criteria:

1 (A) COMPOSITION.—The coalition shall  
2 consist of 1 or more representatives of—

3 (i) the local police department or sher-  
4 iff's department;

5 (ii) the local prosecutors' office;

6 (iii) the United States Attorney's of-  
7 fice;

8 (iv) the Federal Bureau of Investiga-  
9 tion;

10 (v) the Bureau of Alcohol, Tobacco  
11 and Firearms;

12 (vi) State or local probation officers;

13 (vii) religious affiliated or fraternal  
14 organizations involved in crime prevention;

15 (viii) schools;

16 (ix) parents or local grass roots orga-  
17 nizations such as neighborhood watch  
18 groups; and

19 (x) social service agencies involved in  
20 crime prevention.

21 (B) OTHER PARTICIPANTS.—If possible, in  
22 addition to the representatives from the cat-  
23 egories listed in subparagraph (A), the coalition  
24 shall include—

1 (i) representatives from the business  
2 community; and

3 (ii) researchers who have studied  
4 criminal justice and can offer technical or  
5 other assistance.

6 (C) COORDINATED STRATEGY.—A coalition  
7 shall submit to the Attorney General, or the At-  
8 torney General’s designee, a comprehensive plan  
9 for reducing violent juvenile crime. To be eligi-  
10 ble for consideration, a plan shall—

11 (i) ensure close collaboration among  
12 all members of the coalition in suppressing  
13 and preventing juvenile crime;

14 (ii) place heavy emphasis on coordi-  
15 nated enforcement initiatives, such as Fed-  
16 eral and State programs that coordinate  
17 local police departments, prosecutors, and  
18 local community leaders to focus on the  
19 suppression of violent juvenile crime involv-  
20 ing gangs;

21 (iii) ensure that there is close collabo-  
22 ration between police and probation offi-  
23 cers in the supervision of juvenile offend-  
24 ers, such as initiatives that coordinate the  
25 efforts of parents, school officials, and po-

lice and probation officers to patrol the streets and make home visits to ensure that offenders comply with the terms of their probation;

(iv) ensure that a program is in place to trace all firearms seized from crime scenes or offenders in an effort to identify illegal gun traffickers; and

(v) ensure that effective crime prevention programs are in place, such as programs that provide after-school safe havens and other opportunities for at-risk youth to escape or avoid gang or other criminal activity, and to reduce recidivism.

(D) ACCOUNTABILITY.—A coalition shall—

(i) establish a system to measure and report outcomes consistent with common indicators and evaluation protocols established by the Administrator and that receives the approval of the Administrator; and

(ii) devise a detailed model for measuring and evaluating the success of the plan of the coalition in reducing violent juvenile crime, and provide assurances that

1           the plan will be evaluated on a regular  
2           basis to assess progress in reducing violent  
3           juvenile crime.

4           (5) GRANT AMOUNTS.—

5           (A) IN GENERAL.—The Administrator may  
6           grant to an eligible coalition under this para-  
7           graph, an amount not to exceed the amount of  
8           non-Federal funds raised by the coalition, in-  
9           cluding in-kind contributions, for that fiscal  
10          year.

11          (B) NONSUPPLANTING REQUIREMENT.—A  
12          coalition seeking funds shall provide reasonable  
13          assurances that funds made available under this  
14          program to States or units of local government  
15          shall be so used as to supplement and increase  
16          (but not supplant) the level of the State, local,  
17          and other non-Federal funds that would in the  
18          absence of such Federal funds be made avail-  
19          able for programs described in this section, and  
20          shall in no event replace such State, local, or  
21          other non-Federal funds.

22          (C) SUSPENSION OF GRANTS.—If a coali-  
23          tion fails to continue to meet the criteria set  
24          forth in this section, the Administrator may  
25          suspend the grant, after providing written no-

1           tice to the grant recipient and an opportunity  
2           to appeal.

3           (D) RENEWAL GRANTS.—Subject to sub-  
4           paragraph (D), the Administrator may award a  
5           renewal grant to grant recipient under this sub-  
6           paragraph for each fiscal year following the fis-  
7           cal year for which an initial grant is awarded,  
8           in an amount not to exceed the amount of non-  
9           Federal funds raised by the coalition, including  
10          in-kind contributions, for that fiscal year, dur-  
11          ing the 4-year period following the period of the  
12          initial grant.

13          (E) LIMITATION.—The amount of a grant  
14          award under this section may not exceed  
15          \$300,000 for a fiscal year.

16          (6) PERMITTED USE OF FUNDS.—A coalition  
17          receiving funds under this section may expend such  
18          Federal funds on any use or program that is con-  
19          tained in the plan submitted to the Administrator.

20          (7) CONGRESSIONAL CONSULTATION.—

21          (A) IN GENERAL.—Two years after the  
22          date of implementation of the program estab-  
23          lished in this section, the Comptroller General  
24          of the United States shall submit to Congress  
25          a report reviewing the effectiveness of the pro-



1           gram in suppressing and reducing violent juve-  
2           nile crime in the participating communities.

3           (B) CONTENTS OF REPORT.—The report  
4           submitted under subparagraph (A) shall  
5           include—

6                   (i) an analysis of each community  
7                   participating in the program, along with  
8                   information regarding the plan undertaken  
9                   in the community, and the effectiveness of  
10                  the plan in reducing violent juvenile crime;  
11                  and

12                   (ii) recommendations regarding the ef-  
13                  ficacy of continuing the program.

14       (b) INFORMATION COLLECTION AND DISSEMINATION  
15 WITH RESPECT TO COALITIONS.—

16           (1) COALITION INFORMATION.—For the pur-  
17       pose of audit and examination, the Attorney  
18       General—

19                   (A) shall have access to any books, docu-  
20                   ments, papers, and records that are pertinent to  
21                   any grant or grant renewal request under this  
22                   section; and

23                   (B) may periodically request information  
24                   from a coalition to ensure that the coalition  
25                   meets the applicable criteria.

1           (2) REPORTING.—The Attorney General shall,  
 2           to the maximum extent practicable and in a manner  
 3           consistent with applicable law, minimize reporting  
 4           requirements by a coalition and expedite any appli-  
 5           cation for a renewal grant made under this section.

6           (c) AUTHORIZATION OF APPROPRIATIONS.—

7           (1) IN GENERAL.—There is authorized to be  
 8           appropriated to carry out this section \$3,000,000 for  
 9           each of fiscal years 2000 through 2003.

10          (2) SOURCE OF SUMS.—Amounts authorized to  
 11          be appropriated pursuant to this subsection may be  
 12          derived from the Violent Crime Reduction Trust  
 13          Fund.

14   **SEC. 323. REPEAL OF UNNECESSARY AND DUPLICATIVE**  
 15                           **PROGRAMS.**

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

18           (1) TITLE III.—Title III of the Violent Crime  
 19          Control and Law Enforcement Act of 1994 (42  
 20          U.S.C. 13741 et seq.) is amended by striking sub-  
 21          titles A through C, and subtitles G through S.

22           (2) TITLE XXVII.—Title XXVII of the Violent  
 23          Crime Control and Law Enforcement Act of 1994  
 24          (42 U.S.C. 14191 et seq.) is repealed.

1       (b) REFORM OF GREAT PROGRAM.—Section  
2 32401(a) of the Violent Crime Control and Law Enforce-  
3 ment Act of 1994 (42 U.S.C. 13921(a)) is amended—

4           (1) by striking paragraph (2) and inserting the  
5 following:

6           “(2) SELECTION OF COMMUNITIES.—

7               “(A) IN GENERAL.—Each community iden-  
8 tified for a GREAT project referred to in para-  
9 graph (1) shall be selected by the Secretary of  
10 the Treasury on the basis of—

11               “(i) the level of gang activity and  
12 youth violence in the area in which the  
13 community is located;

14               “(ii) the number of schools in the  
15 community in which training would be pro-  
16 vided under the project;

17               “(iii) the number of students who  
18 would receive the training referred to in  
19 clause (ii) in schools referred to in that  
20 clause; and

21               “(iv) a written description from offi-  
22 cials of the community explaining the man-  
23 ner in which funds made available to the  
24 community under this section would be al-  
25 located.

“(B) **EQUITABLE SELECTION.**—The Secretary of the Treasury shall ensure that—

“(i) communities are identified and selected for GREAT projects under this subsection on an equitable geographic basis (except that this clause shall not be construed to require the termination of any projects selected prior to the beginning of fiscal year 1999); and

“(ii) the communities referred to in clause (i) include rural communities.”; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking “50 percent” and inserting “85 percent”; and

(B) in subparagraph (B), by striking “50 percent” and inserting “15 percent”.

**SEC. 324. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.**

Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is amended—

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

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

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

2 “(7) for fiscal year 2001, \$1,000,000,000.”.

3 **SEC. 325. REIMBURSEMENT OF STATES FOR COSTS OF IN-**  
 4 **CARCERATING JUVENILE ALIENS.**

5 (a) IN GENERAL.—Section 501 of the Immigration  
 6 Reform and Control Act of 1986 (8 U.S.C. 1365) is  
 7 amended—

8 (1) in subsection (a), by inserting “or illegal ju-  
 9 venile alien who has been adjudicated delinquent and  
 10 committed to a juvenile correctional facility by such  
 11 State or locality” before the period;

12 (2) in subsection (b), by inserting “(including  
 13 any juvenile alien who has been adjudicated delin-  
 14 quent and has been committed to a correctional fa-  
 15 cility)” before “who is in the United States unlaw-  
 16 fully”; and

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

18 “(f) JUVENILE ALIEN DEFINED.—In this section,  
 19 the term ‘juvenile alien’ means an alien (as defined in sec-  
 20 tion 101(a)(3) of the Immigration and Nationality Act)  
 21 who has been adjudicated delinquent and committed to a  
 22 correctional facility by a State or locality as a juvenile of-  
 23 fender.”.

1 (b) ANNUAL REPORT.—Section 332 of the Illegal Im-  
 2 migration Reform and Immigrant Responsibility Act of  
 3 1996 (8 U.S.C. 1366) is amended—

4 (1) by striking “and” at the end of paragraph  
 5 (3);

6 (2) by striking the period at the end of para-  
 7 graph (4) and inserting “; and”; and

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

9 “(5) the number of illegal juvenile aliens that  
 10 are committed to State or local juvenile correctional  
 11 facilities, including the type of offense committed by  
 12 each juvenile.”.

13 (c) CONFORMING AMENDMENT.—Section  
 14 241(i)(3)(B) of the Immigration and Nationality Act (8  
 15 U.S.C. 1231(i)(3)(B)) is amended—

16 (1) by striking “or” at the end of clause (ii);

17 (2) by striking the period at the end of clause  
 18 (iii) and inserting “; or”; and

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

20 “(iv) is a juvenile alien with respect to  
 21 whom section 501 of the Immigration Re-  
 22 form and Control Act of 1986 applies.”.

23 **SEC. 326. SENSE OF CONGRESS.**

24 (a) FINDINGS.—Congress finds that—

1           (1) juveniles between the ages of 10 years and  
2       14 years are committing an increasing number of  
3       murders and other serious crimes;

4           (2) on March 24, 1998, 11-year-old Andrew  
5       Golden and 13-year-old Mitchell Johnson shot and  
6       killed 4 fellow students and a teacher and injured 10  
7       additional students in Jonesboro, Arkansas;

8           (3) Golden and Mitchell executed an elaborate  
9       scheme to carry out their preplanned attack, includ-  
10      ing faking illness to miss school, stealing a vehicle  
11      from a parent, attempting to use a blowtorch and  
12      hammer to break into a locked gun safe, breaking a  
13      window to gain access to a grandparent's house and  
14      steal several firearms from the house, and pulling a  
15      fire alarm to draw the students and teachers from  
16      the school out into the open;

17          (4) under Arkansas State law, neither of the  
18      gunmen could be charged as an adult despite the vi-  
19      ciousness of the crimes and the clear and well-  
20      planned intent demonstrated by the gunmen in car-  
21      rying out their scheme;

22          (5) the tragedy in Jonesboro, Arkansas, is, un-  
23      fortunately, an all too common occurrence in the  
24      United States;

1           (6) few States have laws that allow individuals  
2       between the ages of 10 years and 14 years to be  
3       tried as adults, even if they commit an offense that,  
4       if committed by an adult, would be a felony offense  
5       for which the maximum penalty is a sentence of  
6       death; and

7           (7) the juvenile and criminal justice systems in  
8       the United States are not yet equipped to handle the  
9       sad reality that 11- and 13-year-old individuals are  
10      committing crimes that shock the Nation's con-  
11      science and that would often result in a sentence of  
12      death if the offenders were older.

13      (b) SENSE OF CONGRESS.—It is the sense of Con-  
14      gress that each State should enact legislation to provide  
15      that, on motion of the prosecution and with approval of  
16      a court, an individual who is not less than 10 years of  
17      age and not more than 14 years of age, may be tried as  
18      an adult and, upon conviction, may be subject to any pen-  
19      alty (other than a sentence of death) if the individual is  
20      charged with an offense that, if committed by an adult,  
21      would be a felony offense for which the maximum penalty  
22      is a sentence of death.



1   **Subtitle C—Alternative Education**  
 2       **and Delinquency Prevention**

3   **SEC. 331. ALTERNATIVE EDUCATION.**

4       Part D of title I of the Elementary and Secondary  
 5   Education Act of 1965 (20 U.S.C. 6421 et seq.) is amend-  
 6   ed by adding at the end the following:

7       **“Subpart 4—Alternative Education Demonstration**  
 8                           **Project Grants**

9   **“SEC. 1441. PROGRAM AUTHORITY.**

10       “(a) GRANTS.—

11           “(1) IN GENERAL.—From amounts appro-  
 12       priated under section 1443, the Secretary, in con-  
 13       sultation with the Administrator, shall make grants  
 14       to State educational agencies or local educational  
 15       agencies for not less than 10 demonstration projects  
 16       that enable the agencies to develop models for and  
 17       carry out alternative education for at-risk youth.

18           “(2) CONSTRUCTION.—Nothing in this subpart  
 19       shall be construed to affect the requirements of the  
 20       Individuals with Disabilities Education Act.

21       “(b) DEMONSTRATION PROJECTS.—

22           “(1) PARTNERSHIPS.—Each agency receiving a  
 23       grant under this subpart may enter into a partner-  
 24       ship with a private sector entity to provide alter-  
 25       native educational services to at-risk youth.

1           “(2) REQUIREMENTS.—Each demonstration  
2 project assisted under this subpart shall—

3           “(A) accept for alternative education at-  
4 risk or delinquent youth who are referred by a  
5 local school or by a court with a juvenile delin-  
6 quency docket and who—

7           “(i) have demonstrated a pattern of  
8 serious and persistent behavior problems in  
9 regular schools;

10          “(ii) are at risk of dropping out of  
11 school;

12          “(iii) have been convicted of a crimi-  
13 nal offense or adjudicated delinquent for  
14 an act of juvenile delinquency, and are  
15 under a court’s supervision; or

16          “(iv) have demonstrated that contin-  
17 ued enrollment in a regular classroom—

18               “(I) poses a physical threat to  
19 other students; or

20               “(II) inhibits an atmosphere con-  
21 ducive to learning; and

22          “(B) provide for accelerated learning, in a  
23 safe, secure, and disciplined environment,  
24 including—

1 “(i) basic curriculum focused on mas-  
 2 tery of essential skills, including targeted  
 3 instruction in basic skills required for sec-  
 4 ondary school graduation; and

5 “(ii) emphasis on—

6 “(I) personal, academic, social,  
 7 and workplace skills; and

8 “(II) behavior modification.

9 “(c) **APPLICABILITY.**—Except as provided in sub-  
 10 sections (c) and (e) of section 1442, the provisions of sec-  
 11 tion 1401(c), 1402, and 1431, and subparts 1 and 2, shall  
 12 not apply to this subpart.

13 “(d) **DEFINITION OF ADMINISTRATOR.**—In this sub-  
 14 part, the term ‘Administrator’ means the Administrator  
 15 of the Office of Juvenile Crime Control and Prevention  
 16 of the Department of Justice.

17 **“SEC. 1442. APPLICATIONS; GRANTEE SELECTION.**

18 “(a) **APPLICATIONS.**—Each State educational agency  
 19 and local educational agency seeking a grant under this  
 20 subpart shall submit an application in such form, and con-  
 21 taining such information, as the Secretary, in consultation  
 22 with the Administrator, may reasonably require.

23 “(b) **SELECTION OF GRANTEES.**—

24 “(1) **IN GENERAL.**—The Secretary shall select  
 25 State educational agencies and local educational

1 agencies to receive grants under this subpart on an  
2 equitable geographic basis, including selecting agen-  
3 cies that serve urban, suburban, and rural popu-  
4 lations.

5 “(2) MINIMUM.—The Secretary shall award a  
6 grant under this subpart to not less than 1 agency  
7 serving a population with a significant percentage of  
8 Native Americans.

9 “(3) PRIORITY.—In awarding grants under this  
10 subpart, the Secretary may give priority to State  
11 educational agencies and local educational agencies  
12 that demonstrate in the application submitted under  
13 subsection (a) that the State has a policy of equi-  
14 tably distributing resources among school districts in  
15 the State.

16 “(c) QUALIFICATIONS.—To qualify for a grant under  
17 this subpart, a State educational agency or local edu-  
18 cational agency shall—

19 “(1) in the case of a State educational agency,  
20 have submitted a State plan under section 1414(a)  
21 that is approved by the Secretary;

22 “(2) in the case of a local educational agency,  
23 have submitted an application under section 1423  
24 that is approved by the State educational agency;

1           “(3) certify that the agency will comply with  
2           the restrictions of section 292 of the Juvenile Jus-  
3           tice and Delinquency Prevention Act of 1974;

4           “(4) explain the educational and juvenile justice  
5           needs of the community to be addressed by the dem-  
6           onstration project;

7           “(5) provide a detailed plan to implement the  
8           demonstration project; and

9           “(6) provide assurances and an explanation of  
10          the agency’s ability to continue the program funded  
11          by the demonstration project after the termination  
12          of Federal funding under this subpart.

13         “(d) MATCHING REQUIREMENT.—

14                 “(1) IN GENERAL.—Grant funds provided  
15                 under this subpart shall not constitute more than 35  
16                 percent of the cost of the demonstration project  
17                 funded.

18                 “(2) SOURCE OF FUNDS.—Matching funds for  
19                 grants under this subpart may be derived from  
20                 amounts available under section 205, or part B of  
21                 title II, of the Juvenile Justice and Delinquency Pre-  
22                 vention Act of 1974 (42 U.S.C. 5611 et seq.) to the  
23                 State in which the demonstration project will be car-  
24                 ried out, except that the total share of funds derived

1 from Federal sources shall not exceed 50 percent of  
2 the cost of the demonstration project.

3 “(e) PROGRAM EVALUATION.—

4 “(1) IN GENERAL.—Each State educational  
5 agency or local educational agency that receives a  
6 grant under this subpart shall evaluate the dem-  
7 onstration project assisted under this subpart in the  
8 same manner as programs are evaluated under sec-  
9 tion 1431. In addition, the evaluation shall include—

10 “(A) an evaluation of the effect of the al-  
11 ternative education project on order, discipline,  
12 and an effective learning environment in regu-  
13 lar classrooms;

14 “(B) an evaluation of the project’s effec-  
15 tiveness in improving the skills and abilities of  
16 at-risk students assigned to alternative edu-  
17 cation, including an analysis of the academic  
18 and social progress of such students; and

19 “(C) an evaluation of the project’s effec-  
20 tiveness in reducing juvenile crime and delin-  
21 quency, including—

22 “(i) reductions in incidents of campus  
23 crime in relevant school districts, compared  
24 with school districts not included in the  
25 project; and

1                   “(ii) reductions in recidivism by at-  
2                   risk students who have juvenile justice sys-  
3                   tem involvement and are assigned to alter-  
4                   native education.

5                   “(2) EVALUATION BY THE SECRETARY.—The  
6                   Secretary, in cooperation with the Administrator,  
7                   shall comparatively evaluate each of the demonstra-  
8                   tion projects funded under this subpart, including an  
9                   evaluation of the effectiveness of private sector edu-  
10                  cational services, and shall report the findings of the  
11                  evaluation to the Committee on Education and the  
12                  Workforce of the House of Representatives and the  
13                  Committees on the Judiciary and Health, Education,  
14                  Labor and Pensions of the Senate not later than  
15                  June 30, 2005.

16   **“SEC. 1443. AUTHORIZATION OF APPROPRIATIONS.**

17                  “‘There are authorized to be appropriated to carry out  
18                  this subpart \$15,000,000 for each of fiscal years 2000,  
19                  2001, 2002, and 2003.’”.

1       **TITLE IV—MISCELLANEOUS**  
 2                   **PROVISIONS**

3       **Subtitle A—General Provisions**

4       **SEC. 401. PROHIBITION ON FIREARMS POSSESSION BY VIO-**  
 5                   **LENT JUVENILE OFFENDERS.**

6           (a) DEFINITION.—Section 921(a)(20) of title 18,  
 7 United States Code, is amended—

8                   (1) by inserting “(A)” after “(20)”;

9                   (2) by redesignating subparagraphs (A) and  
 10           (B) as clauses (i) and (ii), respectively;

11                   (3) by inserting after subparagraph (A) the fol-  
 12           lowing:

13           “(B) For purposes of subsections (d) and (g) of sec-  
 14 tion 922, the term ‘act of violent juvenile delinquency’  
 15 means an adjudication of delinquency in Federal or State  
 16 court, based on a finding of the commission of an act by  
 17 a person prior to his or her eighteenth birthday that, if  
 18 committed by an adult, would be a serious or violent fel-  
 19 ony, as defined in section 3559(c)(2)(F)(i) had Federal  
 20 jurisdiction existed and been exercised (except that section  
 21 3559(c)(3) shall not apply to this subparagraph).”;

22                   (4) in the undesignated paragraph following  
 23           subparagraph (B) (as added by paragraph (3) of  
 24           this subsection), by striking “What constitutes” and



1 all that follows through “this chapter,” and inserting  
 2 the following:

3 “(C) What constitutes a conviction of such a crime  
 4 or an adjudication of an act of violent juvenile delinquency  
 5 shall be determined in accordance with the law of the ju-  
 6 risdiction in which the proceedings were held. Any State  
 7 conviction or adjudication of an act of violent juvenile de-  
 8 linquency that has been expunged or set aside, or for  
 9 which a person has been pardoned or has had civil rights  
 10 restored, by the jurisdiction in which the conviction or ad-  
 11 judication of an act of violent juvenile delinquency oc-  
 12 curred shall not be considered to be a conviction or adju-  
 13 dication of an act of violent juvenile delinquency for pur-  
 14 poses of this chapter.”.

15 (b) PROHIBITION.—Section 922 of title 18, United  
 16 States Code, is amended—

17 (1) in subsection (d)—

18 (A) in paragraph (8), by striking “or” at  
 19 the end;

20 (B) in paragraph (9), by striking the pe-  
 21 riod at the end and inserting “; or”; and

22 (C) by inserting after paragraph (9) the  
 23 following:

24 “(10) has committed an act of violent juvenile  
 25 delinquency.”; and

1           (2) in subsection (g)—

2                   (A) in paragraph (8), by striking “or” at  
3           the end;

4                   (B) in paragraph (9), by striking the  
5           comma at the end and inserting “; or”; and

6                   (C) by inserting after paragraph (9) the  
7           following:

8                   “(10) who has committed an act of violent juve-  
9           nile delinquency,”.

10       (c) EFFECTIVE DATE OF ADJUDICATION PROVI-  
11       SIONS.—The amendments made by this section shall only  
12       apply to an adjudication of an act of violent juvenile delin-  
13       quency that occurs after the date that is 30 days after  
14       the date on which the Attorney General certifies to Con-  
15       gress and separately notifies Federal firearms licensees,  
16       through publication in the Federal Register by the Sec-  
17       retary of the Treasury, that the records of such adjudica-  
18       tions are routinely available in the national instant crimi-  
19       nal background check system established under section  
20       103(b) of the Brady Handgun Violence Prevention Act.

1     **Subtitle B—Jail-Based Substance**  
 2                     **Abuse**

3     **SEC. 421. JAIL-BASED SUBSTANCE ABUSE TREATMENT PRO-**  
 4                     **GRAMS.**

5             (a) USE OF RESIDENTIAL SUBSTANCE ABUSE  
 6     TREATMENT GRANTS TO PROVIDE AFTERCARE SERV-  
 7     ICES.—Section 1901 of part S of the Omnibus Crime Con-  
 8     trol and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1)  
 9     is amended by adding at the end the following:

10           “(f) USE OF GRANT AMOUNTS FOR NONRESIDEN-  
 11     TIAL AFTERCARE SERVICES.—A State may use amounts  
 12     received under this part to provide nonresidential sub-  
 13     stance abuse treatment aftercare services for inmates or  
 14     former inmates that meet the requirements of subsection  
 15     (c), if the chief executive officer of the State certifies to  
 16     the Attorney General that the State is providing, and will  
 17     continue to provide, an adequate level of residential treat-  
 18     ment services.”.

19           (b) JAIL-BASED SUBSTANCE ABUSE TREATMENT.—  
 20     Part S of title I of the Omnibus Crime Control and Safe  
 21     Streets Act of 1968 (42 U.S.C. 3796ff et seq.) is amended  
 22     by adding at the end the following:

23     **“SEC. 1906. JAIL-BASED SUBSTANCE ABUSE TREATMENT.**

24           “(a) DEFINITIONS.—In this section—

1           “(1) the term ‘jail-based substance abuse treat-  
 2           ment program’ means a course of individual and  
 3           group activities, lasting for a period of not less than  
 4           3 months, in an area of a correctional facility set  
 5           apart from the general population of the correctional  
 6           facility, if those activities are—

7                   “(A) directed at the substance abuse prob-  
 8                   lems of prisoners; and

9                   “(B) intended to develop the cognitive, be-  
 10                  havioral, social, vocational, and other skills of  
 11                  prisoners in order to address the substance  
 12                  abuse and related problems of prisoners; and

13           “(2) the term ‘local correctional facility’ means  
 14           any correctional facility operated by a unit of local  
 15           government.

16           “(b) AUTHORIZATION.—

17                   “(1) IN GENERAL.—Not less than 10 percent of  
 18                  the total amount made available to a State under  
 19                  section 1904(a) for any fiscal year may be used by  
 20                  the State to make grants to local correctional facili-  
 21                  ties in the State for the purpose of assisting jail-  
 22                  based substance abuse treatment programs estab-  
 23                  lished by those local correctional facilities.

24                   “(2) FEDERAL SHARE.—The Federal share of a  
 25                  grant made by a State under this section to a local

1 correctional facility may not exceed 75 percent of  
2 the total cost of the jail-based substance abuse treat-  
3 ment program described in the application submitted  
4 under subsection (c) for the fiscal year for which the  
5 program receives assistance under this section.

6 “(c) APPLICATIONS.—

7 “(1) IN GENERAL.—To be eligible to receive a  
8 grant from a State under this section for a jail-  
9 based substance abuse treatment program, the chief  
10 executive of a local correctional facility shall submit  
11 to the State, in such form and containing such infor-  
12 mation as the State may reasonably require, an ap-  
13 plication that meets the requirements of paragraph  
14 (2).

15 “(2) APPLICATION REQUIREMENTS.—Each ap-  
16 plication submitted under paragraph (1) shall  
17 include—

18 “(A) with respect to the jail-based sub-  
19 stance abuse treatment program for which as-  
20 sistance is sought, a description of the program  
21 and a written certification that—

22 “(i) the program has been in effect  
23 for not less than 2 consecutive years before  
24 the date on which the application is sub-  
25 mitted; and

1           “(ii) the local correctional facility  
2 will—

3           “(I) coordinate the design and  
4 implementation of the program be-  
5 tween local correctional facility rep-  
6 resentatives and the appropriate State  
7 and local alcohol and substance abuse  
8 agencies;

9           “(II) implement (or continue to  
10 require) urinalysis or other proven re-  
11 liable forms of substance abuse test-  
12 ing of individuals participating in the  
13 program, including the testing of indi-  
14 viduals released from the jail-based  
15 substance abuse treatment program  
16 who remain in the custody of the local  
17 correctional facility; and

18           “(III) carry out the program in  
19 accordance with guidelines, which  
20 shall be established by the State, in  
21 order to guarantee each participant in  
22 the program access to consistent, con-  
23 tinual care if transferred to a dif-  
24 ferent local correctional facility within  
25 the State;

“(B) written assurances that Federal funds received by the local correctional facility from the State under this section will be used to supplement, and not to supplant, non-Federal funds that would otherwise be available for jail-based substance abuse treatment programs assisted with amounts made available to the local correctional facility under this section; and

“(C) a description of the manner in which amounts received by the local correctional facility from the State under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services provided to the local correctional facility by the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

“(d) REVIEW OF APPLICATIONS.—

“(1) IN GENERAL.—Upon receipt of an application under subsection (c), the State shall—

“(A) review the application to ensure that the application, and the jail-based residential substance abuse treatment program for which a grant under this section is sought, meet the requirements of this section; and

1           “(B) if so, make an affirmative finding in  
2           writing that the jail-based substance abuse  
3           treatment program for which assistance is  
4           sought meets the requirements of this section.

5           “(2) APPROVAL.—Based on the review con-  
6           ducted under paragraph (1), not later than 90 days  
7           after the date on which an application is submitted  
8           under subsection (c), the State shall—

9           “(A) approve the application, disapprove  
10          the application, or request a continued evalua-  
11          tion of the application for an additional period  
12          of 90 days; and

13          “(B) notify the applicant of the action  
14          taken under subparagraph (A) and, with re-  
15          spect to any denial of an application under sub-  
16          paragraph (A), afford the applicant an oppor-  
17          tunity for reconsideration.

18          “(3) ELIGIBILITY FOR PREFERENCE WITH  
19          AFTERCARE COMPONENT.—

20          “(A) IN GENERAL.—In making grants  
21          under this section, a State shall give preference  
22          to applications from local correctional facilities  
23          that ensure that each participant in the jail-  
24          based substance abuse treatment program for  
25          which a grant under this section is sought, is



1 required to participate in an aftercare services  
2 program that meets the requirements of sub-  
3 paragraph (B), for a period of not less than 1  
4 year following the earlier of—

5 “(i) the date on which the participant  
6 completes the jail-based substance abuse  
7 treatment program; or

8 “(ii) the date on which the participant  
9 is released from the correctional facility at  
10 the end of the participant’s sentence or is  
11 released on parole.

12 “(B) AFTERCARE SERVICES PROGRAM RE-  
13 QUIREMENTS.—For purposes of subparagraph  
14 (A), an aftercare services program meets the re-  
15 quirements of this paragraph if the program—

16 “(i) in selecting individuals for par-  
17 ticipation in the program, gives priority to  
18 individuals who have completed a jail-based  
19 substance abuse treatment program;

20 “(ii) requires each participant in the  
21 program to submit to periodic substance  
22 abuse testing; and

23 “(iii) involves the coordination be-  
24 tween the jail-based substance abuse treat-  
25 ment program and other human service

and rehabilitation programs that may assist in the rehabilitation of program participants, such as—

“(I) educational and job training programs;

“(II) parole supervision programs;

“(III) half-way house programs; and

“(IV) participation in self-help and peer group programs; and

“(iv) assists in placing jail-based substance abuse treatment program participants with appropriate community substance abuse treatment facilities upon release from the correctional facility at the end of a sentence or on parole.

“(e) COORDINATION AND CONSULTATION.—

“(1) COORDINATION.—Each State that makes 1 or more grants under this section in any fiscal year shall, to the maximum extent practicable, implement a statewide communications network with the capacity to track the participants in jail-based substance abuse treatment programs established by local correctional facilities in the State as those par-

1        ticipants move between local correctional facilities  
2        within the State.

3            “(2) CONSULTATION.—Each State described in  
4        paragraph (1) shall consult with the Attorney Gen-  
5        eral and the Secretary of Health and Human Serv-  
6        ices to ensure that each jail-based substance abuse  
7        treatment program assisted with a grant made by  
8        the State under this section incorporates applicable  
9        components of comprehensive approaches, including  
10       relapse prevention and aftercare services.

11       “(f) USE OF GRANT AMOUNTS.—

12            “(1) IN GENERAL.—Each local correctional fa-  
13        cility that receives a grant under this section shall  
14        use the grant amount solely for the purpose of car-  
15        rying out the jail-based substance abuse treatment  
16        program described in the application submitted  
17        under subsection (c).

18            “(2) ADMINISTRATION.—Each local correctional  
19        facility that receives a grant under this section shall  
20        carry out all activities relating to the administration  
21        of the grant amount, including reviewing the manner  
22        in which the amount is expended, processing, mon-  
23        itoring the progress of the program assisted, finan-  
24        cial reporting, technical assistance, grant adjust-  
25        ments, accounting, auditing, and fund disbursement.

1           “(3) RESTRICTION.—A local correctional facil-  
2           ity may not use any amount of a grant under this  
3           section for land acquisition or a construction project.

4           “(g) REPORTING REQUIREMENT; PERFORMANCE RE-  
5           VIEW.—

6           “(1) REPORTING REQUIREMENT.—Not later  
7           than March 1 of each year, each local correctional  
8           facility that receives a grant under this section shall  
9           submit to the Attorney General, through the State,  
10          a description and evaluation of the jail-based sub-  
11          stance abuse treatment program carried out by the  
12          local correctional facility with the grant amount, in  
13          such form and containing such information as the  
14          Attorney General may reasonably require.

15          “(2) PERFORMANCE REVIEW.—The Attorney  
16          General shall conduct an annual review of each jail-  
17          based substance abuse treatment program assisted  
18          under this section, in order to verify the compliance  
19          of local correctional facilities with the requirements  
20          of this section.

21          “(h) NO EFFECT ON STATE ALLOCATION.—Nothing  
22          in this section shall be construed to affect the allocation  
23          of amounts to States under section 1904(a).”.

24          “(c) TECHNICAL AMENDMENT.—The table of contents  
25          for title I of the Omnibus Crime Control and Safe Streets

1 Act of 1968 (42 U.S.C. 3711 et seq.) is amended, in the  
2 matter relating to part S, by adding at the end the follow-  
3 ing:

“1906. Jail-based substance abuse treatment.”.