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107TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { REPORT 107–46

# CONSEQUENCES FOR JUVENILE OFFENDERS ACT OF 2001

APRIL 20, 2001.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted the following

# R E P O R T

[To accompany H.R. 863]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 863) to provide grants to ensure increased accountability for juvenile offenders, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Consequences for Juvenile Offenders Act of 2001".

89–006

**SEC. 2. GRANT PROGRAM.**

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

# "PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

**"SEC. 1801. PROGRAM AUTHORIZED.**

"(a) IN GENERAL.—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to specially qualified units.

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

"(1) developing, implementing, and administering graduated sanctions for juvenile offenders;

"(2) building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities;

"(3) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;

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

"(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

"(6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;

"(7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;

"(8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;

"(9) establishing and maintaining a system of juvenile records designed to promote public safety;

"(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

"(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies;

"(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders;

"(13) establishing and maintaining accountability-based programs that are designed to enhance school safety;

"(14) establishing and maintaining restorative justice programs;

"(15) establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism; and

"(16) hiring detention and corrections personnel, and establishing and maintaining training programs for such personnel to improve facility practices and programming.

"(c) DEFINITION.—For purposes of this section, the term 'restorative justice program' means a program that emphasizes the moral accountability of an offender toward the victim and the affected community, and may include community reparations boards, restitution (in the form of monetary payment or service to the victim or, where no victim can be identified, service to the affected community), and mediation between victim and offender.

**"SEC. 1802. GRANT ELIGIBILITY.**

"(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by guidelines, including——

"(1) information about——

"(A) the activities proposed to be carried out with such grant; and

"(B) the criteria by which the State proposes to assess the effectiveness of such activities on achieving the purposes of this part; and

"(2) assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

"(b) LOCAL ELIGIBILITY.——

"(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide to the State——

"(A) information about——

"(i) the activities proposed to be carried out with such subgrant; and

"(ii) the criteria by which the unit proposes to assess the effectiveness of such activities on achieving the purposes of this part; and

"(B) such assurances as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

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

"(c) GRADUATED SANCTIONS.—A system of graduated sanctions, which may be discretionary as provided in subsection (d), shall ensure, at a minimum, that——

"(1) sanctions are imposed on a juvenile offender for each delinquent offense;

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

"(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

"(4) appropriate consideration is given to public safety and victims of crime.

"(d) DISCRETIONARY USE OF SANCTIONS.——

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

"(A) its system of graduated sanctions is discretionary; and

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

"(2) REPORTING REQUIREMENT IF GRADUATED SANCTIONS NOT USED.——

"(A) JUVENILE COURTS.—A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

"(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

"(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in all cases, to submit an annual report that explains why such court did not impose graduated sanctions in all cases.

"(B) UNITS OF LOCAL GOVERNMENT.—Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

"(C) STATES.—Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submis-

sion to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).

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

"(1) The term 'discretionary' means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

"(2) The term 'sanctions' means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

**"SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.**

"(a) STATE ALLOCATION.——

"(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part and except as provided in paragraph (3), the Attorney General shall allocate——

"(A) 0.25 percent for each State; and

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

"(2) PROHIBITION.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

"(b) LOCAL DISTRIBUTION.——

"(1) IN GENERAL.—Except as provided in paragraph (2), each State which receives funds under subsection (a)(1) in a fiscal year shall distribute among units of local government, for the purposes specified in section 1801, not less than 75 percent of such amounts received.

"(2) WAIVER.—If a State submits to the Attorney General an application for waiver that demonstrates and certifies to the Attorney General that——

"(A) the State's juvenile justice expenditures in the fiscal year preceding the date in which an application is submitted under this part (the 'State percentage') is more than 25 percent of the aggregate amount of juvenile justice expenditures by the State and its eligible units of local government; and

"(B) the State has consulted with as many units of local government in such State, or organizations representing such units, as practicable regarding the State's calculation of expenditures under subparagraph (A), the State's application for waiver under this paragraph, and the State's proposed uses of funds,

the percentage referred to in paragraph (1) shall equal the percentage determined by subtracting the State percentage from 100 percent.

"(3) ALLOCATION.—In making the distribution under paragraph (1), the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as——

"(A) the sum of——

"(i) the product of——

"(I) three-quarters; multiplied by

"(II) the average juvenile justice expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

"(ii) the product of——

"(I) one-quarter; multiplied by

"(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to——

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

"(4) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (3) for a payment period shall not exceed 100 percent of juvenile justice expenditures of the unit for such payment period.

"(5) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (4) shall be

available to other units of local government that are not affected by such operation in accordance with this subsection.

"(c) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or juvenile justice expenditures for a unit of local government is insufficient or inaccurate, the State shall——

"(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

"(2) if necessary, use the best available comparable data regarding the number of violent crimes or juvenile justice expenditures for the relevant years for the unit of local government.

"(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $10,000.—If under this section a unit of local government is allocated less than $10,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

"(e) DIRECT GRANTS TO SPECIALLY QUALIFIED UNITS.——

"(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 1802.

"(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of local government as a basis for awarding grants under this section.

**"SEC. 1804. GUIDELINES.**

"(a) IN GENERAL.—The Attorney General shall issue guidelines establishing procedures under which a State or unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

"(b) ADVISORY BOARD.—The guidelines referred to in subsection (a) shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to review the proposed uses of such funds. The board shall include representation from, if appropriate——

"(1) the State or local police department;

"(2) the local sheriff's department;

"(3) the State or local prosecutor's office;

"(4) the State or local juvenile court;

"(5) the State or local probation officer;

"(6) the State or local educational agency;

"(7) a State or local social service agency;

"(8) a nonprofit, nongovernmental victim advocacy organization; and

"(9) a nonprofit, religious, or community group.

**"SEC. 1805. PAYMENT REQUIREMENTS.**

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

"(1) 180 days after the date that the amount is available, or

"(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c),

whichever is later.

"(b) REPAYMENT OF UNEXPENDED AMOUNTS.——

"(1) REPAYMENT REQUIRED.—From amounts awarded under this part, a State or specially qualified unit shall repay to the Attorney General, before the expiration of the 36-month period beginning on the date of the award, any amount that is not expended by such State or unit.

"(2) EXTENSION.—The Attorney General may adopt policies and procedures providing for a one-time extension, by not more than 12 months, of the period referred to in paragraph (1).

"(3) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

"(4) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States and specially qualified units.

"(c) ADMINISTRATIVE COSTS.—A State or unit of local government that receives funds under this part may use not more than 5 percent of such funds to pay for administrative costs.

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

"(e) MATCHING FUNDS.——

"(1) IN GENERAL.—The Federal share of a grant received under this part may not exceed 90 percent of the total program costs.

"(2) CONSTRUCTION OF FACILITIES.—Notwithstanding paragraph (1), with respect to the cost of constructing juvenile detention or correctional facilities, the Federal share of a grant received under this part may not exceed 50 percent of approved cost.

**"SEC. 1806. UTILIZATION OF PRIVATE SECTOR.**

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

**"SEC. 1807. ADMINISTRATIVE PROVISIONS.**

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

"(1) establish a trust fund in which the government will deposit all payments received under this part;

"(2) use amounts in the trust fund (including interest) during the period specified in section 1805(b)(1) and any extension of that period under section 1805(b)(2);

"(3) designate an official of the State or specially qualified unit to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

"(4) spend the funds only for the purposes under section 1801(b).

"(b) TITLE I PROVISIONS.—Except as otherwise provided, the administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

**"SEC. 1808. ASSESSMENT REPORTS.**

"(a) REPORTS TO ATTORNEY GENERAL.——

"(1) IN GENERAL.—Except as provided in paragraph (2), for each fiscal year for which a grant or subgrant is awarded under this part, each State or unit of local government that receives such a grant or subgrant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include——

"(A) a summary of the activities carried out with such grant or subgrant; and

"(B) an assessment of the effectiveness of such activities on achieving the purposes of this part.

"(2) WAIVERS.—The Attorney General may waive the requirement of an assessment in paragraph (1)(B) for a State or unit of local government if the Attorney General determines that——

"(A) the nature of the activities are such that assessing their effectiveness would not be practical or insightful;

"(B) the amount of the grant or subgrant is such that carrying out the assessment would not be an effective use of those amounts; or

"(C) the resources available to the State or unit are such that carrying out the assessment would pose a financial hardship on the State or unit.

"(b) REPORTS TO CONGRESS.—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit to the Congress a report, which shall include——

"(1) a summary of the information provided under subsection (a);

"(2) the assessment of the Attorney General of the grant program carried out under this part; and

"(3) such other information as the Attorney General considers appropriate.

**"SEC. 1809. DEFINITIONS.**

"For purposes of this part:

"(1) The term 'unit of local government' means——

"(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes;

"(B) any law enforcement district or judicial enforcement district that——

"(i) is established under applicable State law; and

"(ii) has the authority, in a manner independent of other State entities, to establish a budget and raise revenues; and

"(C) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

"(2) The term 'specially qualified unit' means a unit of local government which may receive funds under this part only in accordance with section 1803(e).

"(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

"(4) The term 'juvenile' means an individual who is 17 years of age or younger.

"(5) The term 'juvenile justice expenditures' means expenditures in connection with the juvenile justice system, including expenditures in connection with such system to carry out——

"(A) activities specified in section 1801(b); and

"(B) other activities associated with prosecutorial and judicial services and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

"(6) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

**"SEC. 1810. AUTHORIZATION OF APPROPRIATIONS.**

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

"(1) $500,000,000 for fiscal year 2002;

"(2) $500,000,000 for fiscal year 2003; and

"(3) $500,000,000 for fiscal year 2004.

"(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Of the amount authorized to be appropriated under subsection (a), there shall be available to the Attorney General, for each of the fiscal years 2002 through 2004 (as applicable), to remain available until expended——

"(1) not more than 2 percent of that amount, for research, evaluation, and demonstration consistent with this part;

"(2) not more than 1 percent of that amount, for training and technical assistance; and

"(3) not more than 1 percent, for administrative costs to carry out the purposes of this part.

The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

"(c) FUNDING SOURCE.—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund.".

**SEC. 3. EFFECTIVE DATE.**

The amendments made by section 2 shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

**SEC. 4. TRANSITION OF JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANTS PROGRAM.**

For each grant made from amounts made available for the Juvenile Accountability Incentive Block Grants program (as described under the heading "VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" in the Department of Justice Appropriations Act, 2000 (as enacted by Public Law 106–113; 113 Stat. 1537–14)), the grant award shall remain available to the grant recipient for not more than 36 months after the date of reciept of the grant.

## PURPOSE AND SUMMARY

H.R. 863 authorizes the Department of Justice to make grants to States and local governments to strengthen their juvenile justice systems. The bill allows the States and localities flexibility in using the grant funds and provides an illustrative list of possible uses for the grant money. For example, the grant money may be used for a range of purposes from the hiring of more judges, prosecutors, and corrections personnel to supporting juvenile gun courts, drug court programs, and accountability-based school safety programs. This flexibility allows States and localities to strengthen their juvenile justice systems in ways that best meet their needs.

To be eligible for the grant funds, a State must have in place or agree to implement a system of graduated sanctions for juvenile offenders within 1 year of applying for the funds. Under the legislation, the graduated sanctions system must ensure that sanctions are imposed on juvenile offenders for every offense, that the sanctions escalate in intensity with each subsequent more serious offense, that the courts will be flexible in applying sanctions that address the specific problems of the individual offender, and that consideration is given to public safety and victims of crime.

A State or locality may still qualify for a grant even if its system of graduated sanctions is discretionary, allowing juvenile courts to not participate. If an applicant's system is discretionary, however, then the non-participating juvenile courts must report at the end of the year why they did not impose graduated sanctions.

## BACKGROUND AND NEED FOR THE LEGISLATION

In the 1980's, the public perception was that serious juvenile crime was increasing and the juvenile justice system was too lenient.[1] This perception was partially based on the tremendous growth in the rate of juvenile violent crime in the late 1980's through the early 1990's.[2] After 1993, however, the rate began to decline.[3] By 1999, the decline had resulted in the lowest juvenile violent crime arrest rate in the decade.[4]

### JUVENILE VIOLENCE STILL TOO HIGH

While the rate of violent teenage crime is down, criminologists and policymakers remain concerned that the level of juvenile violence is too high. In 1999, law enforcement agencies made an estimated 2.5 million juvenile arrests in the United States.[5] In 1999, 17 percent of all arrests and 16 percent of all violent crime arrests were juveniles.[6] More specifically, 9 percent of murder arrests, 14 percent of aggravated assault arrests, 33 percent of burglary arrests, 35 percent of robbery arrests and 24 percent of weapons arrests involved juveniles.[7] According to the Office of Juvenile Justice and Delinquency Prevention at the Department of Justice,

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[1] Howard N. Snyder and Melissa Sickmund, U.S. Dep't of Justice, Juvenile Offenders and Victims: 1999 National Report 88 (2000).

[2] Office of Juvenile Justice and Delinquency Prevention, U.S. Dep't of Justice, Juvenile Justice Bulletin, December 2000 at 1.

[3] *Id.*

[4] *Id.*

[5] *Id.*

[6] *Id.*

[7] *Id.*

"[s]erious and violent juvenile offenders comprise a troubled and often dangerous population. Although their numbers are small, they are responsible for a disproportionate amount of crime."[8]

JUVENILE COURTS' CASELOADS STILL TOO HIGH

While the juvenile violent crime rate has dropped, the case load for juvenile courts has not. The number of juvenile delinquency cases has increased 48 percent between 1988 and 1997.[9] In 1997, the juvenile courts handled 1.8 million cases in which the juvenile was charged with a delinquency offense.[10] A delinquency offense is an offense for which an adult could be prosecuted in criminal court.[11]

GRADUATED SANCTIONS HELP TO REDUCE THE RATE OF JUVENILE CRIME AND RECIDIVISM

The drop in violent juvenile crime has offered States and localities the opportunity to focus more on first time offenders, as testimony before the Subcommittee on Crime has highlighted. At a hearing before the Subcommittee held on March 8, 2001, witnesses testified that the juvenile justice system needs to do a better job of becoming involved in the lives of juvenile offenders at an earlier time. The witnesses testified that getting involved earlier reduces recidivism and the crime rate. Judge Michael Anderegg of the Family Division of the Marquette County (MI) Circuit Court testified from the perspective of rural areas. He stated that "continuation of the Federal effort to assist State courts in dealing with juvenile offenders will ultimately reduce adult crime, reduce the costs of crime, and increase public safety."

Also at the March 8, 2001 hearing, the Executive Director of the Texas Youth Commission, Steve Robinson, testified that their system of graduated sanctions was working to reduce juvenile crime. He stated that "the preliminary numbers indicate that there has been a 14-percent decrease in referrals to the juvenile probation departments since [Texas has] instituted graduated sanctions." In 1995, Texas reformed its juvenile code to require the adoption of a seven-step progressive sanctions policy.[12] He also testified that "in Texas, our recidivism rate has dropped steadily since 1995. . . ." The States' systems of graduated sanctions vary based on each individual State's needs and the systems require substantial funding commitments to ensure adequate implementation.

CONGRESSIONAL EFFORTS TO ASSIST STATES AND LOCALITIES

In the last two Congresses, legislation similar to H.R. 863 was introduced to assist States and localities seeking to implement graduated sanctions. H.R. 863, the "Consequences for Juvenile Offenders Act of 2001," is similar to H.R. 1501, the "Consequences for Juvenile Offenders Act of 1999," a bill introduced in the 106th Congress.

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[8] Office of Juvenile Justice and Delinquency Prevention, U.S. Dep't of Justice, Juvenile Justice Bulletin, May 1998, at 1.

[9] Office of Juvenile Justice and Delinquency Prevention, U.S. Dep't of Justice, Fact Sheet #04, March 2000, at 1.

[10] Office of Juvenile Justice and Delinquency Prevention, U.S. Dep't of Justice, Juvenile Justice Bulletin, October 2000.

[11] *Id.*

[12] Shay Bilchik, U.S. Dep't of Justice, Juvenile Justice Reform Initiatives in the States (1997).

H.R. 1501 would have created a new grant program to be used to strengthen the juvenile justice system. Just as H.R. 863 does, H.R. 1501 would have replaced the Juvenile Accountability Incentive Block Grant (JAIBG) program with the Juvenile Accountability Block Grant (JABG) Program. The appropriations bill funding the Departments of Commerce, Justice, and State for FY 1999 (P.L. 105–119) established the JAIBG program, which is administered by the Office of Juvenile Justice and Delinquency Prevention. The JAIBG program provides block grants to States that have implemented, or are considering implementing, legislation and/or programs promoting greater accountability in the juvenile justice system.

Similar to H.R. 863, H.R. 1501 would have added new purposes for which the funds could be used. Neither H.R. 862 nor H.R. 1501 include the JAIBG requirement that a certain percentage of the funds be spent on specified purposes. The Subcommittee on Crime reported H.R. 1501 favorably to the Committee by voice vote on April 21, 1999. The bill was then considered by the full House where a number of non-germane amendments were adopted. On June 17, 1999, the amended bill passed the House by a recorded vote of 287–139. The Senate amended the bill further and the Senate and House did not report the bill out of the conference on the bill. All of the Members of the Subcommittee on Crime were original co-sponsors of H.R. 1501.

In the 105th Congress, H.R. 3, the "Juvenile Crime Control Act of 1997" passed the House by a vote of 286–132. title III of that bill contained an incentive grant program to help States and localities strengthen their juvenile justice system infrastructure, thereby enabling them to ensure meaningful sanctions for juvenile offenders. While H.R. 3 did not become law, title III did become the basis for the JAIBG program created by the appropriations bill for the Departments of Commerce, Justice, and State. JAIBG received an appropriation of $250 million for fiscal years 1998 and 1999, and after rescissions, the program received $238 million in fiscal year 2000 and $244 million in fiscal year 2001. Through those appropriations bills, the JAIBG has provided almost a billion dollars to those States and localities that certified that they had implemented or were "actively considering" implementing the core requirements of H.R. 3. All 50 States are participating in that program, and make sub-awards to eligible counties and cities.

## HEARINGS

The Committee's Subcommittee on Crime held one hearing on H.R. 863, the "Consequences for Juvenile Offenders Act of 2001," on March 8, 2001. Testimony was received from four witnesses representing four organizations. The witnesses were: the Honorable Michael Anderegg, Marquette, Michigan, Juvenile Court; the Honorable Jim Payne, Marion County, Indiana, Juvenile Court; Steve Robinson, Executive Director, Texas Youth Commission; and Vincent N. Schiraldi, Center on Juvenile and Criminal Justice.

## COMMITTEE CONSIDERATION

On March 21, 2001, the Subcommittee on Crime met in open session and ordered favorably reported the bill H.R. 863, as amended,

by a voice vote, a quorum being present. On March 28, 2001, the Committee met in open session and ordered favorably reported the bill H.R. 863 with an amendment, by voice vote, a quorum being present.

## VOTE OF THE COMMITTEE

No recorded votes were taken on the bill H.R. 863 during Committee consideration.

## COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

## PERFORMANCE GOALS AND OBJECTIVES

While the grant funds authorized by H.R. 863 are to be awarded to States and units of local government, the program will likely be administered by the Office of Justice Programs within the Department of Justice. That office should set as a performance goal to distribute all grants funds appropriated for the program each year. It should also set performance measures based on the level of compliance by States and localities receiving grant funds with the bill's requirements concerning appropriate use of the funds, adoption of systems of graduated sanctions by grant recipients, the level of matching funding provided by States and units of local government, and reporting requirements (both by grants recipients to the Attorney General and by the Attorney General to Congress).

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 863, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, April 5, 2001.*

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
*Committee on the Judiciary,*
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 863, the Consequences for Juvenile Offenders Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226–2860.

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure

cc: Honorable John Conyers Jr.
Ranking Member

*H.R. 863—Consequences for Juvenile Offenders Act of 2001.*

SUMMARY

H.R. 863 would authorize the appropriation of $500 million for each of fiscal years 2002 through 2004 for the Attorney General to make grants designed to strengthen the juvenile justice system to state, local, and tribal governments. Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 863 would cost $1.5 billion over the 2002–2006 period. This legislation would not affect direct spending or receipts, so pay-as-you-go procedures would not apply.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would benefit state, local, and tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

For this estimate, CBO assumes that the amounts authorized in H.R. 863 will be appropriated by the start of each fiscal year and that spending will follow the historical rates for similar programs. The estimated budgetary impact of H.R. 863 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

By Fiscal Year, in Millions of Dollars

| | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|---|---|---|---|---|---|---|
| SPENDING SUBJECT TO APPROPRIATION | | | | | | |
| Spending Under Current Law for Juvenile Accountability Block Grants | | | | | | |
| Budget Authority [1] | 250 | 0 | 0 | 0 | 0 | 0 |
| Estimated Outlays | 247 | 75 | 0 | 0 | 0 | 0 |
| Proposed Changes | | | | | | |
| Authorization Level | 0 | 500 | 500 | 500 | 0 | 0 |
| Estimated Outlays | 0 | 350 | 500 | 500 | 150 | 0 |
| Spending Under H.R. 863 for Juvenile Accountability Block Grants | | | | | | |
| Authorization Level [1] | 250 | 500 | 500 | 500 | 0 | 0 |
| Estimated Outlays | 247 | 425 | 500 | 500 | 150 | 0 |

1. The 2001 level is the amount appropriated for juvenile accountability incentive block grants, a program that is very similar to the one authorized by H.R. 863.

PAY-AS-YOU-GO CONSIDERATIONS:

None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 863 contains no intergovernmental or private-sector mandates as defined in UMRA and would benefit state, local, and tribal governments. The bill would authorize the appropriation of $1.5 billion over three years in grants to state, local, and tribal governments for juvenile justice programs. Any costs incurred by these governments would be the result of complying with grant conditions and would be voluntary.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz (226–2860)
Impact on State, Local, and Tribal Governments: Shelley Finlayson (225–3220)
Impact on the Private Sector: Paige Piper/Bach (226–2618)

ESTIMATE APPROVED BY:

Peter H. Fontaine
Deputy Assistant Director for Budget Analysis

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, section 8, of the Constitution.

## SECTION-BY-SECTION ANALYSIS AND DISCUSSION

### SECTION 1: SHORT TITLE

Section 1 of the bill states the short title of the bill as the "Consequences for Juvenile Offenders Act of 2001".

### SECTION 2: GRANT PROGRAM

Section 2 amends Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) in substituting in its place "Part R—Juvenile Accountability Block Grants." The new Part R is comprised of 10 sections, numbered 1801 through 1810.

*Section 1801. Program Authorized*

New section 1801 authorizes the Attorney General to provide grants to States, and in certain cases directly to eligible units of local government, for use by States and localities for the purpose of strengthening their juvenile justice systems. Section 1801(b) provides an illustrative list of acceptable expenditures for the grant money. Some examples of acceptable uses of the grant funds include:

(1) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;

(2) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced;

(3) establishing and maintaining interagency information-sharing programs that enable juvenile and criminal justice sys-

tem, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

(4) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies;

(5) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders;

(6) establishing and maintaining accountability-based programs designed to enhance school safety; or

(7) establishing and maintaining restorative justice programs.

While this list should not be construed as an exclusive list, it is the view of the Committee that it generally reflects the types of expenditures States and localities incur in meeting the needs of their juvenile justice systems. These programs are aimed at ensuring that juveniles receive appropriate sanctions and face consequences for their wrongdoing and at the same time receive the help they may need to prevent future offenses. The States and localities have the discretion to determine how best to use the grant money to meet the needs of their juvenile justice systems.

*Section 1802. Grant Eligibility.*

Section 1802 establishes the eligibility criteria for States and localities to receive funding under the grant program. Section 1802(a) provides that States applying for grant funds, must provide the Attorney General with information about the proposed activities the State and its localities will carry out with the grant and the criteria by which the State proposes to assess the effectiveness of such activities on achieving the purposes of this part. In addition, the applicant must provide the Attorney General with assurances that the State and any localities within the State that qualify for funding have in effect, or will have in effect within 1 year of submitting its application, policies and programs that provide for a system of graduated sanctions as defined in Section 1802(c). The Attorney General also may require additional information.

Section 1802(b) establishes the eligibility criteria for localities, both within States which qualify for funding, and within States that do not qualify or apply for funds, to receive grant funds under the bill. Section 1802(b)(1)(A) requires that the localities must provide information about the activities the localities propose to carry out with the subgrant and the criteria by which the locality proposes to assess the effectiveness of such activities. Localities within qualifying States must provide this information to the States. Localities within non-qualifying States must provide this information to the Attorney General.

Section 1802(b)(1)(B) requires that localities must provide assurances that a system of graduated sanctions, as described in section 1802(c), is or will be in effect within 1 year of applying for the funds. While both the States and localities must meet the same criteria, it is important to note that the Committee recognizes that lo-

calities, by themselves, may be unable to effect certain reforms. Section 1802(b)(1)(B) reflects this distinction and provides that localities must only provide assurances to the State that the four requirements in section 1802(c) are being met "to the maximum extent applicable." It is also the Committee's view that localities in non-qualifying States only need to assure the Attorney General that they have in place policies or programs that meet the four requirements in section 1802(c). The Committee's view is that localities within qualifying States will almost always qualify by virtue of the State qualifying.

Section 1802(c) describes four requirements that a system of graduated sanctions must meet for an applicant to qualify for the grant funds. The first requirement is that the sanctions must be imposed on a juvenile offender for each delinquent offense. Each time a court determines a juvenile has committed a delinquent act, the court should hold the juvenile responsible and accountable for his or her behavior. Juveniles must be made to understand that there will be a consequence for breaking the law. By beginning with the juvenile's first act of delinquency, the goal is to prevent young offenders from engaging in more serious wrongdoing later in their lives.

The second requirement is that the sanctions escalate in intensity with each subsequent, more serious delinquent offense. This type of system will help prevent recidivism and break the cycle of delinquency that often leads juveniles into more serious crimes in their late teens or early adult years. The Committee recognizes that it will be difficult to precisely measure the extent to which a State or locality ensures a sanction for every delinquent or criminal act. It is the Committee's view that a general assessment of the degree to which such policies and practices are being carried out is a sufficient basis for a State's or locality's determination.

The third requirement is that the system have sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender. It is the Committee's view that the purpose of the juvenile justice system remains principally one of rehabilitation. Accordingly, the sanctions should be reasonable and appropriate in response to the juvenile's history of offenses and the seriousness of the offense in question. The courts should be flexible in applying the sanctions to address the specific problems and needs of the juvenile.

The fourth requirement is that the system accord appropriate consideration to public safety and victims of crime. The sanctions should have the goal of repairing harm to the victims and the community and protecting the public from future crimes.

Section 1802(d) provides that a State or locality may qualify for the grant funds even if its system of graduated sanctions is discretionary. As such, a State or locality does not have to require all of its juvenile courts to impose graduated sanctions or to impose them in every case. In States and localities where the imposition of graduated sanctions is discretionary, however, the juvenile courts that do not impose graduated sanctions at all, or do not impose them in every case, must report at least annually to the applicable State or locality why graduated sanctions were not imposed in all such cases. The State then must submit this information to the Attorney General. The Committee recognizes that the juvenile courts are al-

ready overburdened and it does not want to harm the courts' ability to effectively and efficiently handle juvenile cases through burdensome reporting requirements. Therefore, it is the Committee's view that, to satisfy this requirement, the non-participating courts may provide general statements explaining the reasons why graduated sanctions were not imposed in all cases.

Section 1802(e) defines the terms "discretionary" and "sanctions." The term discretionary means that each and every juvenile court in a State or locality does not have to impose a system of graduated sanctions. The term sanctions means tangible, proportional consequences that hold juvenile offenders accountable for the offense committed. A sanction may include, but is not limited to, counseling, restitution, community service, a fine, supervised probation, or confinement.

*Section 1803. Allocation and Distribution of Funds.*

Section 1803(a) provides that each State is to receive 0.25 percent of the total grant funds. The term "State" is defined in new section 1809. The remaining funds are then to be distributed among the States based the size of each State's juvenile population.

Section 1803(b)(1) requires that a participating State must distribute to its participating localities 75 percent of the total grant funds the State receives. This "pass-through" provision is aimed at ensuring that localities receive most of the funding when they bear most of the juvenile justice expenditures.

Section 1803(b)(2) provides for a waiver of the pass-through provision when the State is responsible for more than 25 percent of the total juvenile justice expenditures in the State. The State may seek a waiver of the pass-through requirement from the Attorney General so that it may keep a share of the grant funds equal to its share of the total expenditures in that State. If the State demonstrates that the State's expenditures for the administration of juvenile justice exceeded 25 percent of the total spent by the State and its local governments for the administration of juvenile justice, then the State may increase the amount of grant funds it keeps to a level reflecting its share of the total expenditures.[13] States may not request a waiver for more than the State's relative share of the total juvenile justice expenditures in that State.

Section 1803(b)(3) provides an allocation formula to distribute the grant funding among the localities within a State. The allocation formula is intended to provide maximum resources to the localities that bear the largest burden in administering the juvenile justice system in the participating State. Under the formula, each State determines the amount that each of its localities receives, based on a combination of juvenile justice expenditures and the level of violent crime in each locality. Reflecting the goal of providing more resources to the localities with greater juvenile justice expenditures, the formula places greater weight on the juvenile justice expenditures than on the variable of the number of violent crimes. It is the Committee's intent that States not have the discretion to refuse to make a grant to localities that have provided the

[13] For example, if a State's share is 35 percent, the State may request a waiver to receive 35 percent of the grant funds.

requisite assurances, absent a good faith basis for believing that the assurances provided are inaccurate.

Section 1803(b)(4) provides that a local government shall not receive a subgrant of more than 100 percent of its juvenile justice expenditures. When a locality would receive more than 100 percent of its juvenile justice expenditures from the allocation formula, Section 1803(b)(5) allows the State to reallocate any amount above 100 percent to other local governments.

Section 1803(c) requires the State to investigate the methodology used by a locality to determine the accuracy of the locality's submitted data, if the State has reason to believe such information is insufficient or inaccurate.

Section 1803(d) provides that States shall expend money on services to localities whose allotments are less than $10,000. The Committee is of the view that requiring localities receiving allocations of less than $10,000 to comply with the planning and reporting requirements of the act places a burden on the localities that outweighs the benefit of the funds. Accordingly, the bill requires States to withhold distribution of any allocation that is less than $10,000. In such an event, the State is required to combine all such allocations, and to then expend the funds for the benefit of the localities that did not receive allocations.

Section 1803(e) provides that the Attorney General will reserve not more than 75 percent of the allocation that a non-qualifying State would have received under section 1803(a) if it had qualified. This reserve will be used to provide grants to localities that meet the requirements for funding under section 1802 even though they are in the non-qualifying States.

*Section 1804. Guidelines.*

Section 1804(a) requires the Attorney General to issue guidelines establishing procedures under which a State or locality that receives funds is required to provide notice regarding the proposed use of funds made available under this part.

Section 1804(b) requires an eligible State or locality to establish an advisory board to review the proposed uses of such funds. While the size of the board may be as large as State and local government officials, determine, the members of the board must include representatives of certain groups, as appropriate. These groups are: State and local police departments, prosecutor's offices, juvenile courts, probation offices, educational agencies, and social service agencies; the local sheriff's departments; nonprofit, nongovernmental victim advocacy organizations; and nonprofit, religious or community groups. The use of the phrase "as appropriate" is to make clear that advisory board members may be drawn from State level agencies or organizations, local level agencies or organizations, or both, as determined by the State or local officials, as the case may be.

*Section 1805. Payment Requirements.*

This section establishes various provisions regarding payment of funds to eligible States and localities and repayment of unexpended funds to the Attorney General. Section 1805(a) requires the Attorney General to pay out the grant funds no later than 180 days after the date that the amount is available or the first day of the

payment period if the State has provided the Attorney General with assurances required by subsection (c). Section 1805(b) requires that a State or locality that receives a grant directly from the Attorney General repay the Attorney General any amount that is not expended within a 36-month period beginning with the date of the award. The Attorney General may extend this period for up to 12 months, in appropriate cases. Failure to repay grants amounts requires that the Attorney General to reduce future payments to that State accordingly.

This section also limits grant recipients to using no more than 5 percent of any grants funds received for administrative costs. The section further requires that recipients may not receive more than 90 percent of their total program costs. The remaining funds must come from State or local funds. With respect to construction costs, however, the State or unit of local government must pay for half of the program cost. Finally, the section makes it clear that grants funds are to be used to supplement, and not supplant, State and local funds. The purpose of the bill is enable States and localities to strength their juvenile justice system through additional spending, and not to allow them to shift State and local funds to other uses.

*Section 1806. Utilization of Private Sector.*

This section provides that States or localities may use the funds to contract with private, nonprofit entities or community-based organizations to carry out the purposes of section 1801.

*Section 1807. Administrative Provisions.*

This section establishes administrative provisions for recipient States or localities that receive funds directly from the Attorney General. The recipient of the funds must establish a trust fund and deposit all payments received under this grant program into that trust.

*Section 1808. Assessment Reports.*

Section 1808(a) requires that a State or locality that receives the grant or subgrant funding must provide a report to the Attorney General summarizing the activities carried out with the funds and assessing the effectiveness of those activities. This section also includes a waiver provision for activities that are not practical to assess.

Section 1808(b) requires the Attorney General to submit a report to Congress that includes a summary of the information under section 1808(a) and an assessment by the Attorney General of the grant program.

*Section 1809. Definitions.*

This section provides definitions of key terms used in the legislation.

*Section 1810. Authorization of Appropriations.*

This section authorizes the appropriations of up to $500,000,000 for each fiscal year from fiscal year 2002 through fiscal year 2004. Of the amounts authorized to be appropriated, the Attorney General may spend up to 2 percent for research, evaluation and dem-

onstration consistent with the grant program, 1 percent for training and technical assistance, and 1 percent for administrative costs.

SECTION 3. EFFECTIVE DATE

Section 3 of the bill provides that the amendments made by the bill take effect on the first day of the first fiscal year that begins after enactment of the bill. This provision is designed to help ensure a smooth transition from the JAIBG to the JABG program.

SECTION 4. TRANSITION OF JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANTS PROGRAM

Section 4 of the bill provides that funds awarded under the JAIBG program are to remain available to the grant recipients for up to 36 months after the date of the receipt of the grant. This provision complements section 3 of the bill and is to make clear that recipients of JAIBG grants funds may continue to use those funds for a period of up to 36 months after their receipt of the funds, notwithstanding the replacement of the JAIBG program with the JABG program.

AGENCY VIEWS

DEPARTMENT OF JUSTICE,
*Washington, DC, April 19, 2001.*

Hon. F. JAMES SENSENBRENNER, JR., *Chairman,*
*Committee on the Judiciary,*
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: This presents the views of the Department of Justice on H.R. 863, the "Consequences for Juvenile Offenders Act of 2001," as ordered reported by the Committee on the Judiciary.

H.R. 863 would amend Part "R" of title I of the Omnibus Crime Control and Safe Streets Act of 1968 ("the Act") (42 U.S.C. § 3796, et seq.) to reauthorize, with various changes, the Juvenile Accountability Incentive Block Grant ("JAIBG") program.[1] In particular, the bill would authorize the Attorney General to make grants to States, for use by States and units of local government (including qualifying Indian tribes and Alaskan Native villages) for 16 specified purposes (e.g., developing and implementing graduated sanctions for juvenile offenders; building or renovating juvenile correctional facilities; hiring juvenile court judges, probation officers, and court-appointed defenders; and establishing juvenile gun courts). Section 1810 of the act would authorize appropriations of $500 million for each of fiscal years 2002 through 2004. Appropriations for activities authorized by the bill would be permitted to be made from the Violent Crime Reduction Trust Fund.

We support enactment of H.R. 863. In our view, the JAIBG program has proven to be an effective and efficient way to assist State and local governments in combating juvenile crime and should therefore be continued beyond its current expiration date of Octo-

[1] The existing program being reauthorized is entitled the "Juvenile Accountability Incentive Block Grants" ("JAIBG") program. The bill would redesignate the program as the "Juvenile Accountability Block Grant" ("JABG") program.

ber 1, 2001. We do, however, have a number of concerns about provisions of the bill as they are currently drafted. These concerns—and other detailed comments—are set forth in an enclosure to this letter.

We look forward to working with you on this important legislation. We trust that you will not hesitate to call upon us if we may be of additional assistance with this or any other matter. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

SHERYL L. WALTER, *Acting Assistant Attorney General.*

cc: John Conyers, Jr.
Ranking Member

DEPARTMENT OF JUSTICE DETAILED COMMENTS ON H.R. 863
(All citations are to provisions of the Omnibus Crime Control and Safe Streets Act of 1968)

1) Insert new ***"Sec. 1801A. TRIBAL GRANT PROGRAM AUTHORIZED.--***

> ***"(a) IN GENERAL. - From the amount reserved under Section 1810(b), the Attorney General shall make grants to Indian tribes for programs to strengthen tribal juvenile justice systems and to hold tribal youth accountable.***
>
> ***"(b) ELIGIBILITY. - Indian tribes, as defined by section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a), or a consortia of such tribes, shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require. Only tribes that carry out tribal juvenile justice functions shall be eligible to receive a grant.***
>
> ***"(c) AWARDS. - The Attorney General shall award grants under this section on a competitive basis.***
>
> ***"(d) GUIDELINES. - The Attorney General shall issue guidelines establishing application, use, and award criteria and processes, consistent with the purposes and requirements of this Act."***

Rationale: Sec. 1801(a) - The Attorney General should be authorized to make grants directly to Indian tribes. As drafted, the bill does not reflect the government-to-government relationship between the Federal government and the tribes or the Federal trust responsibility for the tribes. Tribes object to awarding grants under the bill on a state "pass through" basis. Therefore, we recommend setting-aside 2 percent of the JAIBG/JABG appropriation for tribes; however, we would advise against including "tribes" in the definition of "State" for the purposes of HR 863.

We recommend establishing a discretionary grant program for the purpose of holding tribal youth accountable in tribal juvenile justice systems, with awards made under such conditions as the Attorney General may deem appropriate, consistent with the other requirements of this Act. It will be important to establish the program as a discretionary program, not a block grant program, like the rest of JABG, because of the number and nature of tribes. If Congress establishes a block grant program, the 2 percent set-aside would have to be divided among 500+ tribes, so most tribes would receive tiny grants, and both the federal and tribal governments would incur high costs for grant administration. Finally, grant eligibility should be limited to those tribes that carry out juvenile justice system functions (some tribes do not; rather, the unit of local government does it for them).

2) Sec. 1801(b)(10), line 5 - Change "system" to "systems."

Rationale: This change reflects that here are 2 separate and distinct systems -- the juvenile justice system and the criminal justice system.

3) Sec. 1801(b) – Insert ***"(17) establishing and maintaining juvenile delinquency prevention programs related to the programs authorized in purpose areas (1) through (16), above."***

Rationale: Establishing and maintaining juvenile delinquency prevention activities is a critical part of strengthening the juvenile justice system and should therefore be included in the bill's purpose areas.

4) Sec. 1802(e)(2) – After *"include"* insert ***", but is not limited to"***.

Rationale: This modification is recommended to ensure that the definition does not imply the exclusion of other appropriate sanctions.

5) Sec. 1803(a)(1)(A) – Strike *"0.25"* and insert ***"0.50"***.

Rationale: Cutting the current JAIBG allocation percentage from .50 to .25 as provided in subsection (a)(1)(A) would, if the current appropriation level of $250 million is maintained, result in a loss of up to 50 percent of funding for smaller states. Even if Congress increases the JABG appropriation to $500 million, with the cut in the allocation percentage from .50 to .25, smaller states will see little to no increase in JABG funding, while larger states would enjoy significant increases. The effect of cutting the allocation percentage from .50 to .25 unfairly penalizes the smaller states, so we recommend keeping the current .50 allotment percentage.

6) Secs. 1803(b)(3)(A)**(i)**(II) and 1803(b)(3)(A)**(ii)**(II), strike *"3"* and replace *"years"* with ***"year"***, and strike *"such"* and insert ***"appropriate"***.

Rationale: It is difficult to assess the impact of H.R. 863's new sub-state formula without talking with state, county, and local juvenile justice offices; however, we can foresee problems in requiring local units of government collect the information required by sections 1803(b)(3)(A)**(i)**(II) and 1803(b)(3)(A)**(ii)**(II). These provisions require local units of government to calculate their law enforcement expenditure data and violent crime arrest data from the three most recent calendar years. However, expenditure data are comprised of national census data that are collected only every 5 years, not every calendar year. For example, the most recent law enforcement expenditure data currently available are from 1997. On the other hand, local communities continually track crime incident data (also called "crime data" or "arrest data"), and this information is reported to the U.S. Justice Department annually. The Department analyzes this data and issues a public report within1-2 years. Thus, annual crime incident data are usually not publicly available until they are 1-2 years old. Accordingly, to streamline the formula and ensure that the most up-to-date data are used in calculating the allocation of funds, we recommend amending the bill "from the 3 most recent calendar years for which such data is available" to "the most recent calendar year for which appropriate data are available."

7) Sec. 1803(d) – After *"State"* insert ***"or by the county in which the unit of local government is located, as the unit of local government shall determine,"***.

Rationale: We recommend that units of local government whose allocations are less than the minimum of $10,000 be given the authority to determine whether their funds will be expended by the state or county in which they are located. This amendment would allow local governments to determine the entity that can best provide needed services, thereby enabling local governments to use program dollars even more efficiently and effectively to meet local juvenile justice needs.

8) Sec. 1804(b) – In the title, strike *"ADVISORY"* and insert ***"ADVISORY/PLANNING"***. In the provision itself, strike *"an advisory"* and insert ***"an advisory/planning"*** and strike *"review the proposed uses"* and insert ***"establish a coordinated enforcement plan for the use"***.

Rationale: Consistent with the requirements of the current JAIBG program, we recommend that the board have a planning responsibility, rather than just an advisory role, and that the board be required to establish a coordinated enforcement plan. The current JAIBG authorization requires a "coordinated enforcement plan" (Department of Justice Department Appropriations Act of 2001, Conference Report). Furthermore, the "coordinated enforcement plan" is defined by JAIBG's Guidelines as *"A plan developed by a State or local Juvenile Crime Enforcement Coalition that is based on an analysis of juvenile justice system needs. The analysis determines the most effective uses of funds, within the 12 (the revised bill would increase this total to 17) JAIBG program purpose areas, to achieve the greatest impact on reducing juvenile delinquency, improving the juvenile justice system and increasing accountability for juvenile offenders."* (JAIBG Guidance Manual, Section 6.13.) Rather than merely "advising," members of a "planning" board are responsible for developing a coordinated strategy that will actually be implemented. This stronger role encourages board members to invest more time and energy in the board's activities and also ensures that JAIBG funds are managed efficiently -- closely coordinated with other funding streams and used in a way that represents the interests of the planning board member agencies.

9) Sec. 1808(b) – Delete *"the last day of each fiscal year...part,"* and insert ***"the date on which appropriate data are available."***

Rationale: The report deadline (90 days after the end of the fiscal year) proposed in this section potentially conflicts with the limits established by sec. 1805(b)(1) regarding the expenditure of funds. For example, the report deadline might precede the full expenditure of funds, thus making it impossible for the Attorney General to report on those activities and outcomes that have not yet occurred. Therefore, we recommend changed the deadline, as indicated.

10) Sec. 1808(b)(2), line 14 – Change *"of the Attorney General:* to ***"by the Attorney General"***.

Rationale: Technical edit.

12) Insert new subsection ***"(b) TRIBAL SET-ASIDE. – Of the amounts appropriated under section 1810(a), 2 percent shall be made available for programs under section 1801A."*** Rename section *"(b)"* as ***"(c)"*** and section *"(c)"* as ***"(d)"***.

Rationale: This change establishes the necessary set-aside for the Tribal Program we recommend in comment No. 1, above.

13) Sec. 1810(b) – In line 7, replace *"2"* with ***"3"*** and in line 10, replace *"1"* with ***"2"***.

Rationale: Currently, the JAIBG program has a 3 percent set-aside for research, evaluation, and demonstration; a 2 percent set-aside for training and technical assistance; and a 1 percent set-aside for administration. We believe that these set-asides should be continued in H.R. 863. The set-asides allow the Office of Juvenile Justice and Delinquency Prevention to provide critical support services to grant recipients at the state and local levels of government.

14) Sec. 1810(a) – Delete "$500,000,000 for fiscal year 2002...for fiscal year 2004.", and insert **"$250 million for fiscal year 2002 and such sums as may be necessary for fiscal years 2003 and 2004"**.

Sec. 1810(c) – Delete this subsection, which permits appropriations for programs authorized by the bill to be made from the Violent Crime Reduction Trust Fund.

Rationale: To conform to the President's FY 2002 budget request.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

## OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

* * * * * * *

## TITLE I—JUSTICE SYSTEM IMPROVEMENT

* * * * * * *

# [PART R—CERTAIN PUNISHMENT FOR YOUNG OFFENDERS

**[SEC. 1801. GRANT AUTHORIZATION.**

[(a) IN GENERAL.—The Attorney General may make grants under this part to States, for the use by States and units of local government, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

[(b) ALTERNATIVE METHODS.—The alternative methods of punishment referred to in subsection (a) should ensure certain punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who can be punished more effectively in an environment other than a traditional correctional facility, including——

[(1) alternative sanctions that create accountability and certain punishment for young offenders;

[(2) restitution programs for young offenders;

[(3) innovative projects, such as projects consisting of education and job training activities for incarcerated young offenders, modeled, to the extent practicable, after activities carried out under part B of title IV of the Job Training Partnership Act or subtitle C of title I of the Workforce Investment Act of 1998 (relating to Job Corps) and projects that provide family counseling;

[(4) correctional options, such as community-based incarceration, weekend incarceration, and electronic monitoring of offenders;

[(5) community service programs that provide work service placement for young offenders at non-profit, private organizations and community organizations;

[(6) innovative methods that address the problems of young offenders convicted of serious substance abuse (including alcohol abuse) and gang-related offenses; and

[(7) adequate and appropriate after care programs for young offenders, such as substance abuse treatment, education programs, vocational training, job placement counseling, family counseling and other support programs upon release.

**[SEC. 1802. STATE APPLICATIONS.**

[(a) IN GENERAL.——

[(1) SUBMISSION OF APPLICATION.—To request a grant under this part, the chief executive of a State shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

[(2) ASSURANCES.—An application under paragraph (1) shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

[(b) STATE OFFICE.—The office designated under section 507——

[(1) shall prepare the application as required under subsection (a); and

[(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

**[SEC. 1803. REVIEW OF STATE APPLICATIONS.**

[(a) IN GENERAL.—The Attorney General shall make a grant under section 1801(a) to carry out the projects described in the application submitted by such applicant under section 1802 upon determining that——

[(1) the application is consistent with the requirements of this part; and

[(2) before the approval of the application, the Attorney General has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

[(b) APPROVAL.—Each application submitted under section 1802 shall be considered approved, in whole or in part, by the Attorney General not later than 45 days after first received unless the Attorney General informs the applicant of specific reasons for disapproval.

[(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 1801(b).

[(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Attorney General shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

**[SEC. 1804. LOCAL APPLICATIONS.**

[(a) IN GENERAL.——

[(1) SUBMISSION OF APPLICATION.—To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 1802(b).

[(2) APPROVAL.—An application under paragraph (1) shall be considered to have been approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

[(3) DISAPPROVAL.—The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

[(4) EFFECT OF APPROVAL.—If an application under subsection (a) is approved, the unit of local government is eligible to receive funds under this part.

[(b) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—A State that receives funds under section 1801 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Attorney General has approved the application submitted by the State and has made funds available to the State. The Attorney General may waive the 45-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

**[SEC. 1805. ALLOCATION AND DISTRIBUTION OF FUNDS.**

[(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year——

[(1) 0.4 percent shall be allocated to each of the participating States; and

[(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders of such State bears to the number of young offenders in all the participating States.

[(b) LOCAL DISTRIBUTION.——

[(1) IN GENERAL.—A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State for the purposes specified under section

1801 that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for correctional programs in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for correctional programs in such preceding fiscal year.

[(2) UNDISTRIBUTED FUNDS.—Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified under section 1801.

[(3) UNUSED FUNDS.—If the Attorney General determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 1801, the Attorney General shall award such funds to units of local government in such State giving priority to the units of local government that the Attorney General considers to have the greatest need.

[(c) GENERAL REQUIREMENT.—Notwithstanding subsections (a) and (b), not less than two-thirds of funds received by a State under this part shall be distributed to units of local government unless the State applies for and receives a waiver from the Attorney General.

[(d) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1802(a) for the fiscal year for which the projects receive assistance under this part.

[(e) CONSIDERATION.—Notwithstanding subsections (a) and (b), in awarding grants under this part, the Attorney General shall consider as a factor whether a State has in effect throughout such State a law or policy that requires that a juvenile who is in possession of a firearm or other weapon on school property or convicted of a crime involving the use of a firearm or weapon on school property——

[(1) be suspended from school for a reasonable period of time; and

[(2) lose driving license privileges for a reasonable period of time.

[(f) DEFINITION.—For purposes of this part, "juvenile" means a person 18 years of age or younger.

**[SEC. 1806. EVALUATION.**

[(a) IN GENERAL.——

[(1) SUBMISSION TO THE DIRECTOR.—Each State and unit of local government that receives a grant under this part shall submit to the Attorney General an evaluation not later than March 1 of each year in accordance with guidelines issued by the Attorney General. Such evaluation shall include an appraisal by representatives of the community of the programs funded by the grant.

[(2) WAIVER.—The Attorney General may waive the requirement specified in paragraph (1) if the Attorney General determines that such evaluation is not warranted in the case of the State or unit of local government involved.

[(b) DISTRIBUTION.—The Attorney General shall make available to the public on a timely basis evaluations received under subsection (a).

[(c) ADMINISTRATIVE COSTS.—A State or unit of local government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section.]

## *PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS*

***SEC. 1801. PROGRAM AUTHORIZED.***

*(a) IN GENERAL.—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to specially qualified units.*

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

*(1) developing, implementing, and administering graduated sanctions for juvenile offenders;*

*(2) building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities;*

*(3) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;*

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

*(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;*

*(6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;*

*(7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;*

*(8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;*

*(9) establishing and maintaining a system of juvenile records designed to promote public safety;*

*(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;*

*(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies;*

*(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders;*

*(13) establishing and maintaining accountability-based programs that are designed to enhance school safety;*

*(14) establishing and maintaining restorative justice programs;*

*(15) establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism; and*

*(16) hiring detention and corrections personnel, and establishing and maintaining training programs for such personnel to improve facility practices and programming.*

*(c) DEFINITION.—For purposes of this section, the term "restorative justice program" means a program that emphasizes the moral accountability of an offender toward the victim and the affected community, and may include community reparations boards, restitution (in the form of monetary payment or service to the victim or, where no victim can be identified, service to the affected community), and mediation between victim and offender.*

***SEC. 1802. GRANT ELIGIBILITY.***

*(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by guidelines, including——*

*(1) information about——*

*(A) the activities proposed to be carried out with such grant; and*

*(B) the criteria by which the State proposes to assess the effectiveness of such activities on achieving the purposes of this part; and*

*(2) assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).*

*(b) LOCAL ELIGIBILITY.——*

*(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide to the State——*

*(A) information about——*

*(i) the activities proposed to be carried out with such subgrant; and*

*(ii) the criteria by which the unit proposes to assess the effectiveness of such activities on achieving the purposes of this part; and*

*(B) such assurances as the State shall require, that, to the maximum extent applicable, the unit of local govern-*

*ment has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).*

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

*(c) GRADUATED SANCTIONS.—A system of graduated sanctions, which may be discretionary as provided in subsection (d), shall ensure, at a minimum, that——*

*(1) sanctions are imposed on a juvenile offender for each delinquent offense;*

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

*(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and*

*(4) appropriate consideration is given to public safety and victims of crime.*

*(d) DISCRETIONARY USE OF SANCTIONS.——*

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

*(A) its system of graduated sanctions is discretionary; and*

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

*(2) REPORTING REQUIREMENT IF GRADUATED SANCTIONS NOT USED.——*

*(A) JUVENILE COURTS.—A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—*

*(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and*

*(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in all cases, to submit an annual report that explains why such court did not impose graduated sanctions in all cases.*

*(B) UNITS OF LOCAL GOVERNMENT.—Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.*

*(C) STATES.—Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary*

*system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).*

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

*(1) The term "discretionary" means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.*

*(2) The term "sanctions" means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.*

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

*(a) STATE ALLOCATION.——*

*(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part and except as provided in paragraph (3), the Attorney General shall allocate——*

*(A) 0.25 percent for each State; and*

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

*(2) PROHIBITION.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.*

*(b) LOCAL DISTRIBUTION.——*

*(1) IN GENERAL.—Except as provided in paragraph (2), each State which receives funds under subsection (a)(1) in a fiscal year shall distribute among units of local government, for the purposes specified in section 1801, not less than 75 percent of such amounts received.*

*(2) WAIVER.—If a State submits to the Attorney General an application for waiver that demonstrates and certifies to the Attorney General that——*

*(A) the State's juvenile justice expenditures in the fiscal year preceding the date in which an application is submitted under this part (the "State percentage") is more than 25 percent of the aggregate amount of juvenile justice expenditures by the State and its eligible units of local government; and*

*(B) the State has consulted with as many units of local government in such State, or organizations representing such units, as practicable regarding the State's calculation of expenditures under subparagraph (A), the State's application for waiver under this paragraph, and the State's proposed uses of funds,*

*the percentage referred to in paragraph (1) shall equal the percentage determined by subtracting the State percentage from 100 percent.*

*(3) ALLOCATION.—In making the distribution under paragraph (1), the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as——*

*(A) the sum of——*

*(i) the product of——*

*(I) three-quarters; multiplied by*

*(II) the average juvenile justice expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus*

*(ii) the product of——*

*(I) one-quarter; multiplied by*

*(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to——*

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

*(4) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (3) for a payment period shall not exceed 100 percent of juvenile justice expenditures of the unit for such payment period.*

*(5) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (4) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.*

*(c) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or juvenile justice expenditures for a unit of local government is insufficient or inaccurate, the State shall——*

*(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and*

*(2) if necessary, use the best available comparable data regarding the number of violent crimes or juvenile justice expenditures for the relevant years for the unit of local government.*

*(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $10,000.—If under this section a unit of local government is allocated less than $10,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.*

*(e) DIRECT GRANTS TO SPECIALLY QUALIFIED UNITS.——*

*(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 1802.*

*(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of local government as a basis for awarding grants under this section.*

***SEC. 1804. GUIDELINES.***

*(a) IN GENERAL.—The Attorney General shall issue guidelines establishing procedures under which a State or unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.*

*(b) ADVISORY BOARD.—The guidelines referred to in subsection (a) shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to review the proposed uses of such funds. The board shall include representation from, if appropriate——*

*(1) the State or local police department;*

*(2) the local sheriff's department;*

*(3) the State or local prosecutor's office;*

*(4) the State or local juvenile court;*

*(5) the State or local probation officer;*

*(6) the State or local educational agency;*

*(7) a State or local social service agency;*

*(8) a nonprofit, nongovernmental victim advocacy organization; and*

*(9) a nonprofit, religious, or community group.*

***SEC. 1805. PAYMENT REQUIREMENTS.***

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

*(1) 180 days after the date that the amount is available, or*

*(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c),*

*whichever is later.*

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

*(1) REPAYMENT REQUIRED.—From amounts awarded under this part, a State or specially qualified unit shall repay to the Attorney General, before the expiration of the 36-month period beginning on the date of the award, any amount that is not expended by such State or unit.*

*(2) EXTENSION.—The Attorney General may adopt policies and procedures providing for a one-time extension, by not more than 12 months, of the period referred to in paragraph (1).*

*(3) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.*

*(4) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States and specially qualified units.*

*(c) ADMINISTRATIVE COSTS.—A State or unit of local government that receives funds under this part may use not more than 5 percent of such funds to pay for administrative costs.*

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

*(e) MATCHING FUNDS.——*

*(1) IN GENERAL.—The Federal share of a grant received under this part may not exceed 90 percent of the total program costs.*

*(2) CONSTRUCTION OF FACILITIES.—Notwithstanding paragraph (1), with respect to the cost of constructing juvenile detention or correctional facilities, the Federal share of a grant received under this part may not exceed 50 percent of approved cost.*

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

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

***SEC. 1807. ADMINISTRATIVE PROVISIONS.***

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

*(1) establish a trust fund in which the government will deposit all payments received under this part;*

*(2) use amounts in the trust fund (including interest) during the period specified in section 1805(b)(1) and any extension of that period under section 1805(b)(2);*

*(3) designate an official of the State or specially qualified unit to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and*

*(4) spend the funds only for the purposes under section 1801(b).*

*(b) TITLE I PROVISIONS.—Except as otherwise provided, the administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.*

***SEC. 1808. ASSESSMENT REPORTS.***

*(a) REPORTS TO ATTORNEY GENERAL.——*

*(1) IN GENERAL.—Except as provided in paragraph (2), for each fiscal year for which a grant or subgrant is awarded under this part, each State or unit of local government that receives such a grant or subgrant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include——*

*(A) a summary of the activities carried out with such grant or subgrant; and*

*(B) an assessment of the effectiveness of such activities on achieving the purposes of this part.*

*(2) WAIVERS.—The Attorney General may waive the requirement of an assessment in paragraph (1)(B) for a State or unit of local government if the Attorney General determines that——*

*(A) the nature of the activities are such that assessing their effectiveness would not be practical or insightful;*

*(B) the amount of the grant or subgrant is such that carrying out the assessment would not be an effective use of those amounts; or*

*(C) the resources available to the State or unit are such that carrying out the assessment would pose a financial hardship on the State or unit.*

*(b) REPORTS TO CONGRESS.—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit to the Congress a report, which shall include——*

*(1) a summary of the information provided under subsection (a);*

*(2) the assessment of the Attorney General of the grant program carried out under this part; and*

*(3) such other information as the Attorney General considers appropriate.*

***SEC. 1809. DEFINITIONS.***

*For purposes of this part:*

*(1) The term "unit of local government" means——*

*(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes;*

*(B) any law enforcement district or judicial enforcement district that——*

*(i) is established under applicable State law; and*

*(ii) has the authority, in a manner independent of other State entities, to establish a budget and raise revenues; and*

*(C) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.*

*(2) The term "specially qualified unit" means a unit of local government which may receive funds under this part only in accordance with section 1803(e).*

*(3) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.*

*(4) The term "juvenile" means an individual who is 17 years of age or younger.*

*(5) The term "juvenile justice expenditures" means expenditures in connection with the juvenile justice system, including expenditures in connection with such system to carry out——*

*(A) activities specified in section 1801(b); and*

*(B) other activities associated with prosecutorial and judicial services and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.*

*(6) The term "part 1 violent crimes" means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.*

***SEC. 1810. AUTHORIZATION OF APPROPRIATIONS.***

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

*(1) $500,000,000 for fiscal year 2002;*

*(2) $500,000,000 for fiscal year 2003; and*

*(3) $500,000,000 for fiscal year 2004.*

*(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Of the amount authorized to be appropriated under subsection (a), there shall be available to the Attorney General, for each of the fiscal years 2002 through 2004 (as applicable), to remain available until expended——*

*(1) not more than 2 percent of that amount, for research, evaluation, and demonstration consistent with this part;*

*(2) not more than 1 percent of that amount, for training and technical assistance; and*

*(3) not more than 1 percent, for administrative costs to carry out the purposes of this part.*

*The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.*

*(c) FUNDING SOURCE.—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund.*

* * * * * * *

MARKUP TRANSCRIPT

# BUSINESS MEETING

**WEDNESDAY, MARCH 28, 2001**

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
*Washington, DC.*

The Committee met, pursuant to notice, at 10 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner (chairman of the committee) presiding.

Chairman SENSENBRENNER. The next item on the agenda is H.R. 863, the Consequences for Juvenile Offenders Act of 2001.

[H.R. 863 follows:]

I

107TH CONGRESS
1ST SESSION

# H. R. 863

To provide grants to ensure increased accountability for juvenile offenders.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2001

Mr. SMITH of Texas (for himself, Mr. SCOTT, Mr. BARR of Georgia, Mr. CHABOT, Mr. COBLE, Mr. DELAHUNT, Mr. GOODLATTE, Mr. GREEN of Wisconsin, Mr. HUTCHINSON, Ms. JACKSON-LEE of Texas, Mr. KELLER, Mr. MEEHAN, and Mr. WEINER) introduced the following bill; which was referred to the Committee on the Judiciary

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# A BILL

To provide grants to ensure increased accountability for juvenile offenders.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Consequences for Juvenile Offenders Act of 2001".

**SEC. 2. GRANT PROGRAM.**

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 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 is author-
5 ized to provide grants to States, for use by States and
6 units of local government, and in certain cases directly to
7 specially qualified units.

8 "(b) AUTHORIZED ACTIVITIES.—Amounts paid to a
9 State or a unit of local government under this part shall
10 be used by the State or unit of local government for the
11 purpose of strengthening the juvenile justice system,
12 which includes—

13 "(1) developing, implementing, and admin-
14 istering graduated sanctions for juvenile offenders;

15 "(2) building, expanding, renovating, or oper-
16 ating temporary or permanent juvenile correction,
17 detention, or community corrections facilities;

18 "(3) hiring juvenile court judges, probation offi-
19 cers, and court-appointed defenders and special ad-
20 vocates, and funding pretrial services for juvenile of-
21 fenders, to promote the effective and expeditious ad-
22 ministration of the juvenile justice system;

23 "(4) hiring additional prosecutors, so that more
24 cases involving violent juvenile offenders can be
25 prosecuted and case backlogs reduced;

1 "(5) providing funding to enable prosecutors to
2 address drug, gang, and youth violence problems
3 more effectively and for technology, equipment, and
4 training to assist prosecutors in identifying and ex-
5 pediting the prosecution of violent juvenile offenders;
6 "(6) establishing and maintaining training pro-
7 grams for law enforcement and other court per-
8 sonnel with respect to preventing and controlling ju-
9 venile crime;
10 "(7) establishing juvenile gun courts for the
11 prosecution and adjudication of juvenile firearms of-
12 fenders;
13 "(8) establishing drug court programs for juve-
14 nile offenders that provide continuing judicial super-
15 vision over juvenile offenders with substance abuse
16 problems and the integrated administration of other
17 sanctions and services for such offenders;
18 "(9) establishing and maintaining a system of
19 juvenile records designed to promote public safety;
20 "(10) establishing and maintaining interagency
21 information-sharing programs that enable the juve-
22 nile and criminal justice system, schools, and social
23 services agencies to make more informed decisions
24 regarding the early identification, control, super-

1 vision, and treatment of juveniles who repeatedly
2 commit serious delinquent or criminal acts;
3 "(11) establishing and maintaining account-
4 ability-based programs designed to reduce recidivism
5 among juveniles who are referred by law enforce-
6 ment personnel or agencies;
7 "(12) establishing and maintaining programs to
8 conduct risk and need assessments of juvenile of-
9 fenders that facilitate the effective early intervention
10 and the provision of comprehensive services, includ-
11 ing mental health screening and treatment and sub-
12 stance abuse testing and treatment to such offend-
13 ers; and
14 "(13) establishing and maintaining account-
15 ability-based programs that are designed to enhance
16 school safety.
17 **"SEC. 1802. GRANT ELIGIBILITY.**
18 "(a) STATE ELIGIBILITY.—To be eligible to receive
19 a grant under this section, a State shall submit to the
20 Attorney General an application at such time, in such
21 form, and containing such assurances and information as
22 the Attorney General may require by rule, including assur-
23 ances that the State and any unit of local government to
24 which the State provides funding under section 1803(b),
25 has in effect (or shall have in effect, not later than 1 year

1 after the date that the State submits such application)
2 laws, or has implemented (or shall implement, not later
3 than 1 year after the date that the State submits such
4 application) policies and programs, that provide for a sys-
5 tem of graduated sanctions described in subsection (c).

6 "(b) LOCAL ELIGIBILITY.—

7 "(1) SUBGRANT ELIGIBILITY.—To be eligible to
8 receive a subgrant, a unit of local government, other
9 than a specially qualified unit, shall provide such as-
10 surances to the State as the State shall require,
11 that, to the maximum extent applicable, the unit of
12 local government has in effect (or shall have in ef-
13 fect, not later than 1 year after the date that the
14 unit submits such application) laws, or has imple-
15 mented (or shall implement, not later than 1 year
16 after the date that the unit submits such applica-
17 tion) policies and programs, that provide for a sys-
18 tem of graduated sanctions described in subsection
19 (c).

20 "(2) SPECIAL RULE.—The requirements of
21 paragraph (1) shall apply to a specially qualified
22 unit that receives funds from the Attorney General
23 under section 1803(e), except that information that
24 is otherwise required to be submitted to the State
25 shall be submitted to the Attorney General.

1 "(c) GRADUATED SANCTIONS.—A system of grad-
2 uated sanctions, which may be discretionary as provided
3 in subsection (d), shall ensure, at a minimum, that—
4 "(1) sanctions are imposed on a juvenile of-
5 fender for each delinquent offense;
6 "(2) sanctions escalate in intensity with each
7 subsequent, more serious delinquent offense;
8 "(3) there is sufficient flexibility to allow for in-
9 dividualized sanctions and services suited to the indi-
10 vidual juvenile offender; and
11 "(4) appropriate consideration is given to public
12 safety and victims of crime.
13 "(d) DISCRETIONARY USE OF SANCTIONS.—
14 "(1) VOLUNTARY PARTICIPATION.—A State or
15 unit of local government may be eligible to receive
16 a grant under this part if—
17 "(A) its system of graduated sanctions is
18 discretionary; and
19 "(B) it demonstrates that it has promoted
20 the use of a system of graduated sanctions by
21 taking steps to encourage implementation of
22 such a system by juvenile courts.
23 "(2) REPORTING REQUIREMENT IF GRADUATED
24 SANCTIONS NOT USED.—

1 "(A) JUVENILE COURTS.—A State or unit
2 of local government in which the imposition of
3 graduated sanctions is discretionary shall re-
4 quire each juvenile court within its
5 jurisdiction—
6 "(i) which has not implemented a sys-
7 tem of graduated sanctions, to submit an
8 annual report that explains why such court
9 did not implement graduated sanctions;
10 and
11 "(ii) which has implemented a system
12 of graduated sanctions but has not im-
13 posed graduated sanctions in 1 or more
14 specific cases, to submit an annual report
15 that explains why such court did not im-
16 pose graduated sanctions in each such
17 case.
18 "(B) UNITS OF LOCAL GOVERNMENT.—
19 Each unit of local government, other than a
20 specially qualified unit, that has 1 or more juve-
21 nile courts that use a discretionary system of
22 graduated sanctions shall collect the informa-
23 tion reported under subparagraph (A) for sub-
24 mission to the State each year.

"(C) STATES.—Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).

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

"(1) The term 'discretionary' means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

"(2) The term 'sanctions' means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

**"SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.**

"(a) STATE ALLOCATION.—

"(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part and except as provided in paragraph (3), the Attorney General shall allocate—

1 "(A) 0.25 percent for each State; and

2 "(B) of the total funds remaining after the
3 allocation under subparagraph (A), to each
4 State, an amount which bears the same ratio to
5 the amount of remaining funds described in this
6 subparagraph as the population of people under
7 the age of 18 living in such State for the most
8 recent calendar year in which such data is
9 available bears to the population of people
10 under the age of 18 of all the States for such
11 fiscal year.

12 "(2) PROHIBITION.—No funds allocated to a
13 State under this subsection or received by a State
14 for distribution under subsection (b) may be distrib-
15 uted by the Attorney General or by the State in-
16 volved for any program other than a program con-
17 tained in an approved application.

18 "(3) INCREASE FOR STATE RESERVE.—

19 "(A) IN GENERAL.—Subject to subpara-
20 graph (B), if a State demonstrates and certifies
21 to the Attorney General that the State's law en-
22 forcement expenditures in the fiscal year pre-
23 ceding the date in which an application is sub-
24 mitted under this part is more than 25 percent
25 of the aggregate amount of law enforcement ex-

1 penditures by the State and its eligible units of
2 local government, the percentage referred to in
3 paragraph (1)(A) shall equal the percentage de-
4 termined by dividing the State's law enforce-
5 ment expenditures by such aggregate.
6 "(B) LAW ENFORCEMENT EXPENDITURES
7 OVER 50 PERCENT.—If the law enforcement ex-
8 penditures of a State exceed 50 percent of the
9 aggregate amount described in subparagraph
10 (A), the Attorney General shall consult with as
11 many units of local government in such State
12 as practicable regarding the State's proposed
13 uses of funds.
14 "(b) LOCAL DISTRIBUTION.—
15 "(1) IN GENERAL.—Except as provided in sub-
16 section (a)(3), each State which receives funds under
17 subsection (a)(1) in a fiscal year shall distribute not
18 less than 75 percent of such amounts received
19 among units of local government, for the purposes
20 specified in section 1801. In making such distribu-
21 tion the State shall allocate to such units of local
22 government an amount which bears the same ratio
23 to the aggregate amount of such funds as—
24 "(A) the sum of—
25 "(i) the product of—

"(I) three-quarters; multiplied by

"(II) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

"(ii) the product of—

"(I) one-quarter; multiplied by

"(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

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

"(2) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

"(3) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are

1 not affected by such operation in accordance with
2 this subsection.
3 "(c) UNAVAILABILITY OF DATA FOR UNITS OF
4 LOCAL GOVERNMENT.—If the State has reason to believe
5 that the reported rate of part 1 violent crimes or law en-
6 forcement expenditures for a unit of local government is
7 insufficient or inaccurate, the State shall—
8 "(1) investigate the methodology used by the
9 unit to determine the accuracy of the submitted
10 data; and
11 "(2) if necessary, use the best available com-
12 parable data regarding the number of violent crimes
13 or law enforcement expenditures for the relevant
14 years for the unit of local government.
15 "(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS
16 THAN $5,000.—If under this section a unit of local gov-
17 ernment is allocated less than $5,000 for a payment pe-
18 riod, the amount allotted shall be expended by the State
19 on services to units of local government whose allotment
20 is less than such amount in a manner consistent with this
21 part.
22 "(e) DIRECT GRANTS TO SPECIALLY QUALIFIED
23 UNITS.—
24 "(1) IN GENERAL.—If a State does not qualify
25 or apply for funds reserved for allocation under sub-

1 section (a) by the application deadline established by
2 the Attorney General, the Attorney General shall re-
3 serve not more than 75 percent of the allocation that
4 the State would have received under subsection (a)
5 for such fiscal year to provide grants to specially
6 qualified units which meet the requirements for
7 funding under section 1802.

8 "(2) AWARD BASIS.—In addition to the quali-
9 fication requirements for direct grants for specially
10 qualified units the Attorney General may use the av-
11 erage amount allocated by the States to units of
12 local government as a basis for awarding grants
13 under this section.

14 **"SEC. 1804. REGULATIONS.**

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

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

1 funds. The board shall include representation from, if
2 appropriate—
3 "(1) the State or local police department;
4 "(2) the local sheriff's department;
5 "(3) the State or local prosecutor's office;
6 "(4) the State or local juvenile court;
7 "(5) the State or local probation officer;
8 "(6) the State or local educational agency;
9 "(7) a State or local social service agency; and
10 "(8) a nonprofit, religious, or community group.
11 **"SEC. 1805. PAYMENT REQUIREMENTS.**
12 "(a) TIMING OF PAYMENTS.—The Attorney General
13 shall pay to each State or unit of local government that
14 receives funds under section 1803 that has submitted an
15 application under this part not later than—
16 "(1) 90 days after the date that the amount is
17 available, or
18 "(2) the first day of the payment period if the
19 State has provided the Attorney General with the as-
20 surances required by subsection (c),
21 whichever is later.
22 "(b) REPAYMENT OF UNEXPENDED AMOUNTS.—
23 "(1) REPAYMENT REQUIRED.—From amounts
24 awarded under this part, a State or specially quali-
25 fied unit shall repay to the Attorney General, or a

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

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

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

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

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

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

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

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

11 **"SEC. 1807. ADMINISTRATIVE PROVISIONS.**

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

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

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

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

1 "(4) spend the funds only for the purposes
2 under section 1801(b).
3 "(b) TITLE I PROVISIONS.—Except as otherwise pro-
4 vided, the administrative provisions of part H shall apply
5 to this part and for purposes of this section any reference
6 in such provisions to title I shall be deemed to include
7 a reference to this part.
8 **"SEC. 1808. DEFINITIONS.**
9 "For purposes of this part:
10 "(1) The term 'unit of local government'
11 means—
12 "(A) a county, township, city, or political
13 subdivision of a county, township, or city, that
14 is a unit of local government as determined by
15 the Secretary of Commerce for general statis-
16 tical purposes; and
17 "(B) the District of Columbia and the rec-
18 ognized governing body of an Indian tribe or
19 Alaskan Native village that carries out substan-
20 tial governmental duties and powers.
21 "(2) The term 'specially qualified unit' means a
22 unit of local government which may receive funds
23 under this part only in accordance with section
24 1803(e).

1 "(3) The term 'State' means any State of the
2 United States, the District of Columbia, the Com-
3 monwealth of Puerto Rico, the Virgin Islands, Amer-
4 ican Samoa, Guam, and the Northern Mariana Is-
5 lands, except that American Samoa, Guam, and the
6 Northern Mariana Islands shall be considered as 1
7 State and that, for purposes of section 1803(a), 33
8 percent of the amounts allocated shall be allocated
9 to American Samoa, 50 percent to Guam, and 17
10 percent to the Northern Mariana Islands.
11 "(4) The term 'juvenile' means an individual
12 who is 17 years of age or younger.
13 "(5) The term 'law enforcement expenditures'
14 means the expenditures associated with prosecu-
15 torial, legal, and judicial services, and corrections as
16 reported to the Bureau of the Census for the fiscal
17 year preceding the fiscal year for which a determina-
18 tion is made under this part.
19 "(6) The term 'part 1 violent crimes' means
20 murder and nonnegligent manslaughter, forcible
21 rape, robbery, and aggravated assault as reported to
22 the Federal Bureau of Investigation for purposes of
23 the Uniform Crime Reports.

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

2 "(a) AUTHORIZATION OF APPROPRIATIONS.—There
3 are authorized to be appropriated to carry out this part—
4 "(1) $500,000,000 for fiscal year 2002;
5 "(2) $500,000,000 for fiscal year 2003; and
6 "(3) $500,000,000 for fiscal year 2004.
7 "(b) OVERSIGHT ACCOUNTABILITY AND ADMINIS-
8 TRATION.—Not more than 3 percent of the amount au-
9 thorized to be appropriated under subsection (a), with
10 such amounts to remain available until expended, for each
11 of the fiscal years 2002 through 2004 shall be available
12 to the Attorney General for evaluation and research re-
13 garding the overall effectiveness and efficiency of the pro-
14 visions of this part, assuring compliance with the provi-
15 sions of this part, and for administrative costs to carry
16 out the purposes of this part. The Attorney General shall
17 establish and execute an oversight plan for monitoring the
18 activities of grant recipients.
19 "(c) FUNDING SOURCE.—Appropriations for activi-
20 ties authorized in this part may be made from the Violent
21 Crime Reduction Trust Fund.".
22 (b) CLERICAL AMENDMENTS.—The table of contents
23 of title I of the Omnibus Crime Control and Safe Streets
24 Act of 1968 is amended by striking the item relating to
25 part R and inserting the following:

"PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

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

○

Chairman SENSENBRENNER. The Chair recognizes the gentleman from Texas, the Chairman of the Subcommittee on Crime, for a motion.

Mr. SMITH OF TEXAS. Mr. Chairman, the Subcommittee on Crime reports favorably the bill H.R. 863 with a single amendment in the nature of a substitute and moves its favorable recommendation to the full House.

Chairman SENSENBRENNER. Without objection, the bill will be considered as read and open for amendment at any point, and the Subcommittee amendment in the nature of a substitute which the members have before them will be considered as read and be considered as the original text for purposes of amendment.

The Chair recognizes—the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I rise to strike the last word.

Chairman SENSENBRENNER. May I recognize the gentleman from Texas who is the Subcommittee Chair?

Mr. CONYERS. Absolutely.

Chairman SENSENBRENNER. The Chair recognizes the gentleman from Texas, the Subcommittee Chair, on his motion for 5 minutes.

Mr. SMITH OF TEXAS. Mr. Chairman, H.R. 863, the Consequences for Juvenile Offenders Act of 2001, is designed to improve the juvenile justice system. It is a bipartisan bill cosponsored by every member of the Crime Subcommittee. H.R. 863 was reported favorably by the Subcommittee last week by voice vote.

Two weeks ago at a hearing on this bill, our witnesses confirmed the need for the Federal Government to assist State and local governments with preventing and responding to juvenile crime. This bill does just that.

Mr. Chairman, in the interest of time, I would like to ask unanimous consent that the rest of my statement be made a part of the record.

Chairman SENSENBRENNER. Without objection.

[The statement of Mr. Smith of Texas follows:]

PREPARED STATEMENT OF HON. LAMAR SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman, H.R. 863, the "Consequences for Juvenile Offenders Act of 2001," is designed to improve the juvenile justice system. It is a bipartisan bill, co-sponsored by every member of the Crime Subcommittee. H.R. 863 was reported favorably by the Subcommittee last week by voice vote.

Two weeks ago at a hearing on this bill, our witnesses confirmed the need for the Federal Government to assist State and local governments with preventing and responding to juvenile crime. This bill does just that.

H.R. 863 authorizes the Justice Department to make grants to State and local governments to employ graduated sanctions in their juvenile justice system. The bill authorizes $500 million annually for three years beginning in fiscal year 2002.

To receive these grant funds, States and local governments must have in place, or plan to implement, a system of graduated sanctions for addressing juvenile delinquency within one year of applying for the funds. The sanctions must escalate in intensity with each subsequent, more serious offense.

The bill also requires that the system be sufficiently flexible to address the specific problems of the individual offender. H.R. 863 is a balanced effort to strengthen juvenile justice systems so that appropriate, measured consequences are imposed on juveniles at the earliest stage to prevent young offenders from engaging in more serious wrongdoing later in their lives.

The bill authorizes that each State's share of the grant funds is based on the size of each State's juvenile populations. The State must distribute 75 percent of the funds among its local governments. The State determines the amount each of its local governments receives based on a formula that takes into account a combination of juvenile justice expenditures and the level of violent crime in each unit of local government.

If the State demonstrates that the State's expenditures for the administration of juvenile justice exceeded 25 percent of the total spent by the State and its local governments for the administration of juvenile justice, then the State's share of funding is increased to a level reflecting its share of the total expenditures. So if its share is 35 percent, the State may request a waiver to receive 35 percent.

The bill requires all of the grant money to be used to strengthen the juvenile justice system and includes a number of specific uses for the funds, such as developing graduated sanctions, building and operating juvenile corrections facilities, and hiring juvenile court judges and prosecutors.

Mr. Chairman, this grant program seeks to encourage our juvenile justice system to pay more attention to juvenile offenders at earlier times in their lives with the aim of preventing more serious offenses later. With this approach, we hope to ensure that juvenile offenders learn that there are consequences for their actions. I urge my colleagues to support the bill.

Mr. SMITH OF TEXAS. And Mr. Chairman, I furthermore would like to add my thanks to Mr. Scott, the Ranking Member, for his work on this bill, which began several years ago.

And I yield back the balance of my time.

Chairman SENSENBRENNER. The gentleman from Michigan, Mr. Conyers.

Mr. CONYERS. Mr. Chairman, I rise to strike the last word.

Chairman SENSENBRENNER. Recognized for 5 minutes.

Mr. CONYERS. Of course I support H.R. 863 and I commend Mr. Scott and the Subcommittee Chairman, Mr. Smith. Their tireless efforts have created a bill that we are all together on.

But over the last several Congresses, we've debated the get-tough approach versus the prevention and treatment approach to addressing juvenile crime. This measure reflects the advice of the researchers and expert practitioners who are unanimous on the point that more—that more resources are needed for appropriate individually tailored responses to juvenile crime.

The measure before us is not a one-size-fits-all approach but a substantive bipartisan approach that actually will reduce crime and delinquency where it occurs, and that's why we all support it.

My view also is that juvenile justice is also about gun safety. I understand clearly that the sponsors of the bill have valid concerns that introducing the issue of gun violence into the debate would foster differences of view and jeopardize good legislation. They are correct that the Republican leadership bottled up this bill in a conference committee last year largely in an effort, I am told, to avoid addressing gun violence.

But I believe that preventing juvenile crime is about thwarting easy access to guns, just as much as it is about prevention programs and services for at-risk youth. Ten children a day are killed by gun violence. The shooters at Columbine High School were provided a gun largely because of the lack of any background check by licensed sellers at gun shows. We continue to witness unspeakable horrors every week as children open fire on their classmates. You all read and see them weekly.

The Nation stands ready to require a child safety lock on every gun. I think most Members of Congress are ready as well. But the Congress ignores the cries of the children and their parents.

I know that the National Rifle Association's publicity machines have been spinning in high gear since the election to perpetuate the myth that gun safety is a losing political issue. The facts are, of course, that the NRA targeted countless House and Senate seats and lost nearly every single one. So gather your courage, my colleagues. Bit by bit, the tide is turning.

Governor Pataki, New York, has proposed far more ambitious gun safety measures than those that were bottled up by the Republican leadership this year. Senator McCain and Lieberman are attempting to find common ground on this issue as we speak. But regardless of the politics, I and others feel that we cannot back down on this issue because it is the logical and correct position to take, and if we really do not want to leave any child behind, we cannot allow so many children to be killed in senseless and preventable acts of gun violence. Too many families have lived through this unthinkable experience of burying their own children for us not to act.

I would have offered amendments to this bill, reasonable and moderate measures passed by the Senate in the last Congress, the gun show background checks, child safety locks, a ban on the importation of large-capacity ammunition clips and a juvenile Brady, but because of our parliamentary rules, I am not able to do so. But let's all stay tuned for further complementary support to this excellent measure before us.

Thank you very much.

Chairman SENSENBRENNER. The gentleman's time has expired.

The gentleman from Virginia, Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman. And I look forward to the next round of legislation that the gentleman from Michigan will be introducing.

This bill before us today is a product of witnesses who presented a clear consensus that rather than moving children out of the juvenile system into the adult system, more resources were needed in the juvenile system for appropriate individually tailored responses at the first offense, not the fifth offense, that allowed broader choices than traditional limitations of either probation or incarceration.

We received that same advice from witnesses who appeared before the bipartisan Task Force on Youth Violence which was appointed by Speaker Hastert and Leader Gephardt to come up with a bipartisan recommendation to deal with juvenile violence.

In the same manner recommended by these witnesses, the bill before us today provides resources to be used to both hold the juvenile offenders accountable for their actions and to adequately address their needs for services, starting with an appropriate response when the delinquent offense first occurs and escalating the level of response upon any succeeding offense until the problem is eliminated.

Appropriate responses could consist of punishment, family and individual counseling or other mental health services, drug treatment, or other assistance individual-tailored for the individual juvenile.

Mr. Chairman, we have a good bill with bipartisan support, so I would hope that the members of the Committee would report the bill.

Chairman SENSENBRENNER. Let the Chair observe that we are about 10 minutes away from a vote and I don't think we can get people back after this vote. So——

Mr. SMITH OF TEXAS. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from Texas, Mr. Smith, seek recognition for a manager's amendment?

Mr. SMITH OF TEXAS. Mr. Chairman, I have an amendment at the desk if that's appropriate.

Chairman SENSENBRENNER. The Clerk will report the amendment.

[Amendment to the Amendment in the Nature of a Substitute to H.R. 863 Offered By Mr. Smith of Texas follows:]

## AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 863, AS REPORTED BY THE SUBCOMMITTEE ON CRIME OFFERED BY MR. SMITH OF TEXAS

**(Page & line nos. refer to Subcommittee Amendment in the Nature of a Substitute)**

Page 4, line 6, strike "and".

Page 4, line 8, strike the period at the end and insert a semicolon.

Page 4, after line 8, insert the following:

1 "(15) establishing and maintaining programs to
2 enable juvenile courts and juvenile probation officers
3 to be more effective and efficient in holding juvenile
4 offenders accountable and reducing recidivism; and
5 "(16) hiring detention and corrections per-
6 sonnel, and establishing and maintaining training
7 programs for such personnel to improve facility
8 practices and programming.

Page 4, line 13, strike "restitution," and insert "restitution (in the form of monetary payment or service to the victim or, where no victim can be identified, service to the affected community),".

Page 4, line 20, strike "rule" and insert "guidelines".

Page 8, beginning on line 5, strike "1 or more specific cases" and insert "all cases".

Page 8, beginning on line 8, strike "each such case" and insert "all cases".

Page 10, line 9, through page 11, line 4, strike paragraph (3).

Page 11, strike lines 6 through 14 and insert the following:

1 "(1) IN GENERAL.—Except as provided in para-
2 graph (2), each State which receives funds under
3 subsection (a)(1) in a fiscal year shall distribute
4 among units of local government, for the purposes
5 specified in section 1801, not less than 75 percent
6 of such amounts received.
7 "(2) WAIVER.—If a State submits to the Attor-
8 ney General an application for waiver that dem-
9 onstrates and certifies to the Attorney General
10 that—
11 "(A) the State's juvenile justice expendi-
12 tures in the fiscal year preceding the date in
13 which an application is submitted under this
14 part (the 'State percentage') is more than 25

1 percent of the aggregate amount of juvenile jus-
2 tice expenditures by the State and its eligible
3 units of local government; and
4 "(B) the State has consulted with as many
5 units of local government in such State, or or-
6 ganizations representing such units, as prac-
7 ticable regarding the State's calculation of ex-
8 penditures under subparagraph (A), the State's
9 application for waiver under this paragraph,
10 and the State's proposed uses of funds,
11 the percentage referred to in paragraph (1) shall
12 equal the percentage determined by subtracting the
13 State percentage from 100 percent.
14 "(3) ALLOCATION.—In making the distribution
15 under paragraph (1), the State shall allocate to such
16 units of local government an amount which bears
17 the same ratio to the aggregate amount of such
18 funds as—

Page 11, beginning on line 18, strike "law enforcement expenditure" and insert "juvenile justice expenditure".

Page 12, line 9, strike "(2)" and insert "(4)".

Page 12, line 11, strike "(1)" and insert "(3)".

Page 12, line 12, strike "law enforcement expenditures" and insert "juvenile justice expenditures".

Page 12, line 14, strike "(3)" and insert "(5)".

Page 12, line 16, strike "(2)" and insert "(4)".

Page 12, beginning on line 22, strike "law enforcement expenditures" and insert "juvenile justice expenditures".

Page 13, line 6, strike "law enforcement expenditures" and insert "juvenile justice expenditures".

Page 13, line 9, strike "$5,000" and insert "$10,000".

Page 13, line 10, strike "$5,000" and insert "$10,000".

Page 14, line 7, strike "REGULATIONS" in the section heading and insert "GUIDELINES".

Page 14, line 9, strike "regulations" and insert "guidelines".

Page 14, line 14, strike "regulations" and insert "guidelines".

Page 15, line 1, strike "and".

Page 15, after line 1, insert the following:

1 "(8) a nonprofit, nongovernmental victim advo-
2 cacy organization; and

Page 15, line 2, strike "(8)" and insert "(9)".

Page 15, line 8, strike "90 days" and insert "180 days".

Page 15, lines 15 through 22, strike paragraph (1) and insert the following:

3 "(1) REPAYMENT REQUIRED.—From amounts
4 awarded under this part, a State or specially quali-
5 fied unit shall repay to the Attorney General, before
6 the expiration of the 36-month period beginning on
7 the date of the award, any amount that is not ex-
8 pended by such State or unit.
9 "(2) EXTENSION.—The Attorney General may
10 adopt policies and procedures providing for a one-
11 time extension, by not more than 12 months, of the
12 period referred to in paragraph (1).

Page 15, line 23, strike "(2)" and insert "(3)".

Page 16, line 3, strike "(3)" and insert "(4)".

Page 16, lines 19 through 22, strike subsection (e) and insert the following:

13 "(e) MATCHING FUNDS.—

1 "(1) IN GENERAL.—The Federal share of a
2 grant received under this part may not exceed 90
3 percent of the total program costs.
4 "(2) CONSTRUCTION OF FACILITIES.—Notwith-
5 standing paragraph (1), with respect to the cost of
6 constructing juvenile detention or correctional facili-
7 ties, the Federal share of a grant received under this
8 part may not exceed 50 percent of approved cost.

Page 17, beginning on line 11, strike "during a period not to exceed 2 years" and all that follows through the semicolon at the end and insert "during the period specified in section 1805(b)(1) and any extension of that period under section 1805(b)(2);".

Page 19, line 24, strike "and".

Page 19, after line 24, insert the following:

9 "(B) any law enforcement district or judi-
10 cial enforcement district that—
11 "(i) is established under applicable
12 State law; and
13 "(ii) has the authority, in a manner
14 independent of other State entities, to es-
15 tablish a budget and raise revenues; and"

Page 20, line 1, strike "(B)" and insert "(C)".

Page 20, line 21, strike "The term 'law enforcement expenditures' means" and all that follows through page 21, line 2, and insert "The term 'juvenile justice expenditures' means expenditures in connection with the juvenile justice system, including expenditures in connection with such system to carry out—

"(A) activities specified in section 1801(b); and

"(B) other activities associated with prosecutorial and judicial services and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.".

Page 21, line 15, strike "Not more than" and all that follows through the period on line 23 and insert "Of the amount authorized to be appropriated under subsection (a), there shall be available to the Attorney General, for each of the fiscal years 2002 through 2004 (as applicable), to remain available until expended—

"(1) not more than 2 percent of that amount, for research, evaluation, and demonstration consistent with this part;

"(2) not more than 1 percent of that amount, for training and technical assistance; and

"(3) not more than 1 percent, for administrative costs to carry out the purposes of this part.".

Page 22, after line 7, in the table of contents proposed to be added by the bill, in the item relating to section 1804, strike "Regulations" and insert "Guidelines".

At the end of the bill, add the following new sections:

1 **SEC. 3. EFFECTIVE DATE.**

2 The amendments made by section 2 shall take effect
3 on the first day of the first fiscal year that begins after
4 the date of the enactment of this Act.

5 **SEC. 4. TRANSITION OF JUVENILE ACCOUNTABILITY IN-**
6 **CENTIVE BLOCK GRANTS PROGRAM.**

7 For each grant made from amounts made available
8 for the Juvenile Accountability Incentive Block Grants
9 program (as described under the heading "VIOLENT
10 CRIME REDUCTION PROGRAMS, STATE AND
11 LOCAL LAW ENFORCEMENT ASSISTANCE" in the
12 Department of Justice Appropriations Act, 2000 (as en-
13 acted by Public Law 106–113; 113 Stat. 1537–14)), the
14 grant award shall remain available to the grant recipient
15 for not more than 36 months after the date of reciept of
16 the grant.

The CLERK. Amendment to the amendment in the nature of a substitute to H.R. 863 as reported by the Subcommittee on Crime——

Mr. SMITH OF TEXAS. Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

Chairman SENSENBRENNER. Without objection, so ordered, and the gentleman from Texas is recognized for 5 minutes.

Mr. SMITH OF TEXAS. Mr. Chairman, I offer this amendment on behalf of myself and Mr. Scott, the Ranking Member of the Crime Subcommittee. It is the result of close cooperation between the majority and minority staffs of the Subcommittee.

The amendment makes a number of discrete changes to the bill that are designed to better direct grants to the areas of greatest need and also to ensure that recipients of the grants have sufficient flexibility to use the funds productively.

Mr. Chairman, I will ask unanimous consent that the rest of my statement be made a part of the record and I recommend that my colleagues support the amendment.

Chairman SENSENBRENNER. Without objection, so ordered.

[The statement of Mr. Smith of Texas in Support of Manager's Amendment to H.R. 863 follows:]

PREPARED STATEMENT OF HON. LAMAR SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman, I offer this Amendment on behalf of myself and Mr. Scott, the ranking member of the Crime Subcommittee. It is the result of close cooperation between the majority and minority staffs of the Subcommittee.

The Amendment makes a number of discreet changes to the bill that are designed to better direct grants to the areas of greatest need, and also to ensure that recipients of the grants have sufficient flexibility to use the funds productively.

The most important of these changes are the following:

- The Amendment modifies that portion of the bill that requires each participating State to distribute 75 percent of its grant funds to local governments. This pass-through provision is necessary because local governments pay for much of the juvenile justice expenditures. However, in the event that the State government is responsible for more than 25 percent of the total juvenile justice expenditures in the State, the State may seek a waiver from the Attorney General of the pass-through requirement so that it can keep a share of the grant funds equal to its share of the total expenditures in that State.
- The Amendment also modifies the formula by which a State determines the amount of the passed-through funds to be distributed among its local governments. The changes made to this formula will use juvenile justice expenditures, rather than adult crime expenditures, as a means to determine the areas of greatest need for distributing the funds granted by the bill.
- The Amendment also adds two additional activities for which the bill's grant funds may be used. First, the Amendment will allow the grant funds to be used to establish and maintain programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable. Second, the Amendment will allow grant funds to be used to hire and train juvenile detention and corrections personnel. While the underlying bill provides for the hiring and training of court personnel and prosecutors, it made no specific provision for using grants funds to hire the corrections personnel.
- Finally, the underlying bill contains a cost-sharing provision that requires grant recipients to pay for 10 percent of costs of any programs paid for with grant funds. The Amendment would require State and local governments using grant funds for the construction of facilities to pay at least 50 percent of the cost with non-grant funds. This provisions is consistent with the approach taken in other grant programs.

Mr. Chairman, I believe this Amendment strengthens the bill and urge my colleagues to support.

Chairman SENSENBRENNER. The gentleman from Massachusetts, Mr. Delahunt.

Mr. DELAHUNT. Yes. And I'll try to be brief, Mr. Chairman, but I just want to commend both the Chairman and the Ranking Member for a very sound piece of legislation. This isn't get-tough legislation; this is doing it smartly, doing it intelligently.

You know, in the course of the past several months, we've heard a lot about bipartisanship, working together. The rhetoric seems to have improved somewhat. But let me suggest in terms of what I have seen that has an excellent opportunity to pass this Congress, this is the first piece that I would suggest is truly bipartisan, it's very positive, I think continues—it continues the recommendations and the concepts that were embraced about a year ago in the so-called bipartisan Task Force on Youth Violence that received unanimous support. It was comprised of eleven members on the Republican side and eleven members on the Democratic side.

I support the Manager's Amendment. I would hope to work with the Chair of the Subcommittee on possibly an amendment before the bill goes to the floor or on the floor dealing simply with the issues—the issue of findings, because I think it's very important that the American people should be aware that there is good news out there, and hopefully this legislation would continue to support the dramatic reduction in juvenile crime that is occurring in this country.

You know, I think it was—since 1993, there has been a close to 70 percent decline in juvenile homicides. Now, I don't think the American people really understand that because the perception is to the contrary. But I think it's time that we as their representatives inform the Nation that this approach and these kind of efforts are working, they're working at the State level, and that we're stepping up to support their continuation and, in fact, their enhancement.

Mr. DELAHUNT. I yield back.

Chairman SENSENBRENNER. The gentleman from California, Mr. Gallegly.

Mr. GALLEGLY. Thank you very much, Mr. Chairman. I'll be very brief. I just want to publicly thank Chairman Smith for his help in working with us on a provision in the manager's amendment dealing with the increase of training for correctional officers working with juveniles. And I would ask unanimous consent to have my statement in its complete form for the record.

Chairman SENSENBRENNER. Without objection.

[The statement of Mr. Gallegly follows:]

PREPARED STATEMENT OF HON. ELTON GALLEGLY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, I would like to commend Mr. Smith, the new chairman of the Subcommittee on Crime, for working with me and including a provision in the manager's amendment that I believe strengthens the bill.

The language would allow grant money to be used by state and local governments, at their discretion, to increase training for correctional officers working in juvenile facilities or to increase the ratio of officers to inmates.

This language is needed because juvenile correctional facilities have become increasingly dangerous—both to correctional officers and the juvenile detainees. According to the U.S. Department of Justice, in 1997 over 33% of the juveniles in facilities nationwide were sentenced for committing violent offenses. In California, 60% of the total first admissions in the juvenile system during 1997 were for violent offenses, including many that were gang-related.

At the same time, as juvenile detainees have become more violent, many state and local governments simply do not have the ability to hire enough correctional officers to ensure the safe operation of its juvenile facilities. When this happens, correctional officers are unable to gather the intelligence necessary to prevent violent incidents or provide sufficient backup when an incident occurs.

This problem is compounded by a lack of proper training on the part of correctional officers in many state and local facilities. Adequate training is necessary to protect our citizens from escapes, to protect the lives of correctional officers and wards, and to ensure that juveniles are provided the services they need.

Once again, these provisions allow—but not require—state and local governments to use funds to hire additional staff for correctional and detention facilities and provide correctional officers additional training.

This language is supported by the California Correctional Peace Officers Association and the members of Corrections U.S.A, a national coalition of over 80,000 correctional officers in forty states.

Thank you Mr. Chairman and I yield back the balance of my time.

Chairman SENSENBRENNER. The gentlewoman from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Yes, Mr. Chairman, thank you very much. Let me add my appreciation to Chairman Smith and Ranking Member Scott. This is a long journey. I hope that we will find in the 107th Congress the ability to pass this legislation.

It was about 6 years ago when Ranking Member Scott and myself, along with other members of the Crime Subcommittee, and then the then-chairman, Mr. McCollum, traveled the country to hear people talk about the issues dealing with juvenile crime. At that point there was a lot of hysteria, and the approaches dealt mostly with incarceration.

And I think if we look at the statistics, and as Mr. Scott has said, in joining him on the House Task Force on Juvenile Violence, all of those experts said that we need intervention and prevention. And despite the public perception of high levels of juvenile violence, only 8 percent of juvenile offenses in 1994 were violent crimes, yet thousands of young people are incarcerated. And at one point in this very Committee, Mr. Chairman, we were talking about incarcerating young people with adults.

I do want to add the point that we have had an increase of utilization by young people of guns. Whether or not it is pervasive, it still happens, and deaths do occur. I hope that we'll find it in our conscience and in our hearts and minds, to move legislation along that deals with gun safety. That's what I'd like to call it. I don't call it gun regulation, but gun safety. In doing that, I think we'll have a wonderful balance to this legislation.

In concluding, let me say that I thank both the Ranking Member and the Chairman for including an amendment of mine in the manager's substitute I believe, or amendment to the amendment, that deals with maintaining and establishing juvenile—in juvenile courts and justice programs, efforts by prosecutors to reduce juvenile crime and recidivism by allowing the prosecutors to participate in programs once the young person gets into the courthouse, to produce or reduce recidivism.

The other thing that I think is extremely important is language in this bill—can you believe it?—in a juvenile justice bill, which we added last term that deals with intervention and mental health support systems and screening. Our young people, as our adults, need mental health services, and this particular amendment and legislation now has it.

With that, let me yield back and ask support for this legislation.

Chairman SENSENBRENNER. The question is on the amendment to the amendment in the nature of a substitute offered by the gentleman from Texas, Mr. Smith. Those in favor will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it.

Are there any further amendments?

Hearing none, the question is on the amendment in the nature of a substitute as amended. Those in favor will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it and the amendment in the nature of a substitute as amendment—as amended is agreed to.

The question now occurs on the motion to report the bill H.R. 863 favorably as amended by the amendment in the nature of a substitute. All in favor say aye.

Opposed, no.

The ayes have it and the motion to report favorably is adopted.

Without objection, the Chairman is authorized to move to go to conference pursuant to House rules. Without objection, the staff is directed to make any technical and conforming changes, and all members will be given 2 days, as provided by House rules, in which to submit additional dissenting supplemental or minority views.

This concludes the agenda and the Committee is adjourned.

[Whereupon, at 2:27 p.m., the Committee was adjourned.]

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