

Calendar No. 8

106TH CONGRESS
1ST Session
S. 254

A BILL

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

JANUARY 22, 1999

Read the second time and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

JANUARY 20, 1999

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

JANUARY 22, 1999

Read the second time and placed on the calendar

A BILL

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

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

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

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

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

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

TITLE I—JUVENILE JUSTICE REFORM

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

TITLE II—JUVENILE GANGS

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

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

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

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

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

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

Subtitle C—Alternative Education and Delinquency Prevention

Sec. 331. Alternative education.

TITLE IV—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

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

Subtitle B—Jail-Based Substance Abuse

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

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

2 (a) FINDINGS.—Congress finds that—

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

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

11 (3) in 1994—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **SEC. 3. SEVERABILITY.**

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

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

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

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

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

10 (1) by striking section 5001; and

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

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

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

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

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

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

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

25 “(a) IN GENERAL.—

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

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

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

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

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

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

3 “(i) there is a substantial Federal in-
4 terest in the case or the offense to warrant
5 the exercise of Federal jurisdiction; or

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

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

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

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

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

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

1 ney General), in cases of concurrent jurisdiction
2 between the Federal Government and a State or
3 Indian tribe over both the offense and the juve-
4 nile, shall exercise a presumption in favor of re-
5 ferral pursuant to subparagraph (A), unless the
6 United States Attorney pursuant to paragraph
7 (1)(A) (or the Attorney General pursuant to
8 paragraph (1)(B)) certifies (which certification
9 shall not be subject to review in or by any
10 court) that—

11 “(i) the prosecuting authority or the
12 juvenile court or other appropriate court of
13 the State or Indian tribe refuses, declines,
14 or will refuse or will decline to assume ju-
15 risdiction over the offense or the juvenile;
16 and

17 “(ii) there is a substantial Federal in-
18 terest in the case or the offense to warrant
19 the exercise of Federal jurisdiction.

20 “(C) DEFINITIONS.—In this subsection:

21 “(i) INDIAN TRIBE.—The term ‘In-
22 dian tribe’ has the meaning given the term
23 in section 4(e) of the Indian Self-Deter-
24 mination and Education Assistance Act
25 (25 U.S.C. 450b(e)).

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

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

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

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

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

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

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

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

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

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

18 “(A) initially appears through counsel; or

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

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

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

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

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

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

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

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

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

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

23 “(5) STATUS OF ORDERS.—

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

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

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

12 “(6) INADMISSIBILITY OF EVIDENCE.—

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

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

21 “(i) for impeachment purposes; or

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

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

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

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

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

15 “(f) APPLICATION OF LAWS.—

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

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

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

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

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

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

23 “(g) OPEN PROCEEDINGS.—

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

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

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

10 “(h) AVAILABILITY OF RECORDS.—

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

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

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

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

20 (b) CONFORMING AMENDMENTS.—

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

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

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

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

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

18 “(1) IN GENERAL.—

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

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

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

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

23 “(A) crime of violence;

24 “(B) controlled substance offense;

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

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

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

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

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

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

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

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

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

1 **SEC. 103. DEFINITIONS.**

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

4 **“§ 5031. Definitions**

5 “In this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

12 “(5) SUSTAINED ORAL COMMUNICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 “(a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 “(b) DETENTION OF CERTAIN JUVENILES.—

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

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

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

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

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

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

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

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

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

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

16 “(a) IN GENERAL.—

17 “(1) DISPOSITIONAL HEARING.—

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

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

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

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

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

3 (2) in subsection (b)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(b) RECORDS OF ADJUDICATION.—

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

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

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

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

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

1 an adult, would be any offense (other than an
2 offense described in subparagraph (A)) that is
3 equivalent to, and maintained and disseminated
4 in the same manner, as are adult criminal his-
5 tory records for the same offenses—

6 “(i) for use by and within the criminal
7 justice system for the detection, apprehen-
8 sion, detention, pretrial release, post-trial
9 release, prosecution, adjudication, sentenc-
10 ing, disposition, correctional supervision, or
11 rehabilitation of an accused person, crimi-
12 nal offender, or juvenile delinquent; and

13 “(ii) for purposes of responding to an
14 inquiry from an agency considering the
15 subject of the record for a position or
16 clearance immediately and directly affect-
17 ing national security.

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

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

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

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

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

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

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

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

3 **SEC. 109. IMPLEMENTATION OF A SENTENCE FOR JUVE-**
 4 **NILE OFFENDERS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 “(A) practicable;

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

14 and

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

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

“5039. Implementation of a sentence.”.

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

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

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

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

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

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

13 (b) GUIDELINES FOR JUVENILE CASES.—

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

17 “(z) GUIDELINES FOR JUVENILE CASES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **TITLE II—JUVENILE GANGS**

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

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

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

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

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

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

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

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

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

8 “(c) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 “(b) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

8 (b) DEFINITIONS.—In this section:

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

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

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

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

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

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

12 (a) DEFINITIONS.—In this section:

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

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

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

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

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

6 (A) within a State; or

7 (B) in more than 1 State.

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

19 (3) REQUIREMENT.—

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

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

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

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

11 (1) in subsection (a)—

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

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

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

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

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

1 “(B) cause or induce any person to—

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

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

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

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

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

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

24 and

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

4 “(B) in the case of—

5 “(i) an attempt to murder; or

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

8 imprisonment for not more than 20 years.”;

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

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

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

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

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

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

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

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

15 **“SEC. 101. FINDINGS.**

16 “Congress makes the following findings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **“SEC. 103. DEFINITIONS.**

8 “In this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(17) JUVENILE POPULATION.—The term ‘ju-
8 venile population’ means the population of a State
9 under 18 years of age.

10 “(18) JAIL OR LOCKUP FOR ADULTS.—The
11 term ‘jail or lockup for adults’ means a locked facil-
12 ity that is used by a State, unit of local government,
13 or any law enforcement authority to detain or con-
14 fine adults—

15 “(A) pending the filing of a charge of vio-
16 lating a criminal law;

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

19 “(C) convicted of violating a criminal law.

20 “(19) JUVENILE DELINQUENCY PROGRAM.—
21 The term ‘juvenile delinquency program’ means any
22 program or activity related to juvenile delinquency
23 prevention, control, diversion, treatment, rehabilita-
24 tion, planning, education, training, and research,
25 including—

1 “(A) drug and alcohol abuse programs;

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

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

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

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

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

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

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

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

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

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

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

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

14 “(27) PROHIBITED PHYSICAL CONTACT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(34) SUSTAINED ORAL COMMUNICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 “(i) the District of Columbia; or

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(b) ADMINISTRATOR.—

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

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

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

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

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

9 “(d) ASSOCIATE ADMINISTRATOR.—

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

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

20 “(e) DELEGATION AND ASSIGNMENT.—

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

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

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

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

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

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

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

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

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

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

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

16 **“SEC. 203. VOLUNTARY SERVICE.**

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

21 **“SEC. 204. NATIONAL PROGRAM.**

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

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

13 “(2) CONTENTS OF PLANS.—

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

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

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

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

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

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

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

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

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

17 “(ii) the ages of the juveniles;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(3) REVIEW AND COMMENT.—

4 “(A) IN GENERAL.—The Administrator
5 shall review and comment upon each juvenile
6 crime control, prevention, and juvenile offender
7 accountability development statement transmit-
8 ted to the Administrator under paragraph (1).

9 “(B) INCLUSION IN OTHER DOCUMENTA-
10 TION.—The development statement transmitted
11 under paragraph (1), together with the com-
12 ments of the Administrator under subparagraph
13 (A), shall be—

14 “(i) included by the Federal agency
15 involved in every recommendation or re-
16 quest made by such agency for Federal
17 legislation that significantly affects juvenile
18 crime control, prevention, and juvenile of-
19 fender accountability; and

20 “(ii) made available for promulgation
21 to and use by State and local government
22 officials, and by nonprofit organizations in-
23 volved in delinquency prevention programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(b) ELIGIBILITY OF STATES.—

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

1 the Administrator an application that contains the
2 following:

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

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

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

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

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

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

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

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

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

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

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

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

5 “(F) An assurance that projects or activi-
6 ties funded by a grant under subsection (a)
7 shall be carried out through or in coordination
8 with a court with a juvenile crime or delin-
9 quency docket.

10 “(G) Such other information as the Ad-
11 ministrator may reasonably require by rule.

12 “(2) APPROVAL OF APPLICATIONS.—

13 “(A) APPROVAL REQUIRED.—Subject to
14 subparagraph (A), the Administrator shall ap-
15 prove an application, and amendments to such
16 application submitted in subsequent fiscal
17 years, that satisfy the requirements of para-
18 graph (1).

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

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

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

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

7 “(c) GRANTS FOR LOCAL PROJECTS.—

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

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

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

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

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

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

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

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

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

20 “(2) RECEIPT OF APPLICATIONS.—

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

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

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

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

15 “(d) ELIGIBILITY OF ENTITIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(f) RESEARCH AND EVALUATION.—

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

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

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

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

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

18 “(b) APPLICATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(A) the relative juvenile population; and

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

18 “(d) GRANT AWARDS.—

19 “(1) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(b) TRAINING AND TECHNICAL ASSISTANCE.—

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

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

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

17 **“SEC. 222. STATE PLANS.**

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

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

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

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

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

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

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

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

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

14 “(7)(A) provide for—

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

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

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

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

19 “(B) contain—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(K) boot camps for juvenile offenders;

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

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

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

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

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

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

19 “(11) shall provide that—

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

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

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

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

6 “(iii) juveniles who are held in accord-
7 ance with the Interstate Compact on Juve-
8 niles as enacted by the State;

9 shall not be placed in secure detention facilities
10 or secure correctional facilities; and

11 “(B) juveniles—

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

14 “(ii) who are—

15 “(I) aliens; or

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

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

20 “(12) provide that—

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

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

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

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

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

13 “(i) for processing or release;

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

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

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

24 “(i) in which—

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

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

11 “(ii) that—

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

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

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

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

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

13 “(i) such jail or lockup—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(b) APPROVAL BY STATE AGENCY.—

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

20 “(2) STATE ADVISORY GROUP.—

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

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

14 “(B) CONSULTATION.—

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

20 “(ii) AUTHORITY.—The State Advi-
21 sory Group shall report to the chief execu-
22 tive officer and the legislature of the State
23 on an annual basis regarding recommenda-
24 tions related to the State’s compliance
25 under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **“PART C—NATIONAL PROGRAMS**

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

5 “(a) IN GENERAL.—There is established within the
6 National Institute of Justice a National Institute for Juve-
7 nile Crime Control and Delinquency Prevention, the pur-
8 pose of which shall be to provide—

9 “(1) a coordinating center for the collection,
10 preparation, and dissemination of useful data re-
11 garding the prevention, treatment, and control of ju-
12 venile delinquency;

13 “(2) through the National Institute of Justice,
14 for the rigorous and independent evaluation of the
15 delinquency and youth violence prevention programs
16 funded under this title;

17 “(3) funding for new research, through the Na-
18 tional Institute of Justice, on the nature, causes,
19 and prevention of juvenile violence and juvenile de-
20 linquency; and

21 “(4) appropriate training (including training
22 designed to strengthen and maintain the family
23 unit) for representatives of Federal, State, local law
24 enforcement officers, teachers and special education
25 personnel, recreation and park personnel, family
26 counselors, child welfare workers, juvenile judges

1 and judicial personnel, probation personnel, prosecu-
2 tors and defense attorneys, correctional personnel
3 (including volunteer lay personnel), persons associ-
4 ated with law-related education, youth workers, and
5 representatives of private agencies and organizations
6 with specific experience in the prevention, treatment,
7 and control of juvenile delinquency.

8 “(b) ADMINISTRATION.—The National Institute for
9 Juvenile Crime Control and Delinquency Prevention shall
10 be under the supervision and direction of the Director of
11 the National Institute of Justice (referred to in this part
12 as the ‘Director’), in consultation with the Administrator.

13 “(c) COORDINATION.—The activities of the National
14 Institute for Juvenile Crime Control and Delinquency Pre-
15 vention shall be coordinated with the activities of the Na-
16 tional Institute of Justice.

17 “(d) DUTIES OF THE INSTITUTE.—

18 “(1) IN GENERAL.—The Administrator shall
19 transfer appropriated amounts to the National Insti-
20 tute of Justice, or to other Federal agencies, for the
21 purposes of new research and evaluation projects
22 funded by the National Institute for Juvenile Crime
23 Control and Delinquency Prevention, and for evalua-
24 tion of discretionary programs of the Office of Juve-
25 nile Crime Control and Prevention.

1 “(2) REQUIREMENTS.—Each evaluation and re-
2 search study funded with amounts transferred under
3 paragraph (1) shall—

4 “(A) be independent in nature;

5 “(B) be awarded competitively; and

6 “(C) employ rigorous and scientifically rec-
7 ognized standards and methodologies, including
8 peer review by nonapplicants.

9 “(e) POWERS OF THE INSTITUTE.—In addition to the
10 other powers, express and implied, the National Institute
11 for Juvenile Crime Control and Delinquency Prevention
12 may—

13 “(1) request any Federal agency to supply such
14 statistics, data, program reports, and other material
15 as the National Institute for Juvenile Crime Control
16 and Delinquency Prevention deems necessary to
17 carry out its functions;

18 “(2) arrange with and reimburse the heads of
19 Federal agencies for the use of personnel or facilities
20 or equipment of such agencies;

21 “(3) confer with and avail itself of the coopera-
22 tion, services, records, and facilities of State, municipi-
23 pal, or other public or private local agencies;

24 “(4) make grants and enter into contracts with
25 public or private agencies, organizations, or individ-

1 uals for the partial performance of any functions of
2 the National Institute for Juvenile Crime Control
3 and Delinquency Prevention; and

4 “(5) compensate consultants and members of
5 technical advisory councils who are not in the regu-
6 lar full-time employ of the United States, at a rate
7 now or hereafter payable under section 5376 of title
8 5, United States Code, and while away from home,
9 or regular place of business, they may be allowed
10 travel expenses, including per diem in lieu of subsist-
11 ence, as authorized by section 5703 of title 5,
12 United States Code, for persons in the Government
13 service employed intermittently.

14 “(f) INFORMATION FROM FEDERAL AGENCIES.—A
15 Federal agency that receives a request from the National
16 Institute for Juvenile Crime Control and Delinquency Pre-
17 vention under subsection (e)(1) may cooperate with the
18 National Institute for Juvenile Crime Control and Delin-
19 quency Prevention and shall, to the maximum extent prac-
20 ticable, consult with and furnish information and advice
21 to the National Institute for Juvenile Crime Control and
22 Delinquency Prevention.

1 **“SEC. 242. INFORMATION FUNCTION.**

2 “The Administrator, acting through the National In-
3 stitute for Juvenile Crime Control and Delinquency Pre-
4 vention, as appropriate, shall—

5 “(1) on a continuing basis, review reports, data,
6 and standards relating to the juvenile justice system
7 in the United States;

8 “(2) serve as an information bank by collecting
9 systematically and synthesizing the data and knowl-
10 edge obtained from studies and research by public
11 and private agencies, institutions, or individuals con-
12 cerning all aspects of juvenile delinquency, including
13 the prevention and treatment of juvenile delin-
14 quency; and

15 “(3) serve as a clearinghouse and information
16 center for the preparation, publication, and dissemi-
17 nation of all information regarding juvenile delin-
18 quency, including State and local juvenile delin-
19 quency prevention and treatment programs (includ-
20 ing drug and alcohol programs and gender-specific
21 programs) and plans, availability of resources, train-
22 ing and educational programs, statistics, and other
23 pertinent data and information.

1 **“SEC. 243. RESEARCH, DEMONSTRATION, AND EVALUATION**
2 **FUNCTIONS.**

3 “(a) IN GENERAL.—The Administrator, acting
4 through the National Institute for Juvenile Crime Control
5 and Delinquency Prevention, as appropriate, may—

6 “(1) conduct, encourage, and coordinate re-
7 search and evaluation into any aspect of juvenile de-
8 linquency, particularly with regard to new programs
9 and methods that show promise of making a con-
10 tribution toward the prevention and treatment of ju-
11 venile delinquency;

12 “(2) encourage the development of demonstra-
13 tion projects in new, innovative techniques and
14 methods to prevent and treat juvenile delinquency;

15 “(3) establish or expand programs that, in rec-
16 ognition of varying degrees of the seriousness of de-
17 linquent behavior and the corresponding gradations
18 in the responses of the juvenile justice system in re-
19 sponse to that behavior, are designed to—

20 “(A) encourage courts to develop and im-
21 plement a continuum of post-adjudication re-
22 straints that bridge the gap between traditional
23 probation and confinement in a correctional set-
24 ting (including expanded use of probation, me-
25 diation, restitution, community service, treat-
26 ment, home detention, intensive supervision,

1 electronic monitoring, boot camps and similar
2 programs, and secure community-based treat-
3 ment facilities linked to other support services
4 such as health, mental health, education (reme-
5 dial and special), job training, and recreation);
6 and

7 “(B) assist in the provision by the Admin-
8 istrator of best practices of information and
9 technical assistance, including technology trans-
10 fer, to States in the design and utilization of
11 risk assessment mechanisms to aid juvenile jus-
12 tice personnel in determining appropriate sanc-
13 tions for delinquent behavior;

14 “(4) encourage the development of programs
15 that, in addition to helping youth take responsibility
16 for their behavior, through control and incarceration,
17 if necessary, provide therapeutic intervention such as
18 providing skills;

19 “(5) encourage the development and establish-
20 ment of programs to enhance the States’ ability to
21 identify chronic serious and violent juvenile offend-
22 ers who commit crimes such as rape, murder, fire-
23 arms offenses, gang-related crimes, violent felonies,
24 and serious drug offenses;

1 “(6) prepare, in cooperation with education in-
2 stitutions, with Federal, State, and local agencies,
3 and with appropriate individuals and private agen-
4 cies, such studies as it considers to be necessary
5 with respect to prevention of and intervention with
6 juvenile violence and delinquency and the improve-
7 ment of juvenile justice systems, including—

8 “(A) evaluations of programs and interven-
9 tions designed to prevent youth violence and ju-
10 venile delinquency;

11 “(B) assessments and evaluations of the
12 methodological approaches to evaluating the ef-
13 fectiveness of interventions and programs de-
14 signed to prevent youth violence and juvenile
15 delinquency;

16 “(C) studies of the extent, nature, risk,
17 and protective factors, and causes of youth vio-
18 lence and juvenile delinquency;

19 “(D) comparisons of youth adjudicated
20 and treated by the juvenile justice system com-
21 pared to juveniles waived to and adjudicated by
22 the adult criminal justice system (including in-
23 carcerated in adult, secure correctional facili-
24 ties);

1 “(E) recommendations with respect to ef-
2 fective and ineffective primary, secondary, and
3 tertiary prevention interventions, including for
4 which juveniles, and under what circumstances
5 (including circumstances connected with the
6 staffing of the intervention), prevention efforts
7 are effective and ineffective; and

8 “(F) assessments of risk prediction sys-
9 tems of juveniles used in making decisions re-
10 garding pretrial detention;

11 “(7) disseminate the results of such evaluations
12 and research and demonstration activities particu-
13 larly to persons actively working in the field of juve-
14 nile delinquency;

15 “(8) disseminate pertinent data and studies to
16 individuals, agencies, and organizations concerned
17 with the prevention and treatment of juvenile delin-
18 quency; and

19 “(9) routinely collect, analyze, compile, publish,
20 and disseminate uniform national statistics
21 concerning—

22 “(A) all aspects of juveniles as victims and
23 offenders;

24 “(B) the processing and treatment, in the
25 juvenile justice system, of juveniles who are sta-

1 tus offenders, delinquent, neglected, or abused;
2 and

3 “(C) the processing and treatment of such
4 juveniles who are treated as adults for purposes
5 of the criminal justice system.

6 “(b) PUBLIC DISCLOSURE.—The Administrator or
7 the Director, as appropriate, shall make available to the
8 public—

9 “(1) the results of research, demonstration, and
10 evaluation activities referred to in subsection (a)(8);

11 “(2) the data and studies referred to in sub-
12 section (a)(9); and

13 “(3) regular reports regarding each State’s ob-
14 jective measurements of youth violence, such as the
15 number, rate, and trend of homicides committed by
16 youths.

17 **“SEC. 244. TECHNICAL ASSISTANCE AND TRAINING FUNC-**
18 **TIONS.**

19 “The Administrator, acting through the National In-
20 stitute for Crime Control and Delinquency Prevention, as
21 appropriate, may—

22 “(1) provide technical assistance and training
23 assistance to Federal, State, and local governments
24 and to courts, public and private agencies, institu-
25 tions, and individuals in the planning, establishment,

1 funding, operation, and evaluation of juvenile delin-
2 quency programs;

3 “(2) develop, conduct, and provide for training
4 programs for the training of professional, para-
5 professional, and volunteer personnel, and other per-
6 sons who are working with or preparing to work
7 with juveniles, juvenile offenders (including juveniles
8 who commit hate crimes), and their families;

9 “(3) develop, conduct, and provide for seminars,
10 workshops, and training programs in the latest prov-
11 en effective techniques and methods of preventing
12 and treating juvenile delinquency for law enforce-
13 ment officers, juvenile judges, prosecutors, and de-
14 fense attorneys, and other court personnel, probation
15 officers, correctional personnel, and other Federal,
16 State, and local government personnel who are en-
17 gaged in work relating to juvenile delinquency;

18 “(4) develop technical training teams to aid in
19 the development of training programs in the States
20 and to assist State and local agencies that work di-
21 rectly with juveniles and juvenile offenders; and

22 “(5) provide technical assistance and training
23 to assist States and units of general local govern-
24 ment.

1 **“SEC. 245. ESTABLISHMENT OF TRAINING PROGRAM.**

2 “(a) IN GENERAL.—The Administrator shall estab-
3 lish within the National Institute for Juvenile Crime Con-
4 trol and Delinquency Prevention a training program de-
5 signed to train enrollees with respect to methods and tech-
6 niques for the prevention and treatment of juvenile delin-
7 quency, including methods and techniques specifically de-
8 signed to prevent and reduce the incidence of hate crimes
9 committed by juveniles. In carrying out this program the
10 Administrator may make use of available State and local
11 services, equipment, personnel, facilities, and the like.

12 “(b) QUALIFICATIONS FOR ENROLLMENT.—Enroll-
13 ees in the training program established under this section
14 shall be drawn from law enforcement and correctional per-
15 sonnel (including volunteer lay personnel), teachers and
16 special education personnel, family counselors, child wel-
17 fare workers, juvenile judges and judicial personnel, per-
18 sons associated with law-related education, youth workers,
19 and representatives of private agencies and organizations
20 with specific experience in the prevention and treatment
21 of juvenile delinquency.

22 **“SEC. 246. REPORT ON STATUS OFFENDERS.**

23 “Not later than September 1, 2002, the Adminis-
24 trator, through the National Institute of Justice, shall—

25 “(1) conduct a study on the effect of incarcer-
26 ation on status offenders compared to similarly situ-

1 ated individuals who are not placed in secure deten-
2 tion in terms of the continuation of their inappropri-
3 ate or illegal conduct, delinquency, or future crimi-
4 nal behavior, and evaluating the safety of status of-
5 fenders placed in secure detention; and

6 “(2) submit to the Chairman and Ranking
7 Member of the Committee on the Judiciary of the
8 Senate and the Chairman and Ranking Member of
9 the Committee on Education and the Workforce of
10 the House of Representatives a report on the results
11 of the study conducted under paragraph (1).

12 **“SEC. 247. CONSIDERATIONS FOR APPROVAL OF APPLICA-**
13 **TIONS.**

14 “(a) IN GENERAL.—Any agency, institution, or indi-
15 vidual seeking to receive a grant, or enter into a contract,
16 under section 243, 244, or 245 shall submit an application
17 at such time, in such manner, and containing or accom-
18 panied by such information as the Administrator or the
19 Director, as appropriate, may prescribe.

20 “(b) APPLICATION CONTENTS.—In accordance with
21 guidelines established by the Administrator or the Direc-
22 tor, as appropriate, each application for assistance under
23 section 243, 244, or 245 shall—

24 “(1) set forth a program for carrying out 1 or
25 more of the purposes set forth in section 243, 244,

1 or 245, and specifically identify each such purpose
2 such program is designed to carry out;

3 “(2) provide that such program shall be admin-
4 istered by or under the supervision of the applicant;

5 “(3) provide for the proper and efficient admin-
6 istration of such program;

7 “(4) provide for regular evaluation of such pro-
8 gram; and

9 “(5) provide for such fiscal control and fund ac-
10 counting procedures as may be necessary to ensure
11 prudent use, proper disbursement, and accurate ac-
12 counting of funds received under this title.

13 “(c) FACTORS FOR CONSIDERATION.—In determin-
14 ing whether or not to approve applications for grants and
15 for contracts under this part, the Administrator or the Di-
16 rector, as appropriate, shall consider—

17 “(1) whether the project uses appropriate and
18 rigorous methodology, including appropriate sam-
19 ples, control groups, psychometrically sound meas-
20 urement, and appropriate data analysis techniques;

21 “(2) the experience of the principal and coprin-
22 cipal investigators in the area of youth violence and
23 juvenile delinquency;

1 “(3) the protection offered human subjects in
2 the study, including informed consent procedures;
3 and

4 “(4) the cost-effectiveness of the proposed
5 project.

6 “(d) SELECTION PROCESS.—

7 “(1) IN GENERAL.—

8 “(A) COMPETITIVE PROCESS.—Subject to
9 subparagraph (B), programs selected for assist-
10 ance through grants or contracts under section
11 243, 244, or 245 shall be selected through a
12 competitive process, which shall be established
13 by the Administrator or the Director, as appro-
14 priate, by rule. As part of such a process, the
15 Administrator or the Director, as appropriate,
16 shall announce in the Federal Register—

17 “(i) the availability of funds for such
18 assistance;

19 “(ii) the general criteria applicable to
20 the selection of applicants to receive such
21 assistance; and

22 “(iii) a description of the procedures
23 applicable to submitting and reviewing ap-
24 plications for such assistance.

1 “(B) WAIVER.—The competitive process
2 described in subparagraph (A) shall not be re-
3 quired if the Administrator or the Director, as
4 appropriate, makes a written determination
5 waiving the competitive process with respect to
6 a program to be carried out in an area with re-
7 spect to which the President declares under the
8 Robert T. Stafford Disaster Relief and Emer-
9 gency Assistance Act (42 U.S.C. 5121 et seq.)
10 that a major disaster or emergency exists.

11 “(2) REVIEW PROCESS.—

12 “(A) IN GENERAL.—Programs selected for
13 assistance through grants and contracts under
14 this part shall be selected after a competitive
15 process that provides potential grantees and
16 contractors with not less than 90 days to sub-
17 mit applications for funds. Applications for
18 funds shall be reviewed through a formal peer
19 review process by qualified scientists with ex-
20 pertise in the fields of criminology, juvenile de-
21 linquency, sociology, psychology, research meth-
22 odology, evaluation research, statistics, and re-
23 lated areas. The peer review process shall con-
24 form to the process used by the National Insti-

1 tutes of Health, the National Institute of Jus-
2 tice, or the National Science Foundation.

3 “(B) ESTABLISHMENT OF PROCESS.—

4 Such process shall be established by the Admin-
5 istrator or the Director, as appropriate, in con-
6 sultation with the Directors and other appro-
7 priate officials of the National Science Founda-
8 tion and the National Institute of Mental
9 Health. Before implementation of such process,
10 the Administrator or the Director, as appro-
11 priate, shall submit such process to such Direc-
12 tors, each of whom shall prepare and furnish to
13 the Chairman of the Committee on Education
14 and the Workforce of the House of Representa-
15 tives and the Chairman of the Committee on
16 the Judiciary of the Senate a final report con-
17 taining their comments on such process as pro-
18 posed to be established.

19 “(3) EMERGENCY EXPEDITED CONSIDER-

20 ATION.—In establishing the process required under
21 paragraphs (1) and (2), the Administrator or the
22 Director, as appropriate, shall provide for emergency
23 expedited consideration of a proposed program if the
24 Administrator or the Director, as appropriate, deter-
25 mines such action to be necessary in order to avoid

1 a delay that would preclude carrying out the pro-
2 gram.

3 “(e) EFFECT OF POPULATION.—A city shall not be
4 denied assistance under section 243, 244, or 245 solely
5 on the basis of its population.

6 “(f) NOTIFICATION PROCESS.—Notification of grants
7 and contracts made under sections 243, 244, and 245
8 (and the applications submitted for such grants and con-
9 tracts) shall, upon being made, be transmitted by the Ad-
10 ministrator or the Director, as appropriate, to the Chair-
11 man of the Committee on Education and the Workforce
12 of the House of Representatives and the Chairman of the
13 Committee on the Judiciary of the Senate.

14 **“PART D—GANG-FREE SCHOOLS AND COMMU-**
15 **NITIES; COMMUNITY-BASED GANG INTER-**
16 **VENTION**

17 **“SEC. 251. DEFINITION OF JUVENILE.**

18 “In this part, the term ‘juvenile’ means an individual
19 who has not attained the age of 22 years.

20 **“SEC. 252. GANG-FREE SCHOOLS AND COMMUNITIES.**

21 “(a) IN GENERAL.—

22 “(1) The Administrator shall make grants to or
23 enter into contracts with public agencies (including
24 local educational agencies) and private nonprofit
25 agencies, organizations, and institutions to establish

1 and support programs and activities that involve
2 families and communities and that are designed to
3 carry out any of the following purposes:

4 “(A) To prevent and to reduce the partici-
5 pation of juveniles in the activities of gangs
6 that commit crimes. Such programs and activi-
7 ties may include—

8 “(i) individual, peer, family, and
9 group counseling, including the provision
10 of life skills training and preparation for
11 living independently, which shall include
12 cooperation with social services, welfare,
13 and health care programs;

14 “(ii) education and social services de-
15 signed to address the social and develop-
16 mental needs of juveniles that such juve-
17 niles would otherwise seek to have met
18 through membership in gangs;

19 “(iii) crisis intervention and counsel-
20 ing to juveniles, who are particularly at
21 risk of gang involvement, and their fami-
22 lies, including assistance from social serv-
23 ice, welfare, health care, mental health,
24 and substance abuse prevention and treat-
25 ment agencies where necessary;

1 “(iv) the organization of neighborhood
2 and community groups to work closely with
3 parents, schools, law enforcement, and
4 other public and private agencies in the
5 community; and

6 “(v) training and assistance to adults
7 who have significant relationships with ju-
8 veniles who are or may become members of
9 gangs, to assist such adults in providing
10 constructive alternatives to participating in
11 the activities of gangs.

12 “(B) To develop within the juvenile adju-
13 dicatory and correctional systems new and inno-
14 vative means to address the problems of juve-
15 niles convicted of serious drug-related and
16 gang-related offenses.

17 “(C) To target elementary school students,
18 with the purpose of steering students away
19 from gang involvement.

20 “(D) To provide treatment to juveniles
21 who are members of such gangs, including
22 members who are accused of committing a seri-
23 ous crime and members who have been adju-
24 dicated as being delinquent.

1 “(E) To promote the involvement of juve-
2 niles in lawful activities in geographical areas in
3 which gangs commit crimes.

4 “(F) To promote and support, with the co-
5 operation of community-based organizations ex-
6 perience in providing services to juveniles en-
7 gaged in gang-related activities and the co-
8 operation of local law enforcement agencies, the
9 development of policies and activities in public
10 elementary and secondary schools that will as-
11 sist such schools in maintaining a safe environ-
12 ment conducive to learning.

13 “(G) To assist juveniles who are or may
14 become members of gangs to obtain appropriate
15 educational instruction, in or outside a regular
16 school program, including the provision of coun-
17 seling and other services to promote and sup-
18 port the continued participation of such juve-
19 niles in such instructional programs.

20 “(H) To expand the availability of preven-
21 tion and treatment services relating to the ille-
22 gal use of controlled substances and controlled
23 substance analogues (as defined in paragraphs
24 (6) and (32) of section 102 of the Controlled
25 Substances Act (21 U.S.C. 802)) by juveniles,

1 provided through State and local health and so-
2 cial services agencies.

3 “(I) To provide services to prevent juve-
4 niles from coming into contact with the juvenile
5 justice system again as a result of gang-related
6 activity.

7 “(J) To provide services authorized in this
8 section at a special location in a school or hous-
9 ing project.

10 “(K) To support activities to inform juve-
11 niles of the availability of treatment and serv-
12 ices for which financial assistance is available
13 under this section.

14 “(2) From not more than 15 percent of the
15 total amount appropriated to carry out this part in
16 each fiscal year, the Administrator may make grants
17 to and enter into contracts with public agencies and
18 private nonprofit agencies, organizations, and
19 institutions—

20 “(A) to conduct research on issues related
21 to juvenile gangs;

22 “(B) to evaluate the effectiveness of pro-
23 grams and activities funded under paragraph
24 (1); and

1 “(C) to increase the knowledge of the pub-
2 lic (including public and private agencies that
3 operate or desire to operate gang prevention
4 and intervention programs) by disseminating in-
5 formation on research and on effective pro-
6 grams and activities funded under this section.

7 “(b) APPROVAL OF APPLICATIONS.—

8 “(1) IN GENERAL.—Any agency, organization,
9 or institution seeking to receive a grant, or to enter
10 into a contract, under this section shall submit an
11 application at such time, in such manner, and con-
12 taining such information as the Administrator may
13 prescribe.

14 “(2) APPLICATION CONTENTS.—In accordance
15 with guidelines established by the Administrator,
16 each application submitted under paragraph (1)
17 shall—

18 “(A) set forth a program or activity for
19 carrying out 1 or more of the purposes specified
20 in subsection (a) and specifically identify each
21 such purpose such program or activity is de-
22 signed to carry out;

23 “(B) provide that such program or activity
24 shall be administered by or under the super-
25 vision of the applicant;

1 “(C) provide for the proper and efficient
2 administration of such program or activity;

3 “(D) provide for regular evaluation of such
4 program or activity;

5 “(E) provide an assurance that the pro-
6 posed program or activity will supplement, not
7 supplant, similar programs and activities al-
8 ready available in the community;

9 “(F) describe how such program or activity
10 is coordinated with programs, activities, and
11 services available locally under part B or C of
12 this title, and under chapter 1 of subtitle B of
13 title III of the Anti-Drug Abuse Act of 1988
14 (42 U.S.C. 11801–11805);

15 “(G) certify that the applicant has re-
16 quested the State planning agency to review
17 and comment on such application and summa-
18 rize the responses of such State planning agen-
19 cy to such request;

20 “(H) provide that regular reports on such
21 program or activity shall be sent to the Admin-
22 istrator and to such State planning agency; and

23 “(I) provide for such fiscal control and
24 fund accounting procedures as may be nec-
25 essary to ensure prudent use, proper disburse-

1 ment, and accurate accounting of funds re-
2 ceived under this section.

3 “(3) PRIORITY.—In reviewing applications for
4 grants and contracts under this section, the Admin-
5 istrator shall give priority to applications—

6 “(A) submitted by, or substantially involv-
7 ing, local educational agencies (as defined in
8 section 1471 of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C. 2891));

10 “(B) based on the incidence and severity of
11 crimes committed by gangs whose membership
12 is composed primarily of juveniles in the geo-
13 graphical area in which the applicants propose
14 to carry out the programs and activities for
15 which such grants and contracts are requested;
16 and

17 “(C) for assistance for programs and ac-
18 tivities that—

19 “(i) are broadly supported by public
20 and private nonprofit agencies, organiza-
21 tions, and institutions located in such geo-
22 graphical area; and

23 “(ii) will substantially involve the fam-
24 ilies of juvenile gang members in carrying
25 out such programs or activities.

1 **“SEC. 253. COMMUNITY-BASED GANG INTERVENTION.**

2 “(a) IN GENERAL.—The Administrator shall make
3 grants to or enter into contracts with public and private
4 nonprofit agencies, organizations, and institutions to carry
5 out programs and activities—

6 “(1) to reduce the participation of juveniles in
7 the illegal activities of gangs;

8 “(2) to develop regional task forces involving
9 State, local, and community-based organizations to
10 coordinate the disruption of gangs and the prosecu-
11 tion of juvenile gang members and to curtail inter-
12 state activities of gangs; and

13 “(3) to facilitate coordination and cooperation
14 among—

15 “(A) local education, juvenile justice, em-
16 ployment, and social service agencies; and

17 “(B) community-based programs with a
18 proven record of effectively providing interven-
19 tion services to juvenile gang members for the
20 purpose of reducing the participation of juve-
21 niles in illegal gang activities; and

22 “(4) to support programs that, in recognition of
23 varying degrees of the seriousness of delinquent be-
24 havior and the corresponding gradations in the re-
25 sponses of the juvenile justice system in response to
26 that behavior, are designed to—

1 “(A) encourage courts to develop and im-
2 plement a continuum of post-adjudication re-
3 straints that bridge the gap between traditional
4 probation and confinement in a correctional set-
5 ting (including expanded use of probation, me-
6 diation, restitution, community service, treat-
7 ment, home detention, intensive supervision,
8 electronic monitoring, boot camps and similar
9 programs, and secure community-based treat-
10 ment facilities linked to other support services
11 such as health, mental health, education (reme-
12 dial and special), job training, and recreation);
13 and

14 “(B) assist in the provision by the Admin-
15 istrator of information and technical assistance,
16 including technology transfer, to States in the
17 design and utilization of risk assessment mech-
18 anisms to aid juvenile justice personnel in de-
19 termining appropriate sanctions for delinquent
20 behavior.

21 “(b) ELIGIBLE PROGRAMS AND ACTIVITIES.—Pro-
22 grams and activities for which grants and contracts are
23 to be made under this section may include—

24 “(1) the hiring of additional State and local
25 prosecutors, and the establishment and operation of

1 programs, including multijurisdictional task forces,
2 for the disruption of gangs and the prosecution of
3 gang members;

4 “(2) developing within the juvenile adjudicatory
5 and correctional systems new and innovative means
6 to address the problems of juveniles convicted of se-
7 rious drug-related and gang-related offenses;

8 “(3) providing treatment to juveniles who are
9 members of such gangs, including members who are
10 accused of committing a serious crime and members
11 who have been adjudicated as being delinquent;

12 “(4) promoting the involvement of juveniles in
13 lawful activities in geographical areas in which
14 gangs commit crimes;

15 “(5) expanding the availability of prevention
16 and treatment services relating to the illegal use of
17 controlled substances and controlled substances ana-
18 logues (as defined in paragraphs (6) and (32) of sec-
19 tion 102 of the Controlled Substances Act (21
20 U.S.C. 802)), by juveniles, provided through State
21 and local health and social services agencies;

22 “(6) providing services to prevent juveniles
23 from coming into contact with the juvenile justice
24 system again as a result of gang-related activity; or

1 “(7) supporting activities to inform juveniles of
2 the availability of treatment and services for which
3 financial assistance is available under this section.

4 “(c) APPROVAL OF APPLICATIONS.—

5 “(1) IN GENERAL.—Any agency, organization,
6 or institution desiring to receive a grant, or to enter
7 into a contract, under this section shall submit an
8 application at such time, in such manner, and con-
9 taining such information as the Administrator may
10 prescribe.

11 “(2) APPLICATION CONTENTS.—In accordance
12 with guidelines established by the Administrator,
13 each application submitted under paragraph (1)
14 shall—

15 “(A) set forth a program or activity for
16 carrying out 1 or more of the purposes specified
17 in subsection (a) and specifically identify each
18 such purpose such program or activity is de-
19 signed to carry out;

20 “(B) provide that such program or activity
21 shall be administered by or under the super-
22 vision of the applicant;

23 “(C) provide for the proper and efficient
24 administration of such program or activity;

1 “(D) provide for regular evaluation of such
2 program or activity;

3 “(E) provide an assurance that the pro-
4 posed program or activity will supplement, not
5 supplant, similar programs and activities al-
6 ready available in the community;

7 “(F) describe how such program or activity
8 is coordinated with programs, activities, and
9 services available locally under part B of this
10 title and under chapter 1 of subtitle B of title
11 III of the Anti-Drug Abuse Act of 1988 (42
12 U.S.C. 11801–11805);

13 “(G) certify that the applicant has re-
14 quested the State planning agency to review
15 and comment on such application and summa-
16 rize the responses of such State planning agen-
17 cy to such request;

18 “(H) provide that regular reports on such
19 program or activity shall be sent to the Admin-
20 istrator and to such State planning agency; and

21 “(I) provide for such fiscal control and
22 fund accounting procedures as may be nec-
23 essary to ensure prudent use, proper disburse-
24 ment, and accurate accounting of funds re-
25 ceived under this section.

1 “(3) PRIORITY.—In reviewing applications for
2 grants and contracts under subsection (a), the Ad-
3 ministrator shall give priority to applications—

4 “(A) submitted by, or substantially involv-
5 ing, community-based organizations experienced
6 in providing services to juveniles;

7 “(B) based on the incidence and severity of
8 crimes committed by gangs whose membership
9 is composed primarily of juveniles in the geo-
10 graphical area in which the applicants propose
11 to carry out the programs and activities for
12 which such grants and contracts are requested;
13 and

14 “(C) for assistance for programs and ac-
15 tivities that—

16 “(i) are broadly supported by public
17 and private nonprofit agencies, organiza-
18 tions, and institutions located in such geo-
19 graphical area; and

20 “(ii) will substantially involve the fam-
21 ilies of juvenile gang members in carrying
22 out such programs or activities.

1 **“SEC. 254. PRIORITY.**

2 “In making grants under this part, the Administrator
3 shall give priority to funding programs and activities de-
4 scribed in subsections (a)(2) and (b)(1) of section 253.

5 **“PART E—DEVELOPING, TESTING, AND DEM-**
6 **ONSTRATING PROMISING NEW INITIATIVES**
7 **AND PROGRAMS**

8 **“SEC. 261. GRANTS AND PROJECTS.**

9 “(a) **AUTHORITY TO MAKE GRANTS.**—The Adminis-
10 trator may make grants to, and enter into contracts with,
11 States, units of local government, Indian tribal govern-
12 ments, public and private agencies, organizations, and in-
13 dividuals, or combinations thereof, to carry out projects
14 for the development, testing, and demonstration of promis-
15 ing initiatives and programs for the prevention, control,
16 or reduction of juvenile delinquency. The Administrator
17 shall ensure that, to the extent reasonable and practicable,
18 such grants are made to achieve an equitable geographical
19 distribution of such projects throughout the United
20 States.

21 “(b) **USE OF GRANTS.**—A grant made under sub-
22 section (a) may be used to pay all or part of the cost of
23 the project for which such grant is made.

1 **“SEC. 262. GRANTS FOR TRAINING AND TECHNICAL ASSIST-**
2 **ANCE.**

3 “The Administrator may make grants to, and enter
4 into contracts with, public and private agencies, organiza-
5 tions, and individuals to provide training and technical as-
6 sistance to States, units of local government, Indian tribal
7 governments, local private entities or agencies, or any
8 combination thereof, to carry out the projects for which
9 grants are made under section 261.

10 **“SEC. 263. ELIGIBILITY.**

11 “To be eligible to receive assistance pursuant to a
12 grant or contract under this part, a public or private agen-
13 cy, Indian tribal government, organization, institution, in-
14 dividual, or combination thereof, shall submit an applica-
15 tion to the Administrator at such time, in such form, and
16 containing such information as the Administrator may
17 reasonably require by rule.

18 **“SEC. 264. REPORTS.**

19 “Each recipient of assistance pursuant to a grant or
20 contract under this part shall submit to the Administrator
21 such reports as may be reasonably requested by the Ad-
22 ministrator to describe progress achieved in carrying the
23 projects for which the assistance was provided.

1 **“PART F—MENTORING**

2 **“SEC. 271. MENTORING.**

3 “The purposes of this part are to, through the use
4 of mentors for at-risk youth—

5 “(1) reduce juvenile delinquency and gang par-
6 ticipation;

7 “(2) improve academic performance; and

8 “(3) reduce the dropout rate.

9 **“SEC. 272. DEFINITIONS.**

10 “In this part—

11 “(1) the term ‘at-risk youth’ means a youth at
12 risk of educational failure, dropping out of school, or
13 involvement in criminal or delinquent activities; and

14 “(2) the term ‘mentor’ means a person who
15 works with an at-risk youth on a one-to-one basis,
16 providing a positive role model for the youth, estab-
17 lishing a supportive relationship with the youth, and
18 providing the youth with academic assistance and
19 exposure to new experiences and examples of oppor-
20 tunity that enhance the ability of the youth to be-
21 come a responsible adult.

22 **“SEC. 273. GRANTS.**

23 “The Administrator shall, by making grants to and
24 entering into contracts with local educational agencies
25 (each of which agency shall be in partnership with a public
26 or private agency, institution, or business), establish and

1 support programs and activities for the purpose of imple-
2 menting mentoring programs that—

3 “(1) are designed to link at-risk children, par-
4 ticularly children living in high crime areas and chil-
5 dren experiencing educational failure, with respon-
6 sible adults such as law enforcement officers, per-
7 sons working with local businesses, and adults work-
8 ing for community-based organizations and agencies;
9 and

10 “(2) are intended to achieve 1 or more of the
11 following goals:

12 “(A) Provide general guidance to at-risk
13 youth.

14 “(B) Promote personal and social respon-
15 sibility among at-risk youth.

16 “(C) Increase at-risk youth’s participation
17 in and enhance their ability to benefit from ele-
18 mentary and secondary education.

19 “(D) Discourage at-risk youth’s use of ille-
20 gal drugs, violence, and dangerous weapons,
21 and other criminal activity.

22 “(E) Discourage involvement of at-risk
23 youth in gangs.

1 “(F) Encourage at-risk youth’s participa-
2 tion in community service and community ac-
3 tivities.

4 **“SEC. 274. REGULATIONS AND GUIDELINES.**

5 “(a) PROGRAM GUIDELINES.—The Administrator
6 shall issue program guidelines to implement this part. The
7 program guidelines shall be effective only after a period
8 for public notice and comment.

9 “(b) MODEL SCREENING GUIDELINES.—The Admin-
10 istrator shall develop and distribute to program partici-
11 pants specific model guidelines for the screening of pro-
12 spective program mentors.

13 **“SEC. 275. USE OF GRANTS.**

14 “(a) PERMITTED USES.—Grants awarded under this
15 part shall be used to implement mentoring programs,
16 including—

17 “(1) hiring of mentoring coordinators and sup-
18 port staff;

19 “(2) recruitment, screening, and training of
20 adult mentors;

21 “(3) reimbursement of mentors for reasonable
22 incidental expenditures such as transportation that
23 are directly associated with mentoring; and

24 “(4) such other purposes as the Administrator
25 may reasonably prescribe by regulation.

1 “(b) PROHIBITED USES.—Grants awarded pursuant
2 to this part shall not be used—

3 “(1) to directly compensate mentors, except as
4 provided pursuant to subsection (a)(3);

5 “(2) to obtain educational or other materials or
6 equipment that would otherwise be used in the ordi-
7 nary course of the grantee’s operations;

8 “(3) to support litigation of any kind; or

9 “(4) for any other purpose reasonably prohib-
10 ited by the Administrator by regulation.

11 **“SEC. 276. PRIORITY.**

12 “(a) IN GENERAL.—In making grants under this
13 part, the Administrator shall give priority for awarding
14 grants to applicants that—

15 “(1) serve at-risk youth in high crime areas;

16 “(2) have 60 percent or more of their youth eli-
17 gible to receive funds under the Elementary and
18 Secondary Education Act of 1965; and

19 “(3) have a considerable number of youth who
20 drop out of school each year.

21 “(b) OTHER CONSIDERATIONS.—In making grants
22 under this part, the Administrator shall give consideration
23 to—

24 “(1) the geographic distribution (urban and
25 rural) of applications;

1 “(2) the quality of a mentoring plan,
2 including—

3 “(A) the resources, if any, that will be
4 dedicated to providing participating youth with
5 opportunities for job training or postsecondary
6 education; and

7 “(B) the degree to which parents, teachers,
8 community-based organizations, and the local
9 community participate in the design and imple-
10 mentation of the mentoring plan; and

11 “(3) the capability of the applicant to effectively
12 implement the mentoring plan.

13 **“SEC. 277. APPLICATIONS.**

14 “An application for assistance under this part shall
15 include—

16 “(1) information on the youth expected to be
17 served by the program;

18 “(2) a provision for a mechanism for matching
19 youth with mentors based on the needs of the youth;

20 “(3) an assurance that no mentor will be as-
21 signed to more than 1 youth, so as to ensure a one-
22 to-one relationship;

23 “(4) an assurance that projects operated in sec-
24 ondary schools will provide youth with a variety of
25 experiences and support, including—

1 “(A) an opportunity to spend time in a
2 work environment and, when possible, partici-
3 pate in the work environment;

4 “(B) an opportunity to witness the job
5 skills that will be required for youth to obtain
6 employment upon graduation;

7 “(C) assistance with homework assign-
8 ments; and

9 “(D) exposure to experiences that youth
10 might not otherwise encounter;

11 “(5) an assurance that projects operated in ele-
12 mentary schools will provide youth with—

13 “(A) academic assistance;

14 “(B) exposure to new experiences and ac-
15 tivities that youth might not encounter on their
16 own; and

17 “(C) emotional support;

18 “(6) an assurance that projects will be mon-
19 itored to ensure that each youth benefits from a
20 mentor relationship, with provision for a new mentor
21 assignment if the relationship is not beneficial to the
22 youth;

23 “(7) the method by which mentors and youth
24 will be recruited to the project;

1 “(8) the method by which prospective mentors
2 will be screened; and

3 “(9) the training that will be provided to men-
4 tors.

5 **“SEC. 278. GRANT CYCLES.**

6 “Each grant under this part shall be made for a 3-
7 year period.

8 **“SEC. 279. FAMILY MENTORING PROGRAM.**

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘cooperative extension services’
11 has the meaning given that term in section 1404 of
12 the National Agricultural Research, Extension, and
13 Teaching Policy Act of 1977 (7 U.S.C. 3103);

14 “(2) the term ‘family mentoring program’
15 means a mentoring program that—

16 “(A) utilizes a 2-tier mentoring approach
17 that uses college age or young adult mentors
18 working directly with at-risk youth and uses re-
19 tirement-age couples working with the parents
20 and siblings of at-risk youth; and

21 “(B) has a local advisory board to provide
22 direction and advice to program administrators;
23 and

24 “(3) the term ‘qualified cooperative extension
25 service’ means a cooperative extension service that

1 has established a family mentoring program, as of
2 the date of enactment of the Violent and Repeat Ju-
3 venile Offender Accountability and Rehabilitation
4 Act of 1999.

5 “(b) MODEL PROGRAM.—The Administrator, in co-
6 operation with the Secretary of Agriculture, shall make
7 a grant to a qualified cooperative extension service for the
8 purpose of expanding and replicating family mentoring
9 programs to reduce the incidence of juvenile crime and
10 delinquency among at-risk youth.

11 “(c) ESTABLISHMENT OF NEW FAMILY MENTORING
12 PROGRAMS.—

13 “(1) IN GENERAL.—The Administrator, in co-
14 operation with the Secretary of Agriculture, may
15 make 1 or more grants to cooperative extension serv-
16 ices for the purpose of establishing family mentoring
17 programs to reduce the incidence of juvenile crime
18 and delinquency among at-risk youth.

19 “(2) MATCHING REQUIREMENT AND SOURCE OF
20 MATCHING FUNDS.—

21 “(A) IN GENERAL.—The amount of a
22 grant under this subsection may not exceed 35
23 percent of the total costs of the program funded
24 by the grant.

1 “(B) SOURCE OF MATCH.—Matching funds
2 for grants under this subsection may be derived
3 from amounts made available to a State under
4 subsections (b) and (c) of section 3 of the
5 Smith-Lever Act (7 U.S.C. 343), except that
6 the total amount derived from Federal sources
7 may not exceed 70 percent of the total cost of
8 the program funded by the grant.

9 **“PART G—ADMINISTRATIVE PROVISIONS**

10 **“SEC. 291. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) IN GENERAL.—There is authorized to be appro-
12 priated to carry out this title, and to carry out part R
13 of title I of the Omnibus Crime Control and Safe Streets
14 Act of 1968 (42 U.S.C. 3796 et seq.), \$1,000,000,000 for
15 each of fiscal years 1999 through 2004.

16 “(b) ALLOCATION OF APPROPRIATIONS.—Of the
17 amount made available under subsection (a) for each fiscal
18 year—

19 “(1) \$450,000,000 shall be for programs under
20 section 1801 of part R of title I of the Omnibus
21 Crime Control and Safe Streets Act of 1968 (42
22 U.S.C. 3796 et seq.);

23 “(2) \$75,000,000 shall be for grants for juve-
24 nile criminal history records upgrades pursuant to
25 section 1802 of part R of title I of the Omnibus

1 Crime Control and Safe Streets Act of 1968 (42
2 U.S.C. 3796 et seq.);

3 “(3) \$200,000,000 shall be for programs under
4 section 205 of part A of this title;

5 “(4) \$200,000,000 shall be for programs under
6 part B of this title;

7 “(5) \$40,000,000 shall be for prevention pro-
8 grams under part C of this title, of which
9 \$20,000,000 shall be for evaluation research of pri-
10 mary, secondary, and tertiary juvenile delinquency
11 programs;

12 “(6) \$20,000,000 shall be for programs under
13 parts D and E of this title; and

14 “(7) \$15,000,000 shall be for programs under
15 part F of this title, of which \$3,000,000 shall be for
16 programs under section 279.

17 “(c) SOURCE OF SUMS.—Amounts authorized to be
18 appropriated pursuant to this section may be derived from
19 the Violent Crime Reduction Trust Fund.

20 “(d) ADMINISTRATION AND OPERATIONS.—There is
21 authorized to be appropriated for the administration and
22 operation of the Office of Juvenile Crime Control and Pre-
23 vention such sums as may be necessary for each of fiscal
24 years 1999 through 2004.

1 “(e) AVAILABILITY OF FUNDS.—Amounts made
 2 available pursuant to this section and allocated in accord-
 3 ance with this title in any fiscal year shall remain available
 4 until expended.

5 **“SEC. 292. RELIGIOUS NONDISCRIMINATION; RESTRIC-**
 6 **TIONS ON USE OF AMOUNTS; PENALTIES.**

7 “(a) RELIGIOUS NONDISCRIMINATION.—The provi-
 8 sions of section 104 of the Personal Responsibility and
 9 Work Opportunity Reconciliation Act of 1996 (42 U.S.C.
 10 604a) shall apply to a State or local government exercising
 11 its authority to distribute grants to applicants under this
 12 title.

13 “(b) RESTRICTIONS ON THE USE OF AMOUNTS.—

14 “(1) EXPERIMENTATION ON INDIVIDUALS.—

15 “(A) IN GENERAL.—No amounts made
 16 available to carry out this title may be used for
 17 any biomedical or behavior control experimen-
 18 tation on individuals or any research involving
 19 such experimentation.

20 “(B) DEFINITION OF BEHAVIOR CON-
 21 TROL.—In this paragraph, the term ‘behavior
 22 control’—

23 “(i) means any experimentation or re-
 24 search employing methods that—

1 “(I) involve a substantial risk of
2 physical or psychological harm to the
3 individual subject; and

4 “(II) are intended to modify or
5 alter criminal and other antisocial be-
6 havior, including aversive conditioning
7 therapy, drug therapy, chemotherapy
8 (except as part of routine clinical
9 care), physical therapy of mental dis-
10 orders, electroconvulsive therapy, or
11 physical punishment; and

12 “(ii) does not include a limited class
13 of programs generally recognized as involv-
14 ing no such risk, including methadone
15 maintenance and certain substance abuse
16 treatment programs, psychological counsel-
17 ing, parent training, behavior contracting,
18 survival skills training, restitution, or com-
19 munity service, if safeguards are estab-
20 lished for the informed consent of subjects
21 (including parents or guardians of minors).

22 “(2) PROHIBITION AGAINST PRIVATE AGENCY
23 USE OF AMOUNTS IN CONSTRUCTION.—

24 “(A) IN GENERAL.—No amount made
25 available to any private agency or institution, or

1 to any individual, under this title (either di-
2 rectly or through a State office) may be used
3 for construction.

4 “(B) EXCEPTION.—The restriction in
5 clause (i) shall not apply to any juvenile pro-
6 gram in which training or experience in con-
7 struction or renovation is used as a method of
8 juvenile accountability or rehabilitation.

9 “(3) LOBBYING.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), no amount made available
12 under this title to any public or private agency,
13 organization or institution, or to any individual
14 shall be used to pay for any personal service,
15 advertisement, telegram, telephone communica-
16 tion, letter, printed or written matter, or other
17 device intended or designed to influence a Mem-
18 ber of Congress or any other Federal, State, or
19 local elected official to favor or oppose any Act,
20 bill, resolution, or other legislation, or any ref-
21 erendum, initiative, constitutional amendment,
22 or any other procedure of Congress, any State
23 legislature, any local council, or any similar
24 governing body.

1 “(B) EXCEPTION.—This paragraph does
2 not preclude the use of amounts made available
3 under this title in connection with communica-
4 tions to Federal, State, or local elected officials,
5 upon the request of such officials through prop-
6 er official channels, pertaining to authorization,
7 appropriation, or oversight measures directly af-
8 fecting the operation of the program involved.

9 “(4) LEGAL ACTION.—No amounts made avail-
10 able under this title to any public or private agency,
11 organization, institution, or to any individual, shall
12 be used in any way directly or indirectly to file an
13 action or otherwise take any legal action against any
14 Federal, State, or local agency, institution, or em-
15 ployee.

16 “(c) PENALTIES.—

17 “(1) IN GENERAL.—If any amounts are used
18 for the purposes prohibited in either paragraph (3)
19 or (4) of subsection (b), or in violation of subsection
20 (a)—

21 “(A) funding for the agency, organization,
22 institution, or individual at issue shall be imme-
23 diately discontinued in whole or in part; and

24 “(B) the agency, organization, institution,
25 or individual using amounts for the purpose

1 prohibited in paragraph (3) or (4) of subsection
2 (b), or in violation of subsection (a), shall be
3 liable for reimbursement of all amounts granted
4 to the individual or entity for the fiscal year for
5 which the amounts were granted.

6 “(2) LIABILITY FOR EXPENSES AND DAM-
7 AGES.—In relation to a violation of subsection
8 (b)(4), the individual filing the lawsuit or responsible
9 for taking the legal action against the Federal,
10 State, or local agency or institution, or individual
11 working for the Government, shall be individually
12 liable for all legal expenses and any other expenses
13 of the Government agency, institution, or individual
14 working for the Government, including damages as-
15 sessed by the jury against the Government agency,
16 institution, or individual working for the Govern-
17 ment, and any punitive damages.

18 **“SEC. 293. ADMINISTRATIVE PROVISIONS.**

19 “(a) AUTHORITY OF ADMINISTRATOR.—The Office
20 shall be administered by the Administrator under the gen-
21 eral authority of the Attorney General.

22 “(b) APPLICABILITY OF CERTAIN CRIME CONTROL
23 PROVISIONS.—Sections 809(e), 811(a), 811(b), 811(c),
24 812(a), 812(b), and 812(d) of the Omnibus Crime Control
25 and Safe Streets Act of 1968 (42 U.S.C. 3789d(c),

1 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b),
2 3789g(d)) shall apply with respect to the administration
3 of and compliance with this title, except that for purposes
4 of this Act—

5 “(1) any reference to the Office of Justice Pro-
6 grams in such sections shall be considered to be a
7 reference to the Assistant Attorney General who
8 heads the Office of Justice Programs; and

9 “(2) the term ‘this title’ as it appears in such
10 sections shall be considered to be a reference to this
11 title.

12 “(c) APPLICABILITY OF CERTAIN OTHER CRIME
13 CONTROL PROVISIONS.—Sections 801(a), 801(c), and 806
14 of the Omnibus Crime Control and Safe Streets Act of
15 1968 (42 U.S.C. 3711(a), 3711(c), and 3787) shall apply
16 with respect to the administration of and compliance with
17 this title, except that, for purposes of this title—

18 “(1) any reference to the Attorney General, the
19 Assistant Attorney General who heads the Office of
20 Justice Programs, the Director of the National In-
21 stitute of Justice, the Director of the Bureau of Jus-
22 tice Statistics, or the Director of the Bureau of Jus-
23 tice Assistance shall be considered to be a reference
24 to the Administrator;

1 “(2) any reference to the Office of Justice Pro-
2 grams, the Bureau of Justice Assistance, the Na-
3 tional Institute of Justice, or the Bureau of Justice
4 Statistics shall be considered to be a reference to the
5 Office of Juvenile Crime Control and Prevention;
6 and

7 “(3) the term ‘this title’ as it appears in those
8 sections shall be considered to be a reference to this
9 title.

10 “(d) RULES, REGULATIONS, AND PROCEDURES.—
11 The Administrator may, after appropriate consultation
12 with representatives of States and units of local govern-
13 ment, and an opportunity for notice and comment in ac-
14 cordance with subchapter II of chapter 5 of title 5, United
15 States Code, establish such rules, regulations, and proce-
16 dures as are necessary for the exercise of the functions
17 of the Office and as are consistent with the purpose of
18 this Act.

19 “(e) WITHHOLDING.—The Administrator shall initi-
20 ate such proceedings as the Administrator determines to
21 be appropriate if the Administrator, after giving reason-
22 able notice and opportunity for hearing to a recipient of
23 financial assistance under this title, finds that—

24 “(1) the program or activity for which the
25 grant or contract involved was made has been so

1 changed that the program or activity no longer com-
2 plies with this title; or

3 “(2) in the operation of such program or activ-
4 ity there is failure to comply substantially with any
5 provision of this title.”.

6 (b) REPEAL.—Title V of the Juvenile Justice and De-
7 linquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.)
8 is repealed.

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

10 (a) FINDINGS.—Section 302 of the Runaway and
11 Homeless Youth Act (42 U.S.C. 5701) is amended—

12 (1) in paragraph (5), by striking “accurate re-
13 porting of the problem nationally and to develop”
14 and inserting “an accurate national reporting system
15 to report the problem, and to assist in the develop-
16 ment of”; and

17 (2) by striking paragraph (8) and inserting the
18 following:

19 “(8) services for runaway and homeless youth
20 are needed in urban, suburban and rural areas;”.

21 (b) AUTHORITY TO MAKE GRANTS FOR CENTERS
22 AND SERVICES.—Section 311 of the Runaway and Home-
23 less Youth Act (42 U.S.C. 5711) is amended—

24 (1) by striking subsection (a) and inserting the
25 following:

1 “(a) GRANTS FOR CENTERS AND SERVICES.—

2 “(1) IN GENERAL.—The Secretary shall make
3 grants to public and nonprofit private entities (and
4 combinations of such entities) to establish and oper-
5 ate (including renovation) local centers to provide
6 services for runaway and homeless youth and for the
7 families of such youth.

8 “(2) Such services—

9 “(A) shall be provided as an alternative to
10 involving runaway and homeless youth in the
11 law enforcement, child welfare, mental health,
12 and juvenile justice systems;

13 “(B) shall include—

14 “(i) safe and appropriate shelter; and

15 “(ii) individual, family, and group
16 counseling, as appropriate; and

17 “(C) may include—

18 “(i) street-based services;

19 “(ii) home-based services for families
20 with youth at risk of separation from the
21 family; and

22 “(iii) drug abuse education and pre-
23 vention services.”;

24 (2) in subsection (b)(2), by striking “the Trust
25 Territory of the Pacific Islands,”; and

1 (3) by striking subsections (c) and (d).

2 (c) ELIGIBILITY.—Section 312 of the Runaway and
3 Homeless Youth Act (42 U.S.C. 5712) is amended—

4 (1) in subsection (b)—

5 (A) in paragraph (7), by striking “criminal
6 charges against” and inserting “criminal or de-
7 linquency charges against or the coordinated
8 delivery of services to”;

9 (B) in paragraph (8), by striking “para-
10 graph (6)” and inserting “paragraph (7)”;

11 (C) in paragraph (10), by striking “and”
12 at the end;

13 (D) in paragraph (11), by striking the pe-
14 riod at the end and inserting “; and”; and

15 (E) by adding at the end the following:

16 “(12) shall submit to the Secretary an annual
17 report that includes, with respect to the year for
18 which the report is submitted—

19 “(A) information regarding the activities
20 carried out under this part;

21 “(B) the achievements of the project under
22 this part carried out by the applicant; and

23 “(C) statistical summaries describing—

24 “(i) the number and the characteris-
25 ties of the runaway and homeless youth,

1 and youth at risk of family separation, who
2 participate in the project; and

3 “(ii) the services provided to such
4 youth by the project.”; and

5 (2) by striking subsections (c) and (d) and in-
6 serting the following:

7 “(c) APPLICANTS PROVIDING STREET-BASED SERV-
8 ICES.—To be eligible to use assistance under section
9 311(a)(2)(C)(i) to provide street-based services, the appli-
10 cant shall include in the plan required by subsection (b)
11 assurances that in providing such services the applicant
12 will—

13 “(1) provide qualified supervision of staff, in-
14 cluding on-street supervision by appropriately
15 trained staff;

16 “(2) provide backup personnel for on-street
17 staff;

18 “(3) provide initial and periodic training of
19 staff who provide such services; and

20 “(4) conduct outreach activities for runaway
21 and homeless youth, and street youth.

22 “(d) APPLICANTS PROVIDING HOME-BASED SERV-
23 ICES.—To be eligible to use assistance under section
24 311(a) to provide home-based services described in section
25 311(a)(2)(C)(ii), an applicant shall include in the plan re-

1 quired by subsection (b) assurances that in providing such
2 services the applicant will—

3 “(1) provide counseling and information to
4 youth and the families (including unrelated individ-
5 uals in the family households) of such youth, includ-
6 ing services relating to basic life skills, interpersonal
7 skill building, educational advancement, job attain-
8 ment skills, mental and physical health care, parent-
9 ing skills, financial planning, and referral to sources
10 of other needed services;

11 “(2) provide directly, or through an arrange-
12 ment made by the applicant, 24-hour service to re-
13 spond to family crises (including immediate access to
14 temporary shelter for runaway and homeless youth,
15 and youth at risk of separation from the family);

16 “(3) establish, in partnership with the families
17 of runaway and homeless youth, and youth at risk
18 of separation from the family, objectives and meas-
19 ures of success to be achieved as a result of receiv-
20 ing home-based services;

21 “(4) provide initial and periodic training of
22 staff who provide home-based services; and

23 “(5) ensure that—

24 “(A) caseloads will remain sufficiently low
25 to allow for intensive (5 to 20 hours per week)

1 involvement with each family receiving such
2 services; and

3 “(B) staff providing such services will re-
4 ceive qualified supervision.

5 “(e) APPLICANTS PROVIDING DRUG ABUSE EDU-
6 CATION AND PREVENTION SERVICES.—To be eligible to
7 use assistance under section 311(a)(2)(C)(iii) to provide
8 drug abuse education and prevention services, an appli-
9 cant shall include in the plan required by subsection (b)—

10 “(1) a description of—

11 “(A) the types of such services that the ap-
12 plicant proposes to provide;

13 “(B) the objectives of such services; and

14 “(C) the types of information and training
15 to be provided to individuals providing such
16 services to runaway and homeless youth; and

17 “(2) an assurance that in providing such serv-
18 ices the applicant shall conduct outreach activities
19 for runaway and homeless youth.”.

20 (d) APPROVAL OF APPLICATIONS.—Section 313 of
21 the Runaway and Homeless Youth Act (42 U.S.C. 5713)
22 is amended to read as follows:

23 **“SEC. 313. APPROVAL OF APPLICATIONS.**

24 “(a) IN GENERAL.—An application by a public or
25 private entity for a grant under section 311(a) may be

1 approved by the Secretary after taking into consideration,
2 with respect to the State in which such entity proposes
3 to provide services under this part—

4 “(1) the geographical distribution in such State
5 of the proposed services under this part for which all
6 grant applicants request approval; and

7 “(2) which areas of such State have the great-
8 est need for such services.

9 “(b) PRIORITY.—In selecting applications for grants
10 under section 311(a), the Secretary shall give priority to—

11 “(1) eligible applicants who have demonstrated
12 experience in providing services to runaway and
13 homeless youth; and

14 “(2) eligible applicants that request grants of
15 less than \$200,000.”.

16 (e) AUTHORITY FOR TRANSITIONAL LIVING GRANT
17 PROGRAM.—Section 321 of the Runaway and Homeless
18 Youth Act (42 U.S.C. 5714–1) is amended—

19 (1) in the section heading, by striking “PUR-
20 POSE AND”;

21 (2) in subsection (a), by striking “(a)”; and

22 (3) by striking subsection (b).

23 (f) ELIGIBILITY.—Section 322(a)(9) of the Runaway
24 and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is

1 amended by inserting “, and the services provided to such
2 youth by such project,” after “such project”.

3 (g) COORDINATION.—Section 341 of the Runaway
4 and Homeless Youth Act (42 U.S.C. 5714–21) is amended
5 to read as follows:

6 **“SEC. 341. COORDINATION.**

7 “With respect to matters relating to the health, edu-
8 cation, employment, and housing of runaway and homeless
9 youth, the Secretary—

10 (1) through the Administrator of the Office of
11 Juvenile Crime Control and Prevention, shall coordi-
12 nate the activities of agencies of the Department of
13 Health and Human Services with activities under
14 any other Federal juvenile crime control, prevention,
15 and juvenile offender accountability program and
16 with the activities of other Federal entities; and

17 (2) shall coordinate the activities of agencies of
18 the Department of Health and Human Services with
19 the activities of other Federal entities and with the
20 activities of entities that are eligible to receive
21 grants under this title.”.

22 (h) AUTHORITY TO MAKE GRANTS FOR RESEARCH,
23 EVALUATION, DEMONSTRATION, AND SERVICE
24 PROJECTS.—Section 343 of the Runaway and Homeless
25 Youth Act (42 U.S.C. 5714–23) is amended—

1 (1) in the section heading, by inserting “EVAL-
2 UATION,” after “RESEARCH,”;

3 (2) in subsection (a), by inserting “evaluation,”
4 after “research,”; and

5 (3) in subsection (b)—

6 (A) by striking paragraph (2); and

7 (B) by redesignating paragraphs (3)
8 through (10) as paragraphs (2) through (9), re-
9 spectively.

10 (i) ASSISTANCE TO POTENTIAL GRANTEES.—Section
11 371 of the Runaway and Homeless Youth Act (42 U.S.C.
12 5714a) is amended by striking the last sentence.

13 (j) REPORTS.—Section 381 of the Runaway and
14 Homeless Youth Act (42 U.S.C. 5715) is amended to read
15 as follows:

16 **“SEC. 381. REPORTS.**

17 “(a) IN GENERAL.—Not later than April 1, 1999,
18 and biennially thereafter, the Secretary shall submit, to
19 the Committee on Education and the Workforce of the
20 House of Representatives and the Committee on the Judi-
21 ciary of the Senate, a report on the status, activities, and
22 accomplishments of entities that receive grants under
23 parts A, B, C, D, and E, with particular attention to—

24 “(1) in the case of centers funded under part
25 A, the ability or effectiveness of such centers in—

1 “(A) alleviating the problems of runaway
2 and homeless youth;

3 “(B) if applicable or appropriate, reuniting
4 such youth with their families and encouraging
5 the resolution of intrafamily problems through
6 counseling and other services;

7 “(C) strengthening family relationships
8 and encouraging stable living conditions for
9 such youth; and

10 “(D) assisting such youth to decide upon a
11 future course of action; and

12 “(2) in the case of projects funded under part

13 B—

14 “(A) the number and characteristics of
15 homeless youth served by such projects;

16 “(B) the types of activities carried out by
17 such projects;

18 “(C) the effectiveness of such projects in
19 alleviating the problems of homeless youth;

20 “(D) the effectiveness of such projects in
21 preparing homeless youth for self-sufficiency;

22 “(E) the effectiveness of such projects in
23 assisting homeless youth to decide upon future
24 education, employment, and independent living;

1 “(F) the ability of such projects to encour-
2 age the resolution of intrafamily problems
3 through counseling and development of self-suf-
4 ficient living skills; and

5 “(G) activities and programs planned by
6 such projects for the following fiscal year.

7 “(b) CONTENTS OF REPORTS.—The Secretary shall
8 include in each report submitted under subsection (a),
9 summaries of—

10 “(1) the evaluations performed by the Secretary
11 under section 386; and

12 “(2) descriptions of the qualifications of, and
13 training provided to, individuals involved in carrying
14 out such evaluations.”.

15 (k) REPORTS.—Section 383 of the Runaway and
16 Homeless Youth Act (42 U.S.C. 5731) is amended by
17 striking “Records” and inserting “Except for the purposes
18 of the disposition of criminal or delinquency charges
19 against or the coordinated delivery of services to individual
20 youths, records”.

21 (l) EVALUATION.—Section 384 of the Runaway and
22 Homeless Youth Act (42 U.S.C. 5732) is amended to read
23 as follows:

1 **“SEC. 384. EVALUATION AND INFORMATION.**

2 “(a) IN GENERAL.—If a grantee receives grants for
3 3 consecutive fiscal years under part A, B, C, D, or E
4 (in the alternative), then the Secretary shall evaluate such
5 grantee on-site, not less frequently than once in the period
6 of such 3 consecutive fiscal years, for purposes of—

7 “(1) determining whether such grants are being
8 used for the purposes for which such grants are
9 made by the Secretary;

10 “(2) collecting additional information for the re-
11 port required by section 383; and

12 “(3) providing such information and assistance
13 to such grantee as will enable such grantee to im-
14 prove the operation of the centers, projects, and ac-
15 tivities for which such grants are made.

16 “(b) COOPERATION.—Recipients of grants under this
17 title shall cooperate with the Secretary’s efforts to carry
18 out evaluations, and to collect information, under this
19 title.”.

20 (m) AUTHORIZATION OF APPROPRIATIONS.—Section
21 385 of the Runaway and Homeless Youth Act (42 U.S.C.
22 5751) is amended to read as follows:

23 **“SEC. 389. AUTHORIZATION OF APPROPRIATIONS.**

24 “(a) IN GENERAL.—

25 “(1) AUTHORIZATION.—There is authorized to
26 be appropriated to carry out this title (other than

1 part E) such sums as may be necessary for fiscal
2 years 1999, 2000, 2001, 2002, 2003, and 2004.

3 “(2) ALLOCATION.—

4 “(A) PARTS A AND B.—From the amount
5 appropriated under paragraph (1) for a fiscal
6 year, the Secretary shall reserve not less than
7 90 percent to carry out parts A and B.

8 “(B) PART B.—Of the amount reserved
9 under subparagraph (A), not less than 20 per-
10 cent, and not more than 30 percent, shall be re-
11 served to carry out part B.

12 “(3) PARTS C AND D.—In each fiscal year,
13 after reserving the amounts required by paragraph
14 (2), the Secretary shall use the remaining amount
15 (if any) to carry out parts C and D.

16 “(b) SEPARATE IDENTIFICATION REQUIRED.—
17 No funds appropriated to carry out this title may be
18 combined with funds appropriated under any other
19 Act if the purpose of combining such funds is to
20 make a single discretionary grant, or a single discre-
21 tionary payment, unless such funds are separately
22 identified in all grants and contracts and are used
23 for the purposes specified in this title.”.

24 (n) SEXUAL ABUSE PREVENTION PROGRAM.—

1 (1) **AUTHORITY FOR PROGRAM.**—The Runaway
2 and Homeless Youth Act (42 U.S.C. 5701 et seq.)
3 is amended—

4 (A) by striking the heading for part F;

5 (B) by redesignating part E as part F; and

6 (C) by inserting after part D the following:

7 **“PART E—SEXUAL ABUSE PREVENTION**

8 **PROGRAM**

9 **“SEC. 351. AUTHORITY TO MAKE GRANTS.**

10 “(a) **IN GENERAL.**—The Secretary may make grants
11 to nonprofit private agencies for the purpose of providing
12 street-based services to runaway and homeless, and street
13 youth, who have been subjected to, or are at risk of being
14 subjected to, sexual abuse, prostitution, or sexual exploi-
15 tation.

16 “(b) **PRIORITY.**—In selecting applicants to receive
17 grants under subsection (a), the Secretary shall give prior-
18 ity to nonprofit private agencies that have experience in
19 providing services to runaway and homeless, and street
20 youth.”.

21 (2) **AUTHORIZATION OF APPROPRIATIONS.**—

22 Section 389(a) of the Runaway and Homeless Youth
23 Act (42 U.S.C. 5751), as amended by subsection
24 (m) of this section, is amended by adding at the end
25 the following:

1 “(4) PART E.—There is authorized to be appro-
 2 priated to carry out part E such sums as may be necessary
 3 for fiscal years 1999, 2000, 2001, 2002, 2003, and
 4 2004.”.

5 (o) CONSOLIDATED REVIEW OF APPLICATIONS.—
 6 The Runaway and Homeless Youth Act (42 U.S.C. 5701
 7 et seq.) is amended by inserting after section 384 the fol-
 8 lowing:

9 **“SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.**

10 “With respect to funds available to carry out parts
 11 A, B, C, D, and E, nothing in this title shall be construed
 12 to prohibit the Secretary from—

13 “(1) announcing, in a single announcement, the
 14 availability of funds for grants under 2 or more of
 15 such parts; and

16 “(2) reviewing applications for grants under 2
 17 or more of such parts in a single, consolidated appli-
 18 cation review process.”.

19 (p) DEFINITIONS.—The Runaway and Homeless
 20 Youth Act (42 U.S.C. 5701 et seq.) is amended by insert-
 21 ing after section 385, as added by subsection (o) of this
 22 section, the following:

23 **“SEC. 386. DEFINITIONS.**

24 “In this title:

1 “(1) DRUG ABUSE EDUCATION AND PREVEN-
2 TION SERVICES.—The term ‘drug abuse education
3 and prevention services’—

4 “(A) means services to runaway and home-
5 less youth to prevent or reduce the illicit use of
6 drugs by such youth; and

7 “(B) may include—

8 “(i) individual, family, group, and
9 peer counseling;

10 “(ii) drop-in services;

11 “(iii) assistance to runaway and
12 homeless youth in rural areas (including
13 the development of community support
14 groups);

15 “(iv) information and training relating
16 to the illicit use of drugs by runaway and
17 homeless youth, to individuals involved in
18 providing services to such youth; and

19 “(v) activities to improve the availabil-
20 ity of local drug abuse prevention services
21 to runaway and homeless youth.

22 “(2) HOME-BASED SERVICES.—The term
23 ‘home-based services’—

24 “(A) means services provided to youth and
25 their families for the purpose of—

1 “(i) preventing such youth from run-
2 ning away, or otherwise becoming sepa-
3 rated, from their families; and

4 “(ii) assisting runaway youth to re-
5 turn to their families; and

6 “(B) includes services that are provided in
7 the residences of families (to the extent prac-
8 ticable), including—

9 “(i) intensive individual and family
10 counseling; and

11 “(ii) training relating to life skills and
12 parenting.

13 “(3) HOMELESS YOUTH.—The term ‘homeless
14 youth’ means an individual—

15 “(A) who is—

16 “(i) not more than 21 years of age;
17 and

18 “(ii) for the purposes of part B, not
19 less than 16 years of age;

20 “(B) for whom it is not possible to live in
21 a safe environment with a relative; and

22 “(C) who has no other safe alternative liv-
23 ing arrangement.

24 “(4) STREET-BASED SERVICES.—The term
25 ‘street-based services’—

1 “(A) means services provided to runaway
2 and homeless youth, and street youth, in areas
3 where they congregate, designed to assist such
4 youth in making healthy personal choices re-
5 garding where they live and how they behave;
6 and

7 “(B) may include—

8 “(i) identification of and outreach to
9 runaway and homeless youth, and street
10 youth;

11 “(ii) crisis intervention and counsel-
12 ing;

13 “(iii) information and referral for
14 housing;

15 “(iv) information and referral for
16 transitional living and health care services;

17 “(v) advocacy, education, and preven-
18 tion services related to—

19 “(I) alcohol and drug abuse;

20 “(II) sexual exploitation;

21 “(III) sexually transmitted dis-
22 eases, including human immuno-
23 deficiency virus (HIV); and

24 “(IV) physical and sexual as-
25 sault.

1 “(5) STREET YOUTH.—The term ‘street youth’
2 means an individual who—

3 “(A) is—

4 “(i) a runaway youth; or

5 “(ii) indefinitely or intermittently a
6 homeless youth; and

7 “(B) spends a significant amount of time
8 on the street or in other areas that increase the
9 risk to such youth for sexual abuse, sexual ex-
10 ploitation, prostitution, or drug abuse.

11 “(6) TRANSITIONAL LIVING YOUTH PROJECT.—
12 The term ‘transitional living youth project’ means a
13 project that provides shelter and services designed to
14 promote a transition to self-sufficient living and to
15 prevent long-term dependency on social services.

16 “(7) YOUTH AT RISK OF SEPARATION FROM
17 THE FAMILY.—The term ‘youth at risk of separation
18 from the family’ means an individual—

19 “(A) who is less than 18 years of age; and

20 “(B)(i) who has a history of running away
21 from the family of such individual;

22 “(ii) whose parent, guardian, or custodian
23 is not willing to provide for the basic needs of
24 such individual; or

1 “(iii) who is at risk of entering the child
2 welfare system or juvenile justice system as a
3 result of the lack of services available to the
4 family to meet such needs.”.

5 (q) REDESIGNATION OF SECTIONS.—Sections 371,
6 372, 381, 382, 383, 384, 385, and 386 of the Runaway
7 and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.),
8 as amended by this title, are redesignated as sections 381,
9 382, 383, 384, 385, 386, 387, and 388, respectively.

10 (r) TECHNICAL AMENDMENT.—Section 331 of the
11 Runaway and Homeless Youth Act (42 U.S.C. 5701 et
12 seq.) is amended in the first sentence by striking “With”
13 and all that follows through “the Secretary”, and inserting
14 “The Secretary”.

15 **SEC. 304. NATIONAL CENTER FOR MISSING AND EXPLOITED**
16 **CHILDREN.**

17 (a) FINDINGS.—Section 402 of the Missing Chil-
18 dren’s Assistance Act (42 U.S.C. 5771) is amended—

19 (1) in paragraph (7), by striking “and” at the
20 end;

21 (2) in paragraph (8), by striking the period at
22 the end and inserting “; and”; and

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

24 “(9) for 14 years, the National Center for Miss-
25 ing and Exploited Children has—

1 “(A) served as the national resource center
2 and clearinghouse congressionally mandated
3 under the provisions of the Missing Children’s
4 Assistance Act of 1984; and

5 “(B) worked in partnership with the De-
6 partment of Justice, the Federal Bureau of In-
7 vestigation, the Department of the Treasury,
8 the Department of State, and many other agen-
9 cies in the effort to find missing children and
10 prevent child victimization;

11 “(10) Congress has given the Center, which is
12 a private non-profit corporation, access to the Na-
13 tional Crime Information Center of the Federal Bu-
14 reau of Investigation, and the National Law En-
15 forcement Telecommunications System;

16 “(11) since 1987, the Center has operated the
17 National Child Pornography Tipline, in conjunction
18 with the United States Customs Service and the
19 United States Postal Inspection Service and, begin-
20 ning this year, the Center established a new
21 CyberTipline on child exploitation, thus becoming
22 ‘the 911 for the Internet’;

23 “(12) in light of statistics that time is of the es-
24 sence in cases of child abduction, the Director of the
25 Federal Bureau of Investigation in February of

1 1997 created a new NCIC child abduction ('CA')
2 flag to provide the Center immediate notification in
3 the most serious cases, resulting in 642 'CA' notifi-
4 cations to the Center and helping the Center to have
5 its highest recovery rate in history;

6 "(13) the Center has established a national and
7 increasingly worldwide network, linking the Center
8 online with each of the missing children clearing-
9 houses operated by the 50 States, the District of Co-
10 lumbia, and Puerto Rico, as well as with Scotland
11 Yard in the United Kingdom, the Royal Canadian
12 Mounted Police, INTERPOL headquarters in Lyon,
13 France, and others, which has enabled the Center to
14 transmit images and information regarding missing
15 children to law enforcement across the United States
16 and around the world instantly;

17 "(14) from its inception in 1984 through March
18 31, 1998, the Center has—

19 "(A) handled 1,203,974 calls through its
20 24-hour toll-free hotline (1-800-THE-LOST)
21 and currently averages 700 calls per day;

22 "(B) trained 146,284 law enforcement,
23 criminal and juvenile justice, and healthcare
24 professionals in child sexual exploitation and

1 missing child case detection, identification, in-
2 vestigation, and prevention;

3 “(C) disseminated 15,491,344 free publica-
4 tions to citizens and professionals; and

5 “(D) worked with law enforcement on the
6 cases of 59,481 missing children, resulting in
7 the recovery of 40,180 children;

8 “(15) the demand for the services of the Center
9 is growing dramatically, as evidenced by the fact
10 that in 1997, the Center handled 129,100 calls, an
11 all-time record, and by the fact that its new Internet
12 website (www.missingkids.com) receives 1,500,000
13 ‘hits’ every day, and is linked with hundreds of other
14 websites to provide real-time images of breaking
15 cases of missing children;

16 “(16) in 1997, the Center provided policy train-
17 ing to 256 police chiefs and sheriffs from 50 States
18 and Guam at its new Jimmy Ryce Law Enforcement
19 Training Center;

20 “(17) the programs of the Center have had a
21 remarkable impact, such as in the fight against in-
22 fant abductions in partnership with the healthcare
23 industry, during which the Center has performed
24 668 onsite hospital walk-throughs and inspections,
25 and trained 45,065 hospital administrators, nurses,

1 and security personnel, and thereby helped to reduce
2 infant abductions in the United States by 82 per-
3 cent;

4 “(18) the Center is now playing a significant
5 role in international child abduction cases, serving as
6 a representative of the Department of State at cases
7 under The Hague Convention, and successfully re-
8 solving the cases of 343 international child abduc-
9 tions, and providing greater support to parents in
10 the United States;

11 “(19) the Center is a model of public/private
12 partnership, raising private sector funds to match
13 congressional appropriations and receiving extensive
14 private in-kind support, including advanced tech-
15 nology provided by the computer industry such as
16 imaging technology used to age the photographs of
17 long-term missing children and to reconstruct facial
18 images of unidentified deceased children;

19 “(20) the Center was 1 of only 10 of 300 major
20 national charities given an A+ grade in 1997 by the
21 American Institute of Philanthropy; and

22 “(21) the Center has been redesignated as the
23 Nation’s missing children clearinghouse and resource
24 center once every 3 years through a competitive se-
25 lection process conducted by the Office of Juvenile

1 Justice and Delinquency Prevention of the Depart-
2 ment of Justice, and has received grants from that
3 Office to conduct the crucial purposes of the Cen-
4 ter.”.

5 (b) DEFINITIONS.—Section 403 of the Missing Chil-
6 dren’s Assistance Act (42 U.S.C. 5772) is amended—

7 (1) in paragraph (1), by striking “and” at the
8 end;

9 (2) in paragraph (2), by striking the period at
10 the end and inserting “; and”; and

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

12 “(3) the term ‘Center’ means the National Cen-
13 ter for Missing and Exploited Children.”.

14 (c) DUTIES AND FUNCTIONS OF THE ADMINIS-
15 TRATOR.—Section 404 of the Missing Children’s Assist-
16 ance Act (42 U.S.C. 5773) is amended—

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

19 (2) by striking subsection (b) and inserting the
20 following:

21 “(b) ANNUAL GRANT TO NATIONAL CENTER FOR
22 MISSING AND EXPLOITED CHILDREN.—

23 “(1) IN GENERAL.—The Administrator shall
24 annually make a grant to the National Center for

1 Missing and Exploited Children, which shall be used
2 to—

3 “(A)(i) operate a national 24-hour toll-free
4 telephone line by which individuals may report
5 information regarding the location of any miss-
6 ing child, or other child 13 years of age or
7 younger whose whereabouts are unknown to
8 such child’s legal custodian, and request infor-
9 mation pertaining to procedures necessary to
10 reunite such child with such child’s legal custo-
11 dian; and

12 “(ii) coordinate the operation of such tele-
13 phone line with the operation of the national
14 communications system referred to in part C of
15 the Runaway and Homeless Youth Act (42
16 U.S.C. 5714–11);

17 “(B) operate the official national resource
18 center and information clearinghouse for miss-
19 ing and exploited children;

20 “(C) provide to State and local govern-
21 ments, public and private nonprofit agencies,
22 and individuals, information regarding—

23 “(i) free or low-cost legal, restaurant,
24 lodging, and transportation services that

1 are available for the benefit of missing and
2 exploited children and their families; and

3 “(ii) the existence and nature of pro-
4 grams being carried out by Federal agen-
5 cies to assist missing and exploited chil-
6 dren and their families;

7 “(D) coordinate public and private pro-
8 grams that locate, recover, or reunite missing
9 children with their families;

10 “(E) disseminate, on a national basis, in-
11 formation relating to innovative and model pro-
12 grams, services, and legislation that benefit
13 missing and exploited children;

14 “(F) provide technical assistance and
15 training to law enforcement agencies, State and
16 local governments, elements of the criminal jus-
17 tice system, public and private nonprofit agen-
18 cies, and individuals in the prevention, inves-
19 tigation, prosecution, and treatment of cases in-
20 volving missing and exploited children; and

21 “(G) provide assistance to families and law
22 enforcement agencies in locating and recovering
23 missing and exploited children, both nationally
24 and internationally.

1 “(2) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Ad-
3 ministrators to carry out this subsection,
4 \$10,000,000 for each of fiscal years 1999, 2000,
5 2001, 2002, 2003, and 2004.

6 “(c) NATIONAL INCIDENCE STUDIES.—The Adminis-
7 trator, either by making grants to or entering into con-
8 tracts with public agencies or nonprofit private agencies,
9 shall—

10 “(1) periodically conduct national incidence
11 studies to determine for a given year the actual
12 number of children reported missing each year, the
13 number of children who are victims of abduction by
14 strangers, the number of children who are the vic-
15 tims of parental kidnappings, and the number of chil-
16 dren who are recovered each year; and

17 “(2) provide to State and local governments,
18 public and private nonprofit agencies, and individ-
19 uals information to facilitate the lawful use of school
20 records and birth certificates to identify and locate
21 missing children.”.

22 (d) NATIONAL CENTER FOR MISSING AND EX-
23 PLOITED CHILDREN.—Section 405(a) of the Missing Chil-
24 dren’s Assistance Act (42 U.S.C. 5775(a)) is amended by

1 inserting “the National Center for Missing and Exploited
2 Children and with” before “public agencies”.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
4 408 of the Missing Children’s Assistance Act (42 U.S.C.
5 5777) is amended by striking “1997 through 2001” and
6 inserting “1999 through 2004”.

7 (f) REPEAL OF OBSOLETE REPORTING REQUIRE-
8 MENTS.—Section 409 of the Missing Children’s Assistance
9 Act (42 U.S.C. 5778) is repealed.

10 **SEC. 305. TRANSFER OF FUNCTIONS AND SAVINGS PROVI-**
11 **SIONS.**

12 (a) DEFINITIONS.—In this section, unless otherwise
13 provided or indicated by the context:

14 (1) ADMINISTRATOR.—The term “Adminis-
15 trator” means the Administrator of the Office of Ju-
16 venile Crime Control and Prevention established by
17 operation of subsection (b).

18 (2) ADMINISTRATOR OF THE OFFICE.—The
19 term “Administrator of the Office” means the Ad-
20 ministrator of the Office of Juvenile Justice and De-
21 linquency Prevention.

22 (3) BUREAU OF JUSTICE ASSISTANCE.—The
23 term “Bureau of Justice Assistance” means the bu-
24 reau established under section 401 of title I of the

1 Omnibus Crime Control and Safe Streets Act of
2 1968.

3 (4) FEDERAL AGENCY.—The term “Federal
4 agency” has the meaning given the term “agency”
5 by section 551(1) of title 5, United States Code.

6 (5) FUNCTION.—The term “function” means
7 any duty, obligation, power, authority, responsibility,
8 right, privilege, activity, or program.

9 (6) OFFICE OF JUVENILE CRIME CONTROL AND
10 PREVENTION.—The term “Office of Juvenile Crime
11 Control and Prevention” means the office estab-
12 lished by operation of subsection (b).

13 (7) OFFICE OF JUVENILE JUSTICE AND DELIN-
14 QUENCY PREVENTION.—The term “Office of Juve-
15 nile Justice and Delinquency Prevention” means the
16 Office of Juvenile Justice and Delinquency Preven-
17 tion of the Department of Justice, established by
18 section 201 of the Juvenile Justice and Delinquency
19 Prevention Act of 1974, as in effect on the day be-
20 fore the date of enactment of this Act.

21 (8) OFFICE.—The term “office” includes any
22 office, administration, agency, institute, unit, organi-
23 zational entity, or component thereof.

24 (b) TRANSFER OF FUNCTIONS.—There are trans-
25 ferred to the Office of Juvenile Crime Control and Preven-

1 tion all functions that the Administrator of the Office ex-
2 ercised before the date of enactment of this Act (including
3 all related functions of any officer or employee of the Of-
4 fice of Juvenile Justice and Delinquency Prevention), and
5 authorized after the date of enactment of this Act, relating
6 to carrying out the Juvenile Justice and Delinquency Pre-
7 vention Act of 1974.

8 (c) TRANSFER AND ALLOCATIONS OF APPROPRIA-
9 TIONS AND PERSONNEL.—

10 (1) IN GENERAL.—Except as otherwise pro-
11 vided in this section, the personnel employed in con-
12 nection with, and the assets, liabilities, contracts,
13 property, records, and unexpended balances of ap-
14 propriations, authorizations, allocations, and other
15 amounts employed, used, held, arising from, avail-
16 able to, or to be made available in connection with
17 the functions transferred by this section, subject to
18 section 1531 of title 31, United States Code, shall
19 be transferred to the Office of Juvenile Crime Con-
20 trol and Prevention.

21 (2) UNEXPENDED AMOUNTS.—Any unexpended
22 amounts transferred pursuant to this subsection
23 shall be used only for the purposes for which the
24 amounts were originally authorized and appro-
25 priated.

1 (d) INCIDENTAL TRANSFERS.—

2 (1) IN GENERAL.—The Director of the Office of
3 Management and Budget, at such time or times as
4 the Director of that Office shall provide, may make
5 such determinations as may be necessary with re-
6 gard to the functions transferred by this section, and
7 to make such additional incidental dispositions of
8 personnel, assets, liabilities, grants, contracts, prop-
9 erty, records, and unexpended balances of appropria-
10 tions, authorizations, allocations, and other amounts
11 held, used, arising from, available to, or to be made
12 available in connection with such functions, as may
13 be necessary to carry out this section.

14 (2) TERMINATION OF AFFAIRS.—The Director
15 of the Office of Management and Budget shall pro-
16 vide for the termination of the affairs of all entities
17 terminated by this section and for such further
18 measures and dispositions as may be necessary to ef-
19 fectuate the purposes of this section.

20 (e) EFFECT ON PERSONNEL.—

21 (1) IN GENERAL.—Except as otherwise pro-
22 vided by this section, the transfer pursuant to this
23 section of full-time personnel (except special Govern-
24 ment employees) and part-time personnel holding
25 permanent positions shall not cause any such em-

1 ployee to be separated or reduced in grade or com-
2 pensation for 1 year after the date of transfer of
3 such employee under this section.

4 (2) EXECUTIVE SCHEDULE POSITIONS.—Except
5 as otherwise provided in this section, any person
6 who, on the day before the date of enactment of this
7 Act, held a position compensated in accordance with
8 the Executive Schedule prescribed in chapter 53 of
9 title 5, United States Code, and who, without a
10 break in service, is appointed in the Office of Juve-
11 nile Crime Control and Prevention to a position hav-
12 ing duties comparable to the duties performed imme-
13 diately preceding such appointment shall continue to
14 be compensated in such new position at not less
15 than the rate provided for such previous position, for
16 the duration of the service of such person in such
17 new position.

18 (3) TRANSITION RULE.—The incumbent Ad-
19 ministrator of the Office as of the date immediately
20 preceding the date of enactment of this Act shall
21 continue to serve as Administrator after the date of
22 enactment of this Act until such time as the incum-
23 bent resigns, is relieved of duty by the President, or
24 an Administrator is appointed by the President, by
25 and with the advice and consent of the Senate.

1 (f) SAVINGS PROVISIONS.—

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

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

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

23 (2) PROCEEDINGS NOT AFFECTED.—

24 (A) IN GENERAL.—This section shall not
25 affect any proceedings, including notices of pro-

1 posed rulemaking, or any application for any li-
2 cense, permit, certificate, or financial assistance
3 pending before the Office of Juvenile Justice
4 and Delinquency Prevention on the date on
5 which this section takes effect, with respect to
6 functions transferred by this section but such
7 proceedings and applications shall be continued.

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

18 (C) DISCONTINUANCE OR MODIFICA-
19 TION.—Nothing in this paragraph shall be con-
20 strued to prohibit the discontinuance or modi-
21 fication of any such proceeding under the same
22 terms and conditions and to the same extent
23 that such proceeding could have been discon-
24 tinued or modified if this paragraph had not
25 been enacted.

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

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

15 (5) ADMINISTRATIVE ACTIONS RELATING TO
16 PROMULGATION OF REGULATIONS.—Any administra-
17 tive action relating to the preparation or promulga-
18 tion of a regulation by the Office of Juvenile Justice
19 and Delinquency Prevention relating to a function
20 transferred under this section may be continued, to
21 the extent authorized by this section, by the Office
22 of Juvenile Crime Control and Prevention with the
23 same effect as if this section had not been enacted.

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

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

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

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

12 (1) the Administrator of the Office of Juvenile
13 Justice and Delinquency Prevention with regard to
14 functions transferred by operation of subsection (b),
15 shall be considered to refer to the Administrator of
16 the Office of Juvenile Crime Control and Prevention;
17 and

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

23 (i) TECHNICAL AND CONFORMING AMENDMENTS.—

24 (1) Section 5315 of title 5, United States Code,
25 is amended by striking “Administrator, Office of Ju-

1 venile Justice and Delinquency Prevention” and in-
2 serting “Administrator, Office of Juvenile Crime
3 Control and Prevention”.

4 (2) Section 4351(b) of title 18, United States
5 Code, is amended by striking “Office of Juvenile
6 Justice and Delinquency Prevention” and inserting
7 “Office of Juvenile Crime Control and Prevention”.

8 (3) Subsections (a)(1) and (c) of section 3220
9 of title 39, United States Code, are each amended
10 by striking “Office of Juvenile Justice and Delin-
11 quency Prevention” each place it appears and insert-
12 ing “Office of Juvenile Crime Control and Preven-
13 tion”.

14 (4) Section 463(f) of the Social Security Act
15 (42 U.S.C. 663(f)) is amended by striking “Office of
16 Juvenile Justice and Delinquency Prevention” and
17 inserting “Office of Juvenile Crime Control and Pre-
18 vention”.

19 (5) Sections 801(a), 804, 805, and 813 of title
20 I of the Omnibus Crime Control and Safe Streets
21 Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786,
22 3789i) are amended by striking “Office of Juvenile
23 Justice and Delinquency Prevention” each place it
24 appears and inserting “Office of Juvenile Crime
25 Control and Prevention”.

1 (6) The Victims of Child Abuse Act of 1990
2 (42 U.S.C. 13001 et seq.) is amended—

3 (A) in section 214(b)(1) by striking “262,
4 293, and 296 of subpart II of title II” and in-
5 serting “299B and 299E”;

6 (B) in section 214A(c)(1) by striking
7 “262, 293, and 296 of subpart II of title II”
8 and inserting “299B and 299E”;

9 (C) in sections 217 and 222 by striking
10 “Office of Juvenile Justice and Delinquency
11 Prevention” each place it appears and inserting
12 “Office of Juvenile Crime Control and Preven-
13 tion”; and

14 (D) in section 223(c) by striking “section
15 262, 293, and 296” and inserting “sections
16 262, 299B, and 299E”.

17 (7) The Missing Children’s Assistance Act (42
18 U.S.C. 5771 et seq.) is amended—

19 (A) in section 403(2) by striking “Justice
20 and Delinquency Prevention” and inserting
21 “Crime Control and Delinquency Prevention”;
22 and

23 (B) in subsections (a)(5)(E) and (b)(1)(B)
24 of section 404 by striking “section 313” and in-
25 serting “section 331”.

1 (8) The Crime Control Act of 1990 (42 U.S.C.
2 13001 et seq.) is amended—

3 (A) in section 217(c)(1) by striking “sec-
4 tions 262, 293, and 296 of subpart II of title
5 II” and inserting “sections 299B and 299E”;
6 and

7 (B) in section 223(c) by striking “section
8 262, 293, and 296 of title II” and inserting
9 “sections 299B and 299E”.

10 (j) REFERENCES.—In any Federal law (excluding
11 this Act and the Acts amended by this Act), Executive
12 order, rule, regulation, order, delegation of authority,
13 grant, contract, suit, or document a reference to the Office
14 of Juvenile Justice and Delinquency Prevention shall be
15 deemed to include a reference to the Office of Juvenile
16 Crime Control and Prevention.

17 **Subtitle B—Accountability for Ju-**
18 **venile Offenders and Public**
19 **Protection Incentive Grants**

20 **SEC. 321. BLOCK GRANT PROGRAM.**

21 (a) IN GENERAL.—Part R of title I of the Omnibus
22 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
23 3796 et seq.) is amended to read as follows:

1 **“PART R—JUVENILE ACCOUNTABILITY BLOCK**2 **GRANTS**3 **“SEC. 1801. PROGRAM AUTHORIZED.**

4 “(a) IN GENERAL.—The Attorney General shall
5 make, subject to the availability of appropriations, grants
6 to States for use by States and units of local government
7 in planning, establishing, operating, coordinating, and
8 evaluating projects, directly or through grants and con-
9 tracts with public and private agencies, for the develop-
10 ment of more effective investigation, prosecution, and pun-
11 ishment (including the imposition of graduated sanctions)
12 of crimes or acts of delinquency committed by juveniles,
13 programs to improve the administration of justice for and
14 ensure accountability by juvenile offenders, and programs
15 to reduce the risk factors (such as truancy, drug or alcohol
16 use, and gang involvement) associated with juvenile crime
17 or delinquency.

18 “(b) USE OF GRANTS.—Grants under this section
19 may be used by States and units of local government—

20 “(1) for programs to enhance the identification,
21 investigation, prosecution, and punishment of juve-
22 nile offenders, such as—

23 “(A) the utilization of graduated sanctions;

24 “(B) the utilization of short-term confine-
25 ment of juvenile offenders;

1 “(C) the incarceration of violent juvenile
2 offenders for extended periods of time;

3 “(D) the hiring of juvenile prosecutors, ju-
4 venile public defenders, juvenile judges, juvenile
5 probation officers, and juvenile correctional offi-
6 cers to implement policies to control juvenile
7 crime and ensure accountability of juvenile of-
8 fenders; and

9 “(E) the development and implementation
10 of coordinated, multi-agency systems for—

11 “(i) the comprehensive and coordi-
12 nated booking, identification, and assess-
13 ment of juveniles arrested or detained by
14 law enforcement agencies, including the
15 utilization of multi-agency facilities such as
16 juvenile assessment centers; and

17 “(ii) the coordinated delivery of sup-
18 port services for juveniles who have had or
19 are at risk for contact with the juvenile or
20 criminal systems, including utilization of
21 court-established local service delivery
22 councils;

23 “(2) for programs that require juvenile offend-
24 ers to make restitution to the victims of offenses
25 committed by those juvenile offenders;

1 “(3) for programs that require juvenile offend-
2 ers to attend and successfully complete school or vo-
3 cational training as part of a sentence imposed by
4 a court;

5 “(4) for programs that require juvenile offend-
6 ers who are parents to demonstrate parental respon-
7 sibility by working and paying child support;

8 “(5) for programs that seek to curb or punish
9 truancy;

10 “(6) for programs designed to collect, record,
11 retain, and disseminate information useful in the
12 identification, prosecution, and sentencing of juvenile
13 offenders, such as criminal history information, fin-
14 gerprints, DNA tests, and ballistics tests;

15 “(7) for the development and implementation of
16 coordinated multijurisdictional or multiagency pro-
17 grams for the identification, control, supervision,
18 prevention, investigation, and treatment of the most
19 serious juvenile offenses and offenders, popularly
20 known as a ‘SHOCAP Program’ (Serious Habitual
21 Offenders Comprehensive Action Program);

22 “(8) for the development and implementation of
23 coordinated multijurisdictional or multiagency pro-
24 grams for the identification, control, supervision,

1 prevention, investigation, and disruption of youth
2 gangs;

3 “(9) for the construction or remodeling of
4 short- and long-term facilities for juvenile offenders;

5 “(10) for the development and implementation
6 of technology, equipment, training programs for ju-
7 venile crime control, for law enforcement officers,
8 judges, prosecutors, probation officers, and other
9 court personnel who are employed by State and local
10 governments, in furtherance of the purposes identi-
11 fied in this section; and

12 “(11) for programs to seek to target, curb, and
13 punish adults who knowingly and intentionally use a
14 juvenile during the commission or attempted com-
15 mission of a crime, including programs that specifi-
16 cally provide for additional punishments or sentence
17 enhancements for adults who knowingly and inten-
18 tionally use a juvenile during the commission or at-
19 tempted commission of a crime.

20 “(c) REQUIREMENTS.—To be eligible to receive an in-
21 centive grant under this section, a State shall submit to
22 the Attorney General an application, in such form as shall
23 be prescribed by the Attorney General, which shall contain
24 assurances that, not later than 1 year after the date on
25 which the State submits such application—

1 “(1) the State has established or will establish
2 a system of graduated sanctions for juvenile offend-
3 ers that ensures appropriate sanctions, which are
4 graduated to reflect the severity or repeated nature
5 of violations, for each act of delinquency;

6 “(2) the State has established or will establish
7 a policy of drug testing (including followup testing)
8 juvenile offenders upon their arrest for any offense
9 within an appropriate category of offenses des-
10 igned by the chief executive officer of the State;
11 and

12 “(3) the State has an established policy rec-
13 ognizing the rights and needs of victims of crimes
14 committed by juveniles.

15 “(d) ALLOCATION AND DISTRIBUTION OF STATE
16 GRANTS.—

17 “(1) IN GENERAL.—

18 “(A) STATE AND LOCAL DISTRIBUTION.—
19 Subject to subparagraph (B), of amounts made
20 available to the State, 30 percent may be re-
21 tained by the State for use pursuant to para-
22 graph (2) and 70 percent shall be reserved by
23 the State for local distribution pursuant to
24 paragraph (3).

1 “(B) SPECIAL RULE.—The Attorney Gen-
2 eral may waive the requirements of this para-
3 graph with respect to any State in which the
4 criminal and juvenile justice services for delin-
5 quent or other youth are organized primarily on
6 a statewide basis, in which case not more than
7 50 percent of funds shall be made available to
8 all units of local government in that State pur-
9 suant to paragraph (3).

10 “(2) OTHER DISTRIBUTION.—Of amounts re-
11 tained by the State under paragraph (1) not less
12 than 50 percent shall be designated for—

13 “(A) programs pursuant to paragraph (1)
14 or (9) of subsection (b), except that if the State
15 designates any amounts for purposes of con-
16 struction or remodeling of short- or long-term
17 facilities pursuant to subsection (b)(9), such
18 amounts shall constitute not more than 50 per-
19 cent of the estimated construction or remodel-
20 ing cost and that no funds expended pursuant
21 to this subparagraph may be used for the incar-
22 ceration of any offender who was more than 21
23 years of age at the time of the offense, and no
24 funds expended pursuant to this subparagraph
25 may be used for construction, renovation, or ex-

1 pansion of facilities for such offenders, except
2 that funds may be used to construct juvenile fa-
3 cilities collocated with adult facilities; or

4 “(B) drug testing upon arrest for any of-
5 fense within the category of offenses designated
6 pursuant to subsection (c)(3), and intensive su-
7 pervision thereafter pursuant to programs
8 under subsection (b)(7) and subsection (c)(3).

9 “(3) LOCAL ELIGIBILITY AND DISTRIBUTION.—

10 “(A) IN GENERAL.—

11 “(i) LOCAL DISTRIBUTION SUBGRANT
12 ELIGIBILITY.—To be eligible to receive a
13 subgrant, a unit of local government shall
14 provide such assurances to the State as the
15 State shall require, that, to the maximum
16 extent applicable, the unit of local govern-
17 ment has laws or policies and programs
18 that comply with the eligibility require-
19 ments of subsection (c).

20 “(ii) COORDINATED LOCAL EFFORT.—

21 Prior to receiving a grant under this sec-
22 tion, a unit of local government shall cer-
23 tify that it has or will establish a coordi-
24 nated enforcement plan for reducing juve-
25 nile crime within the jurisdiction of the

1 unit of local government, developed by a
2 juvenile crime enforcement coalition, such
3 coalition consisting of individuals within
4 the jurisdiction representing the police,
5 sheriff, prosecutor, State or local probation
6 services, juvenile court, schools, business,
7 and religious affiliated, fraternal, non-
8 profit, or social service organizations in-
9 volved in crime prevention.

10 “(B) SPECIAL RULE.—The requirements
11 of subparagraph (A) shall apply to an eligible
12 unit that receives funds from the Attorney Gen-
13 eral under subparagraph (H), except that infor-
14 mation that would otherwise be submitted to
15 the State shall be submitted to the Attorney
16 General.

17 “(C) LOCAL DISTRIBUTION.—From
18 amounts reserved for local distribution under
19 paragraph (1), the State shall allocate to such
20 units of local government an amount that bears
21 the same ratio to the aggregate amount of such
22 funds as—

23 “(i) the sum of—

24 “(I) the product of—

1 “(aa) two-thirds; multiplied
2 by

3 “(bb) the average law en-
4 forcement expenditure for such
5 unit of local government for the
6 3 most recent calendar years for
7 which such data is available; plus
8 “(II) the product of—

9 “(aa) one-third; multiplied
10 by

11 “(bb) the average annual
12 number of part 1 violent crimes
13 in such unit of local government
14 for the 3 most recent calendar
15 years for which such data is
16 available, bears to—

17 “(ii) the sum of the products deter-
18 mined under subparagraph (A) for all such
19 units of local government in the State.

20 “(D) EXPENDITURES.—The allocation any
21 unit of local government shall receive under
22 paragraph (1) for a payment period shall not
23 exceed 100 percent of law enforcement expendi-
24 tures of the unit for such payment period.

1 “(E) REALLOCATION.—The amount of any
2 unit of local government’s allocation that is not
3 available to such unit by operation of paragraph
4 (2) shall be available to other units of local gov-
5 ernment that are not affected by such operation
6 in accordance with this subsection.

7 “(F) UNAVAILABILITY OF DATA FOR UNITS
8 OF LOCAL GOVERNMENT.—If the State has rea-
9 son to believe that the reported rate of part 1
10 violent crimes or law enforcement expenditure
11 for a unit of local government is insufficient or
12 inaccurate, the State shall—

13 “(i) investigate the methodology used
14 by the unit to determine the accuracy of
15 the submitted data; and

16 “(ii) if necessary, use the best avail-
17 able comparable data regarding the num-
18 ber of violent crimes or law enforcement
19 expenditure for the relevant years for the
20 unit of local government.

21 “(G) LOCAL GOVERNMENT WITH ALLOCA-
22 TIONS LESS THAN \$5,000.—If, under this sec-
23 tion, a unit of local government is allocated less
24 than \$5,000 for a payment period, the amount
25 allocated shall be expended by the State on

1 services to units of local government whose al-
2 lotment is less than such amount in a manner
3 consistent with this part.

4 “(H) DIRECT GRANTS TO ELIGIBLE
5 UNITS.—

6 “(i) IN GENERAL.—If a State does
7 not qualify or apply for a grant under this
8 section, by the application deadline estab-
9 lished by the Attorney General, the Attor-
10 ney General shall reserve not more than 70
11 percent of the allocation that the State
12 would have received for grants under this
13 section under subsection (e) for such fiscal
14 year to provide grants to eligible units that
15 meet the requirements for funding under
16 subparagraph (A).

17 “(ii) AWARD BASIS.—In addition to
18 the qualification requirements for direct
19 grants for eligible units the Attorney Gen-
20 eral may use the average amount allocated
21 by the States to like governmental units as
22 a basis for awarding grants under this sec-
23 tion.

24 “(I) ALLOCATION BY UNITS OF LOCAL
25 GOVERNMENT.—Of amounts made available

1 under this section to a unit of local government,
2 not less than 50 percent shall be designated
3 for—

4 “(i) paragraph (1) or (9) of sub-
5 section (b), except that, if amounts are al-
6 located for purposes of construction or re-
7 modeling of short- or long-term facilities
8 pursuant to subsection (b)(9)—

9 “(I) the unit of local government
10 shall coordinate such expenditures
11 with similar State expenditures;

12 “(II) Federal funds shall con-
13 stitute not more than 50 percent of
14 the estimated construction or remodel-
15 ing cost; and

16 “(III) no funds expended pursu-
17 ant to this clause may be used for the
18 incarceration of any offender who was
19 more than 21 years of age at the time
20 of the offense or for construction, ren-
21 ovation, or expansion of facilities for
22 such offenders, except that funds may
23 be used to construct juvenile facilities
24 collocated with adult facilities, includ-
25 ing separate buildings for juveniles

1 and separate juvenile wings, cells, or
2 areas collocated within an adult jail or
3 lockup; or

4 “(ii) drug testing upon arrest for any
5 offense within the category of offenses des-
6 ignated pursuant to subsection (c)(3), and
7 intensive supervision thereafter pursuant
8 to programs under subsection (b)(7) and
9 subsection (c)(3).

10 “(4) NONSUPPLANTATION.—Amounts made
11 available under this section to the States (or units
12 of local government in the State) shall not be used
13 to supplant State or local funds (or in the case of
14 Indian tribal governments, to supplant amounts pro-
15 vided by the Bureau of Indian Affairs) but shall be
16 used to increase the amount of funds that would in
17 the absence of amounts received under this section,
18 be made available from a State or local source, or
19 in the case of Indian tribal governments, from
20 amounts provided by the Bureau of Indian Affairs.

21 “(e) ALLOCATION OF GRANTS AMONG QUALIFYING
22 STATES; RESTRICTIONS ON USE.—

23 “(1) ALLOCATION.—Amounts made available
24 under this section shall be allocated as follows:

1 “(A) 0.5 percent shall be allocated to each
2 eligible State.

3 “(B) The amount remaining after the allo-
4 cation under subparagraph (A) shall be allo-
5 cated proportionately based on the population
6 that is less than 18 years of age in the eligible
7 States.

8 “(2) RESTRICTIONS ON USE.—Amounts made
9 available under this section shall be subject to the
10 restrictions of subsections (a) and (b) of section 292
11 of the Juvenile Justice and Delinquency Prevention
12 Act of 1974, except that the penalties in section
13 292(c) of such Act do not apply.

14 “(f) GRANTS TO INDIAN TRIBES.—

15 “(1) RESERVATION OF FUNDS.—Notwithstand-
16 ing any other provision of law, from the amounts ap-
17 propriated pursuant to section 291 of the Juvenile
18 Justice and Delinquency Prevention Act of 1974, for
19 each fiscal year, the Attorney General shall reserve
20 an amount equal to the amount to which all Indian
21 tribes eligible to receive a grant under paragraph (3)
22 would collectively be entitled, if such tribes were col-
23 lectively treated as a State to carry out this sub-
24 section.

1 “(2) GRANTS TO INDIAN TRIBES.—From the
2 amounts reserved under paragraph (1), the Attorney
3 General shall make grants to Indian tribes for pro-
4 grams pursuant to the permissible purposes under
5 section 1801.

6 “(3) APPLICATIONS.—To be eligible to receive a
7 grant under this subsection, an Indian tribe shall
8 submit to the Attorney General an application in
9 such form and containing such information as the
10 Attorney General may by regulation require. The re-
11 quirements of subsection (c) apply to grants under
12 this subsection.

13 **“SEC. 1802. JUVENILE CRIMINAL HISTORY GRANTS.**

14 “(a) IN GENERAL.—The Attorney General, through
15 the Director of the Bureau of Justice Statistics and with
16 consultation and coordination with the Office of Justice
17 Programs and the Attorney General, upon application
18 from a State (in such form and containing such informa-
19 tion as the Attorney General may reasonably require) shall
20 make a grant to each eligible State to be used by the State
21 exclusively for purposes of meeting the eligibility require-
22 ments of subsection (b).

23 “(b) ELIGIBILITY.—A State is eligible for a grant
24 under subsection (a) if its application provides assurances

1 that, not later than 3 years after the date on which such
2 application is submitted, the State will—

3 “(1) maintain, at the adult State central reposi-
4 tory in accordance with the State’s established prac-
5 tices and policies relating to adult criminal history
6 records—

7 “(A) a fingerprint supported record of the
8 adjudication of delinquency of any juvenile who
9 commits an act that, if committed by an adult,
10 would constitute the offense of murder, armed
11 robbery, rape (except statutory rape), or a fel-
12 ony offense involving sexual molestation of a
13 child, or a conspiracy or attempt to commit any
14 such offense (all as defined by State law), that
15 is equivalent to, and maintained and dissemi-
16 nated in the same manner and for the same
17 purposes as are adult criminal history records
18 for the same offenses, except that the record
19 may include a notation of expungement pursu-
20 ant to State law; and

21 “(B) a fingerprint supported record of the
22 adjudication of delinquency of any juvenile who
23 commits an act that, if committed by an adult,
24 would be a felony other than a felony described
25 in subparagraph (A) that is equivalent to, and

1 maintained and disseminated in the same man-
2 ner for any criminal justice purpose as are
3 adult criminal history records for the same of-
4 fenses, except that the record may include a no-
5 tation of expungement pursuant to State law;
6 and

7 “(2) will establish procedures by which an offi-
8 cial of an elementary, secondary, and post-secondary
9 school may, in appropriate circumstances (as defined
10 by applicable State law), gain access to the juvenile
11 adjudication record of a student enrolled at the
12 school, or a juvenile who seeks, intends, or is in-
13 structed to enroll at that school, if—

14 “(A) the official is subject to the same
15 standards and penalties under applicable Fed-
16 eral and State law relating to the handling and
17 disclosure of information contained in juvenile
18 adjudication records as are employees of law
19 enforcement and juvenile justice agencies in the
20 State; and

21 “(B) information contained in the juvenile
22 adjudication record may not be used for the
23 purpose of making an admission determination.

24 “(c) VALIDITY OF CERTAIN JUDGMENTS.—Nothing
25 in this section shall require States, in order to qualify for

1 grants under this title, to modify laws concerning the sta-
 2 tus of any adjudication of juvenile delinquency or judg-
 3 ment of conviction under the law of the State that entered
 4 the judgment.

5 “(d) DEFINITIONS.—In this section—

6 “(1) the term ‘criminal justice purpose’ means
 7 the use by and within the criminal justice system for
 8 the detection, apprehension, detention, pretrial re-
 9 lease, post-trial release, prosecution, adjudication,
 10 sentencing, disposition, correctional supervision, or
 11 rehabilitation of accused persons, criminal offenders,
 12 or juvenile delinquents; and

13 “(2) the term ‘expungement’ means the nul-
 14 lification of the legal effect of the conviction or adju-
 15 dication to which the record applies.”.

16 **SEC. 322. PILOT PROGRAM TO PROMOTE REPLICATION OF**
 17 **RECENT SUCCESSFUL JUVENILE CRIME RE-**
 18 **DUCTION STRATEGIES.**

19 (a) PILOT PROGRAM TO PROMOTE REPLICATION OF
 20 RECENT SUCCESSFUL JUVENILE CRIME REDUCTION
 21 STRATEGIES.—

22 (1) ESTABLISHMENT.—The Attorney General
 23 (or a designee of the Attorney General), in conjunc-
 24 tion with the Secretary of the Treasury (or the des-
 25 ignee of the Secretary), shall establish a pilot pro-

1 gram (referred to in this section as the “program”)
2 to encourage and support communities that adopt a
3 comprehensive approach to suppressing and prevent-
4 ing violent juvenile crime patterned after successful
5 State juvenile crime reduction strategies.

6 (2) PROGRAM.—In carrying out the program,
7 the Attorney General shall—

8 (A) make and track grants to grant recipi-
9 ents (referred to in this section as “coalitions”);

10 (B) in conjunction with the Secretary of
11 the Treasury, provide for technical assistance
12 and training, data collection, and dissemination
13 of relevant information; and

14 (C) provide for the general administration
15 of the program.

16 (3) ADMINISTRATION.—Not later than 30 days
17 after the date of enactment of this Act, the Attorney
18 General shall appoint or designate an Administrator
19 (referred to in this section as the “Administrator”)
20 to carry out the program.

21 (4) PROGRAM AUTHORIZATION.—To be eligible
22 to receive an initial grant or a renewal grant under
23 this section, a coalition shall meet each of the follow-
24 ing criteria:

- 1 (A) COMPOSITION.—The coalition shall
2 consist of 1 or more representatives of—
- 3 (i) the local police department or sher-
4 iff’s department;
 - 5 (ii) the local prosecutors’ office;
 - 6 (iii) the United States Attorney’s of-
7 fice;
 - 8 (iv) the Federal Bureau of Investiga-
9 tion;
 - 10 (v) the Bureau of Alcohol, Tobacco
11 and Firearms;
 - 12 (vi) State or local probation officers;
 - 13 (vii) religious affiliated or fraternal
14 organizations involved in crime prevention;
 - 15 (viii) schools;
 - 16 (ix) parents or local grass roots orga-
17 nizations such as neighborhood watch
18 groups; and
 - 19 (x) social service agencies involved in
20 crime prevention.
- 21 (B) OTHER PARTICIPANTS.—If possible, in
22 addition to the representatives from the cat-
23 egories listed in subparagraph (A), the coalition
24 shall include—

1 (i) representatives from the business
2 community; and

3 (ii) researchers who have studied
4 criminal justice and can offer technical or
5 other assistance.

6 (C) COORDINATED STRATEGY.—A coalition
7 shall submit to the Attorney General, or the At-
8 torney General’s designee, a comprehensive plan
9 for reducing violent juvenile crime. To be eligi-
10 ble for consideration, a plan shall—

11 (i) ensure close collaboration among
12 all members of the coalition in suppressing
13 and preventing juvenile crime;

14 (ii) place heavy emphasis on coordi-
15 nated enforcement initiatives, such as Fed-
16 eral and State programs that coordinate
17 local police departments, prosecutors, and
18 local community leaders to focus on the
19 suppression of violent juvenile crime involv-
20 ing gangs;

21 (iii) ensure that there is close collabo-
22 ration between police and probation offi-
23 cers in the supervision of juvenile offend-
24 ers, such as initiatives that coordinate the
25 efforts of parents, school officials, and po-

1 lice and probation officers to patrol the
2 streets and make home visits to ensure
3 that offenders comply with the terms of
4 their probation;

5 (iv) ensure that a program is in place
6 to trace all firearms seized from crime
7 scenes or offenders in an effort to identify
8 illegal gun traffickers; and

9 (v) ensure that effective crime preven-
10 tion programs are in place, such as pro-
11 grams that provide after-school safe havens
12 and other opportunities for at-risk youth to
13 escape or avoid gang or other criminal ac-
14 tivity, and to reduce recidivism.

15 (D) ACCOUNTABILITY.—A coalition shall—

16 (i) establish a system to measure and
17 report outcomes consistent with common
18 indicators and evaluation protocols estab-
19 lished by the Administrator and that re-
20 ceives the approval of the Administrator;
21 and

22 (ii) devise a detailed model for meas-
23 uring and evaluating the success of the
24 plan of the coalition in reducing violent ju-
25 venile crime, and provide assurances that

1 the plan will be evaluated on a regular
2 basis to assess progress in reducing violent
3 juvenile crime.

4 (5) GRANT AMOUNTS.—

5 (A) IN GENERAL.—The Administrator may
6 grant to an eligible coalition under this para-
7 graph, an amount not to exceed the amount of
8 non-Federal funds raised by the coalition, in-
9 cluding in-kind contributions, for that fiscal
10 year.

11 (B) NONSUPPLANTING REQUIREMENT.—A
12 coalition seeking funds shall provide reasonable
13 assurances that funds made available under this
14 program to States or units of local government
15 shall be so used as to supplement and increase
16 (but not supplant) the level of the State, local,
17 and other non-Federal funds that would in the
18 absence of such Federal funds be made avail-
19 able for programs described in this section, and
20 shall in no event replace such State, local, or
21 other non-Federal funds.

22 (C) SUSPENSION OF GRANTS.—If a coali-
23 tion fails to continue to meet the criteria set
24 forth in this section, the Administrator may
25 suspend the grant, after providing written no-

1 tice to the grant recipient and an opportunity
2 to appeal.

3 (D) RENEWAL GRANTS.—Subject to sub-
4 paragraph (D), the Administrator may award a
5 renewal grant to grant recipient under this sub-
6 paragraph for each fiscal year following the fis-
7 cal year for which an initial grant is awarded,
8 in an amount not to exceed the amount of non-
9 Federal funds raised by the coalition, including
10 in-kind contributions, for that fiscal year, dur-
11 ing the 4-year period following the period of the
12 initial grant.

13 (E) LIMITATION.—The amount of a grant
14 award under this section may not exceed
15 \$300,000 for a fiscal year.

16 (6) PERMITTED USE OF FUNDS.—A coalition
17 receiving funds under this section may expend such
18 Federal funds on any use or program that is con-
19 tained in the plan submitted to the Administrator.

20 (7) CONGRESSIONAL CONSULTATION.—

21 (A) IN GENERAL.—Two years after the
22 date of implementation of the program estab-
23 lished in this section, the Comptroller General
24 of the United States shall submit to Congress
25 a report reviewing the effectiveness of the pro-

1 gram in suppressing and reducing violent juve-
2 nile crime in the participating communities.

3 (B) CONTENTS OF REPORT.—The report
4 submitted under subparagraph (A) shall
5 include—

6 (i) an analysis of each community
7 participating in the program, along with
8 information regarding the plan undertaken
9 in the community, and the effectiveness of
10 the plan in reducing violent juvenile crime;
11 and

12 (ii) recommendations regarding the ef-
13 ficacy of continuing the program.

14 (b) INFORMATION COLLECTION AND DISSEMINATION
15 WITH RESPECT TO COALITIONS.—

16 (1) COALITION INFORMATION.—For the pur-
17 pose of audit and examination, the Attorney
18 General—

19 (A) shall have access to any books, docu-
20 ments, papers, and records that are pertinent to
21 any grant or grant renewal request under this
22 section; and

23 (B) may periodically request information
24 from a coalition to ensure that the coalition
25 meets the applicable criteria.

1 (2) REPORTING.—The Attorney General shall,
2 to the maximum extent practicable and in a manner
3 consistent with applicable law, minimize reporting
4 requirements by a coalition and expedite any appli-
5 cation for a renewal grant made under this section.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There is authorized to be
8 appropriated to carry out this section \$3,000,000 for
9 each of fiscal years 2000 through 2003.

10 (2) SOURCE OF SUMS.—Amounts authorized to
11 be appropriated pursuant to this subsection may be
12 derived from the Violent Crime Reduction Trust
13 Fund.

14 **SEC. 323. REPEAL OF UNNECESSARY AND DUPLICATIVE**
15 **PROGRAMS.**

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

18 (1) TITLE III.—Title III of the Violent Crime
19 Control and Law Enforcement Act of 1994 (42
20 U.S.C. 13741 et seq.) is amended by striking sub-
21 titles A through C, and subtitles G through S.

22 (2) TITLE XXVII.—Title XXVII of the Violent
23 Crime Control and Law Enforcement Act of 1994
24 (42 U.S.C. 14191 et seq.) is repealed.

1 (b) REFORM OF GREAT PROGRAM.—Section
2 32401(a) of the Violent Crime Control and Law Enforce-
3 ment Act of 1994 (42 U.S.C. 13921(a)) is amended—

4 (1) by striking paragraph (2) and inserting the
5 following:

6 “(2) SELECTION OF COMMUNITIES.—

7 “(A) IN GENERAL.—Each community iden-
8 tified for a GREAT project referred to in para-
9 graph (1) shall be selected by the Secretary of
10 the Treasury on the basis of—

11 “(i) the level of gang activity and
12 youth violence in the area in which the
13 community is located;

14 “(ii) the number of schools in the
15 community in which training would be pro-
16 vided under the project;

17 “(iii) the number of students who
18 would receive the training referred to in
19 clause (ii) in schools referred to in that
20 clause; and

21 “(iv) a written description from offi-
22 cials of the community explaining the man-
23 ner in which funds made available to the
24 community under this section would be al-
25 located.

1 “(B) **EQUITABLE SELECTION.**—The Sec-
2 retary of the Treasury shall ensure that—

3 “(i) communities are identified and
4 selected for GREAT projects under this
5 subsection on an equitable geographic basis
6 (except that this clause shall not be con-
7 strued to require the termination of any
8 projects selected prior to the beginning of
9 fiscal year 1999); and

10 “(ii) the communities referred to in
11 clause (i) include rural communities.”; and

12 (2) in paragraph (3)—

13 (A) in subparagraph (A), by striking “50
14 percent” and inserting “85 percent”; and

15 (B) in subparagraph (B), by striking “50
16 percent” and inserting “15 percent”.

17 **SEC. 324. EXTENSION OF VIOLENT CRIME REDUCTION**
18 **TRUST FUND.**

19 Section 310001(b) of the Violent Crime Control and
20 Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is
21 amended—

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

24 (2) in paragraph (6), by striking the period at
25 the end and inserting “; and”; and

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

2 “(7) for fiscal year 2001, \$1,000,000,000.”.

3 **SEC. 325. REIMBURSEMENT OF STATES FOR COSTS OF IN-**
4 **CARCERATING JUVENILE ALIENS.**

5 (a) IN GENERAL.—Section 501 of the Immigration
6 Reform and Control Act of 1986 (8 U.S.C. 1365) is
7 amended—

8 (1) in subsection (a), by inserting “or illegal ju-
9 venile alien who has been adjudicated delinquent and
10 committed to a juvenile correctional facility by such
11 State or locality” before the period;

12 (2) in subsection (b), by inserting “(including
13 any juvenile alien who has been adjudicated delin-
14 quent and has been committed to a correctional fa-
15 cility)” before “who is in the United States unlaw-
16 fully”; and

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

18 “(f) JUVENILE ALIEN DEFINED.—In this section,
19 the term ‘juvenile alien’ means an alien (as defined in sec-
20 tion 101(a)(3) of the Immigration and Nationality Act)
21 who has been adjudicated delinquent and committed to a
22 correctional facility by a State or locality as a juvenile of-
23 fender.”.

1 (b) ANNUAL REPORT.—Section 332 of the Illegal Im-
2 migration Reform and Immigrant Responsibility Act of
3 1996 (8 U.S.C. 1366) is amended—

4 (1) by striking “and” at the end of paragraph
5 (3);

6 (2) by striking the period at the end of para-
7 graph (4) and inserting “; and”; and

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

9 “(5) the number of illegal juvenile aliens that
10 are committed to State or local juvenile correctional
11 facilities, including the type of offense committed by
12 each juvenile.”.

13 (c) CONFORMING AMENDMENT.—Section
14 241(i)(3)(B) of the Immigration and Nationality Act (8
15 U.S.C. 1231(i)(3)(B)) is amended—

16 (1) by striking “or” at the end of clause (ii);

17 (2) by striking the period at the end of clause

18 (iii) and inserting “; or”; and

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

20 “(iv) is a juvenile alien with respect to
21 whom section 501 of the Immigration Re-
22 form and Control Act of 1986 applies.”.

23 **SEC. 326. SENSE OF CONGRESS.**

24 (a) FINDINGS.—Congress finds that—

1 (1) juveniles between the ages of 10 years and
2 14 years are committing an increasing number of
3 murders and other serious crimes;

4 (2) on March 24, 1998, 11-year-old Andrew
5 Golden and 13-year-old Mitchell Johnson shot and
6 killed 4 fellow students and a teacher and injured 10
7 additional students in Jonesboro, Arkansas;

8 (3) Golden and Mitchell executed an elaborate
9 scheme to carry out their preplanned attack, includ-
10 ing faking illness to miss school, stealing a vehicle
11 from a parent, attempting to use a blowtorch and
12 hammer to break into a locked gun safe, breaking a
13 window to gain access to a grandparent's house and
14 steal several firearms from the house, and pulling a
15 fire alarm to draw the students and teachers from
16 the school out into the open;

17 (4) under Arkansas State law, neither of the
18 gunmen could be charged as an adult despite the vi-
19 ciousness of the crimes and the clear and well-
20 planned intent demonstrated by the gunmen in car-
21 rying out their scheme;

22 (5) the tragedy in Jonesboro, Arkansas, is, un-
23 fortunately, an all too common occurrence in the
24 United States;

1 (6) few States have laws that allow individuals
2 between the ages of 10 years and 14 years to be
3 tried as adults, even if they commit an offense that,
4 if committed by an adult, would be a felony offense
5 for which the maximum penalty is a sentence of
6 death; and

7 (7) the juvenile and criminal justice systems in
8 the United States are not yet equipped to handle the
9 sad reality that 11- and 13-year-old individuals are
10 committing crimes that shock the Nation's con-
11 science and that would often result in a sentence of
12 death if the offenders were older.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that each State should enact legislation to provide
15 that, on motion of the prosecution and with approval of
16 a court, an individual who is not less than 10 years of
17 age and not more than 14 years of age, may be tried as
18 an adult and, upon conviction, may be subject to any pen-
19 alty (other than a sentence of death) if the individual is
20 charged with an offense that, if committed by an adult,
21 would be a felony offense for which the maximum penalty
22 is a sentence of death.

1 **Subtitle C—Alternative Education**
2 **and Delinquency Prevention**

3 **SEC. 331. ALTERNATIVE EDUCATION.**

4 Part D of title I of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 6421 et seq.) is amend-
6 ed by adding at the end the following:

7 **“Subpart 4—Alternative Education Demonstration**
8 **Project Grants**

9 **“SEC. 1441. PROGRAM AUTHORITY.**

10 “(a) GRANTS.—

11 “(1) IN GENERAL.—From amounts appro-
12 priated under section 1443, the Secretary, in con-
13 sultation with the Administrator, shall make grants
14 to State educational agencies or local educational
15 agencies for not less than 10 demonstration projects
16 that enable the agencies to develop models for and
17 carry out alternative education for at-risk youth.

18 “(2) CONSTRUCTION.—Nothing in this subpart
19 shall be construed to affect the requirements of the
20 Individuals with Disabilities Education Act.

21 “(b) DEMONSTRATION PROJECTS.—

22 “(1) PARTNERSHIPS.—Each agency receiving a
23 grant under this subpart may enter into a partner-
24 ship with a private sector entity to provide alter-
25 native educational services to at-risk youth.

1 “(2) REQUIREMENTS.—Each demonstration
2 project assisted under this subpart shall—

3 “(A) accept for alternative education at-
4 risk or delinquent youth who are referred by a
5 local school or by a court with a juvenile delin-
6 quency docket and who—

7 “(i) have demonstrated a pattern of
8 serious and persistent behavior problems in
9 regular schools;

10 “(ii) are at risk of dropping out of
11 school;

12 “(iii) have been convicted of a crimi-
13 nal offense or adjudicated delinquent for
14 an act of juvenile delinquency, and are
15 under a court’s supervision; or

16 “(iv) have demonstrated that contin-
17 ued enrollment in a regular classroom—

18 “(I) poses a physical threat to
19 other students; or

20 “(II) inhibits an atmosphere con-
21 ducive to learning; and

22 “(B) provide for accelerated learning, in a
23 safe, secure, and disciplined environment,
24 including—

1 “(i) basic curriculum focused on mas-
2 tery of essential skills, including targeted
3 instruction in basic skills required for sec-
4 ondary school graduation; and

5 “(ii) emphasis on—

6 “(I) personal, academic, social,
7 and workplace skills; and

8 “(II) behavior modification.

9 “(c) APPLICABILITY.—Except as provided in sub-
10 sections (c) and (e) of section 1442, the provisions of sec-
11 tion 1401(c), 1402, and 1431, and subparts 1 and 2, shall
12 not apply to this subpart.

13 “(d) DEFINITION OF ADMINISTRATOR.—In this sub-
14 part, the term ‘Administrator’ means the Administrator
15 of the Office of Juvenile Crime Control and Prevention
16 of the Department of Justice.

17 **“SEC. 1442. APPLICATIONS; GRANTEE SELECTION.**

18 “(a) APPLICATIONS.—Each State educational agency
19 and local educational agency seeking a grant under this
20 subpart shall submit an application in such form, and con-
21 taining such information, as the Secretary, in consultation
22 with the Administrator, may reasonably require.

23 “(b) SELECTION OF GRANTEES.—

24 “(1) IN GENERAL.—The Secretary shall select
25 State educational agencies and local educational

1 agencies to receive grants under this subpart on an
2 equitable geographic basis, including selecting agen-
3 cies that serve urban, suburban, and rural popu-
4 lations.

5 “(2) MINIMUM.—The Secretary shall award a
6 grant under this subpart to not less than 1 agency
7 serving a population with a significant percentage of
8 Native Americans.

9 “(3) PRIORITY.—In awarding grants under this
10 subpart, the Secretary may give priority to State
11 educational agencies and local educational agencies
12 that demonstrate in the application submitted under
13 subsection (a) that the State has a policy of equi-
14 tably distributing resources among school districts in
15 the State.

16 “(c) QUALIFICATIONS.—To qualify for a grant under
17 this subpart, a State educational agency or local edu-
18 cational agency shall—

19 “(1) in the case of a State educational agency,
20 have submitted a State plan under section 1414(a)
21 that is approved by the Secretary;

22 “(2) in the case of a local educational agency,
23 have submitted an application under section 1423
24 that is approved by the State educational agency;

1 “(3) certify that the agency will comply with
2 the restrictions of section 292 of the Juvenile Jus-
3 tice and Delinquency Prevention Act of 1974;

4 “(4) explain the educational and juvenile justice
5 needs of the community to be addressed by the dem-
6 onstration project;

7 “(5) provide a detailed plan to implement the
8 demonstration project; and

9 “(6) provide assurances and an explanation of
10 the agency’s ability to continue the program funded
11 by the demonstration project after the termination
12 of Federal funding under this subpart.

13 “(d) MATCHING REQUIREMENT.—

14 “(1) IN GENERAL.—Grant funds provided
15 under this subpart shall not constitute more than 35
16 percent of the cost of the demonstration project
17 funded.

18 “(2) SOURCE OF FUNDS.—Matching funds for
19 grants under this subpart may be derived from
20 amounts available under section 205, or part B of
21 title II, of the Juvenile Justice and Delinquency Pre-
22 vention Act of 1974 (42 U.S.C. 5611 et seq.) to the
23 State in which the demonstration project will be car-
24 ried out, except that the total share of funds derived

1 from Federal sources shall not exceed 50 percent of
2 the cost of the demonstration project.

3 “(e) PROGRAM EVALUATION.—

4 “(1) IN GENERAL.—Each State educational
5 agency or local educational agency that receives a
6 grant under this subpart shall evaluate the dem-
7 onstration project assisted under this subpart in the
8 same manner as programs are evaluated under sec-
9 tion 1431. In addition, the evaluation shall include—

10 “(A) an evaluation of the effect of the al-
11 ternative education project on order, discipline,
12 and an effective learning environment in regu-
13 lar classrooms;

14 “(B) an evaluation of the project’s effec-
15 tiveness in improving the skills and abilities of
16 at-risk students assigned to alternative edu-
17 cation, including an analysis of the academic
18 and social progress of such students; and

19 “(C) an evaluation of the project’s effec-
20 tiveness in reducing juvenile crime and delin-
21 quency, including—

22 “(i) reductions in incidents of campus
23 crime in relevant school districts, compared
24 with school districts not included in the
25 project; and

1 “(ii) reductions in recidivism by at-
2 risk students who have juvenile justice sys-
3 tem involvement and are assigned to alter-
4 native education.

5 “(2) EVALUATION BY THE SECRETARY.—The
6 Secretary, in cooperation with the Administrator,
7 shall comparatively evaluate each of the demonstra-
8 tion projects funded under this subpart, including an
9 evaluation of the effectiveness of private sector edu-
10 cational services, and shall report the findings of the
11 evaluation to the Committee on Education and the
12 Workforce of the House of Representatives and the
13 Committees on the Judiciary and Health, Education,
14 Labor and Pensions of the Senate not later than
15 June 30, 2005.

16 **“SEC. 1443. AUTHORIZATION OF APPROPRIATIONS.**

17 “‘There are authorized to be appropriated to carry out
18 this subpart \$15,000,000 for each of fiscal years 2000,
19 2001, 2002, and 2003.’”.

1 **TITLE IV—MISCELLANEOUS**
2 **PROVISIONS**

3 **Subtitle A—General Provisions**

4 **SEC. 401. PROHIBITION ON FIREARMS POSSESSION BY VIO-**
5 **LENT JUVENILE OFFENDERS.**

6 (a) DEFINITION.—Section 921(a)(20) of title 18,
7 United States Code, is amended—

8 (1) by inserting “(A)” after “(20)”;

9 (2) by redesignating subparagraphs (A) and
10 (B) as clauses (i) and (ii), respectively;

11 (3) by inserting after subparagraph (A) the fol-
12 lowing:

13 “(B) For purposes of subsections (d) and (g) of sec-
14 tion 922, the term ‘act of violent juvenile delinquency’
15 means an adjudication of delinquency in Federal or State
16 court, based on a finding of the commission of an act by
17 a person prior to his or her eighteenth birthday that, if
18 committed by an adult, would be a serious or violent fel-
19 ony, as defined in section 3559(c)(2)(F)(i) had Federal
20 jurisdiction existed and been exercised (except that section
21 3559(c)(3) shall not apply to this subparagraph).”;

22 (4) in the undesignated paragraph following
23 subparagraph (B) (as added by paragraph (3) of
24 this subsection), by striking “What constitutes” and

1 all that follows through “this chapter,” and inserting
2 the following:

3 “(C) What constitutes a conviction of such a crime
4 or an adjudication of an act of violent juvenile delinquency
5 shall be determined in accordance with the law of the ju-
6 risdiction in which the proceedings were held. Any State
7 conviction or adjudication of an act of violent juvenile de-
8 linquency that has been expunged or set aside, or for
9 which a person has been pardoned or has had civil rights
10 restored, by the jurisdiction in which the conviction or ad-
11 judication of an act of violent juvenile delinquency oc-
12 curred shall not be considered to be a conviction or adju-
13 dication of an act of violent juvenile delinquency for pur-
14 poses of this chapter.”.

15 (b) PROHIBITION.—Section 922 of title 18, United
16 States Code, is amended—

17 (1) in subsection (d)—

18 (A) in paragraph (8), by striking “or” at
19 the end;

20 (B) in paragraph (9), by striking the pe-
21 riod at the end and inserting “; or”; and

22 (C) by inserting after paragraph (9) the
23 following:

24 “(10) has committed an act of violent juvenile
25 delinquency.”; and

1 (2) in subsection (g)—

2 (A) in paragraph (8), by striking “or” at
3 the end;

4 (B) in paragraph (9), by striking the
5 comma at the end and inserting “; or”; and

6 (C) by inserting after paragraph (9) the
7 following:

8 “(10) who has committed an act of violent juve-
9 nile delinquency,”.

10 (c) EFFECTIVE DATE OF ADJUDICATION PROVI-
11 SIONS.—The amendments made by this section shall only
12 apply to an adjudication of an act of violent juvenile delin-
13 quency that occurs after the date that is 30 days after
14 the date on which the Attorney General certifies to Con-
15 gress and separately notifies Federal firearms licensees,
16 through publication in the Federal Register by the Sec-
17 retary of the Treasury, that the records of such adjudica-
18 tions are routinely available in the national instant crimi-
19 nal background check system established under section
20 103(b) of the Brady Handgun Violence Prevention Act.

1 **Subtitle B—Jail-Based Substance**
2 **Abuse**

3 **SEC. 421. JAIL-BASED SUBSTANCE ABUSE TREATMENT PRO-**
4 **GRAMS.**

5 (a) USE OF RESIDENTIAL SUBSTANCE ABUSE
6 TREATMENT GRANTS TO PROVIDE AFTERCARE SERV-
7 ICES.—Section 1901 of part S of the Omnibus Crime Con-
8 trol and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1)
9 is amended by adding at the end the following:

10 “(f) USE OF GRANT AMOUNTS FOR NONRESIDEN-
11 TIAL AFTERCARE SERVICES.—A State may use amounts
12 received under this part to provide nonresidential sub-
13 stance abuse treatment aftercare services for inmates or
14 former inmates that meet the requirements of subsection
15 (c), if the chief executive officer of the State certifies to
16 the Attorney General that the State is providing, and will
17 continue to provide, an adequate level of residential treat-
18 ment services.”.

19 (b) JAIL-BASED SUBSTANCE ABUSE TREATMENT.—
20 Part S of title I of the Omnibus Crime Control and Safe
21 Streets Act of 1968 (42 U.S.C. 3796ff et seq.) is amended
22 by adding at the end the following:

23 **“SEC. 1906. JAIL-BASED SUBSTANCE ABUSE TREATMENT.**

24 “(a) DEFINITIONS.—In this section—

1 “(1) the term ‘jail-based substance abuse treat-
2 ment program’ means a course of individual and
3 group activities, lasting for a period of not less than
4 3 months, in an area of a correctional facility set
5 apart from the general population of the correctional
6 facility, if those activities are—

7 “(A) directed at the substance abuse prob-
8 lems of prisoners; and

9 “(B) intended to develop the cognitive, be-
10 havioral, social, vocational, and other skills of
11 prisoners in order to address the substance
12 abuse and related problems of prisoners; and

13 “(2) the term ‘local correctional facility’ means
14 any correctional facility operated by a unit of local
15 government.

16 “(b) AUTHORIZATION.—

17 “(1) IN GENERAL.—Not less than 10 percent of
18 the total amount made available to a State under
19 section 1904(a) for any fiscal year may be used by
20 the State to make grants to local correctional facili-
21 ties in the State for the purpose of assisting jail-
22 based substance abuse treatment programs estab-
23 lished by those local correctional facilities.

24 “(2) FEDERAL SHARE.—The Federal share of a
25 grant made by a State under this section to a local

1 correctional facility may not exceed 75 percent of
2 the total cost of the jail-based substance abuse treat-
3 ment program described in the application submitted
4 under subsection (c) for the fiscal year for which the
5 program receives assistance under this section.

6 “(c) APPLICATIONS.—

7 “(1) IN GENERAL.—To be eligible to receive a
8 grant from a State under this section for a jail-
9 based substance abuse treatment program, the chief
10 executive of a local correctional facility shall submit
11 to the State, in such form and containing such infor-
12 mation as the State may reasonably require, an ap-
13 plication that meets the requirements of paragraph
14 (2).

15 “(2) APPLICATION REQUIREMENTS.—Each ap-
16 plication submitted under paragraph (1) shall
17 include—

18 “(A) with respect to the jail-based sub-
19 stance abuse treatment program for which as-
20 sistance is sought, a description of the program
21 and a written certification that—

22 “(i) the program has been in effect
23 for not less than 2 consecutive years before
24 the date on which the application is sub-
25 mitted; and

1 “(ii) the local correctional facility
2 will—

3 “(I) coordinate the design and
4 implementation of the program be-
5 tween local correctional facility rep-
6 resentatives and the appropriate State
7 and local alcohol and substance abuse
8 agencies;

9 “(II) implement (or continue to
10 require) urinalysis or other proven re-
11 liable forms of substance abuse test-
12 ing of individuals participating in the
13 program, including the testing of indi-
14 viduals released from the jail-based
15 substance abuse treatment program
16 who remain in the custody of the local
17 correctional facility; and

18 “(III) carry out the program in
19 accordance with guidelines, which
20 shall be established by the State, in
21 order to guarantee each participant in
22 the program access to consistent, con-
23 tinual care if transferred to a dif-
24 ferent local correctional facility within
25 the State;

1 “(B) written assurances that Federal
2 funds received by the local correctional facility
3 from the State under this section will be used
4 to supplement, and not to supplant, non-Fed-
5 eral funds that would otherwise be available for
6 jail-based substance abuse treatment programs
7 assisted with amounts made available to the
8 local correctional facility under this section; and

9 “(C) a description of the manner in which
10 amounts received by the local correctional facil-
11 ity from the State under this section will be co-
12 ordinated with Federal assistance for substance
13 abuse treatment and aftercare services provided
14 to the local correctional facility by the Sub-
15 stance Abuse and Mental Health Services Ad-
16 ministration of the Department of Health and
17 Human Services.

18 “(d) REVIEW OF APPLICATIONS.—

19 “(1) IN GENERAL.—Upon receipt of an applica-
20 tion under subsection (c), the State shall—

21 “(A) review the application to ensure that
22 the application, and the jail-based residential
23 substance abuse treatment program for which a
24 grant under this section is sought, meet the re-
25 quirements of this section; and

1 “(B) if so, make an affirmative finding in
2 writing that the jail-based substance abuse
3 treatment program for which assistance is
4 sought meets the requirements of this section.

5 “(2) APPROVAL.—Based on the review con-
6 ducted under paragraph (1), not later than 90 days
7 after the date on which an application is submitted
8 under subsection (c), the State shall—

9 “(A) approve the application, disapprove
10 the application, or request a continued evalua-
11 tion of the application for an additional period
12 of 90 days; and

13 “(B) notify the applicant of the action
14 taken under subparagraph (A) and, with re-
15 spect to any denial of an application under sub-
16 paragraph (A), afford the applicant an oppor-
17 tunity for reconsideration.

18 “(3) ELIGIBILITY FOR PREFERENCE WITH
19 AFTERCARE COMPONENT.—

20 “(A) IN GENERAL.—In making grants
21 under this section, a State shall give preference
22 to applications from local correctional facilities
23 that ensure that each participant in the jail-
24 based substance abuse treatment program for
25 which a grant under this section is sought, is

1 required to participate in an aftercare services
2 program that meets the requirements of sub-
3 paragraph (B), for a period of not less than 1
4 year following the earlier of—

5 “(i) the date on which the participant
6 completes the jail-based substance abuse
7 treatment program; or

8 “(ii) the date on which the participant
9 is released from the correctional facility at
10 the end of the participant’s sentence or is
11 released on parole.

12 “(B) **AFTERCARE SERVICES PROGRAM RE-**
13 **QUIREMENTS.**—For purposes of subparagraph
14 (A), an aftercare services program meets the re-
15 quirements of this paragraph if the program—

16 “(i) in selecting individuals for par-
17 ticipation in the program, gives priority to
18 individuals who have completed a jail-based
19 substance abuse treatment program;

20 “(ii) requires each participant in the
21 program to submit to periodic substance
22 abuse testing; and

23 “(iii) involves the coordination be-
24 tween the jail-based substance abuse treat-
25 ment program and other human service

1 and rehabilitation programs that may as-
2 sist in the rehabilitation of program par-
3 ticipants, such as—

4 “(I) educational and job training
5 programs;

6 “(II) parole supervision pro-
7 grams;

8 “(III) half-way house programs;
9 and

10 “(IV) participation in self-help
11 and peer group programs; and

12 “(iv) assists in placing jail-based sub-
13 stance abuse treatment program partici-
14 pants with appropriate community sub-
15 stance abuse treatment facilities upon re-
16 lease from the correctional facility at the
17 end of a sentence or on parole.

18 “(e) COORDINATION AND CONSULTATION.—

19 “(1) COORDINATION.—Each State that makes
20 1 or more grants under this section in any fiscal
21 year shall, to the maximum extent practicable, im-
22 plement a statewide communications network with
23 the capacity to track the participants in jail-based
24 substance abuse treatment programs established by
25 local correctional facilities in the State as those par-

1 participants move between local correctional facilities
2 within the State.

3 “(2) CONSULTATION.—Each State described in
4 paragraph (1) shall consult with the Attorney Gen-
5 eral and the Secretary of Health and Human Serv-
6 ices to ensure that each jail-based substance abuse
7 treatment program assisted with a grant made by
8 the State under this section incorporates applicable
9 components of comprehensive approaches, including
10 relapse prevention and aftercare services.

11 “(f) USE OF GRANT AMOUNTS.—

12 “(1) IN GENERAL.—Each local correctional fa-
13 cility that receives a grant under this section shall
14 use the grant amount solely for the purpose of car-
15 rying out the jail-based substance abuse treatment
16 program described in the application submitted
17 under subsection (c).

18 “(2) ADMINISTRATION.—Each local correctional
19 facility that receives a grant under this section shall
20 carry out all activities relating to the administration
21 of the grant amount, including reviewing the manner
22 in which the amount is expended, processing, mon-
23 itoring the progress of the program assisted, finan-
24 cial reporting, technical assistance, grant adjust-
25 ments, accounting, auditing, and fund disbursement.

1 “(3) RESTRICTION.—A local correctional facil-
2 ity may not use any amount of a grant under this
3 section for land acquisition or a construction project.

4 “(g) REPORTING REQUIREMENT; PERFORMANCE RE-
5 VIEW.—

6 “(1) REPORTING REQUIREMENT.—Not later
7 than March 1 of each year, each local correctional
8 facility that receives a grant under this section shall
9 submit to the Attorney General, through the State,
10 a description and evaluation of the jail-based sub-
11 stance abuse treatment program carried out by the
12 local correctional facility with the grant amount, in
13 such form and containing such information as the
14 Attorney General may reasonably require.

15 “(2) PERFORMANCE REVIEW.—The Attorney
16 General shall conduct an annual review of each jail-
17 based substance abuse treatment program assisted
18 under this section, in order to verify the compliance
19 of local correctional facilities with the requirements
20 of this section.

21 “(h) NO EFFECT ON STATE ALLOCATION.—Nothing
22 in this section shall be construed to affect the allocation
23 of amounts to States under section 1904(a).”.

24 “(c) TECHNICAL AMENDMENT.—The table of contents
25 for title I of the Omnibus Crime Control and Safe Streets

1 Act of 1968 (42 U.S.C. 3711 et seq.) is amended, in the
2 matter relating to part S, by adding at the end the follow-
3 ing:

“1906. Jail-based substance abuse treatment.”.