

107TH CONGRESS  
1ST SESSION

# S. 1165

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

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## IN THE SENATE OF THE UNITED STATES

JULY 11, 2001

Mr. BIDEN (for himself, Mr. KOHL, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To prevent 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 “Juvenile Crime Prevention and Control Act of 2001”.

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

Sec. 1. Short title; table of contents.

TITLE I—JUVENILE CRIME PREVENTION AND CONTROL

Sec. 101. Findings; declaration of purpose; definitions.

- Sec. 102. Juvenile crime control and prevention.
- Sec. 103. Juvenile offender accountability.
- Sec. 104. Extension of violent crime reduction trust fund.

TITLE II—PROTECTING CHILDREN FROM VIOLENCE

Subtitle A—Gun Show Background Checks

- Sec. 201. Short title.
- Sec. 202. Findings.
- Sec. 203. Extension of brady background checks to gun shows.

Subtitle B—Gun Ban for Dangerous Juvenile Offenders

- Sec. 211. Permanent prohibition on firearms transfers to or possession by dangerous juvenile offenders.

Subtitle C—Child Safety Locks

- Sec. 221. Short title.
- Sec. 222. Requirement of child handgun safety locks.
- Sec. 223. Amendment of consumer product safety act.

1           **TITLE I—JUVENILE CRIME**  
 2           **PREVENTION AND CONTROL**

3   **SEC. 101. FINDINGS; DECLARATION OF PURPOSE; DEFINI-**  
 4                                   **TIONS.**

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

8                           **“TITLE I—FINDINGS AND**  
 9                           **DECLARATION OF PURPOSE**

10 **“SEC. 101. FINDINGS.**

11           “Congress finds that—

12                       “(1) the juvenile crime problem should be ad-  
 13                       dressed through a 2-track common sense approach  
 14                       that addresses the needs of individual juveniles and  
 15                       society at large by promoting—

16                           “(A) quality prevention programs that—

1           “(i) work with juveniles, their fami-  
2           lies, local public agencies, and community-  
3           based organizations, and take into consid-  
4           eration such factors as whether juveniles  
5           have ever been the victims of family vio-  
6           lence (including child abuse and neglect);  
7           and

8           “(ii) are designed to reduce risks and  
9           develop competencies in at-risk juveniles  
10          that will prevent, and reduce the rate of,  
11          violent delinquent behavior; and

12          “(B) programs that assist in holding juve-  
13          niles accountable for their actions, including a  
14          system of graduated sanctions to respond to  
15          each delinquent act, requiring juveniles to make  
16          restitution, or perform community service, for  
17          the damage caused by their delinquent acts,  
18          and methods for increasing victim satisfaction  
19          with respect to the penalties imposed on juve-  
20          niles for their acts; and

21          “(2) action is required now to reform the Fed-  
22          eral juvenile justice program by focusing on juvenile  
23          delinquency prevention programs, as well as pro-  
24          grams that hold juveniles accountable for their acts.

1 **“SEC. 102. PURPOSES.**

2 “The purposes of this Act are—

3 “(1) to support State and local programs that  
4 prevent juvenile involvement in delinquent behavior;

5 “(2) to assist State and local governments in  
6 promoting public safety by encouraging account-  
7 ability for acts of juvenile delinquency; and

8 “(3) to assist State and local governments in  
9 addressing juvenile crime through the provision of  
10 technical assistance, research, training, evaluation,  
11 and the dissemination of information on effective  
12 programs for combating juvenile delinquency.

13 **“SEC. 103. DEFINITIONS.**

14 “In this Act:

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

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

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

23 “(B) has been arrested and is in custody  
24 for, awaiting trial on, or convicted of criminal  
25 charges.

1           “(3) BUREAU OF JUSTICE ASSISTANCE.—The  
2 term ‘Bureau of Justice Assistance’ means the bu-  
3 reau established by section 401 of title I of the Om-  
4 nibus Crime Control and Safe Streets Act of 1968  
5 (42 U.S.C. 3741).

6           “(4) BUREAU OF JUSTICE STATISTICS.—The  
7 term ‘Bureau of Justice Statistics’ means the bu-  
8 reau established by section 302(a) of title I of the  
9 Omnibus Crime Control and Safe Streets Act of  
10 1968 (42 U.S.C. 3732(a)).

11           “(5) COLLOCATED FACILITIES.—The term ‘col-  
12 located facilities’ means facilities that are located in  
13 the same building, or are part of a related complex  
14 of buildings located on the same grounds.

15           “(6) COMBINATION.—The term ‘combination’  
16 as applied to States or units of local government  
17 means any grouping or joining together of States or  
18 units of local government for the purpose of pre-  
19 paring, developing, or implementing a juvenile crime  
20 control and delinquency prevention plan.

21           “(7) COMMUNITY-BASED.—The term ‘commu-  
22 nity-based’ facility, program, or service means a  
23 small, open group home or other suitable place lo-  
24 cated near the home or family of the juvenile and  
25 programs of community supervision and service that

1 maintain community and consumer participation in  
2 the planning, operation, and evaluation of those pro-  
3 grams which may include, medical, educational, vo-  
4 cational, social, and psychological guidance, training,  
5 special education, counseling, alcoholism treatment,  
6 drug treatment, and other rehabilitative services.

7 “(8) COMPREHENSIVE AND COORDINATED SYS-  
8 TEM OF SERVICES.—The term ‘comprehensive and  
9 coordinated system of services’ means a system  
10 that—

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

18 “(B) identifies, and intervenes early for  
19 the benefit of, young children who are at risk  
20 of developing emotional or behavioral problems  
21 because of physical or mental stress or abuse,  
22 and for the benefit of their families;

23 “(C) increases interagency collaboration  
24 and family involvement in the prevention and  
25 treatment of juvenile delinquency; and

1           “(D) encourages private and public part-  
2           nerships in the delivery of services for the pre-  
3           vention and treatment of juvenile delinquency.

4           “(9) CONSTRUCTION.—The term ‘construction’  
5           means erection of new buildings or acquisition, ex-  
6           pansion, remodeling, and alteration of existing build-  
7           ings, and initial equipment of any such buildings, or  
8           any combination of such activities (including archi-  
9           tects’ fees but not the cost of acquisition of land for  
10          buildings).

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

21          “(11) GENDER-SPECIFIC SERVICES.—The term  
22          ‘gender-specific services’ means services designed to  
23          address needs unique to the gender of the individual  
24          to whom such services are provided.

1           “(12) GRADUATED SANCTIONS.—The term  
2           ‘graduated sanctions’ means an accountability-based  
3           juvenile justice system that protects the public, and  
4           holds juvenile delinquents accountable for acts of de-  
5           linquency by providing substantial and appropriate  
6           sanctions that are graduated in such a manner as to  
7           reflect (for each act of delinquency or offense) the  
8           severity or repeated nature of that act or offense,  
9           and in which there is sufficient flexibility to allow for  
10          individualized sanctions and services suited to the  
11          individual juvenile offender.

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

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

1           “(15) JUVENILE.—The term ‘juvenile’ means a  
2           person who has not attained the age of 18 years and  
3           who is subject to delinquency proceedings under ap-  
4           plicable State law.

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

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

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

15                 “(B) who are awaiting trial on a criminal  
16                 charge; or

17                 “(C) who are convicted of violating a  
18                 criminal law.

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

25                 “(A) drug and alcohol abuse programs;

1           “(B) any program or activity that is de-  
2           signed to improve the juvenile justice system;  
3           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 juvenile delinquent behavior.

10          “(19) 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 police efforts to prevent, con-  
15          trol, or reduce crime or to apprehend criminals, ac-  
16          tivities of courts having criminal jurisdiction and re-  
17          lated agencies (including prosecutorial and defender  
18          services), activities of corrections, probation, or pa-  
19          role authorities, and programs relating to the pre-  
20          vention, control, or reduction of juvenile delinquency  
21          or narcotic addiction.

22          “(20) NATIONAL INSTITUTE OF JUSTICE.—The  
23          term ‘National Institute of Justice’ means the insti-  
24          tute established by section 201 of title I of the Om-

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

3           “(21) 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           “(22) OFFICE.—The term ‘Office’ means the  
10       Office of Juvenile Crime Control and Prevention es-  
11       tablished under section 201.

12           “(23) 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           “(24) 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 in youth  
24       gangs, violent and unlawful acts of animal cruelty,

1 and teenage pregnancy, among youth in the commu-  
2 nity.

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

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

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

16 “(26) PROHIBITED PHYSICAL CONTACT.—The  
17 term ‘prohibited physical contact’ means—

18 “(A) any physical contact between a juve-  
19 nile and an adult inmate; and

20 “(B) proximity that provides an oppor-  
21 tunity for physical contact between a juvenile  
22 and an adult inmate.

23 “(27) RELATED COMPLEX OF BUILDINGS.—The  
24 term ‘related complex of buildings’ means 2 or more  
25 buildings that share—

1           “(A) physical features, such as walls and  
2 fences, or services beyond mechanical services  
3 (heating, air conditioning, water and sewer); or

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

8           “(28) SECURE CORRECTIONAL FACILITY.—The  
9 term ‘secure correctional facility’ means any public  
10 or private residential facility that—

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

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

20           “(29) SECURE DETENTION FACILITY.—The  
21 term ‘secure detention facility’ means any public or  
22 private residential facility that—

23           “(A) includes construction fixtures de-  
24 signed to physically restrict the movements and

1 activities of juveniles or other individuals held  
2 in lawful custody in such facility; and

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

7 “(30) SERIOUS CRIME.—The term ‘serious  
8 crime’ means criminal homicide, rape or other sex  
9 offenses punishable as a felony, mayhem, kidnap-  
10 ping, aggravated assault, drug trafficking, robbery,  
11 larceny or theft punishable as a felony, motor vehicle  
12 theft, burglary or breaking and entering, extortion  
13 accompanied by threats of violence, and arson pun-  
14 ishable as a felony.

15 “(31) STATE.—The term ‘State’ means each of  
16 the several States of the United States, the District  
17 of Columbia, the Commonwealth of Puerto Rico, the  
18 Virgin Islands, Guam, American Samoa, and the  
19 Commonwealth of the Northern Mariana Islands.

20 “(32) STATE OFFICE.—The term ‘State office’  
21 means an office designated by the chief executive of-  
22 ficer of a State to carry out this title, as provided  
23 in section 507 of the Omnibus Crime Control and  
24 Safe Streets Act of 1968 (42 U.S.C. 3757).

1           “(33) SUSTAINED ORAL AND VISUAL CON-  
2           TACT.—The term ‘sustained oral and visual contact’  
3           means the imparting or interchange of speech by or  
4           between an adult inmate and a juvenile, or clear vis-  
5           ual contact between an adult inmate and a juvenile  
6           in close proximity.

7           “(34) TREATMENT.—The term ‘treatment’ in-  
8           cludes medical and other rehabilitative services de-  
9           signed to protect the public, including any services  
10          designed to benefit addicts and other users by—

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

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

15          “(35) UNIT OF LOCAL GOVERNMENT.—The  
16          term ‘unit of local government’ means—

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

20                   “(B) any law enforcement district or judi-  
21                   cial enforcement district that—

22                           “(i) is established under applicable  
23                           State law; and

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

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

7                   “(D) for the purposes of assistance eligi-  
8                   bility, any agency of the government of the Dis-  
9                   trict of Columbia or the Federal Government  
10                  that performs law enforcement functions in and  
11                  for—

12                  “(i) the District of Columbia; or

13                  “(ii) any Trust Territory of the  
14                  United States.

15                  “(36) VALID COURT ORDER.—The term ‘valid  
16                  court order’ means a court order given by a juvenile  
17                  court judge to a juvenile—

18                  “(A) who was brought before the court and  
19                  made subject to the order; and

20                  “(B) who received, before the issuance of  
21                  the order, the full due process rights guaran-  
22                  teed to that juvenile by the Constitution of the  
23                  United States.

24                  “(37) VIOLENT CRIME.—The term ‘violent  
25                  crime’ means—

1           “(A) murder or nonnegligent man-  
2           slaughter, forcible rape, or robbery; and

3           “(B) aggravated assault committed with  
4           the use of a firearm.

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

8   **SEC. 102. JUVENILE CRIME CONTROL AND PREVENTION.**

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

12           **“TITLE II—JUVENILE CRIME**  
13           **PREVENTION AND CONTROL**  
14           **“PART A—OFFICE OF JUVENILE CRIME CONTROL**  
15                           **AND PREVENTION**

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

17           “(a) IN GENERAL.—There is established in the De-  
18          partment of Justice, under the general authority of the  
19          Attorney General, an Office of Juvenile Crime Control and  
20          Prevention.

21           “(b) ADMINISTRATOR.—

22           “(1) IN GENERAL.—The Office shall be headed  
23          by an Administrator, who shall be appointed by the  
24          President, by and with the advice and consent of the  
25          Senate, from among individuals who have had expe-

1 rience in juvenile delinquency prevention and crime  
2 control programs.

3 “(2) REGULATIONS.—The Administrator may  
4 prescribe regulations consistent with this Act to  
5 award, administer, modify, extend, terminate, mon-  
6 itor, evaluate, reject, or deny all grants and con-  
7 tracts from, and applications for, amounts made  
8 available under this title.

9 “(3) RELATIONSHIP TO ATTORNEY GENERAL.—  
10 The Administrator shall have the same reporting re-  
11 lationship with the Attorney General as the directors  
12 of other offices and bureaus within the Office of  
13 Justice Programs have with the Attorney General.

14 “(c) DEPUTY ADMINISTRATOR.—There shall be in  
15 the Office a Deputy Administrator, who shall—

16 “(1) be appointed by the Attorney General; and

17 “(2) perform such functions as the Adminis-  
18 trator may assign or delegate and shall act as the  
19 Administrator during the absence or disability of the  
20 Administrator.

21 “(d) ASSOCIATE ADMINISTRATOR.—

22 “(1) IN GENERAL.—There shall be in the Office  
23 an Associate Administrator, who shall be appointed  
24 by the Administrator, and whose position shall be  
25 treated as a career reserved position within the

1 meaning of section 3132 of title 5, United States  
2 Code.

3 “(2) DUTIES.—The duties of the Associate Ad-  
4 ministrator shall include informing Congress, other  
5 Federal agencies, outside organizations, and State  
6 and local government officials about activities car-  
7 ried out by the Office.

8 “(e) DELEGATION AND ASSIGNMENT.—

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

12 “(A) delegate any of the functions of the  
13 Administrator, and any function transferred or  
14 granted to the Administrator after the date of  
15 enactment of the Juvenile Crime Prevention  
16 and Control Act of 2001, to such officers and  
17 employees of the Office as the Administrator  
18 may designate; and

19 “(B) authorize successive redelegations of  
20 such functions as may be necessary or appro-  
21 priate.

22 “(2) RESPONSIBILITY.—No delegation of func-  
23 tions by the Administrator under this subsection or  
24 under any other provision of this title shall relieve

1 the Administrator of responsibility for the adminis-  
2 tration of such functions.

3 “(f) REORGANIZATION.—The Administrator may al-  
4 locate or reallocate any function transferred among the  
5 officers of the Office, and establish, consolidate, alter, or  
6 discontinue such organizational entities in that Office as  
7 may be necessary or appropriate.

8 **“SEC. 202. PERSONNEL, SPECIAL PERSONNEL, EXPERTS,**  
9 **AND CONSULTANTS.**

10 “(a) IN GENERAL.—The Administrator may select,  
11 employ, and fix the compensation of officers and employ-  
12 ees, including attorneys, who are necessary to perform the  
13 functions vested in the Administrator and to prescribe the  
14 functions of those officers and employees.

15 “(b) OFFICERS.—The Administrator may select, ap-  
16 point, and employ not to exceed 4 officers and to fix the  
17 compensation of those officers at rates not to exceed the  
18 maximum rate payable under section 5376 of title 5,  
19 United States Code.

20 “(c) DETAIL OF FEDERAL PERSONNEL.—Upon the  
21 request of the Administrator, the head of any Federal  
22 agency may detail, on a reimbursable basis, any of its per-  
23 sonnel to the Administrator to assist the Administrator  
24 in carrying out the functions of the Administrator under  
25 this title.

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

6       **“SEC. 203. NATIONAL PROGRAM.**

7       “(a) NATIONAL JUVENILE CRIME CONTROL, PRE-  
8 VENTION, AND JUVENILE OFFENDER ACCOUNTABILITY  
9 PLAN.—

10           “(1) IN GENERAL.—Subject to the general au-  
11 thority of the Attorney General, the Administrator  
12 shall develop objectives, priorities, and short- and  
13 long-term plans, and shall implement overall policy  
14 and a strategy to carry out those plans, for all Fed-  
15 eral juvenile crime control, prevention, and juvenile  
16 offender accountability programs and activities relat-  
17 ing to improving juvenile crime control, the rehabili-  
18 tation of juvenile offenders, the prevention of juve-  
19 nile crime, and the enhancement of accountability by  
20 offenders within the juvenile justice system in the  
21 United States.

22           “(2) CONTENTS OF PLANS.—

23           “(A) IN GENERAL.—Each plan described  
24 in paragraph (1) shall—

1           “(i) contain specific, measurable goals  
2           and criteria for reducing the incidence of  
3           crime and delinquency among juveniles,  
4           improving juvenile crime control, and en-  
5           suring accountability by offenders within  
6           the juvenile justice system in the United  
7           States, and shall include criteria for any  
8           discretionary grants and contracts, for con-  
9           ducting research, and for carrying out  
10          other activities under this title;

11          “(ii) provide for coordinating the ad-  
12          ministration of programs and activities  
13          under this title with the administration of  
14          all other Federal juvenile crime control,  
15          prevention, and juvenile offender account-  
16          ability programs and activities, including  
17          proposals for joint funding to be coordi-  
18          nated by the Administrator;

19          “(iii) provide a detailed summary and  
20          analysis of the most recent data available  
21          regarding the number of juveniles taken  
22          into custody, the rate at which juveniles  
23          are taken into custody, the time served by  
24          juveniles in custody, and the trends dem-  
25          onstrated by such data;

1           “(iv) provide a description of the ac-  
2           tivities for which amounts are expended  
3           under this title;

4           “(v) provide specific information relat-  
5           ing to the attainment of goals set forth in  
6           the plan, including specific, measurable  
7           standards for assessing progress toward  
8           national juvenile crime reduction and juve-  
9           nile offender accountability goals; and

10          “(vi) provide for the coordination of  
11          Federal, State, and local initiatives for the  
12          reduction of youth crime, preventing delin-  
13          quency, and ensuring accountability for ju-  
14          venile offenders.

15          “(B) SUMMARY AND ANALYSIS.—Each  
16          summary and analysis under subparagraph  
17          (A)(iii) shall set out the information required by  
18          clauses (i), (ii), and (iii) of this subparagraph  
19          separately for juvenile nonoffenders, juvenile  
20          status offenders, and other juvenile offenders,  
21          and shall separately address with respect to  
22          each category of juveniles specified—

23                 “(i) the types of offenses with which  
24                 the juveniles are charged;

25                 “(ii) the ages of the juveniles;

1           “(iii) the types of facilities used to  
2 hold the juveniles (including juveniles  
3 treated as adults for purposes of prosecu-  
4 tion) in custody, including secure detention  
5 facilities, secure correctional facilities, jails,  
6 and lockups;

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

9           “(v) the number of juveniles who died  
10 or who suffered serious bodily injury while  
11 in custody and the circumstances under  
12 which each juvenile died or suffered that  
13 injury.

14           “(C) DEFINITION OF SERIOUS BODILY IN-  
15 JURY.—In this paragraph, the term ‘serious  
16 bodily injury’ means bodily injury involving ex-  
17 treme physical pain or the impairment of a  
18 function of a bodily member, organ, or mental  
19 faculty that requires medical intervention such  
20 as surgery, hospitalization, or physical rehabili-  
21 tation.

22           “(3) ANNUAL REVIEW.—The Administrator  
23 shall annually—

24           “(A) review each plan submitted under this  
25 subsection;

1           “(B) revise the plans, as the Administrator  
2           considers appropriate; and

3           “(C) not later than March 1 of each year,  
4           present the plans to the Committee on the Ju-  
5           diciary of the Senate and the Committee on  
6           Education and the Workforce of the House of  
7           Representatives.

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

10           “(1) advise the President through the Attorney  
11           General as to all matters relating to federally as-  
12           sisted juvenile crime control, prevention, and juvenile  
13           offender accountability programs, and Federal poli-  
14           cies regarding juvenile crime and justice, including  
15           policies relating to juveniles prosecuted or adju-  
16           dicated in the Federal courts;

17           “(2) implement and coordinate Federal juvenile  
18           crime control, prevention, and juvenile offender ac-  
19           countability programs and activities among Federal  
20           departments and agencies and between such pro-  
21           grams and activities and other Federal programs  
22           and activities that the Administrator determines  
23           may have an important bearing on the success of the  
24           entire national juvenile crime control, prevention,  
25           and juvenile offender accountability effort including,

1 in consultation with the Director of the Office of  
2 Management and Budget listing annually those pro-  
3 grams to be considered Federal juvenile crime con-  
4 trol, prevention, and juvenile accountability pro-  
5 grams for the following fiscal year;

6 “(3) serve as a single point of contact for  
7 States, units of local government, and private enti-  
8 ties for purposes of providing information relating to  
9 Federal juvenile delinquency programs or for refer-  
10 ral to other agencies or departments that operate  
11 such programs;

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

14 “(5) collect, prepare, and disseminate useful  
15 data regarding the prevention, correction, and con-  
16 trol of juvenile crime and delinquency, and issue, not  
17 less than once each calendar year, a report on suc-  
18 cessful programs and juvenile crime reduction meth-  
19 ods utilized by States, localities, and private entities;

20 “(6) ensure the performance of comprehensive  
21 rigorous independent scientific evaluations, each of  
22 which shall—

23 “(A) be independent in nature, and shall  
24 employ rigorous and scientifically valid stand-  
25 ards and methodologies; and

1           “(B) include measures of outcome and  
2           process objectives, such as reductions in juve-  
3           nile crime, youth gang activity, youth substance  
4           abuse, and other high risk factors, as well as in-  
5           creases in protective factors that reduce the  
6           likelihood of delinquency and criminal behavior;

7           “(7) consult with appropriate authorities in the  
8           States and with appropriate private entities regard-  
9           ing the development, review, and revision of the  
10          plans required by subsection (a) and the develop-  
11          ment of policies relating to juveniles prosecuted or  
12          adjudicated in the Federal courts;

13          “(8) provide technical assistance to the States,  
14          units of local government, and private entities in im-  
15          plementing programs funded by grants under this  
16          title;

17          “(9) provide technical and financial assistance  
18          to an organization composed of member representa-  
19          tives of the State advisory groups appointed under  
20          section 222(b)(2) to carry out activities under this  
21          paragraph, if that organization agrees to carry out  
22          activities that include—

23                  “(A) conducting an annual conference of  
24                  the member representatives for purposes relat-

1 ing to the activities of the State advisory  
2 groups;

3 “(B) disseminating information, data,  
4 standards, advanced techniques, and programs  
5 models developed through the Institute and  
6 through programs funded under section 241;  
7 and

8 “(C) advising the Administrator with re-  
9 spect to particular functions or aspects of the  
10 work of the Office; and

11 “(10) provide technical and financial assistance  
12 to an eligible organization composed of member rep-  
13 resentatives of the State advisory groups appointed  
14 under section 222(b)(2) to assist that eligible orga-  
15 nization in—

16 “(A) conducting an annual conference of  
17 member representatives of the State advisory  
18 groups for purposes relating to the activities of  
19 those groups; and

20 “(B) disseminating information, data,  
21 standards, advanced techniques, and program  
22 models developed through the Institute and  
23 through programs funded under section 241.

24 “(c) UTILIZATION OF SERVICES AND FACILITIES OF  
25 OTHER AGENCIES; REIMBURSEMENT.—The Adminis-

1 trator, through the general authority of the Attorney Gen-  
2 eral, may utilize the services and facilities of any agency  
3 of the Federal Government and of any other public agency  
4 or institution in accordance with appropriate agreements,  
5 and to pay for such services either in advance or by way  
6 of reimbursement as may be agreed upon.

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

12       “(e) ANNUAL JUVENILE DELINQUENCY DEVELOP-  
13 MENT STATEMENTS.—

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

20             “(2) CONTENTS.—Each development statement  
21 submitted under paragraph (1) shall contain such  
22 information, data, and analyses as the Administrator  
23 may require and shall include an analysis of the ex-  
24 tent to which the program of the Federal agency  
25 submitting such development statement conforms

1 with and furthers Federal juvenile crime control,  
2 prevention, and juvenile offender accountability, pre-  
3 vention, and treatment goals and policies.

4 “(3) REVIEW AND COMMENT.—

5 “(A) IN GENERAL.—The Administrator  
6 shall review and comment upon each juvenile  
7 crime control, prevention, and juvenile offender  
8 accountability development statement trans-  
9 mitted to the Administrator under paragraph  
10 (1).

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

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

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

1       “(f) JOINT FUNDING.—Notwithstanding any other  
2 provision of law, if funds are made available by more than  
3 1 Federal agency to be used by any agency, organization,  
4 institution, or individual to carry out a Federal juvenile  
5 crime control, prevention, or juvenile offender account-  
6 ability program or activity—

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

10              “(2) a single non-Federal share requirement  
11 may be established according to the proportion of  
12 funds advanced by each Federal agency, and the Ad-  
13 ministrator may order any such Federal agency to  
14 waive any technical grant or contract requirement  
15 (as defined in those regulations) that is inconsistent  
16 with the similar requirement of the administering  
17 agency or that the administering agency does not  
18 impose.

19 **“SEC. 204. COMMUNITY PREVENTION GRANT PROGRAM.**

20       “(a) PURPOSES.—The Administrator may make  
21 grants to a State, to be transmitted through the State ad-  
22 visory group to units of local government that meet the  
23 requirements of subsection (b), for delinquency prevention  
24 programs and activities for youth who have had contact  
25 with the juvenile justice system or who are likely to have

1 contact with the juvenile justice system, including the pro-  
2 vision to children, youth, and families of—

3 “(1) recreation services;

4 “(2) tutoring and remedial education;

5 “(3) assistance in the development of work  
6 awareness skills;

7 “(4) child and adolescent health and mental  
8 health services;

9 “(5) alcohol and substance abuse prevention  
10 services;

11 “(6) leadership development activities; and

12 “(7) the teaching that people are and should be  
13 held accountable for their actions.

14 “(b) ELIGIBILITY.—The requirements of this sub-  
15 section are met with respect to a unit of general local gov-  
16 ernment if—

17 “(1) the unit is in compliance with the require-  
18 ments of part B of title II;

19 “(2) the unit has submitted to the State advi-  
20 sory group a 3-year plan outlining the local front  
21 end plans of the unit for investment for delinquency  
22 prevention and early intervention activities;

23 “(3) the unit has included in its application to  
24 the Administrator for formula grant funds a sum-  
25 mary of the 3-year plan described in paragraph (2);

1           “(4) pursuant to its 3-year plan, the unit has  
2 appointed a local policy board of no fewer than 15  
3 and no more than 21 members with balanced rep-  
4 resentation of public agencies and private, nonprofit  
5 organizations serving children, youth, and families  
6 and business and industry;

7           “(5) the unit has, in order to aid in the preven-  
8 tion of delinquency, included in its application a plan  
9 for the coordination of services to at-risk youth and  
10 their families, including such programs as nutrition,  
11 energy assistance, and housing;

12           “(6) the local policy board is empowered to  
13 make all recommendations for distribution of funds  
14 and evaluation of activities funded under this title;  
15 and

16           “(7) the unit or State has agreed to provide a  
17 50 percent match of the amount of the grant, in-  
18 cluding the value of in-kind contributions, to fund  
19 the activity.

20           “(c) PRIORITY.—In considering grant application  
21 under this section, the Administrator shall give priority  
22 to applicants that demonstrate ability in—

23           “(1) plans for service and agency coordination  
24 and collaboration including the collocation of serv-  
25 ices;

1           “(2) innovative ways to involve the private non-  
2           profit and business sector in delinquency prevention  
3           activities; and

4           “(3) developing or enhancing a statewide sub-  
5           sidy program to local governments that is dedicated  
6           to early intervention and delinquency prevention.

7   **“SEC. 205. GRANTS TO INDIAN TRIBES.**

8           “(a) IN GENERAL.—From the amount reserved  
9           under section 206(b) in each fiscal year, the Administrator  
10          shall make grants to Indian tribes for programs pursuant  
11          to the permissible purposes under section 204 and part  
12          B of this title.

13          “(b) APPLICATIONS.—

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

19                 “(2) PLANS.—Each application submitted  
20                 under paragraph (1) shall include a plan for con-  
21                 ducting projects described in section 204(a), which  
22                 plan shall—

23                         “(A) provide evidence that the Indian tribe  
24                         performs law enforcement functions (as deter-  
25                         mined by the Secretary of the Interior);

1           “(B) identify the juvenile justice and delin-  
2           quency problems and juvenile delinquency pre-  
3           vention needs to be addressed by activities con-  
4           ducted by the Indian tribe in the area under the  
5           jurisdiction of the Indian tribe with assistance  
6           provided by the grant;

7           “(C) provide for fiscal control and account-  
8           ing procedures that—

9                   “(i) are necessary to ensure the pru-  
10                  dent use, proper disbursement, and ac-  
11                  counting of funds received under this sec-  
12                  tion; and

13                  “(ii) are consistent with the require-  
14                  ments of subparagraph (B);

15           “(D) comply with the requirements of sec-  
16           tion 222(a) (except that such subsection relates  
17           to consultation with a State advisory group)  
18           and with the requirements of section 222(e);  
19           and

20           “(E) contain such other information, and  
21           be subject to such additional requirements, as  
22           the Administrator may reasonably prescribe to  
23           ensure the effectiveness of the grant program  
24           under this section.

1       “(c) FACTORS FOR CONSIDERATION.—In awarding  
2 grants under this section, the Administrator shall  
3 consider—

4           “(1) the resources that are available to each ap-  
5 plicant that will assist, and be coordinated with, the  
6 overall juvenile justice system of the Indian tribe;  
7 and

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

10                  “(A) the relative juvenile population; and

11                  “(B) who will be served by the assistance  
12 provided by the grant.

13       “(d) GRANT AWARDS.—

14           “(1) IN GENERAL.—

15                  “(A) COMPETITIVE AWARDS.—Except as  
16 provided in paragraph (2), the Administrator  
17 shall—

18                  “(i) annually award grants under this  
19 section on a competitive basis; and

20                  “(ii) enter into a grant agreement  
21 with each grant recipient under this sec-  
22 tion that specifies the terms and conditions  
23 of the grant.

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

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

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

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

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

20           “(e) REPORTING REQUIREMENT.—Each Indian tribe  
21           that receives a grant under this section shall be subject  
22           to the fiscal accountability provisions of section 5(f)(1) of  
23           the Indian Self-Determination and Education Assistance  
24           Act (25 U.S.C. 450c(f)(1)), relating to the submission of

1 a single-agency audit report required by chapter 75 of title  
2 31, United States Code.

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

10 “(g) TECHNICAL ASSISTANCE.—From the amount  
11 reserved under section 206(b) in each fiscal year, the Ad-  
12 ministrator may reserve 1 percent for the purpose of pro-  
13 viding technical assistance to recipients of grants under  
14 this section.

15 **“SEC. 206. ALLOCATION OF GRANTS.**

16 “(a) IN GENERAL.—Subject to subsections (b), (c),  
17 and (d), the amount allocated under section 261 to carry  
18 out section 204 in each fiscal year shall be allocated to  
19 the States as follows:

20 “(1) The amount allocated to any State shall  
21 not be less than \$200,000.

22 “(2) Not less than 75 percent of the funds  
23 made available under Part A of this title shall be  
24 used to carry out section 205.



1 agencies for the development of more effective education,  
2 training, research, prevention, diversion, treatment, and  
3 rehabilitation programs in the area of juvenile delinquency  
4 and programs to improve the juvenile justice system.

5 “(b) TRAINING AND TECHNICAL ASSISTANCE.—

6 “(1) IN GENERAL.—With not to exceed 2 per-  
7 cent of the funds available in a fiscal year to carry  
8 out this part, the Administrator shall make grants  
9 to and enter into contracts with public and private  
10 agencies, organizations, and individuals to provide  
11 training and technical assistance to States, units of  
12 local government (or combinations thereof), and  
13 local private agencies to facilitate compliance with  
14 section 222 and implementation of the State plan  
15 approved under section 222(c).

16 “(2) ELIGIBLE RECIPIENTS.—

17 “(A) IN GENERAL.—Grants may be made  
18 to and contracts may be entered into under  
19 paragraph (1) only with public and private  
20 agencies, organizations, and individuals that  
21 have experience in providing training and tech-  
22 nical assistance required under paragraph (1).

23 “(B) ACTIVITY COORDINATION.—In pro-  
24 viding training and technical assistance re-  
25 quired under paragraph (1), the recipient of a

1 grant or contract under this subsection shall co-  
2 ordinate its activities with the State agency de-  
3 scribed in section 222(a)(1).

4 **“SEC. 222. STATE PLANS.**

5 “(a) IN GENERAL.—In order to receive formula  
6 grants under this part, a State shall submit a plan, devel-  
7 oped in consultation with the State Advisory Group estab-  
8 lished by the State under subsection (e)(2)(A), for car-  
9 rying out its purposes applicable to a 3-year period.

10 “(b) ALLOCATION.—A portion of any allocation of  
11 formula grants to a State shall be available to develop a  
12 State plan or for other activities associated with such  
13 State plan which are necessary for efficient administra-  
14 tion, including monitoring, evaluation, and one full-time  
15 staff position.

16 “(c) ANNUAL REPORTS.—The State shall submit an-  
17 nual performance reports to the Administrator, each of  
18 which shall describe progress in implementing programs  
19 contained in the original State plan, and amendments nec-  
20 essary to update the State plan, and shall describe the  
21 status of compliance with State plan requirements.

22 “(d) CONTENTS OF PLAN.—In accordance with regu-  
23 lations that the Administrator shall prescribe, a State plan  
24 shall—

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

4           “(2) contain satisfactory evidence that the  
5           State agency designated in accordance with para-  
6           graph (1) has or will have authority, by legislation  
7           if necessary, to implement the State plan in con-  
8           formity with this part;

9           “(3) provide for the active consultation with  
10          and participation of units of local government in the  
11          development of a State plan that adequately takes  
12          into account the needs and requests of units of local  
13          government, except that nothing in the State plan  
14          requirements, or any regulations promulgated to  
15          carry out such requirements, shall be construed to  
16          prohibit or impede the State from making grants to,  
17          or entering into contracts with, local private agen-  
18          cies, including religious organizations;

19          “(4) to the extent feasible and consistent with  
20          paragraph (5), provide for an equitable distribution  
21          of the assistance received with the State, including  
22          rural areas;

23          “(5) require that the State or unit of local gov-  
24          ernment that is a recipient of amounts under this  
25          part distribute the amounts intended to be used for

1 the prevention of juvenile delinquency and reduction  
2 of incarceration, to the extent feasible, in proportion  
3 to the amount of juvenile crime committed within  
4 those regions and communities;

5 “(6) provide assurances that youth who come  
6 into contact with the juvenile justice system are  
7 treated equitably on the basis of gender, race, family  
8 income, and disability;

9 “(7) provide for—

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

1           “(B) an indication of the manner in which  
2           the programs relate to other similar State or  
3           local programs that are intended to address the  
4           same or similar problems; and

5           “(C) a strategy for the concentration of  
6           State efforts, which shall coordinate all State  
7           juvenile crime control, prevention, and delin-  
8           quency programs with respect to overall policy  
9           and development of objectives and priorities for  
10          all State juvenile crime control and delinquency  
11          programs and activities, including a provision  
12          for regular meetings of State officials with re-  
13          sponsibility in the area of juvenile justice and  
14          delinquency prevention;

15          “(D) needed gender-specific services for  
16          the prevention and treatment of juvenile delin-  
17          quency;

18          “(E) needed services for the prevention  
19          and treatment of juvenile delinquency in rural  
20          areas; and

21          “(F) needed mental health services to juve-  
22          niles in the juvenile justice system;

23          “(8) provide for the coordination and maximum  
24          utilization of existing juvenile delinquency programs,  
25          programs operated by public and private agencies

1 and organizations, and other related programs (such  
2 as education, special education, recreation, health,  
3 and welfare programs) in the State;

4 “(9) provide for the development of an adequate  
5 research, training, and evaluation capacity within  
6 the State;

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

15 “(A) community-based alternatives (includ-  
16 ing home-based alternatives) to incarceration  
17 and institutionalization, including—

18 “(i) for youth who need temporary  
19 placement, the provision of crisis interven-  
20 tion, shelter, and after-care; and

21 “(ii) for youth who need residential  
22 placement, the provision of a continuum of  
23 foster care or group home alternatives that  
24 provide access to a comprehensive array of  
25 services;

1           “(B) programs that assist in holding juve-  
2           niles accountable for their actions, including the  
3           use of graduated sanctions and of neighborhood  
4           courts or panels that increase victim satisfac-  
5           tion and require juveniles to make restitution  
6           for the damage caused by their delinquent be-  
7           havior;

8           “(C) comprehensive juvenile crime control  
9           and delinquency prevention programs that meet  
10          the needs of youth through the collaboration of  
11          the many local systems before which a youth  
12          may appear, including schools, courts, law en-  
13          forcement agencies, child protection agencies,  
14          mental health agencies, welfare services, health  
15          care agencies, public recreation agencies, and  
16          private nonprofit agencies offering youth serv-  
17          ices;

18          “(D) programs that provide treatment to  
19          juvenile offenders who are victims of child  
20          abuse or neglect, and to the families of those  
21          juveniles, in order to reduce the likelihood that  
22          those juvenile offenders will commit subsequent  
23          violations of law;

24          “(E) educational programs or supportive  
25          services for delinquent or other juveniles—

1           “(i) to encourage juveniles to remain  
2           in elementary and secondary schools or in  
3           alternative learning situations;

4           “(ii) to provide services to assist juve-  
5           niles in making the transition to the world  
6           of work and self-sufficiency; and

7           “(iii) to enhance coordination with the  
8           local schools that juveniles would otherwise  
9           attend, to ensure that—

10           “(I) the instruction that juveniles  
11           receive outside school is closely  
12           aligned with the instruction provided  
13           in school; and

14           “(II) information regarding any  
15           learning problems identified in such  
16           alternative learning situations are  
17           communicated to the schools;

18           “(F) expanding the use of probation  
19           officers—

20           “(i) particularly for the purpose of  
21           permitting nonviolent juvenile offenders  
22           (including status offenders) to remain at  
23           home with their families as an alternative  
24           to incarceration or institutionalization; and

1                   “(ii) to ensure that juveniles follow  
2                   the terms of their probation;

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

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

20                  “(I) projects designed to deter involvement  
21                  in illegal activities and promote involvement in  
22                  lawful activities on the part of gangs whose  
23                  membership is substantially composed of youth;

24                  “(J) programs and projects designed to  
25                  provide for the treatment of a youth who is de-

1           pendent on or abuses alcohol or other addictive  
2           or nonaddictive drugs;

3           “(K) community-based programs and serv-  
4           ices to work with juveniles, their parents, and  
5           other family members during and after incar-  
6           ceration in order to strengthen families so that  
7           such juveniles may be retained in their homes;

8           “(L) activities (such as court-appointed ad-  
9           vocates) that the State determines will hold ju-  
10          veniles accountable for their acts and decrease  
11          juvenile involvement in delinquent activities;

12          “(M) establishing policies and systems to  
13          incorporate relevant child protective services  
14          records into juvenile justice records for pur-  
15          poses of establishing treatment plans for juve-  
16          nile offenders;

17          “(N) programs (including referral to lit-  
18          eracy programs and social service programs) to  
19          assist families with limited English-speaking  
20          ability that include delinquent juveniles to over-  
21          come language and other barriers that may pre-  
22          vent the complete treatment of the juveniles  
23          and the preservation of their families;

24          “(O) programs that utilize multidisci-  
25          plinary interagency case management and infor-

1 mation sharing, that enable the juvenile justice  
2 and law enforcement agencies, schools, and so-  
3 cial service agencies to make more informed de-  
4 cisions regarding early identification, control,  
5 supervision, and treatment of juveniles who re-  
6 peatedly commit violent or serious delinquent  
7 acts;

8 “(P) programs designed to prevent and re-  
9 duce hate crimes committed by juveniles;

10 “(Q) court supervised initiatives that ad-  
11 dress the illegal possession of firearms by juve-  
12 niles;

13 “(R) programs for positive youth develop-  
14 ment that provide delinquent youth and youth  
15 at-risk of delinquency with—

16 “(i) an ongoing relationship with a  
17 caring adult (such as a mentor, tutor,  
18 coach, or shelter youth worker);

19 “(ii) safe places and structured activi-  
20 ties during nonschool hours;

21 “(iii) a healthy start;

22 “(iv) a marketable skill through effec-  
23 tive education; and

24 “(v) an opportunity to give back  
25 through community service;

1           “(S) programs and projects that provide  
2           comprehensive post-placement services that help  
3           juveniles make a successful transition back into  
4           the community, including mental health serv-  
5           ices, substance abuse treatment, counseling,  
6           education, and employment training;

7           “(T) programs and services designed to  
8           identify and address the health and mental  
9           health needs of youth; and

10           “(U) programs that have been proven to be  
11           successful in preventing delinquency, such as  
12           Multi-Systemic Therapy, Multi-Dimensional  
13           Treatment Foster Care, Functional Family  
14           Therapy, and the Bullying Prevention Program;

15           “(11) provide that—

16           “(A) a juvenile who is charged with or who  
17           has committed an offense that would not be  
18           criminal if committed by an adult shall not be  
19           placed in a secure detention facility or secure  
20           correctional facility unless the juvenile—

21           “(i) was charged with or committed a  
22           violation of section 922(x)(2) of title 18,  
23           United States Code, or of a similar State  
24           law;

1                   “(ii) was charged with or committed a  
2                   violation of a valid court order; or

3                   “(iii) was held in accordance with the  
4                   Interstate Compact on Juveniles as en-  
5                   acted by the State; and

6                   “(B) a juvenile shall not be placed in a se-  
7                   cure detention facility or secure correctional fa-  
8                   cility if the juvenile—

9                   “(i) was not charged with any offense;  
10                  and

11                  “(ii) is—

12                          “(I) an alien; or

13                          “(II) alleged to be dependent, ne-  
14                          glected, or abused.

15                  “(12) provide that—

16                          “(A) a juvenile who is alleged to be or  
17                          found to be delinquent or a juvenile who is de-  
18                          scribed in paragraph (11) will not be detained  
19                          or confined in any institution in which prohib-  
20                          ited physical contact or sustained oral and vis-  
21                          ual contact with an adult inmate can occur; and

22                          “(B) there is in effect in the State a policy  
23                          that requires an individual who works with both  
24                          juveniles and adult inmates, including in collo-

1 cated facilities, to be trained and certified to  
2 work with juveniles;

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

5 “(A) juveniles who are accused of non-  
6 status offenses and who are detained in such  
7 jail or lockup for a period not to exceed 6  
8 hours—

9 “(i) for processing or release;

10 “(ii) while awaiting transfer to a juve-  
11 nile facility; or

12 “(iii) in which period such juveniles  
13 make a court appearance;

14 “(B) juveniles who—

15 “(i) are accused of nonstatus offenses;

16 “(ii) are awaiting an initial court ap-  
17 pearance that will occur within 48 hours  
18 after being taken into custody (excluding  
19 Saturdays, Sundays, and legal holidays);  
20 and

21 “(iii) are detained in a jail or  
22 lockup—

23 “(I) in which such juveniles do  
24 not have prohibited physical contact,  
25 or sustained oral and visual contact,

1 with adults incarcerated because such  
2 adults have been convicted of a crime  
3 or are awaiting trial on criminal  
4 charges;

5 “(II) where there is in effect in  
6 the State a policy that requires indi-  
7 viduals who work with both such juve-  
8 niles and such adults in colocated fa-  
9 cilities have been trained and certified  
10 to work with juveniles; and

11 “(III) that is located—

12 “(aa) outside a metropolitan  
13 statistical area (as defined by the  
14 Office of Management and Budg-  
15 et) and has no existing accept-  
16 able alternative placement avail-  
17 able;

18 “(bb) where conditions of  
19 distance to be traveled or the  
20 lack of highway, road, or trans-  
21 portation do not allow for court  
22 appearances within 48 hours (ex-  
23 cluding Saturdays, Sundays, and  
24 legal holidays) so that a brief

1 (not to exceed an additional 48  
2 hours) delay is excusable; or

3 “(cc) where conditions of  
4 safety exist (such as severe ad-  
5 verse, life-threatening weather  
6 conditions that do not allow for  
7 reasonably safe travel), in which  
8 case the time for an appearance  
9 may be delayed until 24 hours  
10 after the time that such condi-  
11 tions allow for reasonable safe  
12 travel;

13 “(14)(A) provide assurances that consideration  
14 will be given to and that assistance will be available  
15 for approaches designed to strengthen the families of  
16 delinquent and other youth to prevent juvenile delin-  
17 quency; and

18 “(B) approaches under subparagraph (A)  
19 should include the involvement of grandparents or  
20 other extended family members, when possible, and  
21 appropriate and the provision of family counseling  
22 during the incarceration of juvenile family members  
23 and coordination of family services when appropriate  
24 and feasible;

1           “(15) provide for procedures to be established  
2 for protecting the rights of recipients of services and  
3 for assuring appropriate privacy with regard to  
4 records relating to the services provided to any indi-  
5 vidual under the State plan;

6           “(16) provide for such fiscal control and fund  
7 accounting procedures necessary to assure prudent  
8 use, proper disbursement, and accurate accounting  
9 of funds received under this title;

10           “(17) provide reasonable assurances that Fed-  
11 eral funds made available under this part for any pe-  
12 riod shall be used to supplement and increase (but  
13 not supplant) the level of the State, local, and other  
14 non-Federal funds that would, in the absence of the  
15 Federal funds, be made available for the programs  
16 described in this part, and shall in no event replace  
17 such State, local, and other non-Federal funds;

18           “(18) provide that the State agency designated  
19 under paragraph (1) shall, not less often than annu-  
20 ally, review its plan and submit to the Administrator  
21 an analysis and evaluation of the effectiveness of the  
22 programs and activities carried out under the plan,  
23 and any modifications in the plan, including the sur-  
24 vey of the State and local needs, that the agency  
25 considers necessary;

1           “(19) provide assurances that the State or unit  
2 of local government that is a recipient of amounts  
3 under this part require that any person convicted of  
4 a sexual act or sexual contact involving any other  
5 person who has not attained the age of 18 years,  
6 and who is not less than 4 years younger than that  
7 convicted person, be tested for the presence of a sex-  
8 ually transmitted disease and that the results of that  
9 test be provided to the victim or to the family of the  
10 victim as well as to any court or other government  
11 agency with primary authority for sentencing the  
12 person convicted for the commission of the sexual  
13 act or sexual contact (as those terms are defined in  
14 paragraphs (2) and (3), respectively, of section 2246  
15 of title 18, United States Code);

16           “(20) provide that if a juvenile is taken into  
17 custody for violating a valid court order issued for  
18 committing a status offense—

19                   “(A) an appropriate public agency shall be  
20 promptly notified that the juvenile is being  
21 taken into custody for violating the court order;

22                   “(B) that within 24 hours of the juvenile  
23 being taken into custody, an authorized rep-  
24 resentative of the public agency shall interview  
25 the juvenile in person; and

1           “(C) that within 48 hours of the juvenile  
2           being taken into custody—

3                   “(i) the authorized representative  
4                   shall submit an assessment regarding the  
5                   immediate needs of the juvenile to the  
6                   court that issued the order; and

7                   “(ii) the court shall conduct a hearing  
8                   to determine—

9                           “(I) whether there is reasonable  
10                           cause to believe that the juvenile vio-  
11                           lated the order; and

12                           “(II) the appropriate placement  
13                           of the juvenile pending disposition of  
14                           the alleged violation;

15                   “(21) specify a percentage, if any, of funds re-  
16                   ceived by the State under section 221 that the State  
17                   shall reserve for expenditure by the State to provide  
18                   incentive grants to units of local government that re-  
19                   duce the case load of probation officers within those  
20                   units;

21                   “(22) provide that the State, to the maximum  
22                   extent practicable, will implement a system to ensure  
23                   that if a juvenile is before a court in the juvenile jus-  
24                   tice system, public child welfare records (including  
25                   child protective services records) relating to that ju-

1 venile that are on file in the geographical area under  
2 the jurisdiction of that court will be made known to  
3 that court;

4 “(23) unless the provisions of this paragraph  
5 are waived at the discretion of the Administrator for  
6 any State in which the services for delinquent or  
7 other youth are organized primarily on a statewide  
8 basis, provide that at least 50 percent of funds re-  
9 ceived by the State under this section, other than  
10 funds made available to the State advisory group,  
11 shall be expended—

12 “(A) through programs of units of general  
13 local government, to the extent that those pro-  
14 grams are consistent with the State plan; and

15 “(B) through programs of local private  
16 agencies, to the extent that those programs are  
17 consistent with the State plan, except that di-  
18 rect funding of any local private agency by a  
19 State shall be permitted only if the local private  
20 agency requests direct funding after the agency  
21 has applied for and been denied funding by a  
22 unit of general local government;

23 “(24) provide for the establishment of youth  
24 tribunals and peer ‘juries’ in school districts in the  
25 State to promote zero tolerance policies with respect

1 to misdemeanor offenses, acts of juvenile delin-  
2 quency, and other antisocial behavior occurring on  
3 school grounds, including truancy, vandalism, under-  
4 age drinking, and underage tobacco use;

5 “(25) provide for projects to coordinate the de-  
6 livery of adolescent mental health and substance  
7 abuse services to children at risk by coordinating  
8 councils composed of public and private service pro-  
9 viders;

10 “(26) provide assurances that—

11 “(A) any assistance provided under this  
12 title will not cause the displacement (including  
13 a partial displacement, such as a reduction in  
14 the hours of nonovertime work, wages, or em-  
15 ployment benefits) of any currently employed  
16 employee;

17 “(B) activities assisted under this title will  
18 not impair an existing collective bargaining re-  
19 lationship, contract for services, or collective  
20 bargaining agreement; and

21 “(C) an activity that would be inconsistent  
22 with the terms of a collective bargaining agree-  
23 ment shall not be undertaken without the writ-  
24 ten concurrence of the labor organization in-  
25 volved; and

1           “(27) address efforts to reduce the proportion  
2 of juveniles detained or confined in secure detention  
3 facilities, secure correctional facilities, jails, and  
4 lockups who are members of minority groups, if such  
5 proportion exceeds the proportion such groups rep-  
6 resent in the general population.

7           “(e) APPROVAL BY STATE AGENCY.—

8           “(1) STATE AGENCY.—The State agency des-  
9 ignated under subsection (d)(1) shall approve the  
10 State plan and any modification of that plan prior  
11 to submission of the plan to the Administrator.

12           “(2) STATE ADVISORY GROUP.—

13           “(A) ESTABLISHMENT.—

14           “(i) IN GENERAL.—The State advi-  
15 sory group referred to in subsection (a)  
16 shall be known as the ‘State Advisory  
17 Group’.

18           “(ii) MEMBERS.—The State Advisory  
19 Group shall—

20           “(I) consist of representatives  
21 from both the private and public sec-  
22 tor, each of whom shall be appointed  
23 for a term of not more than 6 years;  
24 and

1                   “(II) include not less than 1  
2                   prosecutor and not less than 1 judge  
3                   from a court with a juvenile crime or  
4                   delinquency docket.

5                   “(iii) MEMBER EXPERIENCE.—The  
6                   State shall ensure that members of the  
7                   State Advisory Group shall have experience  
8                   in the area of juvenile delinquency preven-  
9                   tion, the prosecution of juvenile offenders,  
10                  the treatment of juvenile delinquency, the  
11                  investigation of juvenile crimes, or the ad-  
12                  ministration of juvenile justice programs.

13                  “(iv) CHAIRPERSON.—The chair-  
14                  person of the State Advisory Group shall  
15                  not be a full-time employee of the Federal  
16                  Government or the State government.

17                  “(B) CONSULTATION.—

18                  “(i) IN GENERAL.—The State Advi-  
19                  sory Group established under subpara-  
20                  graph (A) shall—

21                         “(I) participate in the develop-  
22                         ment and review of a State plan  
23                         under this section before the plan is  
24                         submitted to the supervisory agency  
25                         for final action; and

1                   “(II) be afforded an opportunity  
2                   to review and comment, not later than  
3                   30 days after the submission to the  
4                   State Advisory Group, on all juvenile  
5                   justice and delinquency prevention  
6                   grant applications submitted to the  
7                   State agency designated under sub-  
8                   section (d)(1).

9                   “(ii) AUTHORITY.—The State Advi-  
10                  sory Group shall report to the chief execu-  
11                  tive officer and the legislature of a State  
12                  that has submitted a plan, on an annual  
13                  basis regarding recommendations related  
14                  to the compliance by that State with this  
15                  section.

16                  “(C) FUNDING.—From amounts reserved  
17                  for administrative costs, the State may make  
18                  available to the State Advisory Group such  
19                  sums as may be necessary to assist the State  
20                  Advisory Group in adequately performing its  
21                  duties under this paragraph.

22                  “(f) COMPLIANCE WITH STATUTORY REQUIRE-  
23                  MENTS.—If a State fails to comply with any of the appli-  
24                  cable requirements of paragraph (11), (12), (13), or (27)  
25                  of subsection (d) in any fiscal year beginning after Sep-

1 tember 30, 2001, the amount allocated to that State for  
2 the subsequent fiscal year shall be reduced by not to ex-  
3 ceed 12.5 percent for each such paragraph with respect  
4 to which the failure occurs, unless the Administrator de-  
5 termines that the State—

6 “(1) has achieved substantial compliance with  
7 the applicable requirements with respect to which  
8 the State was not in compliance; and

9 “(2) has made, through appropriate executive  
10 or legislative action, an unequivocal commitment to  
11 achieving full compliance with the applicable require-  
12 ments within a reasonable time.

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

14 “(a) IN GENERAL.—Subject to subsections (b), (c),  
15 and (d), of the amount allocated under section 261 to  
16 carry out this part in each fiscal year that remains after  
17 reservation under section 206(b) for that fiscal year—

18 “(1) no State shall be allocated less than  
19 \$750,000; and

20 “(2) the amount remaining after the allocation  
21 under paragraph (1) shall be allocated proportion-  
22 ately based on the juvenile population in the eligible  
23 States.

24 “(b) SYSTEM SUPPORT GRANTS.—Of the amount al-  
25 located under section 261 to carry out this part in each

1 fiscal year that remains after reservation under section  
2 206(b) for that fiscal year, up to 10 percent may be avail-  
3 able for use by the Administrator to provide—

4           “(1) training and technical assistance con-  
5 sistent with the purposes authorized under sections  
6 203, 204, and 221;

7           “(2) direct grant awards and other support to  
8 develop, test, and demonstrate new approaches to  
9 improving the juvenile justice system and reducing,  
10 preventing, and abating delinquent behavior, juvenile  
11 crime, and youth violence;

12           “(3) for research and evaluation efforts to dis-  
13 cover and test methods and practices to improve the  
14 juvenile justice system and reduce, prevent, and  
15 abate delinquent behavior, juvenile crime, and youth  
16 violence; and

17           “(4) information, including information on best  
18 practices, consistent with purposes authorized under  
19 sections 203, 204, and 221.

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

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

5       **“PART C—GANG-FREE SCHOOLS AND COMMU-**  
6       **NITIES; COMMUNITY-BASED GANG INTER-**  
7       **VENTION**

8       **“SEC. 231. DEFINITION OF JUVENILE.**

9       “In this part, the term ‘juvenile’ means an individual  
10 who has not attained the age of 22 years.

11       **“SEC. 232. GANG-FREE SCHOOLS AND COMMUNITIES.**

12       “(a) IN GENERAL.—

13               “(1) FAMILY AND COMMUNITY GRANTS.—The  
14 Administrator shall make grants to or enter into  
15 contracts with public agencies (including local edu-  
16 cational agencies) and private nonprofit agencies, or-  
17 ganizations, and institutions to establish and sup-  
18 port programs and activities that involve families  
19 and communities and that are designed to—

20                       “(A) prevent and reduce the participation  
21 of juveniles in criminal gang activity by  
22 providing—

23                               “(i) individual, peer, family, and  
24 group counseling, including a provision of  
25 life skills training and preparation for liv-

1 ing independently, which shall include co-  
2 operation with social services, welfare, and  
3 health care programs;

4 “(ii) education, recreation, and social  
5 services designed to address the social and  
6 developmental needs of juveniles that those  
7 juveniles would otherwise seek to have met  
8 through membership in gangs;

9 “(iii) crisis intervention and coun-  
10 seling to juveniles who are particularly at  
11 risk of gang involvement, and the families  
12 of those juveniles, including assistance  
13 from social service, welfare, health care,  
14 mental health, and substance abuse pre-  
15 vention and treatment agencies where nec-  
16 essary;

17 “(iv) an organization of neighborhood  
18 and community groups to work closely with  
19 parents, schools, law enforcement, and  
20 other public and private agencies in the  
21 community; and

22 “(v) training and assistance to adults  
23 who have significant relationships with ju-  
24 veniles who are or may become members of  
25 gangs so the adults may provide construc-

1           tive alternatives to participating in the ac-  
2           tivities of gangs;

3           “(B) develop within the juvenile adjudica-  
4           tory and correctional systems new and innova-  
5           tive means to address the problems of juveniles  
6           who have been convicted of serious drug-related  
7           and gang-related offenses;

8           “(C) target elementary school students,  
9           with the purpose of steering students away  
10          from gang involvement;

11          “(D) provide treatment to juveniles who  
12          are members of gangs, including members who  
13          are accused of committing a serious crime and  
14          members who have been adjudicated as being  
15          delinquent;

16          “(E) promote the involvement of juveniles  
17          in lawful activities in geographical areas in  
18          which gangs commit crimes;

19          “(F) promote and support, with the co-  
20          operation of community-based organizations ex-  
21          perienced in providing services to juveniles en-  
22          gaged in gang-related activities and the co-  
23          operation of local law enforcement agencies, the  
24          development of policies and activities in public  
25          elementary and secondary schools that will as-

1           sist those schools in maintaining a safe environ-  
2           ment conducive to learning;

3           “(G) assist juveniles who are or may be-  
4           come members of gangs to obtain appropriate  
5           educational instruction, in or outside a regular  
6           school program, including the provision of coun-  
7           seling and other services to promote and sup-  
8           port the continued participation of those juve-  
9           niles in the instructional programs;

10          “(H) expand the availability of prevention  
11          and treatment services relating to the illegal use  
12          of controlled substances and controlled sub-  
13          stance analogues (as defined in paragraphs (6)  
14          and (32) of section 102 of the Controlled Sub-  
15          stances Act (21 U.S.C. 802)) by juveniles, pro-  
16          vided through State and local health and social  
17          services agencies;

18          “(I) provide services to prevent juveniles  
19          from coming into contact with the juvenile jus-  
20          tice system again as a result of gang-related ac-  
21          tivity;

22          “(J) provide services authorized in this  
23          section at a special location in a school or hous-  
24          ing project or other appropriate site; or

1           “(K) support activities to inform juveniles  
2           of the availability of treatment and services for  
3           which financial assistance is available under  
4           this section.

5           “(2) RESEARCH AND EVALUATION.—From not  
6           more than 15 percent of the total amount appro-  
7           priated to carry out this part in each fiscal year, the  
8           Administrator may make grants to and enter into  
9           contracts with public agencies and private nonprofit  
10          agencies, organizations, and institutions—

11           “(A) to conduct research on issues related  
12          to juvenile gangs;

13           “(B) to evaluate the effectiveness of pro-  
14          grams and activities funded under paragraph  
15          (1); and

16           “(C) to increase the knowledge of the pub-  
17          lic (including public and private agencies that  
18          operate or desire to operate gang prevention  
19          and intervention programs) by disseminating in-  
20          formation on research and on effective pro-  
21          grams and activities funded under this section.

22          “(b) APPROVAL OF APPLICATIONS.—

23           “(1) IN GENERAL.—Any agency, organization,  
24          or institution that seeks to receive a grant or enter  
25          into a contract under this section shall submit an

1 application at such time, in such manner, and con-  
2 taining such information as the Administrator may  
3 prescribe.

4 “(2) APPLICATION CONTENTS.—In accordance  
5 with guidelines established by the Administrator,  
6 each application submitted under paragraph (1)  
7 shall—

8 “(A) set forth a program or activity for  
9 carrying out 1 or more of the purposes specified  
10 in subsection (a), and specifically identify each  
11 purpose the program or activity is designed to  
12 carry out;

13 “(B) provide that the program or activity  
14 shall be administered by or under the super-  
15 vision of the applicant;

16 “(C) provide for the proper and efficient  
17 administration of the program or activity;

18 “(D) provide for regular evaluation of the  
19 program or activity;

20 “(E) provide an assurance that the pro-  
21 posed program or activity will supplement, not  
22 supplant, similar programs and activities al-  
23 ready available in the community;

24 “(F) describe how the program or activity  
25 is coordinated with programs, activities, and

1 services available locally under part B of this  
2 title and under chapter 1 of subtitle B of title  
3 III of the Anti-Drug Abuse Act of 1988 (42  
4 U.S.C. 11801–11805);

5 “(G) certify that the applicant has re-  
6 quested the State planning agency to review  
7 and comment on the application and to summa-  
8 rize the responses of that State planning agency  
9 to the request;

10 “(H) provide that regular reports on the  
11 program or activity shall be sent to the Admin-  
12 istrator and to the State planning agency; and

13 “(I) provide for such fiscal control and  
14 fund accounting procedures as may be nec-  
15 essary to ensure prudent use, proper disburse-  
16 ment, and accurate accounting of funds re-  
17 ceived under this section.

18 “(3) PRIORITY.—In reviewing applications for  
19 grants and contracts under this section, the Admin-  
20 istrator shall give priority to an application—

21 “(A) submitted by, or substantially involv-  
22 ing, a local educational agency (as defined in  
23 section 1471 of the Elementary and Secondary  
24 Education Act of 1965 (20 U.S.C. 2891));

1           “(B) based on the incidence and severity of  
2 crimes committed by gangs whose membership  
3 is composed primarily of juveniles in the geo-  
4 graphical area in which the applicant proposes  
5 to carry out the programs and activities for  
6 which the grants and contracts are requested;  
7 and

8           “(C) for assistance for programs and ac-  
9 tivities that—

10           “(i) are broadly supported by public  
11 and private nonprofit agencies, organiza-  
12 tions, and institutions located in the geo-  
13 graphical area in which the applicant pro-  
14 poses to carry out the programs and activi-  
15 ties; and

16           “(ii) will substantially involve the fam-  
17 ilies of juvenile gang members in carrying  
18 out the programs or activities.

19 **“SEC. 233. COMMUNITY-BASED GANG INTERVENTION.**

20           “(a) IN GENERAL.—The Administrator shall make  
21 grants to or enter into contracts with public and private  
22 nonprofit agencies, organizations, and institutions to carry  
23 out programs and activities—

24           “(1) to reduce the participation of juveniles in  
25 the illegal activities of gangs;

1           “(2) to develop regional task forces involving  
2           State, local, and community-based organizations to  
3           coordinate the disruption of gangs and the prosecu-  
4           tion of juvenile gang members and to curtail inter-  
5           state activities of gangs;

6           “(3) to facilitate coordination and cooperation  
7           among—

8                   “(A) local education, juvenile justice, em-  
9                   ployment, recreation, and social service agen-  
10                  cies; and

11                  “(B) community-based programs with a  
12                  proven record of effectively providing interven-  
13                  tion services to juvenile gang members for the  
14                  purpose of reducing the participation of juve-  
15                  niles in illegal gang activities; and

16           “(4) to support programs that, in recognition of  
17           varying degrees of the seriousness of delinquent be-  
18           havior and the corresponding gradations in the re-  
19           sponses of the juvenile justice system in response to  
20           that behavior, are designed to—

21                   “(A) encourage courts to develop and im-  
22                   plement a continuum of post-adjudication re-  
23                   straints that bridge the gap between traditional  
24                   probation and confinement in a correctional set-  
25                   ting (including expanded use of probation, me-

1 diation, restitution, community service, treat-  
2 ment, home detention, intensive supervision,  
3 electronic monitoring, and secure community-  
4 based treatment facilities linked to other sup-  
5 port services such as health, mental health, re-  
6 medial and special education, job training, and  
7 recreation); and

8 “(B) assist in the provision by the Admin-  
9 istrator of information and technical assistance,  
10 including technology transfer, to States, in the  
11 design and utilization of risk assessment mech-  
12 anisms to aid juvenile justice personnel in de-  
13 termining appropriate sanctions for delinquent  
14 behavior.

15 “(b) ELIGIBLE PROGRAMS AND ACTIVITIES.—Pro-  
16 grams and activities for which grants and contracts are  
17 to be made under this section may include—

18 “(1) the hiring of additional State and local  
19 prosecutors, and the establishment and operation of  
20 programs, including multijurisdictional task forces,  
21 for the disruption of gangs and the prosecution of  
22 gang members;

23 “(2) developing within the juvenile adjudicatory  
24 and correctional systems new and innovative means  
25 to address the problems of juveniles who are con-

1       victed of serious drug-related and gang-related of-  
2       fenses;

3           “(3) providing treatment to juveniles who are  
4       members of gangs, including members who are ac-  
5       cused of committing a serious crime and members  
6       who have been adjudicated as being delinquent;

7           “(4) promoting the involvement of juveniles in  
8       lawful activities in geographical areas in which  
9       gangs commit crimes;

10          “(5) expanding the availability of prevention  
11       and treatment services relating to the illegal use of  
12       controlled substances and controlled substances ana-  
13       logues (as defined in paragraphs (6) and (32) of sec-  
14       tion 102 of the Controlled Substances Act (21  
15       U.S.C. 802)), by juveniles, provided through State  
16       and local health and social services agencies;

17          “(6) providing services to prevent juveniles  
18       from coming into contact with the juvenile justice  
19       system again as a result of gang-related activity; or

20          “(7) supporting activities to inform juveniles of  
21       the availability of treatment and services for which  
22       financial assistance is available under this section.

23       “(c) APPROVAL OF APPLICATIONS.—

24           “(1) IN GENERAL.—Any agency, organization,  
25       or institution that seeks to receive a grant or enter

1 into a contract under this section shall submit an  
2 application at such time, in such manner, and con-  
3 taining such information as the Administrator may  
4 prescribe.

5 “(2) APPLICATION CONTENTS.—In accordance  
6 with guidelines established by the Administrator,  
7 each application submitted under paragraph (1)  
8 shall—

9 “(A) set forth a program or activity for  
10 carrying out 1 or more of the purposes specified  
11 in subsection (a), and specifically identify each  
12 purpose the program or activity is designed to  
13 carry out;

14 “(B) provide that the program or activity  
15 shall be administered by or under the super-  
16 vision of the applicant;

17 “(C) provide for the proper and efficient  
18 administration of the program or activity;

19 “(D) provide for regular evaluation of the  
20 program or activity;

21 “(E) provide an assurance that the pro-  
22 posed program or activity will supplement, not  
23 supplant, similar programs and activities al-  
24 ready available in the community;

1           “(F) describe how the program or activity  
2 is coordinated with programs, activities, and  
3 services available locally under part B of this  
4 title and under chapter 1 of subtitle B of title  
5 III of the Anti-Drug Abuse Act of 1988 (42  
6 U.S.C. 11801–11805);

7           “(G) certify that the applicant has re-  
8 quested the State planning agency to review  
9 and comment on the application and to summa-  
10 rize the responses of the State planning agency  
11 to the request;

12           “(H) provide that regular reports on the  
13 program or activity shall be sent to the Admin-  
14 istrator and to the State planning agency; and

15           “(I) provide for such fiscal control and  
16 fund accounting procedures as may be nec-  
17 essary to ensure prudent use, proper disburse-  
18 ment, and accurate accounting of funds re-  
19 ceived under this section.

20           “(3) PRIORITY.—In reviewing applications for  
21 grants and contracts under subsection (a), the Ad-  
22 ministrator shall give priority to an application—

23           “(A) submitted by, or substantially involv-  
24 ing, a community-based organization experi-  
25 enced in providing services to juveniles;

1           “(B) based on the incidence and severity of  
2 crimes committed by gangs whose membership  
3 is composed primarily of juveniles in the geo-  
4 graphical area in which the applicant proposes  
5 to carry out the programs and activities for  
6 which the grants and contracts are requested;  
7 and

8           “(C) for assistance for programs and ac-  
9 tivities that—

10           “(i) are broadly supported by public  
11 and private nonprofit agencies, organiza-  
12 tions, and institutions located in the geo-  
13 graphical area in which the applicant pro-  
14 poses to carry out the programs and activi-  
15 ties; and

16           “(ii) will substantially involve the fam-  
17 ilies of juvenile gang members in carrying  
18 out the programs or activities.

19 **“SEC. 234. PRIORITY.**

20           “‘In making grants under this part, the Administrator  
21 shall give priority to funding programs and activities de-  
22 scribed in subsections (a)(2) and (b)(1) of section 233.

1 **“PART D—DEVELOPING, TESTING, AND DEM-**  
2 **ONSTRATING PROMISING NEW INITIATIVES**  
3 **AND PROGRAMS**

4 **“SEC. 241. GRANTS AND PROJECTS.**

5 “(a) **AUTHORITY TO MAKE GRANTS.**—The Adminis-  
6 trator may make grants to, and enter into contracts with,  
7 States, units of local government, Indian tribal govern-  
8 ments, public and private agencies, organizations, and in-  
9 dividuals, or combinations thereof, to carry out projects  
10 for the development, testing, and demonstration of prom-  
11 ising initiatives and programs for the prevention, control,  
12 or reduction of juvenile delinquency.

13 “(b) **DISTRIBUTION.**—The Administrator shall en-  
14 sure that, to the extent reasonable and practicable, a grant  
15 made under subsection (a) is made to achieve an equitable  
16 geographical distribution of such projects throughout the  
17 United States.

18 “(c) **USE OF GRANTS.**—A grant made under sub-  
19 section (a) may be used to pay all or part of the cost of  
20 the project for which the grant is made.

21 **“SEC. 242. GRANTS FOR TRAINING AND TECHNICAL ASSIST-**  
22 **ANCE.**

23 “The Administrator may make grants to, and enter  
24 into contracts with, public and private agencies, organiza-  
25 tions, and individuals to provide training and technical as-  
26 sistance to States, units of local government, Indian tribal

1 governments, local private entities or agencies, or any  
2 combination thereof, to carry out the projects for which  
3 grants are made under section 241.

4 **“SEC. 243. ELIGIBILITY.**

5 “To be eligible to receive assistance pursuant to a  
6 grant or contract under this part, a public or private agen-  
7 cy, Indian tribal government, organization, institution, in-  
8 dividual, or combination thereof, shall submit an applica-  
9 tion to the Administrator at such time, in such form, and  
10 containing such information as the Administrator may  
11 reasonably require by rule.

12 **“SEC. 244. REPORTS.**

13 “Each recipient of assistance pursuant to a grant or  
14 contract under this part shall submit to the Administrator  
15 such reports as may be reasonably requested by the Ad-  
16 ministrator to describe progress achieved in carrying the  
17 projects for which the assistance was provided.

18 **“PART E—MENTORING**

19 **“SEC. 251. MENTORING.**

20 “The purposes of this part are to, through the use  
21 of mentors for at-risk youth—

22 “(1) reduce juvenile delinquency and gang par-  
23 ticipation;

24 “(2) improve academic performance; and

25 “(3) reduce the dropout rate.

1 **“SEC. 252. DEFINITIONS.**

2 “In this part:

3 “(1) AT-RISK YOUTH.—The term ‘at-risk youth’  
4 means a youth at risk of educational failure, drop-  
5 ping out of school, or involvement in criminal or de-  
6 linquent activities.

7 “(2) MENTOR.—The term ‘mentor’ means a  
8 person who works with an at-risk youth on a one-  
9 to-one basis, provides a positive role model for the  
10 youth, establishes a supportive relationship with the  
11 youth, and provides the youth with academic assist-  
12 ance and exposure to new experiences and examples  
13 of opportunity that enhance the ability of the youth  
14 to become a responsible adult.

15 **“SEC. 253. GRANTS.**

16 “(a) LOCAL EDUCATIONAL GRANTS.—The Adminis-  
17 trator shall make grants to local education agencies and  
18 nonprofit organizations to establish and support programs  
19 and activities for the purpose of implementing mentoring  
20 programs that—

21 “(1) are designed to link at-risk children, par-  
22 ticularly children living in high crime areas and chil-  
23 dren experiencing educational failure, with respon-  
24 sible adults such as law enforcement officers, per-  
25 sons working with local businesses, elders in Alaska

1 Native villages, and adults working for community-  
2 based organizations and agencies; and

3 “(2) are intended to—

4 “(A) provide general guidance to at-risk  
5 youth;

6 “(B) promote personal and social responsi-  
7 bility among at-risk youth;

8 “(C) increase participation by at-risk youth  
9 in, and enhance the ability of at-risk youth to  
10 benefit from, elementary and secondary edu-  
11 cation;

12 “(D) discourage the use of illegal drugs,  
13 violence, and dangerous weapons by at-risk  
14 youth, and discourage other criminal activity;

15 “(E) discourage involvement of at-risk  
16 youth in gangs; or

17 “(F) encourage at-risk youth to participate  
18 in community service and community activities.

19 “(b) FAMILY-TO-FAMILY MENTORING GRANTS.—

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

21 “(A) FAMILY-TO-FAMILY MENTORING PRO-  
22 GRAM.—The term ‘family-to-family mentoring  
23 program’ means a mentoring program that—

24 “(i) utilizes a 2-tier mentoring ap-  
25 proach that matches volunteer families

1 with at-risk families allowing parents to  
2 work directly with parents and children to  
3 work directly with children; and

4 “(ii) has an after-school program for  
5 volunteer and at-risk families.

6 “(B) POSITIVE ALTERNATIVES PRO-  
7 GRAM.—The term ‘positive alternatives pro-  
8 gram’ means a positive youth development and  
9 family-to-family mentoring program that em-  
10 phasizes drug and gang prevention components.

11 “(C) QUALIFIED POSITIVE ALTERNATIVES  
12 PROGRAM.—The term ‘qualified positive alter-  
13 natives program’ means a positive alternatives  
14 program that has established a family-to-family  
15 mentoring program, as of the date of enactment  
16 of the Juvenile Crime Prevention and Control  
17 Act of 2001.

18 “(2) AUTHORITY.—The Administrator shall  
19 make and enter into contracts with a qualified posi-  
20 tive alternatives program.

21 **“SEC. 254. REGULATIONS AND GUIDELINES.**

22 “(a) PROGRAM GUIDELINES.—To implement this  
23 part, the Administrator shall issue program guidelines  
24 which shall be effective only after a period for public notice  
25 and comment.

1       “(b) MODEL SCREENING GUIDELINES.—The Admin-  
2   istrator shall develop and distribute to program partici-  
3   pants specific model guidelines for the screening of pro-  
4   spective program mentors.

5   **“SEC. 255. USE OF GRANTS.**

6       “(a) PERMITTED USES.—Grants awarded under this  
7   part shall be used to implement mentoring programs,  
8   including—

9           “(1) the hiring of mentoring coordinators and  
10   support staff;

11          “(2) the recruitment, screening, and training of  
12   adult mentors;

13          “(3) the reimbursement of mentors for reason-  
14   able incidental expenditures, such as transportation,  
15   that are directly associated with mentoring; and

16          “(4) such other purposes as the Administrator  
17   may reasonably prescribe by regulation.

18       “(b) PROHIBITED USES.—Grants awarded pursuant  
19   to this part shall not be used—

20           “(1) to directly compensate mentors, except as  
21   provided pursuant to subsection (a)(3);

22           “(2) to obtain educational or other materials or  
23   equipment that would otherwise be used in the ordi-  
24   nary course of the operations of the grantee;

25           “(3) to support litigation of any kind; or

1           “(4) for any other purpose reasonably prohib-  
2           ited by the Administrator by regulation.

3 **“SEC. 256. PRIORITY.**

4           “(a) IN GENERAL.—In making grants under this  
5 part, the Administrator shall give priority for awarding  
6 grants to applicants that—

7           “(1) serve at-risk youth in high crime areas;

8           “(2) have 60 percent or more of the youth eligi-  
9 ble to receive funds under the Elementary and Sec-  
10 ondary Education Act of 1965; and

11           “(3) have a considerable number of youths who  
12 drop out of school each year.

13           “(b) OTHER CONSIDERATIONS.—In making grants  
14 under this part, the Administrator shall give consideration  
15 to—

16           “(1) the geographic distribution (urban and  
17 rural) of applications;

18           “(2) the quality of a mentoring plan,  
19 including—

20           “(A) the resources, if any, that will be  
21 dedicated to providing participating youth with  
22 opportunities for job training or postsecondary  
23 education; and

24           “(B) the degree to which parents, teachers,  
25 community-based organizations, and the local

1 community participate in the design and imple-  
2 mentation of the mentoring plan; and

3 “(3) the capability of the applicant to effectively  
4 implement the mentoring plan.

5 **“SEC. 257. APPLICATIONS.**

6 “An application for assistance under this part shall  
7 include—

8 “(1) information on the youth expected to be  
9 served by the program;

10 “(2) a provision for a mechanism for matching  
11 youth with mentors based on the needs of the youth;

12 “(3) an assurance that no mentor or mentoring  
13 family will be assigned a number of youths that  
14 would undermine the ability of that mentor to be an  
15 effective mentor and ensure a one-to-one relationship  
16 with mentored youths;

17 “(4) an assurance that projects operated in sec-  
18 ondary schools will provide the youth with a variety  
19 of experiences and support, including—

20 “(A) an opportunity to spend time in a  
21 work environment and, when possible, partici-  
22 pate in the work environment;

23 “(B) an opportunity to witness the job  
24 skills that will be required for the youth to ob-  
25 tain employment upon graduation;

1           “(C) assistance with homework assign-  
2           ments; and

3           “(D) exposure to experiences that the  
4           youth might not otherwise encounter;

5           “(5) an assurance that projects operated in ele-  
6           mentary schools will provide the youth with—

7           “(A) academic assistance;

8           “(B) exposure to new experiences and ac-  
9           tivities that the youth may not otherwise en-  
10          counter; and

11          “(C) emotional support;

12          “(6) an assurance that projects will be mon-  
13          itored to ensure that each youth benefits from a  
14          mentor relationship, and will include a provision for  
15          a new mentor assignment if the relationship is not  
16          beneficial to the youth;

17          “(7) the method by which a mentor and a youth  
18          will be recruited to the project;

19          “(8) the method by which a prospective mentor  
20          will be screened; and

21          “(9) the training that will be provided to a  
22          mentor.

23 **“SEC. 258. GRANT CYCLES.**

24          “Each grant under this part shall be made for a 3-  
25          year period.

1 **“SEC. 259. FAMILY MENTORING PROGRAM.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) COOPERATIVE EXTENSION SERVICES.—

4 The term ‘cooperative extension services’ has the  
5 meaning given that term in section 1404 of the Na-  
6 tional Agricultural Research, Extension, and Teach-  
7 ing Policy Act of 1977 (7 U.S.C. 3103).

8 “(2) FAMILY MENTORING PROGRAM.—The term  
9 ‘family mentoring program’ means a mentoring pro-  
10 gram that—

11 “(A) utilizes a 2-tier mentoring approach  
12 that uses college age or young adult mentors  
13 working directly with at-risk youth and uses re-  
14 tirement-age couples working with the parents  
15 and siblings of at-risk youth; and

16 “(B) has a local advisory board to provide  
17 direction and advice to program administrators.

18 “(3) QUALIFIED COOPERATIVE EXTENSION  
19 SERVICE.—The term ‘qualified cooperative extension  
20 service’ means a cooperative extension service that  
21 has established a family mentoring program, as of  
22 the date of enactment of the Juvenile Crime Preven-  
23 tion and Control Act of 2001.

24 “(b) MODEL PROGRAM.—The Administrator, in co-  
25 operation with the Secretary of Agriculture, shall make  
26 a grant to a qualified cooperative extension service for the

1 purpose of expanding and replicating family mentoring  
2 programs to reduce the incidence of juvenile crime and  
3 delinquency among at-risk youth.

4 “(c) ESTABLISHMENT OF NEW FAMILY MENTORING  
5 PROGRAMS.—

6 “(1) IN GENERAL.—The Administrator, in co-  
7 operation with the Secretary of Agriculture, may  
8 make 1 or more grants to cooperative extension serv-  
9 ices for the purpose of establishing family mentoring  
10 programs to reduce the incidence of juvenile crime  
11 and delinquency among at-risk youth.

12 “(2) MATCHING REQUIREMENT AND SOURCE OF  
13 MATCHING FUNDS.—

14 “(A) IN GENERAL.—The amount of a  
15 grant under this subsection may not exceed 35  
16 percent of the total costs of the program funded  
17 by the grant.

18 “(B) SOURCE OF MATCH.—Matching funds  
19 for grants under this subsection may be derived  
20 from amounts made available to a State under  
21 subsections (b) and (c) of section 3 of the  
22 Smith-Lever Act (7 U.S.C. 343), except that  
23 the total amount derived from Federal sources  
24 may not exceed 70 percent of the total cost of  
25 the program funded by the grant.

1           **“PART F—ADMINISTRATIVE PROVISIONS**

2   **“SEC. 261. AUTHORIZATION OF APPROPRIATIONS.**

3           “(a) IN GENERAL.—There is authorized to be appro-  
4   priated to carry out this title, and to carry out part R  
5   of title I of the Omnibus Crime Control and Safe Streets  
6   Act of 1968 (42 U.S.C. 3796ee et seq.), \$1,065,000,000  
7   for each of fiscal years 2002 through 2007.

8           “(b) ALLOCATION OF APPROPRIATIONS.—Of the  
9   amount made available under subsection (a) for each fiscal  
10   year—

11           “(1) \$500,000,000 shall be for programs under  
12   sections 1801 and 1803 of part R of title I of the  
13   Omnibus Crime Control and Safe Streets Act of  
14   1968 (42 U.S.C. 3796ee et seq.);

15           “(2) \$75,000,000 shall be for grants for juve-  
16   nile criminal history records upgrades pursuant to  
17   section 1802 of part R of title I of the Omnibus  
18   Crime Control and Safe Streets Act of 1968 (42  
19   U.S.C. 3796ee-1);

20           “(3) \$250,000,000 shall be for programs under  
21   section 204 of part A of this title;

22           “(4) \$200,000,000 shall be for programs under  
23   part B of this title;

24           “(5) \$20,000,000 shall be for programs under  
25   parts C and D of this title; and

1           “(6) \$20,000,000 shall be for programs under  
2           part E of this title, of which \$3,000,000 shall be for  
3           programs under section 259.

4           “(c) SOURCE OF SUMS.—Amounts authorized to be  
5           appropriated pursuant to this section may be derived from  
6           the Violent Crime Reduction Trust Fund.

7           “(d) ADMINISTRATION AND OPERATIONS.—There is  
8           authorized to be appropriated for the administration and  
9           operation of the Office of Juvenile Crime Control and Pre-  
10          vention such sums as may be necessary for each of fiscal  
11          years 2002 through 2007.

12          “(e) AVAILABILITY OF FUNDS.—Amounts made  
13          available pursuant to this section and allocated in accord-  
14          ance with this title in any fiscal year shall remain available  
15          until expended.

16          **“SEC. 262. ADMINISTRATIVE PROVISIONS.**

17          “(a) AUTHORITY OF ADMINISTRATOR.—The Office  
18          shall be administered by the Administrator under the gen-  
19          eral authority of the Attorney General.

20          “(b) APPLICABILITY OF CERTAIN CRIME CONTROL  
21          PROVISIONS.—Sections 809(c), 811(a), 811(b), 811(c),  
22          812(a), 812(b), and 812(d) of the Omnibus Crime Control  
23          and Safe Streets Act of 1968 (42 U.S.C. 3789d(c),  
24          3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b), and  
25          3789g(d)) shall apply with respect to the administration

1 of and compliance with this title, except that for purposes  
2 of this Act—

3 “(1) any reference to the Office of Justice Pro-  
4 grams in such sections shall be considered to be a  
5 reference to the Assistant Attorney General who  
6 heads the Office of Justice Programs; and

7 “(2) the term ‘this title’ as it appears in such  
8 sections shall be considered to be a reference to this  
9 title.

10 “(c) APPLICABILITY OF CERTAIN OTHER CRIME  
11 CONTROL PROVISIONS.—Sections 801(a), 801(c), and 806  
12 of the Omnibus Crime Control and Safe Streets Act of  
13 1968 (42 U.S.C. 3711(a), 3711(c), and 3787) shall apply  
14 with respect to the administration of and compliance with  
15 this title, except that, for purposes of this title—

16 “(1) any reference to the Attorney General, the  
17 Assistant Attorney General who heads the Office of  
18 Justice Programs, the Director of the National In-  
19 stitute of Justice, the Director of the Bureau of Jus-  
20 tice Statistics, or the Director of the Bureau of Jus-  
21 tice Assistance shall be considered to be a reference  
22 to the Administrator;

23 “(2) any reference to the Office of Justice Pro-  
24 grams, the Bureau of Justice Assistance, the Na-  
25 tional Institute of Justice, or the Bureau of Justice

1       Statistics shall be considered to be a reference to the  
2       Office of Juvenile Crime Control and Prevention;  
3       and

4             “(3) the term ‘this title’ as it appears in those  
5       sections shall be considered to be a reference to this  
6       title.

7       “(d) RULES, REGULATIONS, AND PROCEDURES.—  
8       The Administrator may, after appropriate consultation  
9       with representatives of States and units of local govern-  
10      ment, and an opportunity for notice and comment in ac-  
11      cordance with subchapter II of chapter 5 of title 5, United  
12      States Code, establish such rules, regulations, and proce-  
13      dures as are necessary for the exercise of the functions  
14      of the Office and as are consistent with the purpose of  
15      this Act.

16      “(e) WITHHOLDING.—The Administrator shall ini-  
17      tiate such proceedings as the Administrator determines to  
18      be appropriate if the Administrator, after giving reason-  
19      able notice and opportunity for hearing to a recipient of  
20      financial assistance under this title, finds that—

21             “(1) the program or activity for which the  
22      grant or contract involved was made has been so  
23      changed that the program or activity no longer com-  
24      plies with this title; or



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

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

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

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

17          “(6) establishing and maintaining training pro-  
18          grams for law enforcement and other court per-  
19          sonnel with respect to preventing and controlling ju-  
20          venile crime;

21          “(7) establishing juvenile gun courts for the  
22          prosecution and adjudication of juvenile firearms of-  
23          fenders;

24          “(8) establishing drug court programs for juve-  
25          nile offenders that provide continuing judicial super-

1 vision over juvenile offenders with substance abuse  
2 problems and the integrated administration of other  
3 sanctions and services for such offenders;

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

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

13 “(11) establishing and maintaining account-  
14 ability-based programs designed to reduce recidivism  
15 among juveniles who are referred by law enforce-  
16 ment personnel or agencies;

17 “(12) establishing and maintaining programs to  
18 conduct risk and need assessments of juvenile of-  
19 fenders that facilitate the effective early intervention  
20 and the provision of comprehensive services, includ-  
21 ing mental health screening and treatment and sub-  
22 stance abuse testing and treatment to such offend-  
23 ers;

1           “(13) establishing and maintaining account-  
2           ability-based programs that are designed to enhance  
3           school safety;

4           “(14) establishing and maintaining restorative  
5           justice programs;

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

10          “(16) hiring detention and corrections per-  
11          sonnel, and establishing and maintaining training  
12          programs for such personnel to improve facility  
13          practices and programming.

14          “(c) DEFINITION.—In this section the term ‘restora-  
15          tive justice program’ means—

16               “(1) a program that emphasizes the moral ac-  
17               countability of an offender toward the victim and the  
18               affected community; and

19               “(2) may include community reparations  
20               boards, restitution (in the form of monetary pay-  
21               ment or service to the victim or, where no victim can  
22               be identified, service to the affected community),  
23               and mediation between victim and offender.

1 **“SEC. 1802. GRANT ELIGIBILITY.**

2 “(a) STATE ELIGIBILITY.—To be eligible to receive  
3 a grant under this part, a State shall submit to the Attor-  
4 ney General an application at such time, in such form,  
5 and containing such assurances and information as the  
6 Attorney General may require by guidelines, including—

7 “(1) information about—

8 “(A) the activities proposed to be carried  
9 out with such grant; and

10 “(B) the criteria by which the State pro-  
11 poses to assess the effectiveness of such activi-  
12 ties on achieving the purposes of this part; and

13 “(2) assurances that the State and any unit of  
14 local government to which the State provides fund-  
15 ing under section 1803(b), has in effect (or shall  
16 have in effect, not later than 1 year after the date  
17 that the State submits such application) laws, or has  
18 implemented (or shall implement, not later than 1  
19 year after the date that the State submits such ap-  
20 plication) policies and programs, that provide for a  
21 system of graduated sanctions described in sub-  
22 section (c).

23 “(b) LOCAL ELIGIBILITY.—

24 “(1) SUBGRANT ELIGIBILITY.—To be eligible to  
25 receive a subgrant, a unit of local government, other

1 than a specially qualified unit, shall provide to the  
2 State—

3 “(A) information about—

4 “(i) the activities proposed to be car-  
5 ried out with such subgrant; and

6 “(ii) the criteria by which the unit  
7 proposes to assess the effectiveness of such  
8 activities on achieving the purposes of this  
9 part; and

10 “(B) such assurances as the State shall re-  
11 quire, that, to the maximum extent applicable,  
12 the unit of local government has in effect (or  
13 shall have in effect, not later than 1 year after  
14 the date that the unit submits such application)  
15 laws, or has implemented (or shall implement,  
16 not later than 1 year after the date that the  
17 unit submits such application) policies and pro-  
18 grams, that provide for a system of graduated  
19 sanctions described in subsection (c).

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

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

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

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

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

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

13       “(d) DISCRETIONARY USE OF SANCTIONS.—

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

17                       “(A) its system of graduated sanctions is  
18 discretionary; and

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

23       “(2) REPORTING REQUIREMENT IF GRADUATED  
24 SANCTIONS NOT USED.—

1           “(A) JUVENILE COURTS.—A State or unit  
2 of local government in which the imposition of  
3 graduated sanctions is discretionary shall re-  
4 quire each juvenile court within its  
5 jurisdiction—

6           “(i) which has not implemented a sys-  
7 tem of graduated sanctions, to submit an  
8 annual report that explains why such court  
9 did not implement graduated sanctions;  
10 and

11           “(ii) which has implemented a system  
12 of graduated sanctions but has not im-  
13 posed graduated sanctions in all cases, to  
14 submit an annual report that explains why  
15 such court did not impose graduated sanc-  
16 tions in all cases.

17           “(B) UNITS OF LOCAL GOVERNMENT.—  
18 Each unit of local government, other than a  
19 specially qualified unit, that has 1 or more juve-  
20 nile courts that use a discretionary system of  
21 graduated sanctions shall collect the informa-  
22 tion reported under subparagraph (A) for sub-  
23 mission to the State each year.

24           “(C) STATES.—Each State and specially  
25 qualified unit that has 1 or more juvenile courts

1           that use a discretionary system of graduated  
2           sanctions shall collect the information reported  
3           under subparagraph (A) for submission to the  
4           Attorney General each year. A State shall also  
5           collect and submit to the Attorney General the  
6           information collected under subparagraph (B).

7           “(e) DEFINITIONS.—In this section:

8           “(1) DISCRETIONARY.—The term ‘discre-  
9           tionary’ means that a system of graduated sanctions  
10          is not required to be imposed by each and every ju-  
11          venile court in a State or unit of local government.

12          “(2) SANCTIONS.—The term ‘sanctions’ means  
13          tangible, proportional consequences that hold the ju-  
14          venile offender accountable for the offense com-  
15          mitted. A sanction may include counseling, restituti-  
16          tion, community service, a fine, supervised proba-  
17          tion, or confinement.

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

19          “(a) STATE ALLOCATION.—

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

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

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

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

17          “(b) LOCAL DISTRIBUTION.—

18                 “(1) IN GENERAL.—Except as provided in para-  
19                 graph (2), each State which receives funds under  
20                 subsection (a)(1) in a fiscal year shall distribute  
21                 among units of local government, for the purposes  
22                 specified in section 1801, not less than 75 percent  
23                 of such amounts received.

24                 “(2) WAIVER.—The percentage referred to in  
25                 paragraph (1) shall equal the percentage determined

1 by subtracting the State percentage from 100 per-  
2 cent, if a State submits to the Attorney General an  
3 application for waiver that demonstrates and cer-  
4 tifies to the Attorney General that—

5 “(A) the State’s juvenile justice expendi-  
6 tures in the fiscal year preceding the date in  
7 which an application is submitted under this  
8 part (the ‘State percentage’) is more than 25  
9 percent of the aggregate amount of juvenile jus-  
10 tice expenditures by the State and its eligible  
11 units of local government; and

12 “(B) the State has consulted with as many  
13 units of local government in such State, or or-  
14 ganizations representing such units, as prac-  
15 ticable regarding the State’s calculation of ex-  
16 penditures under subparagraph (A), the State’s  
17 application for waiver under this paragraph,  
18 and the State’s proposed uses of funds.

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

24 “(A) the sum of—

25 “(i) the product of—

1                   “(I) three-quarters; multiplied by

2                   “(II) the average juvenile justice  
3                   expenditure for such unit of local gov-  
4                   ernment for the 3 most recent cal-  
5                   endar years for which such data is  
6                   available; plus

7                   “(ii) the product of—

8                   “(I) one-quarter; multiplied by

9                   “(II) the average annual number  
10                  of part 1 violent crimes in such unit  
11                  of local government for the 3 most re-  
12                  cent calendar years for which such  
13                  data is available, bears to—

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

17                  “(4) EXPENDITURES.—The allocation any unit  
18                  of local government shall receive under paragraph  
19                  (3) for a payment period shall not exceed 100 per-  
20                  cent of juvenile justice expenditures of the unit for  
21                  such payment period.

22                  “(5) REALLOCATION.—The amount of any unit  
23                  of local government’s allocation that is not available  
24                  to such unit by operation of paragraph (4) shall be  
25                  available to other units of local government that are

1 not affected by such operation in accordance with  
2 this subsection.

3 “(c) UNAVAILABILITY OF DATA FOR UNITS OF  
4 LOCAL GOVERNMENT.—If the State has reason to believe  
5 that the reported rate of part 1 violent crimes or juvenile  
6 justice expenditures for a unit of local government is in-  
7 sufficient or inaccurate, the State shall—

8 “(1) investigate the methodology used by the  
9 unit to determine the accuracy of the submitted  
10 data; and

11 “(2) if necessary, use the best available com-  
12 parable data regarding the number of violent crimes  
13 or juvenile justice expenditures for the relevant years  
14 for the unit of local government.

15 “(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS  
16 THAN \$10,000.—If under this section a unit of local gov-  
17 ernment is allocated less than \$10,000 for a payment pe-  
18 riod, the amount allotted shall be expended by the State  
19 on services to units of local government whose allotment  
20 is less than such amount in a manner consistent with this  
21 part.

22 “(e) DIRECT GRANTS TO SPECIALLY QUALIFIED  
23 UNITS.—

24 “(1) IN GENERAL.—If a State does not qualify  
25 or apply for funds reserved for allocation under sub-

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

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

14 **“SEC. 1804. GUIDELINES.**

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

21 “(b) ADVISORY BOARD.—

22 “(1) IN GENERAL.—The guidelines referred to  
23 in subsection (a) shall include a requirement that  
24 such eligible State or unit of local government estab-

1       lish and convene an advisory board to review the  
2       proposed uses of such funds.

3               “(2) MEMBERSHIP.—The board shall include  
4       representation from, if appropriate—

5                       “(A) the State or local police department;

6                       “(B) the local sheriff’s department;

7                       “(C) the State or local prosecutor’s office;

8                       “(D) the State or local juvenile court;

9                       “(E) the State or local probation officer;

10                      “(F) the State or local educational agency;

11                      “(G) a State or local social service agency;

12                      “(H) a nonprofit, nongovernmental victim  
13       advocacy organization; and

14                      “(I) a nonprofit, religious, or community  
15       group.

16       **“SEC. 1805. PAYMENT REQUIREMENTS.**

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

21                      “(1) 180 days after the date that the amount  
22       is available, or

23                      “(2) the first day of the payment period if the  
24       State has provided the Attorney General with the as-  
25       surances required by subsection (c).

1 “(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

2 “(1) REPAYMENT REQUIRED.—From amounts  
3 awarded under this part, a State or specially quali-  
4 fied unit shall repay to the Attorney General, before  
5 the expiration of the 36-month period beginning on  
6 the date of the award, any amount that is not ex-  
7 pended by such State or unit.

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

12 “(3) PENALTY FOR FAILURE TO REPAY.—If the  
13 amount required to be repaid is not repaid, the At-  
14 torney General shall reduce payment in future pay-  
15 ment periods accordingly.

16 “(4) DEPOSIT OF AMOUNTS REPAID.—Amounts  
17 received by the Attorney General as repayments  
18 under this subsection shall be deposited in a des-  
19 ignated fund for future payments to States and spe-  
20 cially qualified units.

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

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

8       “(e) MATCHING FUNDS.—

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

12           “(2) CONSTRUCTION OF FACILITIES.—Notwith-  
13 standing paragraph (1), with respect to the cost of  
14 constructing juvenile detention or correctional facili-  
15 ties, the Federal share of a grant received under this  
16 part may not exceed 50 percent of approved cost.

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

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

23 **“SEC. 1807. ADMINISTRATIVE PROVISIONS.**

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

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

4           “(2) use amounts in the trust fund (including  
5           interest) during the period specified in section  
6           1805(b)(1) and any extension of that period under  
7           section 1805(b)(2);

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

12          “(4) spend the funds only for the purposes  
13          under section 1801(b).

14          “(b) TITLE I PROVISIONS.—Except as otherwise pro-  
15          vided, the administrative provisions of part H shall apply  
16          to this part and for purposes of this section any reference  
17          in such provisions to title I shall be deemed to include  
18          a reference to this part.

19          **“SEC. 1808. ASSESSMENT REPORTS.**

20          “(a) REPORTS TO ATTORNEY GENERAL.—

21                 “(1) IN GENERAL.—Except as provided in para-  
22                 graph (2), for each fiscal year for which a grant or  
23                 subgrant is awarded under this part, each State or  
24                 unit of local government that receives such a grant  
25                 or subgrant shall submit to the Attorney General a

1 report, at such time and in such manner as the At-  
2 torney General may reasonably require, which report  
3 shall include—

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

6 “(B) an assessment of the effectiveness of  
7 such activities on achieving the purposes of this  
8 part.

9 “(2) WAIVERS.—The Attorney General may  
10 waive the requirement of an assessment in para-  
11 graph (1)(B) for a State or unit of local government  
12 if the Attorney General determines that—

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

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

19 “(C) the resources available to the State or  
20 unit are such that carrying out the assessment  
21 would pose a financial hardship on the State or  
22 unit.

23 “(b) REPORTS TO CONGRESS.—Not later than 90  
24 days after the last day of each fiscal year for which 1 or  
25 more grants are awarded under this part, the Attorney

1 General shall submit to the Congress a report, which shall  
2 include—

3 “(1) a summary of the information provided  
4 under subsection (a);

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

7 “(3) such other information as the Attorney  
8 General considers appropriate.

9 **“SEC. 1809. DEFINITIONS.**

10 “In this part:

11 “(1) UNIT OF LOCAL GOVERNMENT.—The term  
12 ‘unit of local government’ means—

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

18 “(B) any law enforcement district or judi-  
19 cial enforcement district that—

20 “(i) is established under applicable  
21 State law; and

22 “(ii) has the authority, in a manner  
23 independent of other State entities, to es-  
24 tablish a budget and raise revenues; and

1           “(C) the District of Columbia and the rec-  
2           cognized governing body of an Indian tribe or  
3           Alaskan Native village that carries out substan-  
4           tial governmental duties and powers.

5           “(2) SPECIALLY QUALIFIED UNIT.—The term  
6           ‘specially qualified unit’ means a unit of local gov-  
7           ernment which may receive funds under this part  
8           only in accordance with section 1803(e).

9           “(3) STATE.—The term ‘State’ means any  
10          State of the United States, the District of Columbia,  
11          the Commonwealth of Puerto Rico, the Virgin Is-  
12          lands, American Samoa, Guam, and the Northern  
13          Mariana Islands, except that American Samoa,  
14          Guam, and the Northern Mariana Islands shall be  
15          considered as 1 State and that, for purposes of sec-  
16          tion 1803(a), 33 percent of the amounts allocated  
17          shall be allocated to American Samoa, 50 percent to  
18          Guam, and 17 percent to the Northern Mariana Is-  
19          lands.

20          “(4) JUVENILE.—The term ‘juvenile’ means an  
21          individual who is 17 years of age or younger.

22          “(5) JUVENILE JUSTICE EXPENDITURES.—The  
23          term ‘juvenile justice expenditures’ means expendi-  
24          tures in connection with the juvenile justice system,

1 including expenditures in connection with such sys-  
2 tem to carry out—

3 “(A) activities specified in section 1801(b);

4 and

5 “(B) other activities associated with pros-  
6 ecutorial and judicial services and corrections as  
7 reported to the Bureau of the Census for the  
8 fiscal year preceding the fiscal year for which a  
9 determination is made under this part.

10 “(6) PART 1 VIOLENT CRIMES.—The term ‘part  
11 1 violent crimes’ means murder and nonnegligent  
12 manslaughter, forcible rape, robbery, and aggravated  
13 assault as reported to the Federal Bureau of Inves-  
14 tigation for purposes of the Uniform Crime Reports.

15 **“SEC. 1810. AUTHORIZATION OF APPROPRIATIONS.**

16 “(a) OVERSIGHT ACCOUNTABILITY AND ADMINIS-  
17 TRATION.—

18 “(1) IN GENERAL.—Of the amount authorized  
19 to be appropriated under section 261 of title II of  
20 the Juvenile Justice and Delinquency Prevention Act  
21 of 1974 (42 U.S.C. 5611 et seq.), there shall be  
22 available to the Attorney General, for each of the fis-  
23 cal years 2002 through 2007 (as applicable), to re-  
24 main available until expended—

1           “(A) not more than 2 percent of that  
2           amount, for research, evaluation, and dem-  
3           onstration consistent with this part;

4           “(B) not more than 1 percent of that  
5           amount, for training and technical assistance;  
6           and

7           “(C) not more than 1 percent, for adminis-  
8           trative costs to carry out the purposes of this  
9           part.

10          “(2) OVERSIGHT PLAN.—The Attorney General  
11          shall establish and execute an oversight plan for  
12          monitoring the activities of grant recipients.

13          “(b) FUNDING SOURCE.—Appropriations for activi-  
14          ties authorized in this part may be made from the Violent  
15          Crime Reduction Trust Fund.”.

16          (b) EFFECTIVE DATE.—The amendments made by  
17          subsection (a) shall take effect on the first day of the first  
18          fiscal year that begins after the date of the enactment of  
19          this Act.

20          (c) TRANSITION OF JUVENILE ACCOUNTABILITY IN-  
21          CENTIVE BLOCK GRANTS PROGRAM.—For each grant  
22          made from amounts made available for the Juvenile Ac-  
23          countability Incentive Block Grants program (as described  
24          under the heading “VIOLENT CRIME REDUCTION  
25          PROGRAMS, STATE AND LOCAL LAW ENFORCE-

1 MENT ASSISTANCE” in the Department of Justice Ap-  
 2 propriations Act, 2000 (as enacted by Public Law 106–  
 3 113; 113 Stat. 1537–14)), the grant award shall remain  
 4 available to the grant recipient for not more than 36  
 5 months after the date of receipt of the grant.

6 **SEC. 104. EXTENSION OF VIOLENT CRIME REDUCTION**  
 7 **TRUST FUND.**

8 (a) IN GENERAL.—Section 310001(b) of the Violent  
 9 Crime Control and Law Enforcement Act of 1994 (42  
 10 U.S.C. 14211) is amended by striking paragraphs (1)  
 11 through (5) and inserting the following:

12 “(1) for fiscal year 2002, \$6,025,000,000;  
 13 “(2) for fiscal year 2003, \$6,169,000,000;  
 14 “(3) for fiscal year 2004, \$6,316,000,000;  
 15 “(4) for fiscal year 2005, \$6,458,000,000;  
 16 “(5) for fiscal year 2006, \$6,616,000,000; and  
 17 “(6) for fiscal year 2007, \$6,774,000,000.”.

18 (b) DISCRETIONARY LIMITS.—Title XXXI of the Vio-  
 19 lent Crime Control and Law Enforcement Act of 1994 (42  
 20 U.S.C. 14211 et seq.) is amended by inserting after sec-  
 21 tion 310001 the following:

22 **“SEC. 310002. DISCRETIONARY LIMITS.**

23 “For the purposes of allocations made for the discre-  
 24 tionary category pursuant to section 302(a) of the Con-

1 gressional Budget Act of 1974 (2 U.S.C. 633(a)), the term  
2 ‘discretionary spending limit’ means—

3 “(1) with respect to fiscal year 2002—

4 “(A) for the discretionary category,  
5 amounts of budget authority and outlays nec-  
6 essary to adjust the discretionary spending lim-  
7 its to reflect the changes in subparagraph (B)  
8 as determined by the Chairman of the Budget  
9 Committee; and

10 “(B) for the violent crime reduction cat-  
11 egory: \$6,025,000,000 in new budget authority  
12 and \$5,718,000,000 in outlays;

13 “(2) with respect to fiscal year 2003—

14 “(A) for the discretionary category,  
15 amounts of budget authority and outlays nec-  
16 essary to adjust the discretionary spending lim-  
17 its to reflect the changes in subparagraph (B)  
18 as determined by the Chairman of the Budget  
19 Committee; and

20 “(B) for the violent crime reduction cat-  
21 egory: \$6,169,000,000 in new budget authority  
22 and \$6,020,000,000 in outlays;

23 “(3) with respect to fiscal year 2004—

24 “(A) for the discretionary category,  
25 amounts of budget authority and outlays nec-

1           essary to adjust the discretionary spending lim-  
2           its to reflect the changes in subparagraph (B)  
3           as determined by the Chairman of the Budget  
4           Committee; and

5           “(B) for the violent crime reduction cat-  
6           egory: \$6,316,000,000 in new budget authority  
7           and \$6,161,000,000 in outlays;

8           “(4) with respect to fiscal year 2005—

9           “(A) for the discretionary category,  
10          amounts of budget authority and outlays nec-  
11          essary to adjust the discretionary spending lim-  
12          its to reflect the changes in subparagraph (B)  
13          as determined by the Chairman of the Budget  
14          Committee; and

15          “(B) for the violent crime reduction cat-  
16          egory: \$6,458,000,000 in new budget authority  
17          and \$6,303,000,000 in outlays;

18          “(5) with respect to fiscal year 2006—

19          “(A) for the discretionary category,  
20          amounts of budget authority and outlays nec-  
21          essary to adjust the discretionary spending lim-  
22          its to reflect the changes in subparagraph (B)  
23          as determined by the Chairman of the Budget  
24          Committee; and

1           “(B) for the violent crime reduction cat-  
 2           egory: \$6,616,000,000 in new budget authority  
 3           and \$6,452,000,000 in outlays; and

4           “(6) with respect to fiscal year 2007—

5           “(A) for the discretionary category,  
 6           amounts of budget authority and outlays nec-  
 7           essary to adjust the discretionary spending lim-  
 8           its to reflect the changes in subparagraph (B)  
 9           and determined by the Chairman of the Budget  
 10          Committee; and

11          “(B) for the violent crime reduction cat-  
 12          egory: \$6,774,000,000 in new budget authority  
 13          and \$6,606,000,000 in outlays;

14 as adjusted in accordance with section 251(b) of the Bal-  
 15 anced Budget and Emergency Deficit Control Act of 1985  
 16 (2 U.S.C. 901(b)) and section 314 of the Congressional  
 17 Budget Act of 1974;”.

18           **TITLE II—PROTECTING**  
 19           **CHILDREN FROM VIOLENCE**  
 20           **Subtitle A—Gun Show Background**  
 21           **Checks**

22           **SECTION 201. SHORT TITLE.**

23           This subtitle may be cited as the “Gun Show Back-  
 24           ground Check Act of 2001”.

1 **SEC. 202. FINDINGS.**

2 Congress finds that—

3 (1) more than 4,400 traditional gun shows are  
4 held annually across the United States, attracting  
5 thousands of attendees per show and hundreds of  
6 Federal firearms licensees and nonlicensed firearms  
7 sellers;

8 (2) traditional gun shows, as well as flea mar-  
9 kets and other organized events, at which a large  
10 number of firearms are offered for sale by Federal  
11 firearms licensees and nonlicensed firearms sellers,  
12 form a significant part of the national firearms mar-  
13 ket;

14 (3) firearms and ammunition that are exhibited  
15 or offered for sale or exchange at gun shows, flea  
16 markets, and other organized events move easily in  
17 and substantially affect interstate commerce;

18 (4) in fact, even before a firearm is exhibited or  
19 offered for sale or exchange at a gun show, flea mar-  
20 ket, or other organized event, the gun, its component  
21 parts, ammunition, and the raw materials from  
22 which it is manufactured have moved in interstate  
23 commerce;

24 (5) gun shows, flea markets, and other orga-  
25 nized events at which firearms are exhibited or of-  
26 fered for sale or exchange, provide a convenient and

1 centralized commercial location at which firearms  
2 may be bought and sold anonymously, often without  
3 background checks and without records that enable  
4 gun tracing;

5 (6) at gun shows, flea markets, and other orga-  
6 nized events at which guns are exhibited or offered  
7 for sale or exchange, criminals and other prohibited  
8 persons obtain guns without background checks and  
9 frequently use guns that cannot be traced to later  
10 commit crimes;

11 (7) many persons who buy and sell firearms at  
12 gun shows, flea markets, and other organized events  
13 cross State lines to attend these events and engage  
14 in the interstate transportation of firearms obtained  
15 at these events;

16 (8) gun violence is a pervasive, national prob-  
17 lem that is exacerbated by the availability of guns at  
18 gun shows, flea markets, and other organized events;

19 (9) firearms associated with gun shows have  
20 been transferred illegally to residents of another  
21 State by Federal firearms licensees and nonlicensed  
22 firearms sellers, and have been involved in subse-  
23 quent crimes including drug offenses, crimes of vio-  
24 lence, property crimes, and illegal possession of fire-  
25 arms by felons and other prohibited persons; and

1           (10) Congress has the power, under the inter-  
2           state commerce clause and other provisions of the  
3           Constitution of the United States, to ensure, by en-  
4           actment of this subtitle, that criminals and other  
5           prohibited persons do not obtain firearms at gun  
6           shows, flea markets, and other organized events.

7   **SEC. 203. EXTENSION OF BRADY BACKGROUND CHECKS TO**  
8                                   **GUN SHOWS.**

9           (a) DEFINITIONS.—Section 921(a) of title 18, United  
10          States Code, is amended by adding at the end the fol-  
11          lowing:

12           “(35) GUN SHOW.—The term ‘gun show’ means any  
13          event—

14                   “(A) at which 50 or more firearms are offered  
15                   or exhibited for sale, transfer, or exchange, if 1 or  
16                   more of the firearms has been shipped or trans-  
17                   ported in, or otherwise affects, interstate or foreign  
18                   commerce; and

19                   “(B) at which—

20                           “(i) not less than 20 percent of the exhibi-  
21                           tors are firearm exhibitors;

22                           “(ii) there are not less than 10 firearm ex-  
23                           hibitors; or

24                           “(iii) 50 or more firearms are offered for  
25                           sale, transfer, or exchange.

1       “(36) GUN SHOW PROMOTER.—The term ‘gun show  
2 promoter’ means any person who organizes, plans, pro-  
3 motes, or operates a gun show.

4       “(37) GUN SHOW VENDOR.—The term ‘gun show  
5 vendor’ means any person who exhibits, sells, offers for  
6 sale, transfers, or exchanges 1 or more firearms at a gun  
7 show, regardless of whether or not the person arranges  
8 with the gun show promoter for a fixed location from  
9 which to exhibit, sell, offer for sale, transfer, or exchange  
10 1 or more firearms.”

11       (b) REGULATION OF FIREARMS TRANSFERS AT GUN  
12 SHOWS.—

13           (1) IN GENERAL.—Chapter 44 of title 18,  
14 United States Code, is amended by adding at the  
15 end the following:

16 **“§ 931. Regulation of firearms transfers at gun shows**

17       “(a) REGISTRATION OF GUN SHOW PROMOTERS.—  
18 It shall be unlawful for any person to organize, plan, pro-  
19 mote, or operate a gun show unless that person—

20           “(1) registers with the Secretary in accordance  
21 with regulations promulgated by the Secretary; and

22           “(2) pays a registration fee, in an amount de-  
23 termined by the Secretary.

1       “(b) RESPONSIBILITIES OF GUN SHOW PRO-  
2 MOTERS.—It shall be unlawful for any person to organize,  
3 plan, promote, or operate a gun show unless that person—

4               “(1) before commencement of the gun show,  
5 verifies the identity of each gun show vendor partici-  
6 pating in the gun show by examining a valid identi-  
7 fication document (as defined in section 1028(d)(1))  
8 of the vendor containing a photograph of the vendor;

9               “(2) before commencement of the gun show, re-  
10 quires each gun show vendor to sign—

11                       “(A) a ledger with identifying information  
12 concerning the vendor; and

13                       “(B) a notice advising the vendor of the  
14 obligations of the vendor under this chapter;  
15 and

16               “(3) notifies each person who attends the gun  
17 show of the requirements of this chapter, in accord-  
18 ance with such regulations as the Secretary shall  
19 prescribe; and

20               “(4) maintains a copy of the records described  
21 in paragraphs (1) and (2) at the permanent place of  
22 business of the gun show promoter for such period  
23 of time and in such form as the Secretary shall re-  
24 quire by regulation.

1       “(c) RESPONSIBILITIES OF TRANSFERORS OTHER  
2 THAN LICENSEES.—

3           “(1) IN GENERAL.—If any part of a firearm  
4 transaction takes place at a gun show, it shall be  
5 unlawful for any person who is not licensed under  
6 this chapter to transfer a firearm to another person  
7 who is not licensed under this chapter, unless the  
8 firearm is transferred through a licensed importer,  
9 licensed manufacturer, or licensed dealer in accord-  
10 ance with subsection (e).

11           “(2) CRIMINAL BACKGROUND CHECKS.—A per-  
12 son who is subject to the requirement of paragraph  
13 (1)—

14           “(A) shall not transfer the firearm to the  
15 transferee until the licensed importer, licensed  
16 manufacturer, or licensed dealer through which  
17 the transfer is made under subsection (e)  
18 makes the notification described in subsection  
19 (e)(3)(A); and

20           “(B) notwithstanding subparagraph (A),  
21 shall not transfer the firearm to the transferee  
22 if the licensed importer, licensed manufacturer,  
23 or licensed dealer through which the transfer is  
24 made under subsection (e) makes the notifica-  
25 tion described in subsection (e)(3)(B).

1           “(3) ABSENCE OF RECORDKEEPING REQUIRE-  
2           MENTS.—Nothing in this section shall permit or au-  
3           thorize the Secretary to impose recordkeeping re-  
4           quirements on any nonlicensed vendor.

5           “(d) RESPONSIBILITIES OF TRANSFEREES OTHER  
6           THAN LICENSEES.—

7           “(1) IN GENERAL.—If any part of a firearm  
8           transaction takes place at a gun show, it shall be  
9           unlawful for any person who is not licensed under  
10          this chapter to receive a firearm from another per-  
11          son who is not licensed under this chapter, unless  
12          the firearm is transferred through a licensed im-  
13          porter, licensed manufacturer, or licensed dealer in  
14          accordance with subsection (e).

15          “(2) CRIMINAL BACKGROUND CHECKS.—A per-  
16          son who is subject to the requirement of paragraph  
17          (1)—

18                 “(A) shall not receive the firearm from the  
19                 transferor until the licensed importer, licensed  
20                 manufacturer, or licensed dealer through which  
21                 the transfer is made under subsection (e)  
22                 makes the notification described in subsection  
23                 (e)(3)(A); and

24                 “(B) notwithstanding subparagraph (A),  
25                 shall not receive the firearm from the transferor

1 if the licensed importer, licensed manufacturer,  
2 or licensed dealer through which the transfer is  
3 made under subsection (e) makes the notifica-  
4 tion described in subsection (e)(3)(B).

5 “(e) RESPONSIBILITIES OF LICENSEES.—A licensed  
6 importer, licensed manufacturer, or licensed dealer who  
7 agrees to assist a person who is not licensed under this  
8 chapter in carrying out the responsibilities of that person  
9 under subsection (c) or (d) with respect to the transfer  
10 of a firearm shall—

11 “(1) enter such information about the firearm  
12 as the Secretary may require by regulation into a  
13 separate bound record;

14 “(2) record the transfer on a form specified by  
15 the Secretary;

16 “(3) comply with section 922(t) as if transfer-  
17 ring the firearm from the inventory of the licensed  
18 importer, licensed manufacturer, or licensed dealer  
19 to the designated transferee (although a licensed im-  
20 porter, licensed manufacturer, or licensed dealer  
21 complying with this subsection shall not be required  
22 to comply again with the requirements of section  
23 922(t) in delivering the firearm to the nonlicensed  
24 transferor), and notify the nonlicensed transferor  
25 and the nonlicensed transferee—

1           “(A) of such compliance; and

2           “(B) if the transfer is subject to the re-  
3           quirements of section 922(t)(1), of any receipt  
4           by the licensed importer, licensed manufacturer,  
5           or licensed dealer of a notification from the na-  
6           tional instant criminal background check sys-  
7           tem that the transfer would violate section 922  
8           or would violate State law;

9           “(4) not later than 10 days after the date on  
10          which the transfer occurs, submit to the Secretary a  
11          report of the transfer, which report—

12                  “(A) shall be on a form specified by the  
13                  Secretary by regulation; and

14                  “(B) shall not include the name of or other  
15                  identifying information relating to any person  
16                  involved in the transfer who is not licensed  
17                  under this chapter;

18           “(5) if the licensed importer, licensed manufac-  
19          turer, or licensed dealer assists a person other than  
20          a licensee in transferring, at 1 time or during any  
21          5 consecutive business days, 2 or more pistols or re-  
22          volvers, or any combination of pistols and revolvers  
23          totaling 2 or more, to the same nonlicensed person,  
24          in addition to the reports required under paragraph

1 (4), prepare a report of the multiple transfers, which  
2 report shall be—

3 “(A) prepared on a form specified by the  
4 Secretary; and

5 “(B) not later than the close of business  
6 on the date on which the transfer occurs, for-  
7 warded to—

8 “(i) the office specified on the form  
9 described in subparagraph (A); and

10 “(ii) the appropriate State law en-  
11 forcement agency of the jurisdiction in  
12 which the transfer occurs; and

13 “(6) retain a record of the transfer as part of  
14 the permanent business records of the licensed im-  
15 porter, licensed manufacturer, or licensed dealer.

16 “(f) RECORDS OF LICENSEE TRANSFERS.—If any  
17 part of a firearm transaction takes place at a gun show,  
18 each licensed importer, licensed manufacturer, and li-  
19 censed dealer who transfers 1 or more firearms to a person  
20 who is not licensed under this chapter shall, not later than  
21 10 days after the date on which the transfer occurs, sub-  
22 mit to the Secretary a report of the transfer, which  
23 report—

24 “(1) shall be in a form specified by the Sec-  
25 retary by regulation;

1           “(2) shall not include the name of or other  
2 identifying information relating to the transferee;  
3 and

4           “(3) shall not duplicate information provided in  
5 any report required under subsection (e)(4).

6           “(g) FIREARM TRANSACTION DEFINED.—In this sec-  
7 tion, the term ‘firearm transaction’—

8           “(1) includes the offer for sale, sale, transfer,  
9 or exchange of a firearm; and

10           “(2) does not include the mere exhibition of a  
11 firearm.”.

12           (2) PENALTIES.—Section 924(a) of title 18,  
13 United States Code, is amended by adding at the  
14 end the following:

15           “(7)(A) Whoever knowingly violates section 931(a)  
16 shall be fined under this title, imprisoned not more than  
17 5 years, or both.

18           “(B) Whoever knowingly violates subsection (b) or (c)  
19 of section 931, shall be—

20           “(i) fined under this title, imprisoned not more  
21 than 2 years, or both; and

22           “(ii) in the case of a second or subsequent con-  
23 viction, such person shall be fined under this title,  
24 imprisoned not more than 5 years, or both.

1 “(C) Whoever willfully violates section 931(d), shall  
2 be—

3 “(i) fined under this title, imprisoned not more  
4 than 2 years, or both; and

5 “(ii) in the case of a second or subsequent con-  
6 viction, such person shall be fined under this title,  
7 imprisoned not more than 5 years, or both.

8 “(D) Whoever knowingly violates subsection (e) or (f)  
9 of section 931 shall be fined under this title, imprisoned  
10 not more than 5 years, or both.

11 “(E) In addition to any other penalties imposed  
12 under this paragraph, the Secretary may, with respect to  
13 any person who knowingly violates any provision of section  
14 931—

15 “(i) if the person is registered pursuant to sec-  
16 tion 931(a), after notice and opportunity for a hear-  
17 ing, suspend for not more than 6 months or revoke  
18 the registration of that person under section 931(a);  
19 and

20 “(ii) impose a civil fine in an amount equal to  
21 not more than \$10,000.”.

22 (3) TECHNICAL AND CONFORMING AMEND-  
23 MENTS.—Chapter 44 of title 18, United States  
24 Code, is amended—

1 (A) in the chapter analysis, by adding at  
2 the end the following:

“931. Regulation of firearms transfers at gun shows.”;

3 and

4 (B) in the first sentence of section 923(j),  
5 by striking “a gun show or event” and inserting  
6 “an event”; and

7 (c) INSPECTION AUTHORITY.—Section 923(g)(1) is  
8 amended by adding at the end the following:

9 “(E) Notwithstanding subparagraph (B), the Sec-  
10 retary may enter during business hours the place of busi-  
11 ness of any gun show promoter and any place where a  
12 gun show is held for the purposes of examining the records  
13 required by sections 923 and 931 and the inventory of  
14 licensees conducting business at the gun show. Such entry  
15 and examination shall be conducted for the purposes of  
16 determining compliance with this chapter by gun show  
17 promoters and licensees conducting business at the gun  
18 show and shall not require a showing of reasonable cause  
19 or a warrant.”.

20 (d) INCREASED PENALTIES FOR SERIOUS RECORD-  
21 KEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3)  
22 of title 18, United States Code, is amended to read as  
23 follows:

24 “(3)(A) Except as provided in subparagraph (B), any  
25 licensed dealer, licensed importer, licensed manufacturer,

1 or licensed collector who knowingly makes any false state-  
2 ment or representation with respect to the information re-  
3 quired by this chapter to be kept in the records of a person  
4 licensed under this chapter, or violates section 922(m)  
5 shall be fined under this title, imprisoned not more than  
6 1 year, or both.

7 “(B) If the violation described in subparagraph (A)  
8 is in relation to an offense—

9 “(i) under paragraph (1) or (3) of section  
10 922(b), such person shall be fined under this title,  
11 imprisoned not more than 5 years, or both; or

12 “(ii) under subsection (a)(6) or (d) of section  
13 922, such person shall be fined under this title, im-  
14 prisoned not more than 10 years, or both.”.

15 (e) INCREASED PENALTIES FOR VIOLATIONS OF  
16 CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

17 (1) PENALTIES.—Section 924(a) of title 18,  
18 United States Code, is amended—

19 (A) in paragraph (5), by striking “sub-  
20 section (s) or (t) of section 922” and inserting  
21 “section 922(s)”; and

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

23 “(8) Whoever knowingly violates section 922(t) shall  
24 be fined under this title, imprisoned not more than 5  
25 years, or both.”.

1           (2) ELIMINATION OF CERTAIN ELEMENTS OF  
2           OFFENSE.—Section 922(t)(5) of title 18, United  
3           States Code, is amended by striking “and, at the  
4           time” and all that follows through “State law”.

5           (f) GUN OWNER PRIVACY AND PREVENTION OF  
6           FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section  
7           922(t)(2)(C) of title 18, United States Code, is amended  
8           by inserting before the period at the end the following:  
9           “, as soon as possible, consistent with the responsibility  
10          of the Attorney General under section 103(h) of the Brady  
11          Handgun Violence Prevention Act to ensure the privacy  
12          and security of the system and to prevent system fraud  
13          and abuse, but in no event later than 90 days after the  
14          date on which the licensee first contacts the system with  
15          respect to the transfer”.

16          (g) EFFECTIVE DATE.—This subtitle and the amend-  
17          ments made by this subtitle shall take effect 180 days  
18          after the date of enactment of this Act.

19                           **Subtitle B—Gun Ban for**  
20                           **Dangerous Juvenile Offenders**

21           **SEC. 211. PERMANENT PROHIBITION ON FIREARMS TRANS-**  
22                           **FERS TO OR POSSESSION BY DANGEROUS JU-**  
23                           **VENILE OFFENDERS.**

24           (a) DEFINITION.—Section 921(a)(20) of title 18,  
25          United States Code, is amended—

1 (1) by inserting “(A)” after “(20)”;

2 (2) by redesignating subparagraphs “(A)” and  
3 “(B)” as clauses “(i)” and “(ii), respectively”;

4 (3) by inserting after subparagraph (A) the fol-  
5 lowing:

6 “(B) For purposes of subsections (d) and  
7 (g) of section 922, the term ‘adjudicated delin-  
8 quent’ means an adjudication of delinquency  
9 based upon a finding of the commission that an  
10 act by a person prior to the eighteenth birthday  
11 of that person, if committed by an adult, would  
12 be a serious drug offense or violent felony (as  
13 defined in section 3559(c)(2) of this title), on  
14 or after the date of enactment of this para-  
15 graph.”; and

16 (4) by striking “What constitutes” through the  
17 end and inserting the following: “What constitutes a  
18 conviction of such a crime or an adjudication of de-  
19 linquency shall be determined in accordance with the  
20 law of the jurisdiction in which the proceedings were  
21 held. Any State conviction or adjudication of delin-  
22 quency which has been expunged or set aside or for  
23 which a person has been pardoned or has had civil  
24 rights restored by the jurisdiction in which the con-  
25 viction or adjudication of delinquency occurred shall

1 be considered a conviction or adjudication of delin-  
2 quency unless (i) the expunction, set aside, pardon  
3 or restoration of civil rights is directed to a specific  
4 person, (ii) the State authority granting the  
5 expunction, set aside, pardon or restoration of civil  
6 rights has expressly determined that the cir-  
7 cumstances regarding the conviction and the per-  
8 son's record and reputation are such that the person  
9 will not act in a manner dangerous to public safety,  
10 and (iii) the expunction, set aside, pardon, or res-  
11 toration of civil rights expressly authorizes the per-  
12 son to ship, transport, receive or possess firearms.  
13 The requirement of this subparagraph for an indi-  
14 vidualized restoration of rights shall apply whether  
15 or not, under State law, the person's civil rights  
16 were taken away by virtue of the conviction or adju-  
17 dication.”.

18 (b) PROHIBITION.—Section 922 of title 18, United  
19 States Code is amended—

20 (1) in subsection (d)—

21 (A) by striking “or” at the end of para-  
22 graph (8);

23 (B) by striking the period at the end of  
24 paragraph (9) and inserting “; or;” and

1 (C) by inserting after paragraph (9) the  
2 following:

3 “(10) has been adjudicated delinquent.”; and  
4 (2) in subsection (g)—

5 (A) by striking “or” at the end of para-  
6 graph (8);

7 (B) by striking the comma at the end of  
8 paragraph (9) and inserting “; or”, and

9 (C) by inserting after paragraph (9) the  
10 following:

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

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated such sums as may be  
14 necessary to carry out this section.

## 15 **Subtitle C—Child Safety Locks**

### 16 **SECTION 221. SHORT TITLE.**

17 This subtitle may be cited as the “Child Safety Lock  
18 Act of 2001”.

### 19 **SEC. 222. REQUIREMENT OF CHILD HANDGUN SAFETY** 20 **LOCKS.**

21 (a) DEFINITIONS.—Section 921(a) of title 18, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing:

24 “(38) The term ‘locking device’ means a device  
25 or locking mechanism—

1 “(A) that—

2 “(i) if installed on a firearm and se-  
3 cured by means of a key or a mechanically,  
4 electronically, or electromechanically oper-  
5 ated combination lock, is designed to pre-  
6 vent the firearm from being discharged  
7 without first deactivating or removing the  
8 device by means of a key or mechanically,  
9 electronically, or electromechanically oper-  
10 ated combination lock;

11 “(ii) if incorporated into the design of  
12 a firearm, is designed to prevent discharge  
13 of the firearm by any person who does not  
14 have access to the key or other device de-  
15 signed to unlock the mechanism and there-  
16 by allow discharge of the firearm; or

17 “(iii) is a safe, gun safe, gun case,  
18 lock box, or other device that is designed  
19 to store a firearm and that is designed to  
20 be unlocked only by means of a key, a  
21 combination, or other similar means; and

22 “(B) that is approved by a licensed fire-  
23 arms manufacturer for use on the handgun  
24 with which the device or locking mechanism is  
25 sold, delivered, or transferred.”.

1 (b) UNLAWFUL ACTS.—

2 (1) IN GENERAL.—Section 922 of title 18,  
3 United States Code, is amended by inserting after  
4 subsection (y) the following:

5 “(z) LOCKING DEVICES.—

6 “(1) IN GENERAL.—Except as provided in para-  
7 graph (2), it shall be unlawful for any licensed man-  
8 ufacturer, licensed importer, or licensed dealer to  
9 sell, deliver, or transfer any handgun to any person  
10 other than a licensed manufacturer, licensed im-  
11 porter, or licensed dealer, unless the transferee is  
12 provided with a locking device for that handgun.

13 “(2) EXCEPTIONS.—Paragraph (1) does not  
14 apply to—

15 “(A) the—

16 “(i) manufacture for, transfer to, or  
17 possession by, the United States or a State  
18 or a department or agency of the United  
19 States, or a State or a department, agency,  
20 or political subdivision of a State, of a fire-  
21 arm; or

22 “(ii) transfer to, or possession by, a  
23 law enforcement officer employed by an en-  
24 tity referred to in clause (i) of a firearm

1           for law enforcement purposes (whether on  
2           or off duty); or

3           “(B) the transfer to, or possession by, a  
4           rail police officer employed by a rail carrier and  
5           certified or commissioned as a police officer  
6           under the laws of a State of a firearm for pur-  
7           poses of law enforcement (whether on or off  
8           duty).”.

9           (2) EFFECTIVE DATE.—Section 922(y) of title  
10          18, United States Code, as added by this subsection,  
11          shall take effect 180 days after the date of enact-  
12          ment of this Act.

13          (c) LIABILITY; EVIDENCE.—

14               (1) LIABILITY.—Nothing in this section shall be  
15          construed to—

16                       (A) create a cause of action against any  
17                       firearms dealer or any other person for any civil  
18                       liability; or

19                       (B) establish any standard of care.

20               (2) EVIDENCE.—Notwithstanding any other  
21          provision of law, evidence regarding compliance or  
22          noncompliance with the amendments made by this  
23          section shall not be admissible as evidence in any  
24          proceeding of any court, agency, board, or other en-

1       tity, except with respect to an action to enforce this  
2       section.

3           (3) RULE OF CONSTRUCTION.—Nothing in this  
4       subsection shall be construed to bar a governmental  
5       action to impose a penalty under section 924(p) of  
6       title 18, United States Code, for a failure to comply  
7       with section 922(y) of that title.

8       (d) CIVIL PENALTIES.—Section 924 of title 18,  
9       United States Code, is amended—

10           (1) in subsection (a)(1), by striking “or (f)”  
11       and inserting “(f), or (p)”; and

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

13       “(p) PENALTIES RELATING TO LOCKING DEVICES.—

14           “(1) IN GENERAL.—

15               “(A) SUSPENSION OR REVOCATION OF LI-  
16       CENSE; CIVIL PENALTIES.—With respect to  
17       each violation of section 922(y)(1) by a licensee,  
18       the Secretary may, after notice and opportunity  
19       for a hearing—

20                   “(i) suspend or revoke any license  
21                   issued to the licensee under this chapter;  
22                   or

23                   “(ii) subject the licensee to a civil  
24                   penalty in an amount equal to not more  
25                   than \$10,000.

1           “(B) REVIEW.—An action of the Secretary  
2           under this paragraph may be reviewed only as  
3           provided in section 923(f).

4           “(2) ADMINISTRATIVE REMEDIES.—The sus-  
5           pension or revocation of a license or the imposition  
6           of a civil penalty under paragraph (1) does not pre-  
7           clude any administrative remedy that is otherwise  
8           available to the Secretary.”.

9   **SEC. 223. AMENDMENT OF CONSUMER PRODUCT SAFETY**  
10                                   **ACT.**

11           (a) IN GENERAL.—The Consumer Product Safety  
12   Act (15 U.S.C. 2051 et seq.) is amended by adding at  
13   the end the following:

14   **“SEC. 38. CHILD HANDGUN SAFETY LOCKS.**

15           “(a) ESTABLISHMENT OF STANDARD.—

16                   “(1) IN GENERAL.—

17                           “(A) RULEMAKING REQUIRED.—Notwith-  
18                   standing section 3(a)(1)(E) of this Act, the  
19                   Commission shall initiate a rulemaking pro-  
20                   ceeding under section 553 of title 5, United  
21                   States Code, within 90 days after the date of  
22                   enactment of the Child Safety Lock Act of  
23                   2001 to establish a consumer product safety  
24                   standard for locking devices. The Commission  
25                   may extend the 90-day period for good cause.

1           Notwithstanding any other provision of law, in-  
2           cluding chapter 5 of title 5, United States  
3           Code, the Commission shall promulgate a final  
4           consumer product safety standard under this  
5           paragraph within 12 months after the date on  
6           which it initiated the rulemaking. The Commis-  
7           sion may extend that 12-month period for good  
8           cause. The consumer product safety standard  
9           promulgated under this paragraph shall take ef-  
10          fect 6 months after the date on which the final  
11          standard is promulgated.

12                 “(B) STANDARD REQUIREMENTS.—The  
13                 standard promulgated under subparagraph (A)  
14                 shall require locking devices that—

15                         “(i) are sufficiently difficult for chil-  
16                         dren to deactivate or remove; and

17                         “(ii) prevent the discharge of the  
18                         handgun unless the locking device has been  
19                         deactivated or removed.

20                 “(2) CERTAIN PROVISIONS NOT TO APPLY.—

21                         “(A) PROVISIONS OF THIS ACT.—Sections  
22                         7, 9, and 30(d) of this Act do not apply to the  
23                         rulemaking proceeding under paragraph (1).  
24                         Section 11 of this Act does not apply to any

1 consumer product safety standard promulgated  
2 under paragraph (1).

3 “(B) CHAPTER 5 OF TITLE 5.—Except for  
4 section 553, chapter 5 of title 5, United States  
5 Code, does not apply to this section.

6 “(C) CHAPTER 6 OF TITLE 5.—Chapter 6  
7 of title 5, United States Code, does not apply  
8 to this section.

9 “(D) NATIONAL ENVIRONMENTAL POLICY  
10 ACT.—The National Environmental Policy Act  
11 of 1969 (42 U.S.C. 4321) does not apply to  
12 this section.

13 “(b) NO EFFECT ON STATE LAW.—Notwithstanding  
14 section 26 of this Act, this section does not annul, alter,  
15 impair, affect, or exempt any person subject to the provi-  
16 sions of this section from complying with any provision  
17 of the law of any State or any political subdivision of a  
18 State, except to the extent that such provisions of State  
19 law are inconsistent with any provision of this section, and  
20 then only to the extent of the inconsistency. A provision  
21 of State law is not inconsistent with this section if such  
22 provision affords greater protection to children with re-  
23 spect to handguns than is afforded by this section.

24 “(c) ENFORCEMENT.—Notwithstanding subsection  
25 (a)(2)(A), the consumer product safety standard promul-

1 gated by the Commission under subsection (a) shall be en-  
2 forced under this Act as if it were a consumer product  
3 safety standard described in section 7(a).

4 “(d) DEFINITIONS.—In this section:

5 “(1) CHILD.—The term ‘child’ means an indi-  
6 vidual who has not attained the age of 13 years.

7 “(2) LOCKING DEVICE.—The term ‘locking de-  
8 vice’ has the meaning given that term in clauses (i)  
9 and (iii) of section 921(a)(38)(A) of title 18, United  
10 States Code.”.

11 (b) CONFORMING AMENDMENT.—Section 1 of the  
12 Consumer Product Safety Act is amended by adding at  
13 the end of the table of contents the following:

“Sec. 38. Child handgun safety locks.”.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated to the Consumer Prod-  
16 uct Safety Commission \$2,000,000 to carry out the provi-  
17 sions of section 38 of the Consumer Product Safety Act,  
18 such sums as necessary to remain available until ex-  
19 pended.

○