

112TH CONGRESS
1ST SESSION

S. 977

To fight criminal gangs.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2011

Mr. MENENDEZ (for himself and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To fight criminal gangs.

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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Fighting Gangs and Empowering Youth Act of 2011”.

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

Sec. 1. Short title and table of contents.

TITLE I—PREVENTION AND ECONOMIC EMPOWERMENT

Subtitle A—Prevention

Sec. 101. Demonstration grants to encourage creative approaches to gang activity and after-school programs.

Sec. 102. Reauthorization of certain after-school programs.

- Sec. 103. Reauthorization of Safe and Drug-Free Schools and Communities Act.
- Sec. 104. Public and assisted housing gang elimination.
- Sec. 105. Municipal Alliances.
- Sec. 106. Reauthorization of the gang resistance education and training projects program and increased funding for the national youth gang survey.
- Sec. 107. Mentoring grants to nonprofit organizations.

Subtitle B—Recidivism Reduction and Reentry Assistance

- Sec. 111. Reauthorization of adult and juvenile offender State and local reentry demonstration projects.
- Sec. 112. Children of incarcerated parents and families.
- Sec. 113. Removal of limitation on amount of funds available for corrections education programs under the Adult Education and Family Literacy Act.
- Sec. 114. Grants to States for improved workplace and community transition training for incarcerated youth offenders.
- Sec. 115. Improved reentry procedures for Federal prisoners.

Subtitle C—Economic Empowerment

- Sec. 121. Expansion and reauthorization of the mentoring initiative for system involved youth.
- Sec. 122. Reauthorization of Learn and Serve America.

TITLE II—GANG ACTIVITY POLICING PROGRAM

- Sec. 201. Authority to make gang activity policing grants.
- Sec. 202. Eligible activities.
- Sec. 203. Preferential consideration of applications for certain grants.
- Sec. 204. Designation of high-intensity interstate gang activity areas.
- Sec. 205. Use of components.
- Sec. 206. Minimum amount.
- Sec. 207. Matching funds.
- Sec. 208. Providing additional forensic examiners.
- Sec. 209. Authorization of appropriations.
- Sec. 210. Performance evaluation.

TITLE III—PUNISHMENT AND IMPROVED CRIME DATA

Subtitle A—Gang Crimes

- Sec. 301. Criminal street gangs.
- Sec. 302. Solicitation or recruitment of persons and violent crimes in furtherance or in aid of criminal street gangs.
- Sec. 303. Interstate and foreign travel or transportation in aid of racketeering enterprises and criminal street gangs.
- Sec. 304. Amendments relating to violent crime in areas of exclusive Federal jurisdiction.
- Sec. 305. Increased penalties for use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.
- Sec. 306. Amendment of sentencing guidelines relating to certain gang and violent crimes.
- Sec. 307. Study on expanding Federal authority for juvenile offenders.

Sec. 308. Study on examining the role of gangs in prisons.

Subtitle B—Firearms Offenses

Sec. 311. Increased penalties for use of firearm in crime of violence or drug trafficking crime.

Subtitle C—Crime Data

Sec. 321. Standardization of crime reporting and investigation.

Sec. 322. Consolidating and standardizing gang-related crime data.

1 **TITLE I—PREVENTION AND**
2 **ECONOMIC EMPOWERMENT**
3 **Subtitle A—Prevention**

4 **SEC. 101. DEMONSTRATION GRANTS TO ENCOURAGE CRE-**
5 **ATIVE APPROACHES TO GANG ACTIVITY AND**
6 **AFTER-SCHOOL PROGRAMS.**

7 (a) IN GENERAL.—The Attorney General may make
8 grants to public or nonprofit private entities (including
9 faith-based organizations) for the purpose of assisting the
10 entities in carrying out projects involving innovative ap-
11 proaches to combat gang activity.

12 (b) PROJECTS.—Projects described in subsection (a)
13 shall target at-risk youth and juvenile offenders who are
14 ages 11 to 19 years, who—

15 (1) fail to successfully complete secondary
16 school;

17 (2) have entered the juvenile system;

18 (3) are at risk of failing to successfully com-
19 plete secondary school or entering the juvenile sys-
20 tem;

1 (4) are truants or runaways; or

2 (5) have siblings or family members who are
3 members of a criminal street gang.

4 (c) CERTAIN APPROACHES.—Approaches described
5 in subsection (a) may include—

6 (1) developing after-school gang prevention pro-
7 grams, including programs that provide for trans-
8 portation to and from activities;

9 (2) encouraging teen-driven approaches to gang
10 activity prevention;

11 (3) educating parents to recognize signs of
12 problems and potential gang involvement in their
13 children;

14 (4) teaching parents the importance of a nur-
15 turing family and home environment to keep chil-
16 dren out of gangs; and

17 (5) facilitating communication between parents
18 and children, especially programs that have been
19 evaluated and proven effective.

20 (d) MATCHING FUNDS.—

21 (1) IN GENERAL.—The Attorney General may
22 make a grant under this section only if the entity re-
23 ceiving the grant agrees to make available (directly
24 or through donations from public or private entities)
25 non-Federal contributions toward the cost of activi-

1 ties to be performed with that grant in an amount
2 that is not less than 25 percent of such costs.

3 (2) DETERMINATION OF AMOUNT CONTRIB-
4 UTED.—Non-Federal contributions required under
5 paragraph (1) may be in cash or in kind, fairly eval-
6 uated, including facilities, equipment, or services.
7 Amounts provided by the Federal Government, or
8 services assisted or subsidized to any significant ex-
9 tent by the Federal Government, may not be in-
10 cluded in determining the amount of such non-Fed-
11 eral contributions.

12 (e) EVALUATION OF PROJECTS.—

13 (1) IN GENERAL.—The Attorney General shall
14 establish criteria for the evaluation of projects in-
15 volving innovative approaches under subsection (a).

16 (2) GRANTEES.—A grant may be made under
17 this section only if the entity involved—

18 (A) agrees to conduct evaluations of the
19 approach in accordance with such criteria;

20 (B) agrees to submit to the Attorney Gen-
21 eral reports describing the results of the evalua-
22 tions, as the Attorney General determines to be
23 appropriate; and

1 (C) submits to the Attorney General, in
2 the application under subsection (f), a plan for
3 conducting the evaluations.

4 (f) APPLICATION FOR GRANT.—The Attorney Gen-
5 eral may make a grant under subsection (a) only if an
6 application for the grant is submitted to the Attorney Gen-
7 eral and the application is in such form, is made in such
8 manner, and contains such agreements, assurances, and
9 information (including the agreements under subsections
10 (d) and (e) and the plan under subsection (e)(2)(C)) as
11 the Attorney General determines to be necessary to carry
12 out this section.

13 (g) REPORT TO CONGRESS.—Not later than October
14 1, 2012, the Attorney General shall submit to Congress
15 a report describing the extent to which the approaches
16 under subsection (a) have been successful in reducing the
17 rate of gang activity in the communities in which the ap-
18 proaches have been carried out. That report shall describe
19 the various approaches used under subsection (a) and the
20 effectiveness of each of the approaches.

21 (h) AUTHORIZATION OF APPROPRIATIONS.—For the
22 purpose of carrying out this section, there are authorized
23 to be appropriated \$5,000,000 for each of the fiscal years
24 2012 through 2016.

1 **SEC. 102. REAUTHORIZATION OF CERTAIN AFTER-SCHOOL**
2 **PROGRAMS.**

3 (a) 21ST CENTURY COMMUNITY LEARNING CEN-
4 TERS.—Section 4206 of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 7176) is amended to
6 read as follows:

7 **“SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.**

8 “There is authorized to be appropriated to carry out
9 this part \$300,000,000 for each of fiscal years 2012
10 through 2016.”.

11 (b) CAROL M. WHITE PHYSICAL EDUCATION PRO-
12 GRAM.—Section 5401 of the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 7241) is amended—

14 (1) by striking “There are” and inserting “(a)
15 IN GENERAL.—There are”; and

16 (2) by adding at the end the following:

17 “(b) PHYSICAL EDUCATION.—In addition to the
18 amounts authorized to be appropriated under subsection
19 (a), there are authorized to be appropriated \$100,000,000
20 for each of fiscal years 2012 through 2016 to carry out
21 subpart 10.”.

22 **SEC. 103. REAUTHORIZATION OF SAFE AND DRUG-FREE**
23 **SCHOOLS AND COMMUNITIES ACT.**

24 (a) SAFE AND DRUG-FREE SCHOOLS AND COMMU-
25 NITIES.—Section 4003 of the Elementary and Secondary
26 Education Act of 1965 (20 U.S.C. 7103) is amended—

1 (1) in paragraph (1), by striking
2 “\$650,000,000 for fiscal year 2002, and such sums
3 as may be necessary for each of the 5 succeeding fis-
4 cal years,” and inserting “\$700,000,000 for each of
5 fiscal years 2012 through 2016,”; and

6 (2) in paragraph (2), by striking “such sums
7 for fiscal year 2002, and for each of the 5 suc-
8 ceeding fiscal years,” and inserting “\$400,000,000
9 for each of fiscal years 2012 through 2016,”.

10 (b) NATIONAL COORDINATOR INITIATIVE.—Section
11 4125 of the Elementary and Secondary Education Act of
12 1965 (20 U.S.C. 7135) is amended—

13 (1) in subsection (a)—

14 (A) by striking “From funds made avail-
15 able to carry out this subpart under section
16 4003(2), the Secretary may provide” and in-
17 serting “From amounts made available to carry
18 out this subpart under section 4003(2) for each
19 fiscal year, the Secretary shall reserve for each
20 fiscal year not less than \$40,000,000 to pro-
21 vide”; and

22 (B) by inserting “, gang prevention,” after
23 “drug prevention”;

24 (2) in subsection (b)—

25 (A) in the first sentence—

1 (i) by inserting “, gang prevention,”
2 after “serve as drug prevention”; and

3 (ii) by inserting “, gang,” after “sig-
4 nificant drug”; and

5 (B) in the second sentence, by inserting “,
6 gang,” after “analyzing assessments of drug”;
7 and

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

9 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section
11 \$40,000,000 for each of fiscal years 2012 through 2016.”.

12 (c) MENTORING PROGRAM.—Section 4130(b) of the
13 Elementary and Secondary Education Act of 1965 (20
14 U.S.C. 7140(b)) is amended—

15 (1) in the matter preceding subparagraph (A)
16 of paragraph (1), by striking “The Secretary may
17 award grants from funds made available to carry out
18 this subpart under section 4003(2)” and inserting
19 “From amounts made available to carry out this
20 subpart under section 4003(2) for each fiscal year,
21 the Secretary shall reserve for each fiscal year not
22 less than \$50,000,000 to award grants”;

23 (2) in paragraph (5)(B)(i), by inserting “ele-
24 mentary school and middle school” after “serves”;
25 and

1 (3) in paragraph (5)(C)(ii)(IV), by striking
2 “the 4th” and inserting “kindergarten”.

3 (d) ANTI-GANG DISCRETIONARY GRANTS.—Subpart
4 2 of part A of title IV of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 7131 et seq.) is amend-
6 ed by adding at the end the following:

7 **“SEC. 4131. ANTI-GANG DISCRETIONARY GRANTS.**

8 “(a) AUTHORITY TO MAKE GRANTS.—From
9 amounts made available to carry out this subpart under
10 section 4003(2) for each fiscal year, the Secretary shall
11 reserve for each fiscal year not less than \$50,000,000 to
12 award grants, on a competitive basis, to nonprofit organi-
13 zations to enable the nonprofit organizations to establish
14 programs to assist a public elementary school or middle
15 school in providing an innovative approach—

16 “(1) to combat gang activity in the school and
17 the community surrounding the school; and

18 “(2) to heighten awareness of, and provide tools
19 to reduce, gang violence in the school and the com-
20 munity surrounding the school.

21 “(b) APPLICATION.—To be eligible to receive a grant
22 under this section, a nonprofit organization shall submit
23 an application to the Secretary that includes a detailed
24 plan to combat gang activity and reduce gang violence in
25 a school and the surrounding community.

1 “(c) PRIORITY CONSIDERATION.—In awarding
2 grants under this section, the Secretary shall give priority
3 consideration to applications describing programs that
4 target youth living in a high-intensity interstate gang ac-
5 tivity area defined under section 204 of the Fighting
6 Gangs and Empowering Youth Act of 2010.

7 “(d) REPORTS.—The Secretary shall require any re-
8 cipient of a grant under this section to provide periodic
9 reports that include the obligation and expenditure of
10 grant funds, the progress made by the grantee in imple-
11 menting the plan described in subsection (b), and any
12 change in the incidence of gang-related crime in projects
13 assisted under this section.

14 “(e) MONITORING.—The Secretary shall audit and
15 monitor the programs funded under this section to ensure
16 that assistance provided under this section is administered
17 in accordance with the provisions of this section.”.

18 **SEC. 104. PUBLIC AND ASSISTED HOUSING GANG ELIMI-**
19 **NATION.**

20 (a) PUBLIC AND ASSISTED HOUSING.—Title V of the
21 Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102
22 Stat. 4295) is amended by adding at the end the following
23 new subtitle:

1 **“Subtitle H—Public and Assisted**
2 **Housing Gang Elimination**

3 **“SEC. 5401. SHORT TITLE.**

4 “‘This subtitle may be cited as the ‘Public and As-
5 sisted Housing Gang Elimination Act of 2010’.

6 **“SEC. 5402. DEFINITIONS.**

7 “‘In this subtitle—

8 “(1) the term ‘federally assisted low-income
9 housing’ means housing assisted under—

10 “(A) section 221(d)(3), section 221(d)(4),
11 or 236 of the National Housing Act;

12 “(B) section 101 of the Housing and
13 Urban Development Act of 1965;

14 “(C) section 8 of the United States Hous-
15 ing Act of 1937; or

16 “(D) the Native American Housing Assist-
17 ance and Self-Determination Act of 1996;

18 “(2) the term ‘high-intensity interstate gang ac-
19 tivity area’ means an area designated by the Attor-
20 ney General under section 204 of the Fighting
21 Gangs and Empowering Youth Act of 2010; and

22 “(3) the term ‘Secretary’ means the Secretary
23 of Housing and Urban Development.

1 **“SEC. 5403. AUTHORITY TO MAKE GRANTS.**

2 “The Secretary, in accordance with the provisions of
3 this subtitle, may make grants to public housing agencies
4 (including any Indian tribe or other recipient under the
5 Native American Housing Assistance and Self-Determina-
6 tion Act of 1996 (25 U.S.C. 4101 et seq.)) and private,
7 for-profit and nonprofit owners of federally assisted low-
8 income housing for use in eliminating gang-related crime.

9 **“SEC. 5404. ELIGIBLE ACTIVITIES.**

10 “Grants under this subtitle may be used in public
11 housing or other federally assisted low-income housing
12 projects for—

13 “(1) the employment of security personnel;

14 “(2) reimbursement of local law enforcement
15 agencies for additional security and protective serv-
16 ices;

17 “(3) physical improvements which are specifi-
18 cally designed to enhance security;

19 “(4) the employment of 1 or more individuals—

20 “(A) to investigate gang-related crime on
21 or about the real property comprising any pub-
22 lic or other federally assisted low-income hous-
23 ing project; and

24 “(B) to provide evidence relating to such
25 crime in any administrative or judicial pro-
26 ceeding;

1 “(5) the provision of training, communications
2 equipment, and other related equipment for use by
3 voluntary tenant patrols acting in cooperation with
4 local law enforcement officials;

5 “(6) programs designed to reduce gang activity
6 in and around public or other federally assisted low-
7 income housing projects, including encouraging teen-
8 driven approaches to gang activity prevention; and

9 “(7) providing funding to nonprofit public hous-
10 ing resident management corporations and resident
11 councils to develop security and gang prevention pro-
12 grams involving site residents.

13 **“SEC. 5405. APPLICATIONS.**

14 “(a) **REQUIRED SUBMISSION.—**

15 “(1) **IN GENERAL.—**To receive a grant under
16 this subtitle, a public housing agency or an owner of
17 federally assisted low-income housing shall submit
18 an application to the Secretary, at such time, in
19 such manner, and accompanied by such additional
20 information as the Secretary may reasonably re-
21 quire.

22 “(2) **REQUIRED INCLUSIONS.—**Any application
23 submitted under paragraph (1) shall include a plan
24 for addressing the problem of gang-related crime on
25 the premises of the housing administered or owned

1 by the applicant for which the application is being
2 submitted.

3 “(b) CRITERIA.—Except as provided by subsections
4 (c) and (d) the Secretary shall approve applications under
5 this subtitle based exclusively on—

6 “(1) the extent of the gang-related crime prob-
7 lem in the public or federally assisted low-income
8 housing project or projects proposed for assistance;

9 “(2) the quality of the plan of the applicant to
10 address the crime problem in the public or federally
11 assisted low-income housing project or projects pro-
12 posed for assistance, including the extent to which
13 the plan includes initiatives that can be sustained
14 over a period of several years; and

15 “(3) the extent to which tenants, the local gov-
16 ernment, and the local community support and par-
17 ticipate in the design and implementation of the ac-
18 tivities proposed to be funded under the application.

19 “(c) HIGH-INTENSITY INTERSTATE GANG ACTIVITY
20 AREAS.—In evaluating the extent of the gang-related
21 crime problem under subsection (b), the Secretary may
22 consider whether housing projects proposed for assistance
23 are located in a high-intensity interstate gang activity area
24 as described in section 204 of this Act.

1 **“SEC. 5406. IMPLEMENTATION.**

2 “The Secretary shall issue regulations to implement
3 this subtitle within 180 days after the date of enactment
4 of this subtitle.

5 **“SEC. 5407. REPORTS.**

6 “The Secretary shall require any recipient of a grant
7 under this subtitle to provide periodic reports that in-
8 clude—

9 “(1) the obligation and expenditure of grant
10 funds;

11 “(2) the progress made by the grantee in imple-
12 menting the plan described in section 5404(a); and

13 “(3) any change in the incidence of gang-re-
14 lated crime in projects assisted under this subtitle.

15 **“SEC. 5408. MONITORING.**

16 “The Secretary shall audit and monitor the programs
17 funded under this subtitle to ensure that assistance pro-
18 vided under this subtitle is administered in accordance
19 with the provisions of this subtitle.

20 **“SEC. 5409. AUTHORIZATION OF APPROPRIATIONS.**

21 “(a) IN GENERAL.—There are authorized to be ap-
22 propriated to carry out this subtitle \$100,000,000 for each
23 of the fiscal years 2012 through 2016. Any amount appro-
24 priated under this section shall remain available until ex-
25 pended.

1 “(b) CONFORMING AMENDMENT.—The table of con-
 2 tents in section 5001 of the Anti-Drug Abuse Act of 1988
 3 (Public Law 100–690; 102 Stat. 4295) is amended by
 4 adding at the end the following new items:

 “Subtitle H—Public and Assisted Housing Gang Elimination

- “Sec. 5401. Short title.
- “Sec. 5402. Definitions.
- “Sec. 5403. Authority to make grants.
- “Sec. 5404. Eligible activities.
- “Sec. 5405. Applications.
- “Sec. 5406. Implementation.
- “Sec. 5407. Reports.
- “Sec. 5408. Monitoring.
- “Sec. 5409. Authorization of appropriations.”.

5 **SEC. 105. MUNICIPAL ALLIANCES.**

6 The Violent Crime Control and Law Enforcement Act
 7 of 1994 (42 U.S.C. 13701 et seq.) is amended by inserting
 8 after section 30403 the following:

9 **“Subtitle E—Strategic Community**
 10 **Planning Program**

11 **“SEC. 30501. GRANT AUTHORITY.**

12 “(a) GRANTS.—

13 “(1) IN GENERAL.—The Attorney General may
 14 award grants on a competitive basis to eligible local
 15 entities to assist eligible communities in developing
 16 and carrying out programs that target at-risk youth
 17 and juvenile offenders ages 11 to 19 years, who—

18 “(A) fail to successfully complete sec-
 19 ondary school;

1 “(B) have entered the juvenile justice sys-
2 tem;

3 “(C) are at risk of failing to successfully
4 complete secondary school or entering the juve-
5 nile justice system;

6 “(D) are truants or runaways; or

7 “(E) have siblings or family members who
8 are believed to be members of criminal street
9 gangs.

10 “(2) GRANT AMOUNT.—A grant awarded to an
11 eligible local entity under this subtitle shall be for
12 not less than \$250,000 for 1 fiscal year. Amounts
13 made available through such a grant shall remain
14 available until expended.

15 “(b) PROGRAM REQUIREMENTS.—

16 “(1) PROGRAMS.—An eligible local entity that
17 receives funds under this subtitle shall develop or ex-
18 pand community programs in eligible communities
19 that are designed to target at-risk youths and juve-
20 nile offenders through prevention, early intervention,
21 and graduated sanctions.

22 “(2) OPTIONAL ACTIVITIES.—An eligible local
23 entity that receives funds under this subtitle may de-
24 velop a variety of programs to serve the comprehen-

1 sive needs of at-risk youth and juvenile offenders, in-
 2 cluding—

3 “(A) homework assistance and after-school
 4 programs, including educational, social, and
 5 athletic activities;

6 “(B) mentoring programs;

7 “(C) family counseling; and

8 “(D) parental training programs.

9 “(c) ELIGIBLE COMMUNITY IDENTIFICATION.—The
 10 Attorney General shall establish by regulation the criteria
 11 necessary to qualify as an eligible community, which shall
 12 include criteria with respect to whether the community is
 13 located in a high-intensity interstate gang activity area
 14 designated under section 204 of the Fighting Gangs and
 15 Empowering Youth Act of 2010.

16 **“SEC. 30502. APPLICATIONS.**

17 “(a) APPLICATION REQUIRED.—To be eligible to re-
 18 ceive a grant under this subtitle, a local entity shall submit
 19 an application to the Attorney General at such time, in
 20 such manner, and accompanied by such information, as
 21 the Attorney General may reasonably require.

22 “(b) CONTENTS OF APPLICATION.—Each application
 23 submitted under subsection (a) shall—

24 “(1) contain a comprehensive plan for the pro-
 25 gram that is designed to improve the academic and

1 social development of at-risk youths and juvenile of-
2 fenders in the eligible community, which—

3 “(A) identifies an eligible community to be
4 assisted;

5 “(B) describes the community planning
6 process to be used by the local entity that in-
7 cludes—

8 “(i) parents and family members;

9 “(ii) local school officials;

10 “(iii) teachers employed at schools
11 within the eligible community;

12 “(iv) local public officials;

13 “(v) law enforcement officers and offi-
14 cials;

15 “(vi) clergy and faith-based organiza-
16 tions;

17 “(vii) public housing authorities;

18 “(viii) public housing resident organi-
19 zation members, where applicable; and

20 “(ix) public and private nonprofit or-
21 ganizations that provide education, child
22 protective services, or other human services
23 to low-income, at-risk youth and juvenile
24 offenders, and their families; and

1 “(C) develops a concentrated strategy for
2 implementation of the community planning
3 process developed under subparagraph (B) that
4 targets clusters of at-risk youth and juvenile of-
5 fenders in the eligible community;

6 “(2) provide evidence of support for accom-
7 plishing the objectives of such plan from—

8 “(A) community leaders;

9 “(B) a school district;

10 “(C) local officials; and

11 “(D) other organizations that the local en-
12 tity determines to be appropriate;

13 “(3) provide an assurance that the local entity
14 will use grant funds received under this subsection
15 to implement the program requirements listed in
16 section 30701(b);

17 “(4) include an estimate of the number of at-
18 risk youth and juvenile offenders in the eligible com-
19 munity expected to be served under the program;

20 “(5) provide an assurance that the local entity
21 will prepare and submit to the Attorney General an
22 annual report regarding any program conducted
23 under this subtitle; and

1 “(6) provide an assurance that the local entity
2 will maintain separate accounting records for the
3 program.

4 “(c) PRIORITY.—In awarding grants under this sub-
5 title, the Attorney General shall give priority to eligible
6 local entities that identify under subsection (b)(1)(A) an
7 eligible community that, when compared to other eligible
8 communities, has a greater need than such other eligible
9 communities for assistance under this subtitle, as deter-
10 mined by the Attorney General based on the criteria estab-
11 lished under section 30701(e).

12 “(d) FEDERAL SHARE.—The Federal share of the
13 costs of a program developed or carried out with a grant
14 under this section shall be not more than 70 percent. The
15 non-Federal share of such costs may be in cash or in kind,
16 fairly evaluated, including personnel, facilities, equipment,
17 and services.

18 **“SEC. 30503. DEFINITIONS.**

19 “For purposes of this subtitle—

20 “(1) the term ‘local entity’ means—

21 “(A) a local educational agency; or

22 “(B) a community-based organization, as
23 defined in section 9101 of the Elementary and
24 Secondary Education Act of 1965 (20 U.S.C.
25 7801); and

1 “(2) the term ‘eligible community’ means an
2 area which meets the criteria established by the At-
3 torney General in accordance with section 30701(e).

4 **“SEC. 30504. AUTHORIZATION OF APPROPRIATIONS.**

5 “‘There are authorized to be appropriated for grants
6 under this subtitle—

7 “(1) \$10,000,000 for fiscal year 2012;

8 “(2) \$11,000,000 for fiscal year 2013;

9 “(3) \$12,000,000 for fiscal year 2014;

10 “(4) \$13,000,000 for fiscal year 2015; and

11 “(5) \$14,000,000 for fiscal year 2016.”.

12 **SEC. 106. REAUTHORIZATION OF THE GANG RESISTANCE**
13 **EDUCATION AND TRAINING PROJECTS PRO-**
14 **GRAM AND INCREASED FUNDING FOR THE**
15 **NATIONAL YOUTH GANG SURVEY.**

16 Section 32401 of the Violent Crime Control and Law
17 Enforcement Act of 1994 (42 U.S.C. 13921) is amended
18 in subsection (b)—

19 (1) in paragraph (4), by striking “and” at the
20 end;

21 (2) in paragraph (5), by striking the period at
22 the end and inserting “; and”; and

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

24 “(6) \$21,000,000 for each of fiscal years 2012
25 through 2016.

1 “(c) USE OF FUNDS.—Not more than \$1,000,000 of
2 the funds authorized under this section for a fiscal year
3 shall be used to increase the number of samples collected
4 by the National Youth Gang Center for its annual Na-
5 tional Youth Gang Survey.”.

6 **SEC. 107. MENTORING GRANTS TO NONPROFIT ORGANIZA-**
7 **TIONS.**

8 (a) AUTHORITY TO MAKE GRANTS.—From amounts
9 made available to carry out this section, the Attorney Gen-
10 eral shall make grants, in consultation with the Secretary
11 of Labor and the Secretary of Housing and Urban Devel-
12 opment, to nonprofit organizations for the purpose of pro-
13 viding mentoring and other transitional services essential
14 to the reentry of offenders into the community.

15 (b) USE OF FUNDS.—A nonprofit organization that
16 receives a grant under subsection (a) may use the grant
17 to—

18 (1) mentor adult and juvenile offenders dur-
19 ing—

20 (A) incarceration of the offenders;

21 (B) the transition of the offenders back to
22 the community; and

23 (C) post-incarceration of the offenders; and

24 (2) provide transitional services to assist in the
25 reentry of offenders into the community.

1 (c) APPLICATION; PRIORITY CONSIDERATION.—

2 (1) IN GENERAL.—To be eligible to receive a
3 grant under this section, a nonprofit organization
4 shall submit an application to the Attorney General
5 based on criteria developed by the Attorney General,
6 in consultation with the Secretary of Labor and the
7 Secretary of Housing and Urban Development.

8 (2) PRIORITY.—The Attorney General shall give
9 priority consideration to applications that—

10 (A) include a plan to implement activities
11 that have been demonstrated to be effective in
12 facilitating the successful reentry of offenders
13 into the community; and

14 (B) provide for an independent evaluation.

15 (d) STRATEGIC PERFORMANCE OUTCOMES.—The At-
16 torney General shall require each applicant under this sec-
17 tion to identify specific performance outcomes related to
18 the long-term goal of stabilizing communities by reducing
19 recidivism and reintegrating offenders into the commu-
20 nity.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to the Attorney General
23 to carry out this section \$25,000,000 for each of fiscal
24 years 2012 through 2016.

1 **Subtitle B—Recidivism Reduction**
2 **and Reentry Assistance**

3 **SEC. 111. REAUTHORIZATION OF ADULT AND JUVENILE OF-**
4 **FENDER STATE AND LOCAL REENTRY DEM-**
5 **ONSTRATION PROJECTS.**

6 Section 2976(b) of the Omnibus Crime Control and
7 Safe Streets Act of 1968 (42 U.S.C. 3797w(b)) is amend-
8 ed by striking paragraphs (1) through (4) and inserting
9 the following:

10 “(1) establishing or improving the system or
11 systems under which offenders awaiting reentry into
12 the community are provided with documents useful
13 in achieving a successful transition from prison, jail,
14 or detention (such as identification papers, referrals
15 to services, medical prescriptions, job training cer-
16 tificates, apprenticeship papers, and information on
17 obtaining public assistance);

18 “(2) carrying out programs and initiatives by
19 units of local government to strengthen reentry serv-
20 ices for offenders released from local jails;

21 “(3) providing structured post-release housing
22 and transitional housing (including group homes for
23 recovering substance abusers) through which offend-
24 ers are provided supervision and services imme-
25 diately following reentry into the community;

1 “(4) assisting offenders in securing permanent
2 housing upon release or following a stay in transi-
3 tional housing;

4 “(5) assisting offenders in leaving a criminal
5 street gang;

6 “(6) providing offenders who have left a crimi-
7 nal street gang with safety services upon release
8 from prison, jail, or detention;

9 “(7) providing offenders with education, job
10 training, responsible parenting and healthy relation-
11 ship skills training designed specifically for address-
12 ing the needs of incarcerated and transitioning fa-
13 thers and mothers, English as a second language
14 programs, work experience programs, self-respect
15 and life skills training, and other skills useful in
16 achieving a successful transition from prison or jail;

17 “(8) facilitating collaboration among corrections
18 and community corrections, technical schools, com-
19 munity colleges, and the workforce development and
20 employment service sectors—

21 “(A) to promote the employment of offend-
22 ers released from prison and jail, as appro-
23 priate, through efforts such as educating em-
24 ployers about existing financial incentives;

1 “(B) to facilitate the creation of job oppor-
2 tunities for offenders released from prison or
3 jail, including transitional jobs and time-limited
4 subsidized work experience (as appropriate);
5 and

6 “(C) to connect offenders to employment
7 (including supportive employment and employ-
8 ment services) before their release to the com-
9 munity, to provide work supports (including
10 transportation and retention services), as ap-
11 propriate, and to identify labor market needs to
12 ensure that education and training are appro-
13 priate;

14 “(9) developing programs and activities that
15 support parent-child relationships, such as—

16 “(A) using videoconferencing to allow vir-
17 tual visitation when incarcerated offenders are
18 more than 100 miles from their families;

19 “(B) the establishment of family days,
20 which provide for longer visitation hours or
21 family activities;

22 “(C) the implementation of programs to
23 help incarcerated parents stay connected to
24 their children and learn responsible parenting
25 and healthy relationship skills; and

1 “(D) programs for mentoring children of
2 incarcerated offenders;

3 “(10) expanding family-based treatment centers
4 that offer family-based comprehensive treatment
5 services for offenders reentering the community;

6 “(11) conducting studies to determine the types
7 of offenders who are returning to prison or jail, and
8 which of those returning offenders represent the
9 greatest risk to community safety;

10 “(12) developing and implementing procedures
11 to assist relevant authorities—

12 “(A) in determining when release is appro-
13 priate; and

14 “(B) in the use of data to inform the re-
15 lease decision;

16 “(13) developing and implementing procedures
17 to identify efficiently and effectively those violators
18 of probation, parole, or post-incarceration super-
19 vision who should be returned to prison or jail;

20 “(14) establishing or expanding the use of re-
21 entry courts and other programs to—

22 “(A) monitor offenders returning to the
23 community;

24 “(B) provide offenders reentering the com-
25 munity with—

1 “(i) drug and alcohol testing and
2 treatment; and

3 “(ii) mental and medical health as-
4 sessment and services;

5 “(C) facilitate restorative justice practices
6 and convene family or community impact pan-
7 els, family impact educational classes, victim
8 impact panels, or victim impact educational
9 classes; and

10 “(D) provide and coordinate the delivery of
11 other community services to offenders, includ-
12 ing—

13 “(i) housing assistance;

14 “(ii) education;

15 “(iii) employment training;

16 “(iv) conflict resolution skills training;

17 “(v) family violence intervention pro-
18 grams;

19 “(vi) culturally and linguistically com-
20 petent services, as appropriate; and

21 “(vii) other appropriate services, as
22 determined by the Attorney General.

23 “(c) TASK FORCE ON FEDERAL PROGRAMS AND AC-
24 TIVITIES RELATING TO REENTRY OF OFFENDERS.—

1 “(1) TASK FORCE REQUIRED.—The Attorney
2 General, in consultation with the Secretary of Hous-
3 ing and Urban Development, the Secretary of Labor,
4 the Secretary of Education, the Secretary of Health
5 and Human Services, the Secretary of Veterans Af-
6 fairs, the Secretary of Agriculture, and the heads of
7 such other elements of the Federal Government as
8 the Attorney General considers appropriate, and in
9 collaboration with States, units of local government,
10 territories, tribes, stakeholders, service providers,
11 and nonprofit organizations, shall establish an inter-
12 agency task force on Federal programs and activities
13 relating to the reentry of offenders into the commu-
14 nity.

15 “(2) DUTIES.—The task force established
16 under paragraph (1) shall—

17 “(A) identify any reentry program or activ-
18 ity that may be resulting in overlapping or du-
19 plication of reentry services, the scope of such
20 overlapping or duplication, and the relationship
21 of such overlapping and duplication to public
22 safety, public health, and effectiveness and effi-
23 ciency;

1 “(B) identify methods to improve collabo-
2 ration and coordination programs and activities
3 identified in subparagraph (A);

4 “(C) identify areas of responsibility in
5 which improved collaboration and coordination
6 of programs and activities identified in subpara-
7 graph (A) would result in increased effective-
8 ness or efficiency;

9 “(D) develop innovative interagency or
10 intergovernmental programs, activities, or pro-
11 cedures that would improve outcomes of offend-
12 ers reentering the community and the children
13 of offenders;

14 “(E) develop methods for increasing reg-
15 ular communication that would increase inter-
16 agency program effectiveness;

17 “(F) identify areas of research that can be
18 coordinated across agencies with an emphasis
19 on applying science-based practices to support,
20 treatment, and intervention programs for of-
21 fenders reentering the community;

22 “(G) identify funding areas that should be
23 coordinated across agencies, and any gaps in
24 funding for reentry services; and

1 “(H) identify successful reentry programs
2 and collect best practices in offender reentry
3 from demonstration grantees and other agencies
4 and organizations, determine the extent to
5 which such programs and practices can be rep-
6 licated, and make information on such pro-
7 grams and practices available to States, local-
8 ities, nonprofit organizations, and others.

9 “(3) REPORT.—

10 “(A) IN GENERAL.—Not later than 1 year
11 after the date of enactment of the Fighting
12 Gangs and Empowering Youth Act of 2010, the
13 task force established under paragraph (1) shall
14 submit to Congress a report on barriers to re-
15 entry of offenders to the community, including
16 recommendations to overcome any barriers
17 identified.

18 “(B) PUBLIC COMMENT.—The task force
19 shall solicit and incorporate for public comment
20 in preparing the report required in subpara-
21 graph (A).

22 “(C) CONTENTS.—The report required by
23 subparagraph (A) shall identify Federal and
24 other barriers to successful reentry of offenders
25 into the community and analyze the effects of

1 the barriers on offenders and on children and
2 other family members of offenders, including
3 barriers relating to—

4 “(i) child support obligations and pro-
5 cedures;

6 “(ii) Social Security benefits (includ-
7 ing barriers in timely restoration of sus-
8 pended disability benefits immediately
9 upon release), veterans benefits, food
10 stamps, and other forms of Federal public
11 assistance;

12 “(iii) Medicaid and Medicare laws,
13 regulations, guidelines or procedures (in-
14 cluding barriers in timely restoration of
15 benefits caused by delay in reinstatement
16 of suspended Social Security disability ben-
17 efits);

18 “(iv) education programs, financial
19 assistance, and full civic participation;

20 “(v) temporary assistance to needy
21 families (TANF) program funding criteria
22 and other welfare benefits;

23 “(vi) sustainable employment and ca-
24 reer advancement, including barriers that
25 are not directly connected to the crime

1 committed and the risk that the offender
2 presents to the community;

3 “(vii) laws, regulations, rules, and
4 practices that restrict Federal employment
5 licensure and participation in Federal con-
6 tracting programs;

7 “(viii) admissions to and evictions
8 from Federal housing programs, includ-
9 ing—

10 “(I) examining the number and
11 characteristics of offenders who are
12 evicted from or denied eligibility for
13 Federal housing programs;

14 “(II) the effect of eligibility deni-
15 als and evictions on homelessness,
16 family stability, and family reunifica-
17 tion;

18 “(III) the extent to which arrest
19 records are the basis for denying ap-
20 plications;

21 “(IV) the implications of consid-
22 ering misdemeanor convictions that
23 occurred more than 5 years before the
24 date of an application and felony con-
25 victions that occurred more than 10

1 years before the date of an applica-
2 tion, and the appropriateness of tak-
3 ing into account rehabilitation and
4 other mitigating factors; and

5 “(V) the feasibility of using pro-
6 bationary or conditional eligibility
7 based on participation in a supervised
8 rehabilitation program or other appro-
9 priate social services;

10 “(ix) reentry procedures, case plan-
11 ning, and transitions of offenders from the
12 custody of the Bureau of Prisons to a Fed-
13 eral parole or probation program, or to
14 community corrections;

15 “(x) laws, regulations, rules, and
16 practices that may require a parolee to re-
17 turn to the same county that the parolee
18 was living in prior to being arrested, and
19 the potential for changing such laws, regu-
20 lations, rules, and practices; and

21 “(xi) prerelease planning procedures
22 for offenders to ensure that the eligibility
23 of an offender for Federal or State benefits
24 (including Medicaid, Medicare, Social Se-
25 curity and veterans benefits) upon release

1 is established prior to release, subject to
2 any limitations in law, and to ensure that
3 offenders are provided with referrals to ap-
4 propriate social and health services or are
5 linked to appropriate nonprofit organiza-
6 tions.

7 “(4) ANNUAL REPORTS.—On an annual basis,
8 the task force established under paragraph (1) shall
9 submit to Congress a report on the activities of the
10 task force, including specific recommendations of the
11 task force on the matters described in paragraph
12 (2).

13 “(5) STANDARDS FOR ANALYSIS.—Any statis-
14 tical analysis of population data under this section
15 shall be conducted in accordance with the Federal
16 Register Notice dated October 30, 1997, relating to
17 classification standards.

18 “(d) AUTHORIZATION OF APPROPRIATIONS.—Section
19 2976 of the Omnibus Crime Control and Safe Streets Act
20 of 1968 (42 U.S.C. 3797w) is amended in subsection
21 (o)(1) by striking ‘\$60,000,000’ and all that follows, and
22 inserting ‘\$60,000,000 for each fiscal years 2012 through
23 2016’ ”.

1 **SEC. 112. CHILDREN OF INCARCERATED PARENTS AND**
2 **FAMILIES.**

3 The Secretary of Health and Human Services may—

4 (1) prepare and make available to States a re-
5 port on any recommendations regarding the role of
6 State child protective services at the time of the ar-
7 rest of an individual; and

8 (2) by regulation, establish such services as the
9 Secretary determines necessary for the preservation
10 of families that have been impacted by the incarcer-
11 ation of a family member, with special attention
12 given to the impact on children.

13 **SEC. 113. REMOVAL OF LIMITATION ON AMOUNT OF FUNDS**
14 **AVAILABLE FOR CORRECTIONS EDUCATION**
15 **PROGRAMS UNDER THE ADULT EDUCATION**
16 **AND FAMILY LITERACY ACT.**

17 (a) IN GENERAL.—Section 222(a)(1) of the Adult
18 Education and Family Literacy Act (20 U.S.C.
19 9222(a)(1)) is amended by striking “, of which not more
20 than 10 percent of the 82.5 percent shall be available to
21 carry out section 225”.

22 (b) REPORT.—Not later than 180 days after the date
23 of enactment of this Act, the Secretary of Education shall
24 submit to Congress a report—

25 (1) on the use of literacy funds provided under
26 the Adult Education and Family Literacy Act (20

1 U.S.C. 9201 et seq.) to correctional institutions, as
 2 defined in section 225(d)(2) of such Act (20 U.S.C.
 3 9225(d)(2)); and

4 (2) that—

5 (A) specifies the amount of literacy funds
 6 that are provided to each category of correc-
 7 tional institution in each State; and

8 (B) identifies whether funds are being suf-
 9 ficiently allocated among the various types of
 10 institutions.

11 **SEC. 114. GRANTS TO STATES FOR IMPROVED WORKPLACE**
 12 **AND COMMUNITY TRANSITION TRAINING FOR**
 13 **INCARCERATED YOUTH OFFENDERS.**

14 Section 821 of the Higher Education Amendments of
 15 1998 (20 U.S.C. 1151) is amended to read as follows:

16 **“SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE**
 17 **AND COMMUNITY TRANSITION TRAINING FOR**
 18 **INCARCERATED YOUTH OFFENDERS.**

19 “(a) DEFINITION.—In this section, the term ‘youth
 20 offender’ means a male or female offender who is—

21 “(1) 30 years of age or younger; and

22 “(2) incarcerated in a State prison, including a
 23 prerelease facility.

24 “(b) GRANT PROGRAM.—The Secretary of Education
 25 (in this section referred to as the ‘Secretary’)—

1 “(1) shall establish a program in accordance
2 with this section to provide grants to the State cor-
3 rectional education agencies in the States, from allo-
4 cations for the States under subsection (h), to assist
5 and encourage youth offenders to acquire functional
6 literacy, life, and job skills, through—

7 “(A) the pursuit of a postsecondary edu-
8 cation certificate, or an associate or bachelor’s
9 degree while in prison; and

10 “(B) employment counseling and other re-
11 lated services which start during incarceration
12 and end not later than 1 year after release from
13 confinement; and

14 “(2) may establish such performance objectives
15 and reporting requirements for State correctional
16 education agencies receiving grants under this sec-
17 tion as the Secretary determines are necessary to as-
18 sess the effectiveness of the program under this sec-
19 tion.

20 “(c) APPLICATION.—To be eligible for a grant under
21 this section, a State correctional education agency shall
22 submit to the Secretary a proposal for a youth offender
23 program that—

24 “(1) identifies the scope of the problem, includ-
25 ing the number of youth offenders in need of post-

1 secondary education and career and technical edu-
2 cation;

3 “(2) lists the accredited public or private edu-
4 cational institution or institutions that will provide
5 postsecondary educational services;

6 “(3) lists the cooperating agencies, public and
7 private, or businesses that will provide related serv-
8 ices, such as counseling in the areas of career devel-
9 opment, substance abuse, health, and parenting
10 skills;

11 “(4) describes how the proposed program will
12 educate youth offenders on how to withdraw them-
13 selves from criminal street gangs;

14 “(5) describes specific performance objectives
15 and evaluation methods (in addition to, and con-
16 sistent with, any objectives established by the Sec-
17 retary under subsection (b)(2)) that the State cor-
18 rectional education agency will use in carrying out
19 its proposal, including—

20 “(A) specific and quantified student out-
21 come measures that are compared with out-
22 comes for non-program participants with simi-
23 lar demographic characteristics; and

1 “(B) measures, consistent with the data
2 elements and definitions described in subsection
3 (d)(1)(A), of—

4 “(i) program completion, including an
5 explicit definition of what constitutes a
6 program completion within the proposal;

7 “(ii) knowledge and skill attainment,
8 including specification of instruments that
9 will measure knowledge and skill attain-
10 ment;

11 “(iii) attainment of employment both
12 before and after release;

13 “(iv) success in employment indicated
14 by job retention and advancement; and

15 “(v) recidivism, including such sub-
16 indicators as time before subsequent of-
17 fense and severity of subsequent offense;

18 “(6) describes how the proposed programs are
19 to be integrated with existing State correctional edu-
20 cation programs (such as adult education, graduate
21 education degree programs, and career and technical
22 education) and State industry programs;

23 “(7) describes how the proposed programs will
24 utilize technology to deliver the services under this
25 section; and

1 “(8) describes how students will be selected so
2 that only youth offenders eligible under subsection
3 (e) will be enrolled in a program receiving a grant
4 under this section.

5 “(d) PROGRAM REQUIREMENTS.—Each State correc-
6 tional education agency receiving a grant under this sec-
7 tion shall—

8 “(1) annually report to the Secretary regard-
9 ing—

10 “(A) the results of the evaluations con-
11 ducted using data elements and definitions pro-
12 vided by the Secretary for the use of State cor-
13 rectional education programs;

14 “(B) any objectives or requirements estab-
15 lished by the Secretary pursuant to subsection
16 (b)(2); and

17 “(C) the additional performance objectives
18 and evaluation methods contained in the pro-
19 posal described in subsection (c)(4), as nec-
20 essary to document the attainment of project
21 performance objectives; and

22 “(2) expend on each participating eligible stu-
23 dent for an academic year, not more than the max-
24 imum Federal Pell Grant appropriated under section

1 401 of the Higher Education Act of 1965 for such
2 academic year, which shall be used for—

3 “(A) tuition, books, and essential mate-
4 rials; and

5 “(B) related services such as career devel-
6 opment, substance abuse counseling, parenting
7 skills training, and health education.

8 “(e) STUDENT ELIGIBILITY.—A youth offender shall
9 be eligible for participation in a program receiving a grant
10 under this section if the youth offender is eligible to be
11 released within 5 years (including a youth offender who
12 is eligible for parole within such time).

13 “(f) LENGTH OF PARTICIPATION.—A State correc-
14 tional education agency receiving a grant under this sec-
15 tion shall provide educational and related services to each
16 participating youth offender for a period not to exceed 5
17 years, 1 year of which may be devoted to study in a grad-
18 uate education degree program or to remedial education
19 services for students who have obtained a secondary school
20 diploma or its recognized equivalent. Educational and re-
21 lated services shall start during the period of incarceration
22 in prison or prerelease, and the related services may con-
23 tinue for not more than 1 year after release from confine-
24 ment.

1 (1) IN GENERAL.—The Bureau of Prisons shall
2 establish reentry planning procedures within the Re-
3 lease Preparation Program that include providing
4 Federal offenders with information relating to—

5 (A) health and nutrition;

6 (B) employment;

7 (C) personal finance and consumer skills;

8 (D) information and community resources;

9 (E) release requirements and procedures;

10 and

11 (F) personal growth and development.

12 (2) FORMAT.—

13 (A) WRITTEN INFORMATION PROVIDED TO
14 OFFENDERS.—Any written information that the
15 Bureau of Prisons provides to offenders for re-
16 entry planning purposes shall use common ter-
17 minology and language.

18 (B) MEDICAL INFORMATION.—

19 (i) IN GENERAL.—The Bureau of
20 Prisons shall provide the United States
21 Probation and Pretrial Services System
22 with relevant information on the medical
23 care needs and the mental health treat-
24 ment needs of offenders scheduled for re-
25 lease and reentry into the community.

1 (ii) CONSIDERATION OF INFORMA-
2 TION.—The United States Probation and
3 Pretrial Services System shall take this in-
4 formation into account when developing
5 supervision plans in an effort to address
6 the medical care and mental health care
7 needs of such offenders.

8 (C) PROVISION OF MEDICATIONS.—The
9 Bureau of Prisons shall provide offenders with
10 a sufficient amount of all necessary medications
11 upon release from custody.

12 **Subtitle C—Economic**
13 **Empowerment**

14 **SEC. 121. EXPANSION AND REAUTHORIZATION OF THE**
15 **MENTORING INITIATIVE FOR SYSTEM IN-**
16 **VOLVED YOUTH.**

17 (a) EXPANSION.—Section 261(a) of the Juvenile Jus-
18 tice and Delinquency Prevention Act of 1974 (42 U.S.C.
19 5665(a)) is amended by inserting at the end the following:
20 “The Administrator shall expand the number of sites re-
21 ceiving such grants from 4 to 12.”

22 (b) REAUTHORIZATION.—Section 299 of the Juvenile
23 Justice and Delinquency Prevention Act of 1974 (42
24 U.S.C. 5671) is amended by striking subsection (c) and
25 inserting the following:

1 **SEC. 202. ELIGIBLE ACTIVITIES.**

2 Grants made under this subtitle may include pro-
3 grams, projects, and other activities to—

4 (1) rehire law enforcement officers who have
5 been laid off as a result of State and local budget
6 reductions for deployment to reduce gang activity;

7 (2) hire and train additional career law enforce-
8 ment officers for deployment to reduce gang activity;

9 (3) procure equipment, technology, or support
10 systems, or pay overtime, to increase the number of
11 officers deployed in gang activity policing;

12 (4) hire officers to perform intelligence activi-
13 ties to reduce gang activity;

14 (5) increase the number of law enforcement of-
15 ficers involved in activities that are focused on inter-
16 action with members of the community or on
17 proactive gang control and prevention by redeploying
18 officers to such activities;

19 (6) establish and implement innovative pro-
20 grams to increase and enhance proactive crime con-
21 trol and gang prevention programs involving law en-
22 forcement officers and young persons in the commu-
23 nity;

24 (7) establish school-based partnerships between
25 local law enforcement agencies and local school sys-
26 tems by using school resource officers who operate

1 in and around elementary and secondary schools to
2 combat gangs;

3 (8) create and disseminate anti-gang campaigns
4 through broadcast advertisements and materials to
5 schools to highlight after school, educational, and
6 recreational activities;

7 (9) develop new technologies, including inter-
8 operable communications technologies, modernized
9 criminal record technology, and forensic technology,
10 to assist State and local law enforcement agencies in
11 reducing gang activity and to train law enforcement
12 officers to use such technologies; and

13 (10) support the purchase by law enforcement
14 agencies of not more than 1 service weapon per offi-
15 cer, upon hiring for deployment in gang activity po-
16 licing or, if necessary, upon the initial redeployment
17 of an officer to gang activity policing.

18 **SEC. 203. PREFERENTIAL CONSIDERATION OF APPLICA-**
19 **TIONS FOR CERTAIN GRANTS.**

20 In awarding grants under this subtitle, the Attorney
21 General may give preferential consideration to appli-
22 cants—

23 (1) for the hiring and rehiring of additional ca-
24 reer law enforcement officers that involve a non-Fed-

1 eral contribution exceeding the 25 percent minimum
2 under this subtitle;

3 (2) that are located in a high-intensity inter-
4 state gang activity area designated under section
5 204; and

6 (3) that coordinate with after-school programs,
7 nonprofit organizations, schools, and community or-
8 ganizations to create municipal-wide alliances to
9 suppress gang activity.

10 **SEC. 204. DESIGNATION OF HIGH-INTENSITY INTERSTATE**
11 **GANG ACTIVITY AREAS.**

12 (a) IN GENERAL.—The Attorney General may, after
13 consultation with the Governor of each affected State, des-
14 ignate a specific area that is located in not less than 1
15 State as a high-intensity interstate gang activity area.

16 (b) FACTORS FOR CONSIDERATION.—In making a
17 designation under subsection (a), the Attorney General
18 shall consider the extent to which—

19 (1) the area is a significant center of gang ac-
20 tivity;

21 (2) State, local, and tribal law enforcement
22 agencies have committed resources to respond to the
23 gang crime problem in the area, thereby indicating
24 a determination to respond aggressively to the prob-
25 lem;

1 (3) gang activities in the area are having a sig-
2 nificant harmful impact in the area, and in other
3 areas of the country;

4 (4) a significant increase in allocation of Fed-
5 eral resources is necessary to respond adequately to
6 gang-related activities in the area; and

7 (5) any other criteria as the Director deter-
8 mines to be appropriate.

9 (c) **MERGING OF AREAS.**—To the extent that the
10 goals of a high-intensity interstate gang activity area over-
11 lap with the goals of a high-intensity drug trafficking area
12 designated under section 707 of the Office of the National
13 Drug Control Policy Reauthorization Act of 1988 (21
14 U.S.C. 1706), the Attorney General may merge the 2
15 areas to serve both functions.

16 (d) **LOCAL COMMENT.**—The Attorney General may
17 not make a final designation under subsection (a) without
18 consulting with and receiving comment from local elected
19 officials representing communities within the affected
20 States.

21 **SEC. 205. USE OF COMPONENTS.**

22 The Attorney General may use any component of the
23 Department of Justice in carrying out this subtitle.

1 **SEC. 206. MINIMUM AMOUNT.**

2 (a) DEFINITION.—In this section, the term “quali-
3 fying State” means any State that has submitted an appli-
4 cation for a grant, or in which a unit of local government,
5 Indian tribe, other public or private entity, or multijuris-
6 dictional or regional consortia thereof has submitted an
7 application for a grant, that meets the requirements estab-
8 lished by the Attorney General under this subtitle.

9 (b) MINIMUM AMOUNT.—Unless all applications sub-
10 mitted by any qualifying State and grantee within that
11 State under this subtitle have been funded, each qualifying
12 State, together with grantees within that State, shall re-
13 ceive in each fiscal year under this subtitle an amount
14 equal to not less than 0.5 percent of the total amount ap-
15 propriated in that fiscal year for grants under this sub-
16 title.

17 **SEC. 207. MATCHING FUNDS.**

18 (a) IN GENERAL.—The Federal share of the costs of
19 a program, project, or activity carried out with a grant
20 under this subtitle shall be not more than 75 percent, un-
21 less the Attorney General waives, wholly or in part, the
22 requirement under this section of a non-Federal contribu-
23 tion to the costs of a program, project, or activity.

24 (b) HIRING.—For a grant for a period exceeding 1
25 year for hiring or rehiring career law enforcement officers,
26 the Federal share shall decrease each year for up to 5

1 years, by an amount determined by the Attorney General,
2 with a goal of the continuation of the increased hiring level
3 using State or local sources of funding following the con-
4 clusion of Federal support.

5 **SEC. 208. PROVIDING ADDITIONAL FORENSIC EXAMINERS.**

6 Section 816 of the USA PATRIOT Act (28 U.S.C.
7 509 note) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (4), by striking “and” at
10 the end;

11 (B) by redesignating paragraph (5) as
12 paragraph (6); and

13 (C) by inserting after paragraph (4) the
14 following:

15 “(5) to hire additional forensic examiners to
16 help with forensic work and to fight gang activity;
17 and”; and

18 (2) in subsection (b), by amending paragraph
19 (1) to read as follows:

20 “(1) AUTHORIZATION OF APPROPRIATIONS.—

21 There is authorized to be appropriated \$55,000,000
22 for each fiscal year to carry out this section.”.

23 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

24 There are authorized to be appropriated to carry out
25 this subtitle \$700,000,000 for each of the fiscal years

1 2012 through 2016. Any amount appropriated under this
2 section shall remain available until expended.

3 **SEC. 210. PERFORMANCE EVALUATION.**

4 (a) MONITORING COMPONENTS.—

5 (1) IN GENERAL.—Each program, project, or
6 activity funded under this title shall contain a moni-
7 toring component, developed in accordance with
8 guidelines established by the Attorney General.

9 (2) REQUIREMENT.—A monitoring component
10 required under paragraph (1) shall include—

11 (A) systematic identification and collection
12 of data about activities, accomplishments, and
13 programs throughout the life of the program,
14 project, or activity; and

15 (B) presentation of the data described in
16 subparagraph (A) in a usable form.

17 (b) EVALUATION COMPONENTS.—

18 (1) IN GENERAL.—Selected grant recipients
19 shall be evaluated on the local level or as part of a
20 national evaluation, in accordance with guidelines es-
21 tablished by the Attorney General.

22 (2) ASSESSMENT OF INDIVIDUAL PROGRAMS.—
23 An evaluation conducted under paragraph (1) may
24 include assessments of individual program imple-
25 mentations.

1 (3) EFFECTIVENESS.—

2 (A) IN GENERAL.—In selected jurisdictions
3 that are able to support outcome evaluations,
4 the effectiveness of funded programs, projects,
5 and activities may be required.

6 (B) MEASURES.—Outcome evaluations
7 conducted under subparagraph (A) may in-
8 clude—

- 9 (i) crime and victimization indicators;
10 (ii) quality of life measures;
11 (iii) community perceptions; and
12 (iv) police perceptions of their own
13 work.

14 (c) PERIODIC REVIEWS AND REPORTS.—The Attor-
15 ney General may require a grant recipient to submit to
16 the Attorney General the results of the monitoring and
17 evaluations required under subsections (a) and (b) and
18 such other data and information as the Attorney General
19 determines to be reasonably necessary.

20 (d) REPORT TO CONGRESS.—

21 (1) IN GENERAL.—Beginning not later than
22 October 1, 2012, the Attorney General shall submit
23 to Congress annual reports describing the extent to
24 which the approaches under section 202 have been
25 successful in reducing the rate of gang activity in

1 the communities in which the approaches have been
 2 carried out.

3 (2) CONTENTS.—A report submitted under
 4 paragraph (1) shall describe the extent and effective-
 5 ness to which the various approaches have—

6 (A) reduced recorded crime and disorder
 7 incidents related to criminal street gangs;

8 (B) reduced public fear and perceptions
 9 about criminal street gangs;

10 (C) reduced calls for police service related
 11 to criminal street gangs;

12 (D) reduced criminal street gang homi-
 13 cides;

14 (E) reduced criminal street gang drug
 15 crimes; and

16 (F) improved perceptions of safety among
 17 neighborhood youth, other community members,
 18 and local merchants.

19 **TITLE III—PUNISHMENT AND**
 20 **IMPROVED CRIME DATA**
 21 **Subtitle A—Gang Crimes**

22 **SEC. 301. CRIMINAL STREET GANGS.**

23 (a) CRIMINAL STREET GANG PROSECUTIONS.—Sec-
 24 tion 521 of title 18, United States Code, is amended to
 25 read as follows:

1 **“§ 521. Criminal street gang prosecutions**

2 “(a) DEFINITIONS.—As used in this chapter:

3 “(1) CRIMINAL STREET GANG.—The term
4 ‘criminal street gang’ means a formal or informal
5 continually operating group, club, organization, or
6 association of 5 or more individuals—

7 “(A) who individually, jointly, or in com-
8 bination, have knowingly committed or at-
9 tempted to commit for the direct or indirect
10 benefit of, at the direction of, in furtherance of,
11 or in association with the group, club organiza-
12 tion, or association at least 2 separate acts,
13 each of which is a predicate gang crime—

14 “(i) 1 of which occurs after the date
15 of enactment of the Fighting Gangs and
16 Empowering Youth Act of 2010;

17 “(ii) the last of which occurs not later
18 than 5 years after the commission of a
19 prior predicate gang crime (excluding any
20 period of imprisonment); and

21 “(iii) 1 of which is a crime of violence
22 or involves manufacturing, importing, dis-
23 tributing, possessing with intent to dis-
24 tribute, or otherwise dealing in a controlled
25 substance or listed chemical (as those
26 terms are defined in section 102 of the

1 Controlled Substances Act (21 U.S.C.
2 802));

3 “(B) whose purpose or purposes is the
4 commission of at least 2 separate criminal acts,
5 each of which is a predicate gang crime; and

6 “(C) whose activities affect interstate or
7 foreign commerce, or involve the use of any fa-
8 cility of, or travel in, interstate or foreign com-
9 merce.

10 “(2) PREDICATE GANG CRIME.—The term
11 ‘predicate gang crime’ means—

12 “(A) any act, threat, conspiracy, or at-
13 tempted act, which is chargeable under Federal
14 or State law and punishable by imprisonment
15 for more than 1 year involving—

16 “(i) murder;

17 “(ii) manslaughter;

18 “(iii) maiming;

19 “(iv) assault with a dangerous weap-
20 on;

21 “(v) assault resulting in serious bodily
22 injury;

23 “(vi) kidnapping;

24 “(vii) robbery;

25 “(viii) extortion;

1 “(ix) arson;

2 “(x) tampering with or retaliating
3 against a witness, victim, or informant;

4 “(xi) burglary;

5 “(xii) sexual assault;

6 “(xiii) carjacking; or

7 “(xiv) manufacturing, importing, dis-
8 tributing, possessing with intent to dis-
9 tribute, or otherwise dealing in a controlled
10 substance or listed chemicals (as those
11 terms are defined in section 102 of the
12 Controlled Substances Act (21 U.S.C.
13 802));

14 “(B) any act punishable by imprisonment
15 for more than 1 year under—

16 “(i) section 844 (relating to explosive
17 materials);

18 “(ii) section 922(g)(1) (where the un-
19 derlying conviction is a violent felony (as
20 defined in section 924(e)(2)(B) of this
21 title) or is a serious drug offense (as de-
22 fined in section 924(e)(2)(A) of this title));

23 “(iii) subsection (a)(2), (b), (c), (g),
24 or (h) of section 924 (relating to receipt,
25 possession, and transfer of firearms);

1 “(iv) section 930 (relating to posses-
2 sion of firearms and dangerous weapons in
3 Federal facilities);

4 “(v) section 931 (relating to purchase,
5 ownership, or possession of body armor by
6 violent felons);

7 “(vi) sections 1028 and 1029 (relating
8 to fraud and related activity in connection
9 with identification documents or access de-
10 vices);

11 “(vii) section 1512 (relating to tam-
12 pering with a witness, victim, or inform-
13 ant) or section 1513 (relating to retaliating
14 against a witness, victim, or informant);

15 “(viii) section 1951 (relating to inter-
16 ference with commerce, robbery or extor-
17 tion);

18 “(ix) section 1952 (relating to racket-
19 eering);

20 “(x) section 1956 (relating to the
21 laundering of monetary instruments);

22 “(xi) section 1957 (relating to engag-
23 ing in monetary transactions in property
24 derived from specified unlawful activity);

1 “(xii) section 1958 (relating to use of
2 interstate commerce facilities in the com-
3 mission of murder-for-hire); or

4 “(xiii) sections 2312 through 2315
5 (relating to interstate transportation of
6 stolen motor vehicles or stolen property);
7 or

8 “(C) any crime involving aggravated sexual
9 abuse, sexual assault, pimping or pandering in-
10 volving prostitution, sexual exploitation of chil-
11 dren (including sections 2251, 2251A, 2252
12 and 2260), peonage, slavery, or trafficking in
13 persons (including sections 1581 through 1592)
14 and sections 2421 through 2427 (relating to
15 transport for illegal sexual activity).

16 “(3) SEXUAL ASSAULT.—The term ‘sexual as-
17 sault’ means any offense that involves conduct that
18 would violate chapter 109A if the conduct occurred
19 in the special maritime and territorial jurisdiction of
20 the United States.

21 “(4) STATE.—The term ‘State’ means each of
22 the several States of the United States, the District
23 of Columbia, and any commonwealth, territory, or
24 possession of the United States.

1 “(5) PATTERN OF CRIMINAL GANG ACTIVITY.—

2 The term ‘pattern of criminal gang activity’ means
3 2 or more predicate gang crimes that are related to
4 each other or to related to the membership of the
5 perpetrator in a group, club or association.

6 “(b) PARTICIPATION IN CRIMINAL STREET GANGS.—

7 It shall be unlawful—

8 “(1) to engage, or conspire, or attempt to en-
9 gage in a pattern of criminal gang activity—

10 “(A) in furtherance or in aid of the illegal
11 activities of a criminal street gang;

12 “(B) for the purpose of gaining entrance
13 to or maintaining or increasing position in such
14 a gang; or

15 “(C) for the direct or indirect benefit of
16 the criminal street gang, or in association with
17 the criminal street gang; or

18 “(2) to employ, use, command, counsel, per-
19 suade, induce, entice, or coerce any individual to
20 commit, cause to commit, or facilitate the commis-
21 sion of, a predicate gang crime—

22 “(A) in furtherance or in aid of the activi-
23 ties of a criminal street gang;

1 “(B) for the purpose of gaining entrance
2 to or maintaining or increasing position in such
3 a gang; or

4 “(C) for the direct or indirect benefit of
5 the criminal street gang, or in association with
6 the criminal street gang.

7 “(c) PENALTIES.—Whoever violates subsection (b)—

8 “(1) shall be fined under this title, imprisoned
9 for not more than 30 years, or both; and

10 “(2) if the violation is based on a predicate
11 gang crime for which the maximum penalty includes
12 life imprisonment, shall be fined under this title, im-
13 prisoned for any term of years or for life, or both.

14 “(d) CIVIL PROCEDURES.—Property subject to for-
15 feiture under paragraph (1) may be forfeited in a civil case
16 under the procedures set forth in chapter 46 of this title.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 26 of title 18, United States
19 Code, is amended by striking the item relating to section
20 521 and inserting the following:

“521. Criminal street gang prosecutions.”.

21 **SEC. 302. SOLICITATION OR RECRUITMENT OF PERSONS**
22 **AND VIOLENT CRIMES IN FURTHERANCE OR**
23 **IN AID OF CRIMINAL STREET GANGS.**

24 (a) SOLICITATION OR RECRUITMENT OF PERSONS IN
25 CRIMINAL STREET GANG ACTIVITY.—Chapter 26 of title

1 18, United States Code, is amended by adding at the end
2 the following:

3 **“§ 522. Recruitment of persons to participate in a**
4 **criminal street gang**

5 “(a) PROHIBITED ACTS.—It shall be unlawful for any
6 person to knowingly recruit, employ, solicit, induce, com-
7 mand, or cause another person to be or remain as a mem-
8 ber of a criminal street gang, or conspire to do so, with
9 the intent to cause that person to participate in a predi-
10 cate gang crime, if the defendant travels in interstate or
11 foreign commerce in the course of the offense, or if the
12 activities of that criminal street gang are in or affect inter-
13 state or foreign commerce.

14 “(b) DEFINITION OF MINOR.—In this section, the
15 term ‘minor’ means a person who is less than 18 years
16 of age.

17 “(c) PENALTIES.—Any person who violates sub-
18 section (a) shall—

19 “(1) be imprisoned not more than 10 years,
20 fined under this title, or both;

21 “(2) if the person recruited, solicited, induced,
22 commanded, or caused to participate or remain in a
23 criminal street gang is under the age of 18 years—

24 “(A) be imprisoned for not more than 20
25 years, fined under this title, or both; and

1 “(B) at the discretion of the sentencing
2 judge, be liable for any costs incurred by the
3 Federal Government, or by any State or local
4 government, for housing, maintaining, and
5 treating the person until the person attains the
6 age of 18 years; or

7 “(3) be subjected to an enhanced term of im-
8 prisonment if the person who recruited, solicited, in-
9 duced, commanded, or caused another person to par-
10 ticipate in a criminal street gang is currently incar-
11 cerated when the activity occurs.

12 **“§ 523. Violent crimes in furtherance or in aid of a**
13 **criminal street gang**

14 “Any person who, for the purpose of gaining entrance
15 to or maintaining or increasing position in, or in further-
16 ance or in aid of, or for the direct or indirect benefit of,
17 or in purposeful association with a criminal street gang,
18 or as consideration for the receipt of, or as consideration
19 for a promise or agreement to pay, anything of pecuniary
20 value to or from a criminal street gang, murders, kidnaps,
21 sexually assaults, maims, assaults with a dangerous weap-
22 on, commits assault resulting in serious bodily injury
23 upon, commits any other predicate gang crime or threat-
24 ens to commit a crime of violence against any individual,
25 or attempts or conspires to do so, shall be punished, in

1 addition and consecutive to the punishment provided for
2 any other violation of this chapter—

3 “(1) for murder, by imprisonment for any term
4 of years or for life, a fine under this title, or both;

5 “(2) for kidnapping or sexual assault, by im-
6 prisonment for any term of years or for life, a fine
7 under this title, or both;

8 “(3) for maiming, by imprisonment for any
9 term of years or for life, a fine under this title, or
10 both;

11 “(4) for assault with a dangerous weapon or as-
12 sault resulting in serious bodily injury, by imprison-
13 ment for not more than 30 years, a fine under this
14 title, or both;

15 “(5) for any other predicate gang crime, by im-
16 prisonment for not more than 20 years, a fine under
17 this title, or both;

18 “(6) for threatening to commit a crime of vio-
19 lence specified in paragraphs (1) through (4), by im-
20 prisonment for not more than 10 years, a fine under
21 this title, or both;

22 “(7) for attempting or conspiring to commit
23 murder, kidnapping, maiming, or sexual assault, by
24 imprisonment for not more than 30 years, a fine
25 under this title, or both; and

1 “(8) for attempting or conspiring to commit a
2 crime involving assault with a dangerous weapon or
3 assault resulting in serious bodily injury, by impris-
4 onment for not more than 20 years, a fine under
5 this title, or both.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 26 of title 18, United States
8 Code, is amended by adding at the end the following:

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

“523. Violent crimes in furtherance of a criminal street gang.”.

9 **SEC. 303. INTERSTATE AND FOREIGN TRAVEL OR TRANS-**
10 **PORTATION IN AID OF RACKETEERING EN-**
11 **TERPRISES AND CRIMINAL STREET GANGS.**

12 Section 1952 of title 18, United States Code, is
13 amended—

14 (1) in subsection (a)—

15 (A) by striking “and thereafter performs
16 or attempts to perform” and inserting “and
17 thereafter performs, or attempts or conspires to
18 perform”; and

19 (B) by striking “5 years” and inserting
20 “10 years”;

21 (2) by redesignating subsections (b) and (c) as
22 subsections (c) and (d), respectively;

23 (3) by inserting after subsection (a) the fol-
24 lowing:

1 “(b) Whoever travels in interstate or foreign com-
 2 merce or uses the mail or any facility in interstate or for-
 3 eign commerce, with the intent to kill, assault, bribe, force,
 4 intimidate, or threaten any person, to delay or influence
 5 the testimony of, or prevent from testifying, a witness in
 6 a State criminal proceeding and thereafter performs, or
 7 attempts or conspires to perform, an act described in this
 8 subsection, shall—

9 “(1) be fined under this title, imprisoned for
 10 any term of years, or both; and

11 “(2) if death results, imprisoned for any term
 12 of years or for life.”; and

13 (4) in subsection (c)(2), as redesignated under
 14 subparagraph (B), by inserting “intimidation of, or
 15 retaliation against, a witness, victim, juror, or in-
 16 formant,” after “extortion, bribery.”.

17 **SEC. 304. AMENDMENTS RELATING TO VIOLENT CRIME IN**
 18 **AREAS OF EXCLUSIVE FEDERAL JURISDIC-**
 19 **TION.**

20 (a) ASSAULT WITHIN MARITIME AND TERRITORIAL
 21 JURISDICTION OF UNITED STATES.—Section 113(a)(3) of
 22 title 18, United States Code, is amended by striking “with
 23 intent to do bodily harm, and without just cause or ex-
 24 cause,”.

1 (b) MANSLAUGHTER.—Section 1112(b) of title 18,
2 United States Code, is amended by—

3 (1) striking “15 years” and inserting “20
4 years”; and

5 (2) striking “8 years” and inserting “10
6 years”.

7 (c) OFFENSES COMMITTED WITHIN INDIAN COUN-
8 TRY.—Section 1153(a) of title 18, United States Code, is
9 amended by inserting “an offense for which the maximum
10 statutory term of imprisonment under section 1363 is
11 greater than 5 years,” after “a felony under chapter
12 109A,”.

13 (d) CARJACKING.—Section 2119 of title 18, United
14 States Code, is amended by striking “, with the intent to
15 cause death or serious bodily harm”.

16 (e) CLARIFICATION OF PROHIBITION ON FIREARM
17 TRANSFER TO COMMIT CRIME OF VIOLENCE OR DRUG
18 TRAFFICKING CRIME.—Section 924(h) of title 18, United
19 States Code, is amended—

20 (1) by inserting “, or will be possessed in fur-
21 therance of,” after “commit”; and

22 (2) by striking “10 years” and inserting “20
23 years”.

1 (f) AMENDMENT OF SPECIAL SENTENCING PROVI-
2 SION.—Section 3582(d) of title 18, United States Code,
3 is amended—

4 (1) by striking “chapter 95 (racketeering) or 96
5 (racketeer influenced and corrupt organizations) of
6 this title” and inserting “section 521 (criminal
7 street gangs) or 523 (violent crimes in furtherance
8 or in aid of criminal street gangs), in chapter 95
9 (racketeering) or 96 (racketeer influenced and cor-
10 rupt organizations),”; and

11 (2) by inserting “a criminal street gang or” be-
12 fore “an illegal enterprise”.

13 (g) CONFORMING AMENDMENT RELATING TO OR-
14 DERS FOR RESTITUTION.—Section 3663(c)(4) of title 18,
15 United States Code, is amended by striking “chapter 46
16 or chapter 96 of this title” and inserting “section 521,
17 chapter 46, or chapter 96 of this title”.

18 (h) SPECIAL PROVISION FOR INDIAN COUNTRY.—No
19 person subject to the criminal jurisdiction of an Indian
20 tribal government shall be subject to section 3559(e) of
21 title 18, United States Code, for any offense for which
22 Federal jurisdiction is solely predicated on the fact that
23 the offense was committed in Indian country (as defined
24 in section 1151 of such title 18) and which occurs within
25 the boundaries of such Indian country, unless the gov-

1 erning body of such Indian tribe elects to subject the per-
 2 sons under the criminal jurisdiction of the tribe to section
 3 3559(e) of such title 18.

4 **SEC. 305. INCREASED PENALTIES FOR USE OF INTERSTATE**
 5 **COMMERCE FACILITIES IN THE COMMISSION**
 6 **OF MURDER-FOR-HIRE AND OTHER FELONY**
 7 **CRIMES OF VIOLENCE.**

8 (a) IN GENERAL.—Section 1958 of title 18, United
 9 States Code, is amended—

10 (1) by striking the heading and inserting the
 11 following:

12 **“1958. USE OF INTERSTATE COMMERCE FACILITIES IN THE**
 13 **COMMISSION OF MURDER-FOR-HIRE AND**
 14 **OTHER FELONY CRIMES OF VIOLENCE.”;**

15 (2) in subsection (a), by striking “Whoever”
 16 and all that follows through “conspires to do so”
 17 and inserting the following: “Any person who travels
 18 in or causes another (including the intended victim)
 19 to travel in interstate or foreign commerce, or uses
 20 or causes another (including the intended victim) to
 21 use the mail or any facility in interstate or foreign
 22 commerce, with intent that a murder or other felony
 23 crime of violence be committed in violation of the
 24 laws of any State or the United States as consider-
 25 ation for the receipt of, or as consideration for a

1 promise or agreement to pay, anything of pecuniary
2 value, or who conspires to do so”;

3 (3) striking “ten years” and inserting “20
4 years”; and

5 (4) by striking “twenty years” and inserting
6 “30 years”.

7 (b) TECHNICAL AND CONFORMING AMENDMENT.—

8 The table of sections at the beginning of chapter 95 of
9 title 18, United States Code, is amended by striking the
10 item relating to section 1958 and inserting the following:

“Sec. 1958. Use of interstate commerce facilities in the commission of murder-
for-hire and other felony crimes of violence.”.

11 **SEC. 306. AMENDMENT OF SENTENCING GUIDELINES RE-**
12 **LATING TO CERTAIN GANG AND VIOLENT**
13 **CRIMES.**

14 (a) DIRECTIVE TO THE UNITED STATES SEN-
15 TENCING COMMISSION.—Pursuant to its authority under
16 section 994(p) of title 28, United States Code, and in ac-
17 cordance with this section, the United States Sentencing
18 Commission shall review and, if appropriate, amend its
19 guidelines and its policy statements to conform to the
20 amendments made by this title.

21 (b) REQUIREMENTS.—In carrying out this section,
22 the Sentencing Commission shall—

1 (1) establish new guidelines and policy state-
2 ments, as warranted, in order to implement new or
3 revised criminal offenses created under this title;

4 (2) ensure that the sentencing guidelines and
5 policy statements reflect the serious nature of the of-
6 fenses and the penalties set forth in this title, the
7 growing incidence of serious gang and violent
8 crimes, and the need to modify the sentencing guide-
9 lines and policy statements to deter, prevent, and
10 punish such offenses;

11 (3) consider the extent to which the guidelines
12 and policy statements adequately address—

13 (A) whether the guideline offense levels
14 and enhancements for gang and violent
15 crimes—

16 (i) are sufficient to deter and punish
17 such offenses; and

18 (ii) are adequate in view of the statu-
19 tory increases in penalties contained in the
20 amendments made by this title; and

21 (B) whether any existing or new specific
22 offense characteristics should be added to re-
23 flect congressional intent to increase gang and
24 violent crime penalties, punish offenders, and
25 deter gang and violent crime;

1 (4) assure reasonable consistency with other
2 relevant directives and with other sentencing guide-
3 lines;

4 (5) account for any additional aggravating or
5 mitigating circumstances that might justify excep-
6 tions to the generally applicable sentencing ranges;

7 (6) make any necessary conforming changes to
8 the sentencing guidelines; and

9 (7) assure that the guidelines adequately meet
10 the purposes of sentencing under section 3553(a)(2)
11 of title 18, United States Code.

12 **SEC. 307. STUDY ON EXPANDING FEDERAL AUTHORITY FOR**
13 **JUVENILE OFFENDERS.**

14 (a) IN GENERAL.—Not later than 9 months after the
15 date of enactment of this Act, the Comptroller General
16 of the United States shall submit to the Committee on
17 the Judiciary of the Senate and the Committee on the Ju-
18 diciary of the House of Representatives a report on the
19 costs and benefits associated with expanding Federal au-
20 thority to prosecute offenders under the age of 18 years
21 who are gang members who commit criminal offenses.

22 (b) CONTENTS.—The report submitted under sub-
23 section (a) shall—

24 (1) examine the ability of the judicial systems
25 of the States to respond effectively to juveniles who

1 are members of criminal street gangs, as that term
2 is defined in section 521 of title 18, United States
3 Code, as amended by this Act;

4 (2) examine the extent to which offenders who
5 are 16 and 17 years old are members of criminal
6 street gangs, and are accused of committing violent
7 crimes and prosecuted in the adult criminal justice
8 systems of the individual States;

9 (3) determine the percentage of crimes com-
10 mitted by members of criminal street gangs that are
11 committed by offenders who are 16 and 17 years
12 old;

13 (4) examine the extent to which United States
14 attorneys bring criminal indictments and prosecute
15 offenders under the age of 18 years, and the extent
16 to which United States Attorneys' offices include
17 prosecutors with experience prosecuting juveniles for
18 adult criminal violations;

19 (5) examine the extent to which the Bureau of
20 Prisons houses offenders under the age of 18 years,
21 and has the ability and experience to meet the needs
22 of young offenders;

23 (6) estimate the cost to the Federal Govern-
24 ment of prosecuting and incarcerating members of

1 criminal street gangs who are 16 or 17 years old
2 and are accused of violent crimes; and

3 (7) detail any benefits for Federal prosecutions
4 that would be realized by expanding Federal author-
5 ity to bring charges against members of criminal
6 street gangs who are 16 or 17 years old and are ac-
7 cused of violent crimes.

8 **SEC. 308. STUDY ON EXAMINING THE ROLE OF GANGS IN**
9 **PRISONS.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this Act, the Bureau of Prisons shall
12 submit to the Committee on the Judiciary of the Senate
13 and the Committee on the Judiciary of the House of Rep-
14 resentatives a report on the prevalence of gangs in prisons.

15 (b) CONTENTS.—The report submitted under sub-
16 section (a) shall—

17 (1) investigate the growth of gangs in our pris-
18 on system;

19 (2) examine the extent to which non-gang mem-
20 ber offenders join gangs after arrival in prison;

21 (3) examine the extent to which current offend-
22 ers and members of criminal street gangs recruit,
23 employ, solicit, induce, command, or cause another
24 person to be a member of a criminal street gang
25 after arrival in prison;

1 (4) determine the impact of incarcerating mem-
 2 bers of similar criminal street gangs in the same
 3 prison;

4 (5) estimate the cost to the Federal Govern-
 5 ment of incarcerating members of similar criminal
 6 street gangs in different prisons; and

7 (6) provide any suggestions on how to suppress
 8 the growth of criminal street gangs in our prison
 9 system.

10 **Subtitle B—Firearms Offenses**

11 **SEC. 311. INCREASED PENALTIES FOR USE OF FIREARM IN** 12 **CRIME OF VIOLENCE OR DRUG TRAFFICKING** 13 **CRIME.**

14 (a) IN GENERAL.—Section 924(c)(1)(A) of title 18,
 15 United States Code, is amended—

16 (1) by striking “shall” and inserting “or con-
 17 spires to use, carry, or possess a firearm during and
 18 in relation to any such crime shall, for each instance
 19 in which the firearm is so used, carried, or pos-
 20 sessed”;

21 (2) in clause (i)—

22 (A) by striking “5 years” and inserting “7
 23 years”; and

24 (B) by adding “or” at the end;

25 (3) by striking clause (ii); and

1 (4) by redesignating clause (iii) as clause (ii).

2 (b) CONFORMING AMENDMENTS.—Section 924 of
3 title 18, United States Code, is amended—

4 (1) in subsection (c)—

5 (A) by striking paragraph (4); and

6 (B) by redesignating paragraph (5) as
7 paragraph (4); and

8 (2) by striking subsection (o).

9 **Subtitle C—Crime Data**

10 **SEC. 321. STANDARDIZATION OF CRIME REPORTING AND**
11 **INVESTIGATION.**

12 (a) EXPANDING UNIFORM CRIME REPORTING.—Sec-
13 tion 7332(c) of the Uniform Federal Crime Reporting Act
14 of 1988 (28 U.S.C. 534 note) is amended by adding at
15 the end the following:

16 “(4) JUVENILE CRIME.—The Attorney General
17 shall create a separate category in the Uniform
18 Crime Reports to distinguish criminal offenses com-
19 mitted by juveniles.

20 “(5) REPORTING BY STATES AND LOCAL GOV-
21 ERNMENTS.—

22 “(A) IN GENERAL.—For each fiscal year
23 beginning after the date of enactment of the
24 Fighting Gangs and Empowering Youth Act of
25 2010, all departments and agencies within a

1 State or unit of local government which rou-
2 tinely investigate complaints of criminal activ-
3 ity, shall meet the requirements of paragraph
4 (2).

5 “(B) INELIGIBILITY FOR FUNDS.—For any
6 fiscal year beginning after the date of enact-
7 ment of the Fighting Gangs and Empowering
8 Youth Act of 2010, a State or unit of local gov-
9 ernment that fails to comply with subparagraph
10 (A) shall not be eligible to receive any of the
11 funds that would otherwise be allocated for that
12 fiscal year to the State or unit of local govern-
13 ment under subtitle A of title II of such Act.

14 “(C) REALLOCATION.—Amounts not allo-
15 cated to a State or unit of local government
16 under the subtitle referred to in subparagraph
17 (B) for failure to fully comply with subpara-
18 graph (A) shall be reallocated under that sub-
19 title to States and units of local government
20 that have not failed to comply with such sub-
21 paragraph.

22 “(D) WAIVER.—The Attorney General
23 shall waive the requirements of subparagraph
24 (A) if compliance with such subparagraph by a
25 State or unit of local government would be un-

1 constitutional under the constitution of the ap-
2 plicable State.”.

3 (b) NATIONAL STRATEGY FOR INVESTIGATION CO-
4 ORDINATION.—Section 7332 of the Uniform Federal
5 Crime Reporting Act of 1988 (28 U.S.C. 534 note) is
6 amended by adding at the end the following:

7 “(h) NATIONAL STRATEGY FOR INVESTIGATION CO-
8 ORDINATION.—

9 “(1) COORDINATION.—The Attorney General
10 shall develop a national strategy to coordinate, con-
11 solidate, and standardize all investigations by Fed-
12 eral law enforcement agencies of crimes that are in-
13 cluded in the Uniform Crime Reports.

14 “(2) REPORT.—Not later than January 1,
15 2012, the Attorney General shall submit a report to
16 the President and Congress—

17 “(A) outlining the strategy developed
18 under paragraph (1); and

19 “(B) describing the efforts and strategy of
20 the Department of Justice in consolidating and
21 standardizing data on all crimes that are in-
22 cluded in the Uniform Crime Reports.”.

1 **SEC. 322. CONSOLIDATING AND STANDARDIZING GANG-RE-**
2 **LATED CRIME DATA.**

3 Section 150008 of the Violent Crime Control and Law
4 Enforcement Act of 1994 (42 U.S.C. 14062) is amend-
5 ed—

6 (1) in subsection (a), by inserting “, consoli-
7 date, and standardize all” after “strategy to coordi-
8 nate”;

9 (2) in subsection (b), by striking “acquire and
10 collect” and inserting “acquire, collect, consolidate,
11 and standardize all”;

12 (3) by amending subsection (c) to read as fol-
13 lows:

14 “(c) REPORT.—Not later than January 1, 2012, the
15 Attorney General shall submit a report to the President
16 and Congress—

17 “(1) outlining the strategy developed under sub-
18 section (a); and

19 “(2) describing the efforts and strategy of the
20 Department of Justice in consolidating and stand-
21 ardizing data on national gang offenses.”; and

22 (4) in subsection (d), by striking “\$1,000,000
23 for fiscal year 1996” and inserting “\$2,000,000 for
24 fiscal year 2012”.

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