

NLWJC - Kagan

DPC - Box 012 - Folder 014

Crime - Youth Violence Bills [3]

AMENDMENT NO. _____

Calendar No. _____

Purpose: To provide a substitute.

IN THE SENATE OF THE UNITED STATES—105th Cong., 1st Sess.

S. 10

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

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. Hatch

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:

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

- 4 (a) **SHORT TITLE.**—This Act may be cited as the
- 5 “Violent and Repeat Juvenile Offender Act of 1997”.

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

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

TITLE I—JUVENILE JUSTICE REFORM

- Sec. 101. Repeal of general provision.
- Sec. 102. Treatment of Federal juvenile offenders.

- Sec. 103. Capital cases.
- Sec. 104. Definitions.
- Sec. 105. Notification after arrest.
- Sec. 106. Release and detention prior to disposition.
- Sec. 107. Speedy trial.
- Sec. 108. Dispositional hearings.
- Sec. 109. Use of juvenile records.
- Sec. 110. Implementation of a sentence for juvenile offenders.
- Sec. 111. Magistrate judge authority regarding juvenile defendants.
- Sec. 112. Federal sentencing guidelines.
- Sec. 113. Study and report on indian tribal jurisdiction.

TITLE II—JUVENILE GANGS

- Sec. 201. Short title.
- Sec. 202. Increase in offense level for participation in crime as a gang member.
- Sec. 203. Amendment of title 18 with respect to criminal gangs.
- Sec. 204. Interstate and foreign travel or transportation in aid of criminal gangs.
- Sec. 205. Solicitation or recruitment of persons in criminal gang activity.
- Sec. 206. Crimes involving the recruitment of persons to participate in criminal gangs and firearms offenses as RICO predicates.
- Sec. 207. Prohibitions relating to firearms.
- Sec. 208. Amendment of sentencing guidelines with respect to body armor.
- Sec. 209. Prison communications.

TITLE III—JUVENILE CRIME CONTROL AND ACCOUNTABILITY

- Sec. 301. Findings; declaration of purpose; definitions.
- Sec. 302. Youth crime control and accountability block grants.
- Sec. 303. Runaway and homeless youth.
- Sec. 304. Authorization of appropriations.
- Sec. 305. Repeal.
- Sec. 306. Transfer of functions and savings provisions.
- Sec. 307. Repeal of unnecessary and duplicative programs.
- Sec. 308. Civil monetary penalty surcharge.
- Sec. 309. Reimbursement of States for costs of incarcerating juvenile aliens.

TITLE IV BOYS & GIRLS CLUBS - 2560 BY 2000

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

2 (a) FINDINGS.—Congress finds that—

3 (1) at the outset of the twentieth century, the
4 States adopted 2 separate juvenile justice systems
5 for violent and nonviolent offenders;

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

11 (3) in 1994—

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

17 (B) the number of persons arrested for all
18 violent crimes increased by 1.3 percent, but the
19 number of persons who are less than 15 years
20 of age arrested for violent crimes increased by
21 9.2 percent, and the number of persons less
22 than 18 years of age arrested for such crimes
23 increased by 6.5 percent;

24 (4) from 1985 to 1996, the number of persons
25 arrested for all violent crimes increased by 52.3 per-

1 cent, but the number of persons under age 18 ar-
2 rested for violent crimes rose by 75 percent;

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

8 (6) the rehabilitative model of sentencing for ju-
9 veniles, which Congress rejected for adult offenders
10 when Congress enacted the Sentencing Reform Act
11 of 1984, is inadequate and inappropriate for dealing
12 with violent and repeat juvenile offenders;

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

20 (8) an effective strategy for reducing violent ju-
21 venile crime requires greater collection of investiga-
22 tive data and other information, such as fingerprints
23 and DNA evidence, as well as greater sharing of
24 such information among Federal, State, and local

1 agencies, including the courts, in the law enforce-
2 ment and educational systems;

3 (9) data regarding violent juvenile offenders
4 must be made available to the adult criminal justice
5 system if recidivism by criminals is to be addressed
6 adequately;

7 (10) holding juvenile proceedings in secret de-
8 nies victims of crime the opportunity to attend and
9 be heard at such proceedings, helps juvenile offend-
10 ers to avoid accountability for their actions, and
11 shields juvenile proceedings from public scrutiny and
12 accountability;

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

16 (12) the investigation, prosecution, adjudica-
17 tion, and punishment of criminal offenses committed
18 by juveniles is, and should remain, primarily the re-
19 sponsibility of the States, to be carried out without
20 interference from the Federal Government.

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

22 (1) to reform juvenile law so that the para-
23 mount concerns of the juvenile justice system are
24 providing for the safety of the public and holding ju-
25 venile wrongdoers accountable for their actions,

1 while providing the wrongdoer a genuine opportunity
2 for self-reform;

3 (2) to revise the procedures in Federal court
4 that are applicable to the prosecution of juvenile of-
5 fenders;

6 (3) to address specifically the problem of violent
7 crime and controlled substance offenses committed
8 by youth gangs; and

9 (4) to encourage and promote, consistent with
10 the ideals of federalism, adoption of policies by the
11 States to ensure that the victims of crimes of vio-
12 lence committed by juveniles receive the same level
13 of justice as do victims of violent crimes that are
14 committed by adults.

15 **SEC. 3. SEVERABILITY.**

16 If any provision of this Act, an amendment made by
17 this Act, or the application of such provision or amend-
18 ment to any person or circumstance is held to be unconsti-
19 tutional, the remainder of this Act, the amendments made
20 by this Act, and the application of the provisions of such
21 to any person or circumstance shall not be affected there-
22 by.

1 **TITLE I—JUVENILE JUSTICE**
2 **REFORM**

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

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

6 (1) by striking section 5001; and

7 (2) by redesignating section 5003 as section
8 5001.

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

11 (1) by striking the item relating to section
12 5001; and

13 (2) by redesignating the item relating to section
14 5003 as 5001.

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

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

18 **“§ 5032. Delinquency proceedings in district courts;**
19 **juveniles tried as adults; transfer for**
20 **other criminal prosecution**

21 **“(a) IN GENERAL.—A juvenile who is alleged to have**
22 **committed an act of juvenile delinquency shall be tried in**
23 **the appropriate district court of the United States—**

24 **“(1) in the case of an offense described in sub-**
25 **section (c), if the juvenile was not less than 14 years**

1 of age at the time of the offense, as an adult at the
2 discretion of the United States Attorney in the ap-
3 propriate jurisdiction, upon certification by that
4 United States Attorney, which certification shall not
5 be subject to review in or by any court, that—

6 “(A) there is a substantial Federal interest
7 in the case or the offense to warrant the exer-
8 cise of Federal jurisdiction; or

9 “(B) the ends of justice otherwise so re-
10 quire; and

11 “(2) in the case of a felony offense that is not
12 described in subsection (c) as an adult, if, upon cer-
13 tification by the Attorney General,

14
15 which certification
16 shall not be subject to review in or by any court,
17 that—

18 “(A) there is a substantial Federal interest
19 in the case or the offense to warrant the exer-
20 cise of Federal jurisdiction; or

21 “(B) the ends of justice otherwise so re-
22 quire; and

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

24 “(b) JOINDER; LESSER INCLUDED OFFENSES.—In a
25 prosecution under this section, a juvenile may be pros-

1 ecuted and convicted as an adult for any offense that is
 2 properly joined under the Federal Rules of Criminal Pro-
 3 cedure with an offense under subsection (c), and may also
 4 be convicted of a lesser included offense.

5 “(c) OFFENSES DESCRIBED.—For purposes of sub-
 6 section (a)(1), an offense is described in this subsection
 7 if it is a Federal offense that—

8 “(1) is a serious violent felony or a serious drug
 9 offense described in section 3559(c), except that the
 10 provisions of paragraph (c)(3) of section ~~3589~~³⁵⁵⁹ shall
 11 not apply to this section; or

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

14 “(d) REFERRAL BY UNITED STATES ATTORNEY.—

15 “(1) IN GENERAL.—If the United States Attor-
 16 ney in the appropriate jurisdiction declines prosecu-
 17 tion of an offense under this section, the United
 18 States Attorney may refer the matter to the appro-
 19 priate legal authorities of the State or Indian tribe.

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

21 “(A) INDIAN TRIBE.—The term ‘Indian
 22 tribe’ has the same meaning as in section 4(e)
 23 of the Indian Self-Determination and Education
 24 Assistance Act (25 U.S.C. 450b(e)).

1 “(B) STATE.—The term ‘State’ includes a
2 State of the United States, the District of Co-
3 lumbia, and any commonwealth, territory, or
4 possession of the United States.

5 “(e) APPLICABLE PROCEDURES.—Any action pros-
6 ecuted in a district court of the United States under this
7 section—

8 “(1) shall proceed in the same manner as is re-
9 quired by this title and by the Federal Rules of
10 Criminal Procedure in proceedings against an adult
11 in the case of a juvenile who is being tried as an
12 adult in accordance with subsection (a); and

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

17 “(f) CAPITAL CASES.—Subject to section 3591, if a
18 juvenile is tried and sentenced as an adult, the juvenile
19 shall be subject to being sentenced to death on the same
20 terms and in accordance with the same procedures as an
21 adult.

22 “(g) APPLICATION OF LAWS.—

23 “(f)“(1) IN GENERAL.—In any case in which a ju-
24 venile is prosecuted in a district court of the United
25 States as an adult, the juvenile shall be subject to

1 the same laws, rules, and proceedings regarding sen-
2 tencing (including the availability of probation, res-
3 titution, fines, forfeiture, imprisonment and super-
4 vised release) that would be applicable in the case of
5 an adult. No juvenile sentenced to a term of impris-
6 onment shall be released from custody simply be-
7 cause the juvenile reaches the age of 18 years.

8 “(2) APPLICABILITY OF MANDATORY RESTITU-
9 TION PROVISIONS TO CERTAIN JUVENILES.—If a ju-
10 venile is tried as an adult for any offense to which
11 the mandatory restitution provisions of sections
12 3663A, 2248, 2259, 2264, and 2323 apply, such
13 sections shall apply to that juvenile in the same
14 manner and to the same extent as those provisions
15 apply to adults.

16 “(1) OPEN PROCEEDINGS.—

17 “(1) IN GENERAL.—Any offense tried in a dis-
18 trict court of the United States under this section
19 shall be open to the general public, in accordance
20 with rules 10, 26, 31(a), and 53 of the Federal
21 Rules of Criminal Procedure, unless good cause is
22 established by the moving party or is otherwise
23 found by the court, for closure.

24 “(2) STATUS ALONE INSUFFICIENT.—The sta-
25 tus of the defendant as a juvenile, absent other fac-

1 tors, shall not constitute good cause for purposes of
2 this subsection.

3 “(i) AVAILABILITY OF RECORDS.—

4 “(1) IN GENERAL.—In making a determination
5 concerning the arrest or prosecution of a juvenile in
6 a district court of the United States under this sec-
7 tion, subject to the requirements of section 5038,
8 the United States Attorney of the appropriate juris-
9 diction shall have complete access to the prior Fed-
10 eral juvenile records of the subject juvenile, and, to
11 the extent permitted by State law, the prior State
12 juvenile records of the subject juvenile.

13 “(2) CONSIDERATION OF ENTIRE RECORD.—In
14 any case in which a juvenile is found guilty in an ac-
15 tion under this section, the district court responsible
16 for imposing sentence shall have complete access to
17 the prior Federal juvenile records of the subject ju-
18 venile, and, to the extent permitted under State law,
19 the prior State juvenile records of the subject juve-
20 nile. At sentencing, the district court shall consider
21 the entire available prior juvenile record of the sub-
22 ject juvenile.

23 “(3) RELEASE OF RECORDS.—The Director of
24 the Federal Bureau of Investigation may release
25 such Federal records, and, to the extent permitted

1 by State law, such State records, to law enforcement
2 authorities of any jurisdiction and to officials of any
3 school, school district, or postsecondary school at
4 which the individual who is the subject of the juve-
5 nile record is enrolled or seeks, intends, or is in-
6 structed to enroll, if such school officials are held
7 liable to the same standards and penalties to which
8 law enforcement and juvenile justice system employ-
9 ees are held liable under Federal and State law, for
10 the handling and disclosure of such information.”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) CHAPTER ANALYSIS.—The analysis for
13 chapter 403 of title 18, United States Code, is
14 amended by striking the item relating to section
15 5032 and inserting the following:

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

16 (2) ADULT SENTENCING SECTION.—Section
17 3553 of title 18, United States Code, is amended by
18 adding at the end the following:

19 “(g) LIMITATION ON APPLICABILITY OF STATUTORY
20 MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS
21 UNDER THE AGE OF 16.—Notwithstanding any other pro-
22 vision of law, in the case of a defendant convicted for con-
23 duct that occurred before the juvenile attained the age of
24 16 years, the court shall impose a sentence without regard

1 to any statutory minimum sentence, if the court finds at
2 sentencing, after affording the Government an opportunity
3 to make a recommendation, that the juvenile has not been
4 previously adjudicated delinquent for, or convicted of, a
5 serious violent felony or a serious drug offense (as those
6 terms are defined in section 3559(c)).

7 “(h) REQUIREMENTS FOR PERSONS UNDER THE
8 AGE OF 14.—

9 “(1) IN GENERAL.—In any case in which a ju-
10 venile who is convicted or adjudicated delinquent for
11 an offense referred to in paragraph (2), for purposes
12 of sentencing each Federal court shall—

13 “(A) include that offense in any criminal
14 history computation (including a determination
15 prepared for the current offense that neces-
16 sitates a computation to determine whether the
17 defendant is a career offender) and in any simi-
18 lar computation or determination that results in
19 enhanced sentencing on the basis of prior crimi-
20 nal activity; and

21 “(B) consider that offense in the same
22 manner as if that offense had been committed
23 when the defendant was an adult.

24 “(2) OFFENSES DESCRIBED.—An offense de-
25 scribed in this paragraph is—

1 “(A) a crime of violence (as that term is
2 defined in section 16);

3 “(B) a controlled substance offense;

4 “(C) a felony for which the defendant was
5 prosecuted as an adult; or

6 “(D) any other offense for which the de-
7 fendant received a punishment of imprisonment
8 of 1 year or more.

9 “(3) CONTROLLED SUBSTANCE OFFENSE DE-
10 FINED.—In this subsection, the term ‘controlled sub-
11 stance offense’ means an offense under Federal or
12 State law that prohibits the manufacture, import,
13 export, distribution, or dispersing of a controlled
14 substance (or a counterfeit substance) with the in-
15 tent to manufacture, import, export, distribute, or
16 disperse that substance.”.

17 **SEC. 103. CAPITAL CASES.**

18 Section 3591 of title 18, United States Code, is
19 amended by striking “18 years” each place that term ap-
20 pears and inserting “16 years”.

21 **SEC. 103. DEFINITIONS.**

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

24 **“§ 5031. Definitions**

25 “In this chapter:

1 “(1) ADULT INMATE.—The term ‘adult inmate’
2 means an individual 18 years of age or older ar-
3 rested and in custody for, awaiting trial on, or con-
4 victed of criminal charges or an act of juvenile delin-
5 quency committed while a juvenile.

6 “(2) JUVENILE.—The term ‘juvenile’ means a
7 person who has not attained his or her eighteenth
8 birthday, or for the purpose of proceedings and dis-
9 position under this chapter for an alleged act of ju-
10 venile delinquency, a person who has not attained
11 his or her twenty-first birthday.

12 “(3) JUVENILE DELINQUENCY.—The term ‘ju-
13 venile delinquency’ means the violation of a law of
14 the United States committed by a person prior to
15 the eighteenth birthday of that person, if the viola-
16 tion—

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

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

20 “(4) PROHIBITED PHYSICAL CONTACT.—

21 “(A) IN GENERAL.—The term ‘prohibited
22 physical contact’ means direct physical contact
23 that provides an opportunity for an adult in-
24 mate physically to harm a juvenile, and includes

1 placing juveniles and adult inmates in the same
2 cell.

3 “(B) EXCLUSION.—The term does not in-
4 clude any contact that is indirect, intermittent,
5 or incidental, and that does not allow an adult
6 inmate physically to harm a juvenile.

7 “(5) SUSTAINED ORAL COMMUNICATION.—

8 “(A) IN GENERAL.—The term ‘sustained
9 oral communication’ means oral communication
10 that easily provides an opportunity for an adult
11 inmate orally to threaten a juvenile.

12 “(B) EXCLUSION.—The term does not in-
13 clude any communication that is indirect, inter-
14 mittent, or incidental, and that does not allow
15 an adult inmate easily to threaten a juvenile
16 orally.

17 “(6) STATE.—The term ‘State’ includes a State
18 of the United States, the District of Columbia, any
19 commonwealth, territory, or possession of the United
20 States and, with regard to an act of juvenile delin-
21 quency that would have been a misdemeanor if com-
22 mitted by an adult, an Indian tribe (as that term is
23 defined in section 4(e) of the Indian Self-Determina-
24 tion and Education Assistance Act (25 U.S.C.
25 4506(e))).

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

7 ~~SEC. 105~~ **NOTIFICATION AFTER ARREST.**

8 ¹⁰⁴Section 5033 of title 18, United States Code, is
9 amended—

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

16 (2) in the second sentence of the second undes-
17 igned paragraph, by inserting before the period at
18 the end the following: “, and the juvenile shall not
19 be subject to detention under conditions that permit
20 prohibited physical contact with adult inmates or,
21 for more than 72 hours, in which the juvenile and
22 an adult inmate can engage in sustained oral com-
23 munications”.

1 ~~SEC. 106.~~ ¹⁰⁵ **RELEASE AND DETENTION PRIOR TO DISPOSI-**
2 **TION.**

3 (a) **DUTIES OF MAGISTRATE.**—Section 5034 of title
4 18, United States Code, is amended—

5 (1) by striking “The Magistrate shall insure”
6 and inserting the following:

7 “(a) **IN GENERAL.**—

8 “(1) **REPRESENTATION BY COUNSEL.**—The
9 Magistrate shall ensure”;

10 (2) by striking “The Magistrate may appoint”
11 and inserting the following:

12 “(2) **GUARDIAN AD LITEM.**—The Magistrate
13 may appoint”;

14 (3) by striking “If the juvenile” and inserting
15 the following:

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

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

19 “(c) **RELEASE OF CERTAIN JUVENILES.**—Notwith-
20 standing subsection (b), a juvenile who is to be tried as
21 an adult under section 5032 shall be released pending trial
22 only in accordance with the applicable provisions of chap-
23 ter 207. The release shall be conducted in the same man-
24 ner and be subject to the same terms, conditions, and
25 sanctions for violation of a release condition as provided
26 for an adult under chapter 207.

1 “(d) PENALTY FOR AN OFFENSE COMMITTED WHILE
2 ON RELEASE.—

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

8 “(2) APPLICABILITY OF CERTAIN PENALTIES.—
9 Section 3147 shall apply to a juvenile who is to be
10 tried as an adult under section 5032 for an offense
11 committed while on release under this section.”.

12 (b) DETENTION PRIOR TO DISPOSITION.—Section
13 5035 of title 18, United States Code, is amended—

14 (1) by striking “A juvenile” and inserting the
15 following:

16 “(a) IN GENERAL.—A juvenile”;

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

18 (A) in the third sentence—

19 (i) by striking “regular”; and

20 (ii) by inserting “prohibited physical”

21 before “contact”; and

22 (B) after the fourth sentence, by inserting

23 the following: “To the extent practicable, vio-

24 lent juveniles shall be kept separate from non-

25 violent juveniles.”; and

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

2 “(b) DETENTION OF CERTAIN JUVENILES.—

3 “(1) IN GENERAL.—Notwithstanding subsection

4 (a), a juvenile who is to be tried as an adult under

5 section 5032 shall be subject to detention in accord-

6 ance with chapter 207 in the same manner, to the

7 same extent, and subject to the same terms and con-

8 ditions as an adult would be subject to under that

9 chapter.

10 “(2) EXCEPTION.—A juvenile shall not be de-

11 tained or confined in any institution in which the ju-

12 venile has prohibited physical contact with adult in-

13 mates, or, for more than 72 hours, in which an adult

14 inmate and the juvenile can engage in sustained oral

15 communication. To the extent practicable, violent ju-

16 veniles shall be kept separate from nonviolent juve-

17 niles.”.

18 **SEC. ~~107~~: SPEEDY TRIAL.**

19 ¹⁹⁶ Section 5036 of title 18, United States Code, is

20 amended—

21 (1) by striking “thirty” and inserting “70”; and

22 (2) by striking “the court,” and all that follows

23 through the end of the section and inserting the fol-

24 lowing: “the court. The periods of exclusion under

25 section 3161(h) shall apply to this section. In deter-

1 mining whether an information should be dismissed
 2 with or without prejudice, the court shall consider
 3 the seriousness of the alleged act of juvenile delin-
 4 quency, the facts and circumstances of the case that
 5 led to the dismissal, and the impact of a reprobsecu-
 6 tion on the administration of justice.”.

7 ~~SEC. 108.~~ **DISPOSITIONAL HEARINGS.**
 8 ¹⁰⁷

8 Section 5037 of title 18, United States Code, is
 9 amended—

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

12 “(a) IN GENERAL.—

13 “(1) DISPOSITIONAL HEARING.—In a proceed-
 14 ing under section 5032(a)(3), if the court finds a ju-
 15 venile to be a juvenile delinquent, the court shall
 16 hold a hearing concerning the appropriate disposi-
 17 tion of the juvenile no later than 40 court days after
 18 the finding of juvenile delinquency, unless the court
 19 has ordered further study pursuant to subsection
 20 (e). A predisposition report shall be prepared by the
 21 probation officer who shall promptly provide a copy
 22 to the juvenile, the juvenile’s counsel, and the attor-
 23 ney for the Government. Victim impact information
 24 shall be included in the report, and victims, or in ap-
 25 appropriate cases their official representatives, shall be

1 provided the opportunity to make a statement to the
2 court in person or present any information in rela-
3 tion to the disposition.

4 “(2) ACTIONS OF COURT AFTER HEARING.—
5 After the dispositional hearing, and after considering
6 any pertinent policy statements promulgated by the
7 United States Sentencing Commission pursuant to
8 section 994 of title 28, the court—

9 “(A) shall place the juvenile on probation
10 or commit the juvenile to official detention (in-
11 cluding the possibility of a term of supervised
12 release), and impose any fine that would be au-
13 thorized if the juvenile had been tried and con-
14 victed as an adult; and

15 “(B) may enter an order of restitution
16 pursuant to section 3663.”;

17 (2) in subsection (b)—

18 (A) in the matter preceding paragraph (1),
19 by inserting “or supervised release” after “pro-
20 bation”;

21 (B) by striking “extend—” and all that
22 follows through “The provisions” and inserting
23 the following: “extend, in the case of a juvenile,
24 beyond the maximum term of probation that
25 would be authorized by section 3561, or beyond

1 the maximum term of supervised release au-
2 thorized by section 3583, if the juvenile had
3 been tried and convicted as an adult. The provi-
4 sions dealing with supervised release set forth
5 in section 3583 and the provisions"; and

6 (C) in the last sentence, by inserting "or
7 supervised release" after "on probation"; and

8 (3) in subsection (c), by striking "may not ex-
9 tend—" and all that follows through "Section 3624"
10 and inserting the following: "may not extend beyond
11 the earlier of the 26th birthday of the juvenile or the
12 termination date of the maximum term of imprison-
13 ment, exclusive of any term of supervised release,
14 that would be authorized if the juvenile had been
15 tried and convicted as an adult. No juvenile sen-
16 tenced to a term of imprisonment shall be released
17 from custody simply because the juvenile reaches the
18 age of 18 years. Section 3624".

19 **SEC. 109. USE OF JUVENILE RECORDS.**

20 ⁽⁻⁸ Section 5038 of title 18, United States Code, is
21 amended—

22 (1) in subsection (a)—

23 (A) in paragraph (3), by inserting "or
24 analysis requested by the Attorney General" be-
25 fore the semicolon;

1 (B) in paragraph (5), by striking “and” at
2 the end;

3 (C) by striking paragraph (6) and insert-
4 ing the following:

5 “(6) communications with any victim of such
6 juvenile delinquency, or in appropriate cases with
7 the official representative of the victim, in order to
8 apprise such victim or representative of the status or
9 disposition of the proceeding or in order to effec-
10 tuate any other provision of law or to assist in a vic-
11 tim’s, or the victim’s official representative’s, alloca-
12 tion at disposition; and

13 “(7) inquiries from any school or other edu-
14 cational institution for the purpose of ensuring the
15 public safety and security at such institution.”; and

16 (D) by striking “Unless” and inserting the
17 following:

18 “(c) PROHIBITION ON RELEASE OF CERTAIN INFOR-
19 MATION.—Unless”;

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

22 (3) by inserting after subsection (a) the follow-
23 ing:

24 “(b) ACCESS BY UNITED STATES ATTORNEY.—Not-
25 withstanding subsection (a), in determining the appro-

1 puate disposition of a juvenile matter under section 5032,
2 the United States Attorney of the appropriate jurisdiction
3 shall have complete access to the official records of the
4 juvenile proceedings conducted under this title.”;

5 (4) in subsection (e) as redesignated, by insert-
6 ing before the comma following “proceeding” “,
7 other than necessary docketing information”;

8 (5) by inserting after subsection (e), as redesi-
9 gnated, the following:

10 “(f) RECORDS OF JUVENILES TRIED AS ADULTS.—
11 In any case in which a juvenile is tried as an adult, access
12 to the record of the offenses of the juvenile shall be made
13 available in the same manner as is applicable to adult de-
14 fendants.”; and

15 (6) by striking “(d) Whenever” and all that fol-
16 lows through “adult defendants.” and inserting the
17 following:

18 “(g) FINGERPRINTS AND PHOTOGRAPHS.—

19 “(1) IN GENERAL.—In any case in which a ju-
20 venile is proceeded against in a district court of the
21 United States under section 5032, that juvenile shall
22 be fingerprinted and photographed.

23 “(2) AVAILABILITY OF FINGERPRINTS AND
24 PHOTOGRAPHS.—Fingerprints and photographs of a
25 juvenile—

1 “(A) who is prosecuted as an adult, shall
2 be made available in the same manner as is ap-
3 plicable to an adult defendant; and

4 “(B) who is not prosecuted as an adult,
5 shall be made available only as provided in sub-
6 section (a).

7 “(3) INFORMATION TO FEDERAL BUREAU OF
8 INVESTIGATION.—

9 “(A) IN GENERAL.—The court shall trans-
10 mit to the Federal Bureau of Information the
11 information described in subparagraph (B), in
12 any case in which a juvenile proceeded against
13 in a district court of the United States under
14 section 5032 is found guilty—

15 “(i) in the case of a juvenile not pros-
16 ecuted as an adult, of any offense that is
17 a crime of violence or an act that would be
18 a felony if committed by an adult; or

19 “(ii) in the case of a juvenile pros-
20 ecuted as an adult, of any offense.

21 “(B) INFORMATION.—The information de-
22 scribed in this subparagraph is—

23 “(i) the information concerning an ad-
24 judication referred to in subparagraph (A),
25 including the name of the juvenile involved,

1 the date of the adjudication, the court, the
2 offense involved, and the sentence; and

3 “(ii) as appropriate, a notation as to
4 whether the matters covered in the infor-
5 mation under clause (i) involved a juvenile
6 tried as an adult or were juvenile adjudica-
7 tions.”.

8 ~~SEC. 5039~~ ¹⁶⁹ **IMPLEMENTATION OF A SENTENCE FOR JUVENILE OFFENDERS.**

10 Section 5039 of title 18, United States Code, is
11 amended to read as follows:

12 **“§ 5039. Implementation of a sentence**

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

19 “(b) SENTENCES OF IMPRISONMENT, PROBATION;
20 AND SUPERVISED RELEASE.—Subject to subsection ^(e)~~(c)~~,
21 the implementation of a sentence of imprisonment is gov-
22 erned by subchapter C of chapter 229, and, if the sentence
23 includes a term of probation or supervised release, by sub-
24 chapter A of chapter 229.

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

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

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

12 ~~“(d) CAPITAL SENTENCES.—Subject to subsection~~
13 ~~(e), the implementation of a sentence of death is governed~~
14 ~~by sections 3596, 3597, and 3598.~~

15 ~~“(e) SEGREGATION OF JUVENILES; CONDITIONS OF~~
16 ~~CONFINEMENT.—~~

17 “(1) IN GENERAL.—No juvenile committed for
18 incarceration, whether pursuant to an adjudication
19 of delinquency or conviction for an offense, to the
20 custody of the Attorney General may, before the ju-
21 venile attains the age of 18, be placed or retained
22 in any jail or correctional institution in which the ju-
23 venile has prohibited physical contact with adult in-
24 mates, or, for more than 72 hours, in which the ju-
25 venile and an adult inmate can engage in sustained

1 oral communication. To the extent practicable, vio-
2 lent juveniles shall be kept separate from nonviolent
3 juveniles.

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

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

8 “(B) as appropriate, counseling, education,
9 training, and medical care (including necessary
10 psychiatric, psychological, or other care or
11 treatment).

12 “(3) COMMITMENT TO FOSTER HOME OR COM-
13 MUNITY-BASED FACILITY.—Except in the case of a
14 juvenile who is found guilty of a violent felony, or
15 who is adjudicated delinquent for an offense that
16 would be a violent felony if the juvenile had been
17 prosecuted as an adult, the Attorney General shall
18 commit a juvenile to a foster home or community-
19 based facility located in or near his home community
20 if that commitment is—

21 “(A) practicable;

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

23 and

24 “(C) consistent with the safety of the com-
25 munity.”.

1 ~~SEC. 111.~~ **MAGISTRATE JUDGE AUTHORITY REGARDING JU-**
 2 ⁽¹⁰⁾ **VENILE DEFENDANTS.**

3 Section 3401(g) of title 18, United States Code, is
 4 amended—

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

8 (2) in the third sentence, by striking “, except
 9 that no” and all that follows through the end of the
 10 subsection, and inserting a period.

11 ~~SEC. 112.~~ **FEDERAL SENTENCING GUIDELINES.**

12 ⁽¹¹⁾ (a) **APPLICATION OF GUIDELINES TO CERTAIN JU-**
 13 **VENILE DEFENDANTS.—**

14 (1) **IN GENERAL.—**Section 994(h) of title 28,
 15 United States Code, is amended by inserting “, or
 16 in which the defendant is a juvenile who is tried as
 17 an adult,” after “old or older”.

18 (2) **APPLICABILITY.—**The amendment made by
 19 paragraph (1) shall apply to sentences for offenses—

20 (A) committed by a juvenile tried as an
 21 adult; and

22 (B) committed after the date of enactment
 23 of this Act and before the effective date of
 24 guidelines promulgated and adopted pursuant
 25 to subsection (b).

26 (b) **GUIDELINES FOR JUVENILE CASES.—**

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

4 “(z)(1) The Commission, not later than 1 year after
5 the date of enactment of the Violent and Repeat Juvenile
6 Offender Act of 1997, by affirmative vote of not less than
7 4 members of the Commission, and pursuant to its rules
8 and regulations and consistent with all pertinent provi-
9 sions of any Federal statute, shall promulgate and distrib-
10 ute to all courts of the United States and to the United
11 States Probation System—

12 “(A) guidelines, as described in this section, for
13 use by a sentencing court in determining the sen-
14 tence to be imposed in a criminal case when the de-
15 fendant committed the offense as a juvenile, and is
16 tried as an adult pursuant to section 5032 of title
17 18, United States Code; and

18 “(B) guidelines, as described in this section, for
19 use by a court in determining the sentence to be im-
20 posed on a juvenile adjudicated delinquent pursuant
21 to section 5032 of title 18, United States Code, and
22 sentenced pursuant to a dispositional hearing under
23 section 5037 of title 18, United States Code.

24 “(2) In carrying out this subsection, the Commission
25 shall make the determinations required by paragraph

1 (a)(1) and promulgate the policy statements and guide-
2 lines required by paragraphs (a)(2) and (a)(3).

3 “(3) In addition to any other considerations required
4 by this section, the Commission, in promulgating guide-
5 lines—

6 “(A) pursuant to subparagraph (1)(A), shall
7 presume the appropriateness of adult sentencing
8 provisions, but may make such adjustments to sen-
9 tence lengths and to provisions governing downward
10 departures from the guidelines as reflect the specific
11 interests of juvenile defendants; and

12 “(B) pursuant to subparagraph (1)(B), shall
13 ensure that the guidelines—

14 “(i) reflect the broad range of sentencing
15 options available to the court under section
16 5037 of title 18, United States Code; and

17 “(ii) effectuate a policy of an accountabil-
18 ity-based juvenile justice system that provides
19 substantial and appropriate sanctions, which
20 are graduated to reflect the severity or repeated
21 nature of violations, for each delinquent act.

22 “(4) The review period specified by subsection (p)
23 shall apply to guidelines promulgated pursuant to this
24 subsection and any future amendments thereto.”

1 give great weight to the seriousness of the offense,
2 the offender's relative position in the criminal gang,
3 and the risk of death or serious bodily injury to any
4 person posed by the offense.

5 (c) CONSTRUCTION WITH OTHER GUIDELINES.—

6 The amendment made pursuant to subsection (b) shall
7 provide that the increase in the offense level shall be in
8 addition to any other adjustment under chapter 3 of the
9 Federal Sentencing Guidelines.

10 **SEC. 203. AMENDMENT OF TITLE 18 WITH RESPECT TO**
11 **CRIMINAL GANGS.**

12 (a) IN GENERAL.—Section 521 of title 18, United
13 States Code, is amended—

14 (1) in subsection (a)—

15 (A) by striking “(a) DEFINITIONS.—” and
16 inserting the following:

17 “(a) DEFINITIONS.—In this section:”;

18 (B) by striking “‘conviction’ and all that
19 follows through the end of the subsection and
20 inserting the following:

21 “(1) CRIMINAL GANG.—The term ‘criminal
22 gang’ means an ongoing group, club, organization,
23 or association of 5 or more persons, whether formal
24 or informal—

1 “(A) that has as 1 of its primary activities
2 or purposes of the commission of 1 or more
3 predicate gang crimes; and

4 “(B) the activities of which affect inter-
5 state or foreign commerce.

6 “(2) PATTERN OF CRIMINAL GANG ACTIVITY.—

7 The term ‘pattern of criminal gang activity’ means
8 the commission of 2 or more predicate gang crimes
9 committed in connection with, or in furtherance of,
10 the activities of a criminal gang—

11 “(A) not less than 1 of which was commit-
12 ted after the date of enactment of the Federal
13 Gang Violence Act;

14 “(B) the first of which was committed not
15 more than 5 years before the commission of an-
16 other predicate gang crime; and

17 “(C) that were committed on separate oc-
18 casions.

19 “(3) PREDICATE GANG CRIME.—The term
20 ‘predicate gang crime’ means an offense, including
21 an act of juvenile delinquency that, if committed by
22 an adult, would be an offense that is—

23 “(A) a Federal offense—

24 “(i) that is a crime of violence (as
25 that term is defined in section (16)) for

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which the maximum penalty is imprisonment for not less than 10 years;

“(ii) that involves a controlled substance (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is imprisonment for not less than 10 years;

“(iii) that is a violation of section 522 (relating to the recruitment of persons to participate in criminal gang activity);

“(iv) that is a violation of section 844, 875, or 876 (relating to extortion and threats), or chapter 73 (relating to obstruction of justice);

Section 1084
(relating to gambling),
section 1455
(relating to gambling),

“(v) that is a violation of—

“(I) subsection (a)(1), (i), (j), (k), (o), (q), (u), (v), or (x)(1) of section 922; or

“(II) subsection (b), (g), (h), (k), (l), or (m) of section 924;

“(vi) that is a violation of section 1956 (relating to money laundering), to the extent that the violation of such section is related to a Federal or State offense in-

1 volving a controlled substance (as that
2 term is defined in section 102 of the Con-
3 trolled Substances Act (21 U.S.C. 802));

4 or

5 “(vii) that is a violation of section
6 274(a)(1)(A), 277, or 278 of the Immigra-
7 tion and Nationality Act (8 U.S.C.
8 1324(a)(1)(A), 1327, or 1328) (relating to
9 alien smuggling);

10 “(B) a State offense involving conduct that
11 would constitute an offense under subparagraph
12 (A) if Federal jurisdiction existed or had been
13 exercised; or

14 “(C) a conspiracy, attempt, or solicitation
15 to commit an offense described in subparagraph
16 (A) or (B).

17 “(4) STATE.—The term ‘State’ includes a State
18 of the United States, the District of Columbia, and
19 any commonwealth, territory, or possession of the
20 United States.”; and

21 (2) by striking subsections (b), (c), and (d) and
22 inserting the following:

23 “(b) CRIMINAL PENALTIES.—Any person who en-
24 gages in a pattern of criminal gang activity—

25 “(1) shall be sentenced to—

1 “(A) a term of imprisonment of not less
2 than 5 years and not more than 25 years, fined
3 in accordance with this title, or both; and

4 “(B) the forfeiture prescribed in section
5 413 of the Controlled Substances Act (21
6 U.S.C. 853); and

7 “(2) if any person engages in such activity after
8 1 or more prior convictions under this section have
9 become final, shall be sentenced to—

10 “(A) a term of imprisonment of not less
11 than 20 years and not more than life, fined in
12 accordance with this title, or both; and

13 “(B) the forfeiture prescribed in section
14 412 of the Controlled Substances Act (21
15 U.S.C. 853).

16 “(c) CERTIFICATION.—A person may not be pros-
17 ecuted for an offense under this section unless the Attor-
18 ney General, the Deputy Attorney General, or the Assist-
19 ant Attorney General for the Criminal Division certifies
20 in writing that, in the judgment of that official, the pros-
21 ecution of that person—

22 “(1) is in the public interest; and

23 “(2) is necessary to secure substantial justice.”.

24 (b) CONFORMING AMENDMENT.—Section 3663(c)(4)
25 of title 18, United States Code, is amended by inserting

1 before "chapter 46" the following: "section 521 of this
2 title,".

3 **SEC. 204. INTERSTATE AND FOREIGN TRAVEL OR TRANS-**
4 **PORTATION IN AID OF CRIMINAL GANGS.**

5 (a) TRAVEL ACT AMENDMENTS.—

6 (1) PROHIBITED CONDUCT AND PENALTIES.—

7 Section 1952(a) of title 18, United States Code, is
8 amended to read as follows:

9 "(a) PROHIBITED CONDUCT AND PENALTIES:—

10 "(1) IN GENERAL.—Any person who—

11 "(A) travels in interstate or foreign com-
12 merce or uses the mail or any facility in inter-
13 state or foreign commerce, with intent to—

14 "(i) distribute the proceeds of any un-
15 lawful activity; or

16 "(ii) otherwise promote, manage, es-
17 tablish, carry on, or facilitate the pro-
18 motion, management, establishment, or
19 carrying on, of any unlawful activity; and

20 "(B) after travel or use of the mail or any
21 facility in interstate or foreign commerce de-
22 scribed in subparagraph (A), performs, at-
23 tempts to perform, or conspires to perform an
24 act described in clause (i) or (ii) of subpara-
25 graph (A),

1 shall be fined under this title, imprisoned not more
2 than 10 years, or both.

3 “(2) CRIMES OF VIOLENCE.—Any person
4 who—

5 “(A) travels in interstate or foreign com-
6 merce or uses the mail or any facility in inter-
7 state or foreign commerce, with intent to com-
8 mit any crime of violence to further any unlaw-
9 ful activity; and

10 “(B) after travel or use of the mail or any
11 facility in interstate or foreign commerce de-
12 scribed in subparagraph (A), commits, attempts
13 to commit, or conspires to commit any crime of
14 violence to further any unlawful activity,

15 shall be fined under this title, imprisoned for not
16 more than 20 years, or both, and if death results
17 shall be sentenced to death or be imprisoned for any
18 term of years or for life.”.

19 (2) DEFINITIONS.—Section 1952(b) of title 18,
20 United States Code, is amended to read as follows:

21 “(b) DEFINITIONS.—In this section:

22 “(1) CONTROLLED SUBSTANCE.—The term
23 ‘controlled substance’ has the same meaning as in
24 section 102(6) of the Controlled Substances Act (21
25 U.S.C. 802(6)).

1 “(2) STATE.—The term ‘State’ includes a State
2 of the United States, the District of Columbia, and
3 any commonwealth, territory, or possession of the
4 United States.

5 “(3) UNLAWFUL ACTIVITY.—The term ‘unlaw-
6 ful activity’ means—

7 “(A) pattern of gang activity (as that term
8 is defined in section 521);

9 “(B) any business enterprise involving
10 gambling, liquor on which the Federal excise
11 tax has not been paid, narcotics or controlled
12 substances (as that term is defined in section
13 102(6) of the Controlled Substances Act (21
14 U.S.C. 802(a))), or prostitution offenses in vio-
15 lation of the laws of the State in which the of-
16 fense is committed or of the United States;

17 “(C) extortion, bribery, arson, burglary if
18 the offense involves property valued at not less
19 than \$10,000, assault with a deadly weapon,
20 assault resulting in bodily injury, shooting at an
21 occupied dwelling or motor vehicle, or retalia-
22 tion against or intimidation of witnesses, vic-
23 tims, jurors, or informants, in violation of the
24 laws of the State in which the offense is com-
25 mitted or of the United States; or

1 “(D) any act that is indictable under sec-
2 tion 1956 or 1957 of this title or under sub-
3 chapter II of chapter 53 of title 31.”.

4 (b) AMENDMENT OF SENTENCING GUIDELINES.—

5 (1) IN GENERAL.—Pursuant to its authority
6 under section 994(p) of title 28, United States Code,
7 the United States Sentencing Commission shall
8 amend chapter 2 of the Federal Sentencing Guide-
9 lines to provide an appropriate increase in the of-
10 fense levels for traveling in interstate or foreign
11 commerce in aid of unlawful activity.

12 (2) DEFINITION OF UNLAWFUL ACTIVITY.—In
13 this subsection, the term “unlawful activity” has the
14 same meaning as in section 1952(b) of title 18,
15 United States Code, as amended by this section.

16 **SEC. 205. SOLICITATION OR RECRUITMENT OF PERSONS IN**
17 **CRIMINAL GANG ACTIVITY.**

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

21 “§ 522. **Recruitment of persons to participate in**
22 **criminal gang activity**

23 “(a) PROHIBITED ACT.—It shall be unlawful for any
24 person to use any facility in, or travel in, interstate or
25 foreign commerce, or cause another to do so, to recruit,

1 solicit, induce, command, or cause another person to be
2 or to remain as a member of a criminal gang, or conspire
3 to do so.

4 “(b) PENALTIES.—A person who violates subsection
5 (a) shall—

6 “(1) if the person recruited, solicited, induced,
7 commanded, or caused—

8 “(A) is a minor, be imprisoned for a term
9 of not less than 4 years and not more than 10
10 years, fined in accordance with this title, or
11 both; or

12 “(B) is not a minor, be imprisoned for a
13 term of not less than 1 year and not more than
14 10 years, fined in accordance with this title, or
15 both; and

16 “(2) be liable for any costs incurred by the
17 Federal Government or by any State or local govern-
18 ment for housing, maintaining, and treating the
19 minor until the minor reaches the age of 18.

20 “(c) DEFINITIONS.—In this section:

21 “(1) CRIMINAL GANG.—The term ‘criminal
22 gang’ has the same meaning as in section 521.

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

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

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

4 **SEC. 206. CRIMES INVOLVING THE RECRUITMENT OF PER-**
5 **SONS TO PARTICIPATE IN CRIMINAL GANGS**
6 **AND FIREARMS OFFENSES AS RICO PREDI-**
7 **CATES.**

8 Section 1961(1) of title 18, United States Code, is
9 amended—

10 (1) by striking “or” before “(F)”; and

11 (2) by inserting before the semicolon at the end
12 the following: “, (G) an offense under section 522 of
13 this title, or (H) an offense under section 924(a) in-
14 sofar as such offense is a violation of subsection
15 (a)(1), (a)(4), (i), (j), (k), (o), (q), (u), (v), or (x)(1)
16 of section 922, or subsection (b), (g), (h), (k), (l),
17 or (m) of section 924 (relating to firearms viola-
18 tions)”.

19 **SEC. 207. PROHIBITIONS RELATING TO FIREARMS.**

20 (a) YOUTH HANDGUN SAFETY.—Section 924(a)(6)
21 of title 18, United States Code, is amended—

22 (1) by striking subparagraph (A);

23 (2) by redesignating subparagraph (B) as sub-
24 paragraph (A);

25 (3) in subparagraph (A), as redesignated—

1 (A) by striking “A person other than a ju-
2 venile who knowingly” and inserting “A person
3 who knowingly”;

4 (B) in clause (i), by striking “not more
5 than 1 year” and inserting “not more than 5
6 years”; and

7 (C) in clause (ii), by inserting “not less
8 than 1 year and” after “imprisoned”; and

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

10 “(B) Notwithstanding subparagraph (A), no
11 mandatory minimum sentence shall apply to a juve-
12 nile who is less than 14 years of age.”.

13 (b) **SERIOUS JUVENILE DRUG OFFENSES AS ARMED**
14 **CAREER CRIMINAL PREDICATES.**—Section 924(e)(2)(A)
15 of title 18, United States Code, is amended—

16 (1) in clause (i), by striking “or” at the end;

17 (2) in clause (ii), by adding “or” at the end;

18 and

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

20 “(iii) any act of juvenile delinquency that,
21 if committed by an adult, would be an offense
22 described in clause (i) or (ii);”.

23 (c) **TRANSFER OF FIREARMS TO MINORS FOR USE**
24 **IN CRIME.**—Section 924(h) of title 18, United States
25 Code, is amended by striking “10 years, fined in accord-

1 ance with this title, or both” and inserting “10 years, and
2 if the transferee is a person who is under 18 years of age,
3 imprisoned for a term of not less than 3 years, fined in
4 accordance with this title, or both”.

5 **SEC. 208. AMENDMENT OF SENTENCING GUIDELINES WITH**
6 **RESPECT TO BODY ARMOR.**

7 (a) **SHORT TITLE.**—This section may be cited as the
8 “James Guelff Body Armor Act of 1997”.

9 (b) **DEFINITIONS.**—In this section:

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

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

23 (c) **SENTENCING ENHANCEMENT.**—The United
24 States Sentencing Commission shall amend the Federal
25 Sentencing Guidelines to provide an appropriate sentenc-

1 ing enhancement, increasing the offense level not less than
2 2 levels, for any offense in which the defendant used body
3 armor.

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

11 **SEC. 209. PRISON COMMUNICATIONS.**

12 (a) IN GENERAL.—Chapter 119 of title 18, United
13 States Code, is amended by adding at the end the follow-
14 ing:

15 **“§ 2523. Exemption for communications in jails and**
16 **prisons**

17 “(a) IN GENERAL.—This chapter and chapter 121 do
18 not apply with respect to the interception by a law enforce-
19 ment officer, or a person acting on behalf of a law enforce-
20 ment officer, of any wire, oral, or electronic communica-
21 tion, or the use of a pen register, a trap and trace device,
22 or a clone pager, if—

23 “(1) in the case of any wire, oral, or electronic
24 communication, at least 1 of the parties to the com-

1 munication is an inmate or detainee in the custody
2 of—

3 “(A) the Attorney General of the United
4 States; or

5 “(B) a State or political subdivision there-
6 of; or

7 “(2) in the case of a pen register, a trap and
8 trace device, or a clone pager, the facility is regu-
9 larly used by an inmate or detainee in the custody
10 of—

11 “(A) the Attorney General of the United
12 States; or

13 “(B) a State or political subdivision there-
14 of.

15 “(b) REGULATIONS.—The Attorney General shall
16 promulgate regulations governing interceptions described
17 in subsection (a) in order to protect—

18 “(1) communications that are privileged under
19 any privilege recognized by the Supreme Court of
20 the United States; and

21 “(2) the right to counsel guaranteed by the
22 sixth amendment to the Constitution of the United
23 States.

24 “(c) STATE DEFINED.—In this subsection, the term
25 ‘State’ means each of the several States of the United

1 States, the District of Columbia, and the territories and
2 possessions of the United States.”.

3 (b) CONFORMING AMENDMENT.—The chapter analy-
4 sis for chapter 119 of title 18, United States Code, is
5 amended by adding at the end the following:

“2523. Exemption for communications in jails and prisons.”.

6 **TITLE III—JUVENILE CRIME**
7 **CONTROL AND ACCOUNT-**
8 **ABILITY**

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

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

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

16 **“SEC. 101. FINDINGS.**

17 “Congress makes the following findings:

18 “(1) During the past several years, the United
19 States has experienced an alarming increase in ar-
20 rests of adolescents for murder, assault, and weap-
21 ons offenses.

22 “(2) In 1994, juveniles accounted for 1 in 5 ar-
23 rests for violent crimes, including murder, robbery,
24 aggravated assault, and rape, including 514 such ar-

1 rests per 100,000 juveniles 10 through 17 years of
2 age.

3 “(3) Understaffed, overcrowded juvenile courts,
4 prosecutorial and public defender offices, probation
5 services, and correctional facilities no longer ade-
6 quately address the changing nature of juvenile
7 crime, protect the public, and correct youth offend-
8 ers.

9 “(4) The juvenile justice system has proven in-
10 adequate to meet the needs of society, because insuf-
11 ficient sanctions are imposed on serious youth of-
12 fenders and the needs of children, who may be at
13 risk of becoming delinquents.

14 “(5) Existing programs and policies have not
15 adequately responded to the particular threat that
16 drugs, alcohol abuse, violence, and gangs pose to the
17 youth of the Nation.

18 “(6) Demographic increases projected in the
19 number of youth offenders require reexamination of
20 the prosecution and incarceration policies for serious
21 violent youth offenders and policies designed to pre-
22 vent crime.

23 “(7) State and local communities that experi-
24 ence directly the devastating failures of the juvenile

1 justice system require assistance to deal comprehen-
2 sively with the problems of juvenile delinquency.

3 “(8) Existing Federal programs have not pro-
4 vided the States with necessary flexibility, and have
5 not provided coordination, resources, and leadership
6 required to meet the crisis of youth violence.

7 “(9) Overlapping and uncoordinated Federal
8 programs have created a multitude of Federal fund-
9 ing streams to State and local governments, that
10 have become a barrier to effective program coordina-
11 tion, responsive public safety initiatives, and the pro-
12 vision of comprehensive services for children and
13 youth.

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

19 “(11) Limited State and local resources are
20 being wasted complying with the unnecessary Fed-
21 eral mandate that status offenders be deinstitu-
22 tionalized. Some communities believe that curfews
23 are appropriate for juveniles, and those communities
24 should not be prohibited by the Federal Government
25 from using confinement for status offenses as a

1 means of dealing with delinquent behavior before it
2 becomes criminal conduct.

3 “(12) Limited State and local resources are
4 being wasted complying with the unnecessary Fed-
5 eral mandate that no juvenile be detained or con-
6 fined in any jail or lockup for adults, because it can
7 be feasible to separate adults and juveniles in 1 fa-
8 cility. This mandate is particularly burdensome for
9 rural communities.

10 “(13) The role of the Federal Government
11 should be to encourage and empower communities to
12 develop and implement policies to protect adequately
13 the public from serious juvenile crime as well as
14 comprehensive programs to reduce risk factors and
15 prevent juvenile delinquency.

16 “(14) A strong partnership among law enforce-
17 ment, local government, juvenile and family courts,
18 schools, businesses, philanthropic organizations,
19 families, and the religious community, can create a
20 community environment that supports the youth of
21 the Nation in reaching their highest potential and
22 reduces the destructive trend of juvenile crime.

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

24 “(a) IN GENERAL.—The purposes of this Act are
25 to—

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

3 “(2) empower States and communities to de-
4 velop and implement comprehensive programs that
5 support families and reduce risk factors and prevent
6 serious youth crime and juvenile delinquency;

7 “(3) provide for the thorough and ongoing eval-
8 uation of all federally funded programs addressing
9 juvenile crime and delinquency;

10 “(4) provide technical assistance to public and
11 private nonprofit entities that protect public safety,
12 administer justice and corrections to delinquent
13 youth, or provide services to youth at risk of delin-
14 quency, and their families;

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

19 “(6) establish a Federal assistance program to
20 deal with the problems of runaway and homeless
21 youth;

22 “(7) assist State and local governments in im-
23 proving the administration of justice for juveniles;

24 “(8) assist the State and local governments in
25 reducing the level of youth violence;

1 “(9) assist State and local governments in pro-
2 moting public safety by supporting juvenile delin-
3 quency prevention and control activities;

4 “(10) encourage and promote programs de-
5 signed to keep in school juvenile delinquents expelled
6 or suspended for disciplinary reasons;

7 “(11) assist State and local governments in
8 promoting public safety by encouraging accountabil-
9 ity through the imposition of meaningful sanctions
10 for acts of juvenile delinquency;

11 “(12) assist State and local governments in
12 promoting public safety by improving the extent, ac-
13 curacy, availability and usefulness of juvenile court
14 and law enforcement records and the openness of
15 the juvenile justice system;

16 “(13) assist State and local governments in
17 promoting public safety by encouraging the identi-
18 fication of violent and hardcore juveniles and trans-
19 ferring such juveniles out of the jurisdiction of the
20 juvenile justice system and into the jurisdiction of
21 adult criminal court;

22 “(14) assist State and local governments in
23 promoting public safety by providing resources to
24 States to build or expand juvenile detention facili-
25 ties;

1 “(15) provide for the evaluation of federally as-
2 sisted juvenile crime control programs, and training
3 necessary for the establishment and operation of
4 such programs;

5 “(16) ensure the dissemination of information
6 regarding juvenile crime control programs by provid-
7 ing a national clearinghouse; and

8 “(17) provide technical assistance to public and
9 private nonprofit juvenile justice and delinquency
10 prevention programs.

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

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

16 “(2) improve the quality of juvenile justice in
17 the United States.

18 **“SEC. 103. DEFINITIONS.**

19 “**In this Act:**

20 “(1) ADMINISTRATOR.—The term ‘Adminis-
21 trator’ means the Administrator of the Office of Ju-
22 venile Crime Control and Accountability.

23 “(2) ADULT INMATE.—The term ‘adult inmate’
24 means an individual 18 years of age or older ar-
25 rested and in custody for, awaiting trial on, or con-

1 victed of criminal charges or an act of juvenile delin-
2 quency committed while a juvenile.

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

10 “(4) SUSTAINED ORAL COMMUNICATION.—

11 “(A) IN GENERAL.—The term ‘sustained
12 oral communication’ means oral communication
13 that easily provides an opportunity for an adult
14 inmate orally to threaten a juvenile.

15 “(B) EXCLUSION.—The term does not in-
16 clude any communication that is indirect, inter-
17 mittent, or incidental, and that does not allow
18 an adult inmate easily to threaten a juvenile
19 orally.

20 “(5) FEDERAL JUVENILE CRIME CONTROL AND
21 JUVENILE OFFENDER ACCOUNTABILITY PROGRAM.—

22 The term ‘Federal juvenile crime control and juve-
23 nile offender accountability program’ means any
24 Federal program a primary objective of which is the
25 reduction of the incidence of arrest, the commission

1 of criminal acts or acts of delinquency, violence, the
2 use of alcohol or illegal drugs, or involvement in
3 gangs among juveniles.

4 “(6) INDIAN TRIBE.—The term ‘Indian tribe’
5 means any Indian tribe, band, nation, or other orga-
6 nized group or community, including any Alaska Na-
7 tive village or regional or village corporation as de-
8 fined in or established pursuant to the Alaska Na-
9 tive Claims Settlement Act (43 U.S.C. 1601 et seq.),
10 that is recognized as eligible for the special pro-
11 grams and services provided by the United States to
12 Indians because of their status as Indians.

13 “(7) JUVENILE POPULATION.—The term ‘juve-
14 nile population’ means the population of a State
15 under 18 years of age.

16 “(8) OFFICE.—The term ‘Office’ means the Of-
17 fice of Juvenile Crime Control and Accountability es-
18 tablished under section 201.

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

1 gangs, and teenage pregnancy, among youth in the
2 community.

3 “(10) 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 “(11) PROHIBITED PHYSICAL CONTACT.—

17 “(A) IN GENERAL.—The term ‘prohibited
18 physical contact’ means direct physical contact
19 that provides an opportunity for an adult in-
20 mate physically to harm a juvenile, and includes
21 placing juveniles and adult inmates in the same
22 cell.

23 “(B) EXCLUSION.—The term does not in-
24 clude any contact that is indirect, intermittent,

1 or incidental, and that does not allow an adult
2 inmate physically to harm a juvenile.

3 “(12) STATE.—The term ‘State’ means any
4 State of the United States, the District of Columbia,
5 the Commonwealth of Puerto Rico, the Trust Terri-
6 tory of the Pacific Islands, the Virgin Islands,
7 Guam, American Samoa, and the Commonwealth of
8 the Northern Mariana Islands.

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

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

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

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

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

1 **SEC. 302. YOUTH CRIME CONTROL AND ACCOUNTABILITY**

2 **BLOCK GRANTS.**

3 (a) OFFICE OF JUVENILE CRIME CONTROL AND AC-
4 COUNTABILITY.—Section 201 of the Juvenile Justice and
5 Delinquency Prevention Act of 1974 (42 U.S.C. 5611) is
6 amended—

7 (1) in subsection (a), by striking “Office of Ju-
8 venile Justice and Delinquency Prevention” and in-
9 serting “Office of Juvenile Crime Control and Ac-
10 countability”; and

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

12 “(d) DELEGATION AND ASSIGNMENT.—

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

16 “(A) delegate any of the functions of the
17 Administrator, and any function transferred or
18 granted to the Administrator after the date of
19 enactment of this Act, to such officers and em-
20 ployees of the Office as the Administrator may
21 designate; and

22 “(B) authorize successive redelegations of
23 such functions as may be necessary or appro-
24 priate.

25 “(2) RESPONSIBILITY.—No delegation of func-
26 tions by the Administrator under this subsection or

1 under any other provision of this title shall relieve
2 the Administrator of responsibility for the adminis-
3 tration of such functions.

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

9 (b) NATIONAL PROGRAM.—Section 204 of the Juve-
10 nile Justice and Delinquency Prevention Act of 1974 (42
11 U.S.C. 5614) is amended to read as follows:

12 **“SEC. 204. NATIONAL PROGRAM.**

13 **“(a) NATIONAL JUVENILE CRIME CONTROL AND JU-**
14 **VENILE OFFENDER ACCOUNTABILITY PLAN.—**

15 **“(1) IN GENERAL.—**The Administrator shall
16 develop objectives, priorities, and short- and long-
17 term plans, and shall implement overall policy and
18 a strategy to carry out such plan, for all Federal ju-
19 venile crime control and juvenile offender account-
20 ability programs and activities relating to improving
21 juvenile crime control and the enhancement of ac-
22 countability by offenders within the juvenile justice
23 system in the United States.

24 **“(2) CONTENTS OF PLANS.—**

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

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

13 “(ii) provide for coordinating the ad-
14 ministration of programs and activities
15 under this title with the administration of
16 all other Federal juvenile crime control and
17 juvenile offender accountability programs
18 and activities, including proposals for joint
19 funding to be coordinated by the Adminis-
20 trator;

21 “(iii) provide a detailed summary and
22 analysis of the most recent data available
23 regarding the number of juveniles taken
24 into custody, the rate at which juveniles
25 are taken into custody, the time served by

1 juveniles in custody, and the trends dem-
2 onstrated by such data;

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

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

12 “(vi) provide for the coordination of
13 Federal, State, and local initiatives for the
14 reduction of youth crime and ensuring ac-
15 countability for juvenile offenders.

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

1 which the maximum penalty is imprison-
2 ment for not less than 10 years;

3 “(ii) that involves a controlled sub-
4 stance (as that term is defined in section
5 102 of the Controlled Substances Act (21
6 U.S.C. 802)) for which the maximum pen-
7 alty is imprisonment for not less than 10
8 years;

9 “(iii) that is a violation of section 522
10 (relating to the recruitment of persons to
11 participate in criminal gang activity);

12 “(iv) that is a violation of section 844,
13 875, or 876 (relating to extortion and
14 threats), or chapter 73 (relating to ob-
15 struction of justice);

Section 1084
(relating to
gambling),
section 1455
(relating to
gambling),

16 “(v) that is a violation of—

17 “(I) subsection (a)(1), (i), (j),
18 (k), (o), (q), (u), (v), or (x)(1) of sec-
19 tion 922; or

20 “(II) subsection (b), (g), (h), (k),
21 (l), or (m) of section 924;

22 “(vi) that is a violation of section
23 1956 (relating to money laundering), to
24 the extent that the violation of such section
25 is related to a Federal or State offense in-

1 “(i) the types of offenses with which
2 the juveniles are charged;

3 “(ii) the ages of the juveniles;

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

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

12 “(v) the number of juveniles who died
13 or who suffered serious bodily injury while
14 in custody and the circumstances under
15 which each juvenile died or suffered such
16 injury.

17 “(C) DEFINITION.—In this paragraph, the
18 term ‘serious bodily injury’ means bodily injury
19 involving extreme physical pain or the impair-
20 ment of a function of a bodily member, organ,
21 or mental faculty that requires medical inter-
22 vention such as surgery, hospitalization, or
23 physical rehabilitation.

24 “(3) ANNUAL REVIEW.—The Administrator
25 shall annually—

1 “(A) review each plan submitted under this
2 subsection;

3 “(B) revise the plans, as the Administrator
4 considers appropriate; and

5 “(C) not later than March 1 of each year,
6 present the plans to the Committees on the Ju-
7 diciary of the Senate and the House of Rep-
8 resentatives.

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

11 “(1) advise the President through the Attorney
12 General as to all matters relating to federally as-
13 sisted juvenile crime control and juvenile offender
14 accountability programs, and Federal policies re-
15 garding juvenile crime and justice, including policies
16 relating to juveniles prosecuted or adjudicated in the
17 Federal courts;

18 “(2) implement and coordinate Federal juvenile
19 crime control and juvenile offender accountability
20 programs and activities among Federal departments
21 and agencies and between such programs and activi-
22 ties and other Federal programs and activities that
23 the Administrator determines may have an impor-
24 tant bearing on the success of the entire national ju-
25 venile crime control and juvenile offender account-

1 ability effort including, in consultation with the Di-
2 rector of the Office of Management and Budget list-
3 ing annually those programs to be considered Fed-
4 eral juvenile crime control and juvenile accountabil-
5 ity programs for the following fiscal year;

6 “(3) provide for the auditing of grants provided
7 pursuant to this title;

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

15 “(5) ensure the performance of comprehensive
16 rigorous independent scientific evaluations, each of
17 which shall—

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

21 “(B) include measures of outcome and
22 process objectives, such as reductions in juve-
23 nile crime, youth gang activity, youth substance
24 abuse, and other high risk factors, as well as in-

1 creases in protective factors that reduce the
2 likelihood of delinquency and criminal behavior;

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

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

13 “(c) NATIONAL JUVENILE CRIME CONTROL AND JU-
14 VENILE OFFENDER ACCOUNTABILITY BUDGET.—

15 “(1) IN GENERAL.—The Administrator,
16 through the Attorney General shall—

17 “(A) develop for each fiscal year, with the
18 advice of the program managers of departments
19 and agencies with responsibilities for any Fed-
20 eral juvenile crime control or juvenile offender
21 accountability program, a consolidated National
22 Juvenile Crime Control and Juvenile Offender
23 Accountability Plan budget proposal to imple-
24 ment the National Juvenile Crime Control and
25 Juvenile Offender Accountability Plan; and

1 “(B) transmit such budget proposal to the
2 President and to Congress.

3 “(2) SUBMISSION OF JUVENILE OFFENDER AC-
4 COUNTABILITY BUDGET REQUEST.—

5 “(A) IN GENERAL.—Each Federal Govern-
6 ment program manager, agency head, and de-
7 partment head with responsibility for any Fed-
8 eral juvenile crime control or juvenile offender
9 accountability program shall, through the At-
10 torney General, submit the juvenile crime con-
11 trol and juvenile offender accountability budget
12 request of the program, agency, or department
13 to the Administrator at the same time as such
14 request is submitted to their superiors (and be-
15 fore submission to the Office of Management
16 and Budget) in the preparation of the budget of
17 the President submitted to Congress under sec-
18 tion 1105(a) of title 31, United States Code.

19 “(B) TIMELY DEVELOPMENT AND SUBMIS-
20 SION.—The head of each department or agency
21 with responsibility for a Federal juvenile crime
22 control or juvenile offender accountability pro-
23 gram shall ensure timely development and sub-
24 mission to the Administrator of juvenile crime
25 control and juvenile offender accountability

1 budget requests transmitted pursuant to this
2 subsection, in such format as may be des-
3 ignated by the Administrator with the concur-
4 rence of the Administrator of the Office of
5 Management and Budget.

6 “(3) REVIEW AND CERTIFICATION.—The Ad-
7 ministrator shall—

8 “(A) review each juvenile crime control and
9 juvenile offender accountability budget request
10 transmitted to the Administrator under para-
11 graph (2);

12 “(B) certify in writing as to the adequacy
13 of such request in whole or in part to imple-
14 ment the objectives of the National Juvenile
15 Crime Control and Juvenile Offender Account-
16 ability Plan for the year for which the request
17 is submitted and, with respect to a request that
18 is not certified as adequate to implement the
19 objectives of the National Juvenile Crime Con-
20 trol and Juvenile Offender Accountability Plan,
21 include in the certification an initiative or fund-
22 ing level that would make the request adequate;
23 and

24 “(C) notify the program manager, agency
25 head, or department head, as applicable, re-

1 garding the certification of the Administrator
2 under subparagraph (B).

3 “(4) RECORDKEEPING REQUIREMENT.—The
4 Administrator shall maintain records regarding cer-
5 tifications under paragraph (3)(B).

6 “(5) FUNDING REQUESTS.—The Administrator,
7 through the Attorney General, shall request the head
8 of a department or agency to include in the budget
9 submission of the department or agency to the Of-
10 fice of Management and Budget, funding requests
11 for specific initiatives that are consistent with the
12 priorities of the President for the National Juvenile
13 Crime Control and Juvenile Offender Accountability
14 Plan and certifications made pursuant to paragraph
15 (3), and the head of the department or agency shall
16 comply with such a request.

17 “(6) REPROGRAMMING AND TRANSFER RE-
18 QUESTS.—

19 “(A) IN GENERAL.—No department or
20 agency with responsibility for a Federal juvenile
21 crime control or juvenile offender accountability
22 program for which primary implementing au-
23 thority lies outside the Department of Justice
24 shall submit to Congress a reprogramming or
25 transfer request with respect to any amount of

1 appropriated amounts greater than \$5,000,000
2 that is included in the National Juvenile Crime
3 Control and Juvenile Offender Accountability
4 Plan budget unless such request is first submit-
5 ted to the Administrator through the Attorney
6 General and such request has been approved by
7 the Administrator.

8 “(B) APPEAL TO PRESIDENT.—The head
9 of any department or agency with responsibility
10 for a Federal juvenile crime control or juvenile
11 offender accountability program for which pri-
12 mary implementing authority lies outside the
13 Department of Justice may appeal to the Presi-
14 dent any disapproval by the Administrator of a
15 reprogramming or transfer request.

16 “(7) QUARTERLY REPORTS.—The Adminis-
17 trator shall report to Congress on a quarterly basis
18 regarding the need for any reprogramming or trans-
19 fer of appropriated amounts for National Juvenile
20 Crime Control and Juvenile Offender Accountability
21 Plan activities.

22 “(8) EXERCISE OF AUTHORITY.—In carrying
23 out the duties under this subsection, the Adminis-
24 trator may exercise, through the Attorney General,
25 authority over those departments, agencies, offices,

1 bureaus, and other components of the Federal Gov-
2 ernment with responsibility for a juvenile crime con-
3 trol or juvenile offender accountability program, with
4 respect to such program.

5 “(d) INFORMATION, REPORTS, STUDIES, AND SUR-
6 VEYS FROM OTHER AGENCIES.—The Administrator may
7 require, through appropriate authority, Federal depart-
8 ments and agencies engaged in any activity involving any
9 Federal juvenile crime control and juvenile offender ac-
10 countability program to provide the Administrator with
11 such information and reports, and to conduct such studies
12 and surveys, as the Administrator determines to be nec-
13 essary to carry out the purposes of this title.

14 “(e) UTILIZATION OF SERVICES AND FACILITIES OF
15 OTHER AGENCIES; REIMBURSEMENT.—The Adminis-
16 trator may utilize the services and facilities of any agency
17 of the Federal Government and of any other public agency
18 or institution in accordance with appropriate agreements,
19 and to pay for such services either in advance or by way
20 of reimbursement as may be agreed upon.

21 “(f) COORDINATION OF FUNCTIONS OF ADMINIS-
22 TRATOR AND SECRETARY OF HEALTH AND HUMAN SERV-
23 ICES.—All functions of the Administrator shall be coordi-
24 nated as appropriate with the functions of the Secretary
25 of Health and Human Services under title III.

1 “(g) ANNUAL JUVENILE DELINQUENCY DEVELOP-
2 MENT STATEMENTS.—

3 “(1) IN GENERAL.—The Administrator shall re-
4 quire through appropriate authority each Federal
5 agency that administers a Federal juvenile crime
6 control and juvenile offender accountability program
7 to submit annually to the Office a juvenile crime
8 control and juvenile offender accountability develop-
9 ment statement. Such statement shall be in addition
10 to any information, report, study, or survey that the
11 Administrator may require under subsection (d).

12 “(2) CONTENTS.—Each development statement
13 submitted to the Administrator under paragraph (1)
14 shall contain such information, data, and analyses as
15 the Administrator may require. Such analyses shall
16 include an analysis of the extent to which the pro-
17 gram of the Federal agency submitting such develop-
18 ment statement conforms with and furthers Federal
19 juvenile crime control and juvenile offender account-
20 ability prevention and treatment goals and policies.

21 “(3) REVIEW AND COMMENT.—

22 “(A) IN GENERAL.—The Administrator
23 shall review and comment upon each juvenile
24 crime control and juvenile offender accountabil-

1 ity development statement transmitted to the
2 Administrator under paragraph (1).

3 “(B) INCLUSION IN OTHER DOCUMENTA-
4 TION.—Such development statement, together
5 with the comments of the Administrator, shall
6 be included by the Federal agency involved in
7 every recommendation or request made by such
8 agency for Federal legislation that significantly
9 affects juvenile crime control and juvenile of-
10 fender accountability.

11 “(h) JUVENILE CRIME CONTROL AND JUVENILE OF-
12 FENDER ACCOUNTABILITY INCENTIVE BLOCK GRANTS.—

13 “(1) IN GENERAL.—The Administrator shall
14 make, subject to the availability of appropriations,
15 grants to States to assist them in planning, estab-
16 lishing, operating, coordinating, and evaluating
17 projects, directly or through grants and contracts
18 with public and private agencies, for the develop-
19 ment of more effective investigation, prosecution,
20 and punishment (including the imposition of grad-
21 uated sanctions) of crimes or acts of delinquency
22 committed by juveniles, programs to improve the ad-
23 ministration of justice for and ensure accountability
24 by juvenile offenders, and programs to reduce the
25 risk factors (such as truancy, drug or alcohol use,

1 and gang involvement) associated with juvenile crime
2 or delinquency.

3 “(2) USE OF GRANTS.—Grants under this title
4 may be used—

5 “(A) for programs to enhance the identi-
6 fication, investigation, prosecution, and punish-
7 ment of juvenile offenders, such as—

8 “(i) the utilization of graduated sanc-
9 tions;

10 “(ii) the utilization of short-term con-
11 finement of juvenile offenders;

12 “(iii) the incarceration of violent juve-
13 nile offenders for extended periods of time;
14 and

15 “(iv) the hiring of juvenile prosecu-
16 tors, juvenile public defenders, juvenile
17 judges, juvenile probation officers, and ju-
18 venile correctional officers to implement
19 policies to control juvenile crime and en-
20 sure accountability of juvenile offenders;

21 “(B) for programs that require juvenile of-
22 fenders to make restitution to the victims of of-
23 fenses committed by those juvenile offenders;

24 “(C) for programs that require juvenile of-
25 fenders to attend and successfully complete

1 school or vocational training as part of a sen-
2 tence imposed by a court;

3 “(D) for programs that require juvenile of-
4 fenders who are parents to demonstrate paren-
5 tal responsibility by working and paying child
6 support;

7 “(E) for programs that seek to curb or
8 punish truancy;

9 “(F) for programs designed to collect,
10 record, retain, and disseminate information use-
11 ful in the identification, prosecution, and sen-
12 tencing of juvenile offenders, such as criminal
13 history information, fingerprints, and DNA
14 tests;

15 “(G) for juvenile crime control and preven-
16 tion programs (such as nighttime curfews,
17 youth organizations, antidrug programs, drug
18 testing of offenders, antigang programs, and
19 after school activities) that include a rigorous,
20 comprehensive evaluation component that meas-
21 ures the decrease in risk factors associated with
22 the juvenile crime and delinquency and employs
23 scientifically valid standards and methodologies;

24 “(H) for the development and implementa-
25 tion of coordinated multijurisdictional or multi-

1 agency programs for the identification, control,
 2 supervision, prevention, investigation, and treat-
 3 ment of the most serious juvenile offenses and
 4 offenders, sometimes known as a 'SHOCAP
 5 Program' (Serious Habitual Offenders Com-
 6 prehensive Action Program);

7 "(I) for the development and implementa-
 8 tion of coordinated multijurisdictional or multi-
 9 agency programs for the identification, control,
 10 supervision, prevention, investigation, and dis-
 11 ruption of youth gangs;

(L) to provide
 literacy and
 job training
 to juvenile
 offenders; and
 (M) to provide
 substance
 abuse treatment
 for juvenile
 offenders who
 have a substance
 abuse problem.

12 "(J) for the construction or remodeling of
 13 short- and long-term facilities for juvenile of-
 14 fenders; ~~or~~

15 "(K) for the development and implementa-
 16 tion of training programs for juvenile crime
 17 control, for law enforcement officers, judges,
 18 prosecutors, probation officers, and other court
 19 personnel who are employed by State and local
 20 governments, in furtherance of the purposes
 21 identified in this subsection;

22 "(3) REQUIREMENTS.—To be eligible to receive
 23 an incentive grant under this subsection, a State
 24 shall make reasonable efforts, as certified by the

1 Governor, to ensure that, not later than July 1,
2 2000—

3 “(A) juveniles age 14 and older can be
4 prosecuted under State law as adults, for an act
5 that would be a serious violent felony (as de-
6 fined by State law) if committed by an adult;

7 “(B) the State has established graduated
8 sanctions for juvenile offenders, including sanc-
9 tions for violations of terms of release;

10 “(C) the State—

11 “(i) requires that juveniles who are
12 arrested for, or charged with, a crime of
13 violence or an act that would be a felony
14 if committed by an adult, are fingerprinted
15 and photographed, and that the finger-
16 prints and photograph are sent to the Fed-
17 eral Bureau of Investigation;

18 “(ii) maintains a record relating to
19 the adjudication or disposition that is—

20 “(I) equivalent to the record that
21 would be kept of an adult conviction
22 for that offense;

23 “(II) retained for a period of
24 time that is equal to the period of

1 time records are kept for adult convic-
2 tions;

3 “(III) made available to law en-
4 forcement agencies of any jurisdiction;

5 “(IV) made available to officials
6 of a school, school district, or post-
7 secondary school in which the individ-
8 ual who is the subject of the juvenile
9 record seeks, intends, or is instructed
10 to enroll, and that such officials are
11 held liable to the same standards and
12 penalties that law enforcement and ju-
13 venile justice system employees are
14 held liable to, under Federal and
15 State law for handling and disclosing
16 such information;

17 “(V) made available to any court
18 having jurisdiction over such an indi-
19 vidual, for the purpose of allowing the
20 court to consider the entire juvenile
21 history of the individual as ~~a relevant~~
22 ~~factor in determining appropriate~~
23 ~~punishment for the individual at sen-~~
24 ~~tencing;~~ and

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“(VI) sent to the Federal Bureau
of Investigation;

~~“(D) the State ensures that religious organizations can participate in rehabilitative programs designed to achieve the purposes authorized by this title;~~

~~“(E) the State will not detain or confine—~~
D “(i) any juvenile who is alleged to be
or determined to be delinquent—

“(I) in any institution in which
the juvenile has prohibited physical
contact with adult inmates; or

“(II) for a period of more than
72 hours in any institution in which
an adult ^{inmate} and a juvenile can engage in
sustained oral communication; and

~~“(ii) any juvenile who is alleged to be
or determined to be a status offender for
a period of more than 30 days in any se-
cure correctional facility;~~

~~“(F) the State has established local advisory groups that represent units of local government, and that—~~
E

“(i) are balanced and include participants in every phase of juvenile crime con-

1 trol, including the local prosecutor, a juve-
2 nile judge, a juvenile probation officer, a
3 public defender, the sheriff, the chief of po-
4 lice, and a juvenile correctional officer and
5 other citizens, as appointed by the chief ju-
6 venile judge of the unit of local govern-
7 ment; and

8 “(ii) will conduct a thorough assess-
9 ment of the case processing in juvenile
10 court from arrest to disposition and pun-
11 ishment and effectuate the necessary
12 changes to make the system more efficient,
13 to more effectively control juvenile crime,
14 and to ensure the accountability of juvenile
15 offenders;

16 “(G) the State has an established policy of
17 drug testing (including ^F ~~following~~ ^{follow-up} testing) all ju-
18 venile offenders upon their arrest for any fel-
19 ony; and

20 “(H) amounts made available under this
21 part to the States (or units of local government
22 in the State) will not be used to supplant State
23 or local funds (or in the case of Indian tribal
24 governments, to supplant amounts provided by
25 the Bureau of Indian Affairs) but shall be used

1 to increase the amount of funds that would in
2 the absence of amounts received under this
3 part, be made available from State or local
4 source, or in the case of Indian tribal govern-
5 ments, from amounts provided by the Bureau
6 of Indian Affairs).

7 “(4) VALIDITY OF CERTAIN JUDGMENTS.—
8 Nothing in this subsection shall be construed to af-
9 fect the validity of a judgment of conviction under
10 the law of the State that entered the judgment.

11 “(5) DISTRIBUTION BY STATE OFFICES TO ELI-
12 GIBLE APPLICANTS.—

13 “(A) IN GENERAL.—Of amounts made
14 available to the State—

15 “(i) not less than 35 percent shall be
16 designated for programs pursuant to
17 clauses (i), (ii), and (iii) of paragraph
18 (2)(A) and paragraph (2)(J), except that if
19 the State approves a grant for purposes of
20 construction or remodeling of short- or
21 long-term facilities, that grant shall con-
22 stitute not more than 50 percent of the es-
23 timated construction or remodeling cost
24 and that no funds expended pursuant to

1 this subparagraph may be used for the in-
2 carceration of adult offenders;

3 “(ii) not less than 10 percent shall be
4 designated for the enhancement of juvenile
5 record collection and dissemination pursu-
6 ant to subparagraph (F) of paragraph (2)
7 and subparagraph (C) of paragraph (3);

8 “(iii) not less than 15 percent shall be
9 designated for drug testing upon arrest
10 and intensive supervision thereafter pursu-
11 ant to paragraphs (2)(G) and (3)(G); and

12 “(iv) not less than 75 percent shall be
13 allocated to units of local government with-
14 in the State, unless the provisions of this
15 clause are waived at the discretion of the
16 Administrator with respect to any State in
17 which the services for delinquent or other
18 youth are organized primarily on a State-
19 wide basis.

20 “(B) ELIGIBLE APPLICANTS.—Entities eli-
21 gible to receive amounts distributed by the
22 State office under this title are—

23 “(i) units of local government;

24 “(ii) local police or sheriff’s depart-
25 ments;

1 “(iii) State or local prosecutor’s of-
2 fices;

3 “(iv) State or local courts responsible
4 for the administration of justice in cases
5 involving juvenile offenders;

6 “(v) schools;

7 “(vi) nonprofit, educational, religious,
8 or community groups active in crime pre-
9 vention or drug use prevention and treat-
10 ment; or

11 “(vii) any combination of the entities
12 described in clauses (i) through (vi).

13 “(6) APPLICATION TO STATE OFFICE.—

14 “(A) IN GENERAL.—To be eligible to re-
15 ceive amounts from the State office, the appli-
16 cant shall prepare and submit to the State of-
17 fice an application in written form that—

18 “(i) describes the types of activities
19 and services for which the amount will be
20 provided;

21 “(ii) includes information indicating
22 the extent to which the activities and serv-
23 ices achieve the purposes of the title;

24 “(iii) provides for the evaluation com-
25 ponent required by subsection (b)(2),

1 which evaluation shall be conducted by an
2 independent entity;

3 “(iv) with respect to construction
4 funds, provides an assessment of the need
5 for detention facilities in the relevant juris-
6 diction; and

7 “(v) provides any other information
8 that the State office may require.

9 “(B) PRIORITY.—In approving applications
10 under this paragraph, the State office should
11 give priority to those applicants demonstrating
12 coordination with, consolidation of, or expansion
13 of existing State or local juvenile crime control
14 and juvenile offender accountability programs.

15 “(7) FUNDING PERIOD.—The State office may
16 award such a grant for a period of not more than
17 3 years.

18 “(8) RENEWAL OF GRANTS.—The State office
19 may renew grants made under this title. After the
20 initial grant period, in determining whether to renew
21 a grant to an entity to carry out activities, the State
22 office shall give substantial weight to the effective-
23 ness of the activities in achieving reductions in
24 crimes committed by juveniles and in improving the
25 administration of justice to juvenile offenders.”.

1 (c) REPEALS; ADMINISTRATIVE PROVISIONS.—Title
2 II of the Juvenile Justice and Delinquency Prevention Act
3 of 1974 (42 U.S.C. 5611 et seq.) is amended—

4 (1) by striking sections 206 and 207 and insert-
5 ing the following:

6 **“SEC. 206. ALLOCATION OF GRANTS AND AUTHORIZATION**
7 **OF APPROPRIATIONS; GRANTS TO INDIAN**
8 **TRIBES.**

9 **“(a) ALLOCATION OF GRANT AMOUNTS.—**

10 **“(1) IN GENERAL.—**Amounts made available
11 under section 204(h) or part B shall be allocated to
12 the States as follows:

13 **“(A)** 0.75 percent shall be allocated to
14 each State; and

15 **“(B)** of the total amount remaining after
16 the allocation under subparagraph (A), there
17 shall be allocated to each State an amount that
18 bears the same ratio to the amount of remain-
19 ing funds described in this paragraph as the ju-
20 venile population of such State bears to the ju-
21 venile population of all the States.

22 **“(2) EXCEPTIONS.—**The amount allocated to
23 the Virgin Islands of the United States, Guam,
24 American Samoa, the Trust Territory of the Pacific
25 Islands, and the Commonwealth of the Northern

1 Mariana Islands shall be not less than \$75,000 and
2 not more than \$100,000.

3 “(3) REALLOCATION PROHIBITED.—Any
4 amounts appropriated but not allocated due to the
5 ineligibility or nonparticipation of any State shall
6 not be reallocated, but shall revert to the Treasury
7 at the end of the fiscal year for which they were ap-
8 propriated.

9 “(4) RELIGIOUS NONDISCRIMINATION.—

10 “(A) IN GENERAL.—The purpose of this
11 paragraph is to allow State and local govern-
12 ments to contract with religious organizations,
13 or to allow religious organizations to accept cer-
14 tificates, vouchers, or other forms of disburse-
15 ment under any program described in this title,
16 on the same basis as any other nongovern-
17 mental provider without impairing the religious
18 character of such organizations, and without di-
19 minishing the religious freedom of beneficiaries
20 of assistance funded under such program.

21 “(B) NONDISCRIMINATION AGAINST RELI-
22 GIOUS ORGANIZATIONS.—A State or local gov-
23 ernment exercising its authority to distribute
24 grants to applicants under this title shall ensure
25 that religious organizations are eligible, on the

1 same basis as any other private organization, as
2 contractors to provide assistance, or to accept
3 certificates, vouchers, or other forms of dis-
4 bursement, under any program described in this
5 title, so long as the programs are implemented
6 consistent with the Establishment Clause of the
7 Constitution. Except as provided in subpara-
8 graph (J), neither the Federal Government nor
9 a State receiving funds under such programs
10 shall discriminate against an organization that
11 is or that applies to be a contractor to provide
12 assistance, or that is or that applies to be a
13 contractor to provide assistance, or that accepts
14 certificates, vouchers, or other forms of dis-
15 bursement, on the basis that the organization
16 has a religious character.

17 “(C) RELIGIOUS CHARACTER AND FREE-
18 DOM.—

19 “(i) RELIGIOUS ORGANIZATIONS.—A
20 religious organization that participates in a
21 program authorized by this title shall re-
22 tain its independence from Federal, State,
23 and local governments, including such or-
24 ganization’s control over the definition, de-

1 velopment, practice, and expression of its
2 religious beliefs.

3 “(ii) ADDITIONAL SAFEGUARDS.—Nei-
4 ther the Federal Government nor a State
5 shall require a religious organization to—

6 “(I) alter its form of internal
7 governance; or

8 “(II) remove religious art, icons,
9 scripture, or other symbols;

10 in order to be eligible to contract to pro-
11 vide assistance, or to accept certificates,
12 vouchers, or other forms of disbursements,
13 funded under a program described in this
14 title.

15 “(D) RIGHTS OF BENEFICIARIES OF AS-
16 SISTANCE.—If juvenile offender has an objec-
17 tion to the religious character of the organiza-
18 tion or institution from which the juvenile of-
19 fender receives, or would receive, assistance
20 funded under any program described in this
21 title, the State in which the individual resides
22 shall provide such individual (if otherwise eligi-
23 ble for such assistance) within a reasonable pe-
24 riod of time after the date of such objection
25 with assistance from an alternative provider.

1 “(E) EMPLOYMENT PRACTICES.—A reli-
2 gious organization’s exemption provided under
3 section 702 of the Civil Rights Act of 1964 (42
4 U.S.C. 2000e–1a) regarding employment prac-
5 tices shall not be affected by its participation
6 in, or receipt of funds from, programs described
7 in this title.

8 “(F) NONDISCRIMINATION AGAINST BENE-
9 FICIARIES.—Except as otherwise provided in
10 law, a religious organization shall not discrimi-
11 nate against an individual in regard to render-
12 ing assistance funded under any program de-
13 scribed in this title on the basis of religion, a
14 religious belief, or refusal to actively participate
15 in a religious practice.

16 “(G) FISCAL ACCOUNTABILITY.—

17 “(i) IN GENERAL.—Subject to clause
18 (ii), any religious organization contracting
19 to provide assistance funded under any
20 program described in subparagraph (A)(ii)
21 shall be subject to the same regulations as
22 other contractors to account in accord with
23 generally accepted auditing principles for
24 the use of such funds provided under such
25 programs.

1 “(ii) LIMITED AUDIT.—If such organi-
2 zation segregates Federal funds provided
3 under such programs into separate ac-
4 counts, then only the financial assistance
5 provided with such funds shall be subject
6 to audit.

7 “(H) COMPLIANCE.—Any party that seeks
8 to enforce its rights under this paragraph may
9 assert a civil action for injunctive relief exclu-
10 sively in an appropriate State court against the
11 entity or agency that allegedly commits such
12 violation.

13 “(I) LIMITATIONS ON USE OF FUNDS FOR
14 CERTAIN PURPOSES.—No funds provided di-
15 rectly to institutions or organizations to provide
16 services and administer programs under this
17 title shall be expended for sectarian worship, in-
18 struction, or proselytization.

19 “(J) PREEMPTION.—Nothing in this para-
20 graph shall be construed to preempt any provi-
21 sion of a State constitution or State statute
22 that prohibits or restricts the expenditure of
23 State funds in or by religious organizations.

24 “(5) RESTRICTIONS ON THE USE OF
25 AMOUNTS.—

1 “(A) EXPERIMENTATION ON INDIVID-
2 UALS.—

3 “(i) IN GENERAL.—No amounts made
4 available to carry out this title may be
5 used for any biomedical or behavior control
6 experimentation on individuals or any re-
7 search involving such experimentation.

8 “(ii) DEFINITION OF BEHAVIOR CON-
9 TROL.—In this subparagraph, the term
10 ‘behavior control’—

11 “(I) means any experimentation
12 or research employing methods that—

13 “(aa) involve a substantial
14 risk of physical or psychological
15 harm to the individual subject;
16 and

17 “(bb) are intended to modify
18 or alter criminal and other anti-
19 social behavior, including aversive
20 conditioning therapy, drug ther-
21 apy, chemotherapy (except as
22 part of routine clinical care),
23 physical therapy of mental dis-
24 orders, electroconvulsive therapy,
25 or physical punishment; and

1 “(II) does not include a limited
2 class of programs generally recognized
3 as involving no such risk, including
4 methadone maintenance and certain
5 substance abuse treatment programs,
6 psychological counseling, parent train-
7 ing, behavior contracting, survival
8 skills training, restitution, or commu-
9 nity service, if safeguards are estab-
10 lished for the informed consent of
11 subjects (including parents or guard-
12 ians of minors).

13 “(B) PROHIBITION AGAINST PRIVATE
14 AGENCY USE OF AMOUNTS IN CONSTRUC-
15 TION.—No amount made available to any pri-
16 vate agency or institution, or to any individual,
17 under this title (either directly or through a
18 State office) may be used for construction.

19 “(C) JOB TRAINING.—Except as provided
20 in section 222(a)(8)(B)(viii), no amount made
21 available under this title may be used to carry
22 out a youth employment program to provide
23 subsidized employment opportunities, job train-
24 ing activities, or school-to-work activities for
25 participants.

1 “(D) LOBBYING.—

2 “(i) IN GENERAL.—Except as pro-
3 vided in clause (ii), no amount made avail-
4 able under this title to any public or pri-
5 vate agency, organization, or institution or
6 to any individual shall be used to pay for
7 any personal service, advertisement, tele-
8 gram, telephone communication, letter,
9 printed or written matter, or other device
10 intended or designed to influence a Mem-
11 ber of Congress or any other Federal,
12 State, or local elected official to favor or
13 oppose any Act, bill, resolution, or other
14 legislation, or any referendum, initiative,
15 constitutional amendment, or any other
16 procedure of Congress, any State legisla-
17 ture, any local council, or any similar gov-
18 erning body.

19 “(ii) EXCEPTION.—This subpara-
20 graph does not preclude the use of
21 amounts made available under this title in
22 connection with communications to Fed-
23 eral, State, or local elected officials, upon
24 the request of such officials through proper
25 official channels, pertaining to authoriza-

1 individual or entity for the fiscal year for
2 which the amounts were granted.

3 “(B) LIABILITY FOR EXPENSES AND DAM-
4 AGES.—In relation to a violation of paragraph
5 (5)(E), the individual filing the lawsuit or re-
6 sponsible for taking the legal action against the
7 Federal, State, or local agency or institution, or
8 individual working for the Government, shall be
9 individually liable for all legal expenses and any
10 other expenses of the government agency, insti-
11 tution, or individual working for the Govern-
12 ment, including damages assessed by the jury
13 against the Government agency, institution, or
14 individual working for the government, and any
15 punitive damages.

16 “(b) AUTHORIZATION OF APPROPRIATIONS.—

17 “(1) IN GENERAL.—There are authorized to be
18 appropriated to carry out this title—

19 “(A) \$700,000,000 for fiscal year 1998;

20 “(B) \$700,000,000 for fiscal year 1999;

21 “(C) \$700,000,000 for fiscal year 2000;

22 “(D) \$700,000,000 for fiscal year 2001;

23 and

24 “(E) \$700,000,000 for fiscal year 2002.

1 “(2) ALLOCATION OF APPROPRIATIONS.—Of
2 amounts authorized to be appropriated under para-
3 graph (1) for each fiscal year—

4 “(A) \$500,000,000 shall be for programs
5 under section 204(h);

6 “(B) \$50,000,000 shall be for programs
7 under section 290; and

8 “(C) \$150,000,000 shall be for other pro-
9 grams under this title .

10
11 “(3) AUTHORIZATION OF APPROPRIATIONS FOR
12 EVALUATION PROGRAMS.—

13 “(A) IN GENERAL.—There are authorized
14 to be appropriated for the National Institute for
15 Juvenile Justice and Delinquency Prevention
16 for research, demonstration, and evaluation,
17 \$50,000,000 for each of fiscal years 1998,
18 1999, and 2000, of which \$20,000,000 shall be
19 for evaluation research of primary, secondary,
20 and tertiary juvenile delinquency programs.

21 “(B) SOURCE OF SUMS.—Sums authorized
22 to be appropriated pursuant to subparagraph
23 (A) may be derived from the Violent Crime Re-
24 duction Trust Fund.

25 “(3) SPECIAL GRANTS.—

1 “(A) INDIAN TRIBES.—

2 “(i) RESERVATION OF FUNDS.—Not-
3 withstanding any other provision of law,
4 from the amounts appropriated pursuant
5 to paragraph (1), in each fiscal year the
6 Administrator shall reserve an amount
7 equal to the amount to which all Indian
8 tribes that qualify for a grant under sub-
9 section (d) would collectively be entitled, if
10 such tribes were collectively treated as a
11 State to carry out this paragraph.

12 “(ii) GRANTS TO INDIAN TRIBES.—
13 From the amounts reserved under clause
14 (i), the Administrator shall make grants to
15 Indian tribes for programs pursuant to the
16 permissible purposes under section 204(h)
17 and part B.

18 “(iii) APPLICATIONS.—To be eligible
19 to receive a grant under this paragraph, an
20 Indian tribe shall submit to the Adminis-
21 trator an application in such form and con-
22 taining such information as the Adminis-
23 trator may by regulation require. The re-
24 quirements of subparagraphs (B), (C), and

1 (E) of section 204(h)(3) shall apply to
2 grants under this paragraph.

3 “(B) TECHNICAL ASSISTANCE.—From the
4 amounts appropriated pursuant to paragraph
5 (1), in each fiscal year the Administrator may
6 reserve 0.1 percent for the purpose of providing
7 technical assistance to recipients of grants
8 under this title.

9 “(4) ADMINISTRATION AND OPERATIONS.—
10 There are authorized to be appropriated for the ad-
11 ministration and operation of the Office of Juvenile
12 Crime Control and Accountability such sums as may
13 be necessary for each of fiscal years 1998, 1999,
14 2000, and 2001.

15 “(5) AVAILABILITY OF FUNDS.—Amounts made
16 available pursuant to this subsection, and allocated
17 pursuant to paragraph (1) in any fiscal year shall
18 remain available until expended.

19 “(c) SYSTEM SUPPORT GRANTS.—Of amounts appro-
20 priated pursuant to part B, an amount not to exceed 10
21 percent of those amounts may be available for use by the
22 Administrator to provide—

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

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

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

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

14 “(d) GRANTS TO INDIAN TRIBES.—

15 “(1) IN GENERAL.—

16 “(A) PLANS.—As part of an application
17 for a grant under this subsection, an Indian
18 tribe shall submit a plan for conducting activi-
19 ties described in section 204(h)(2). The plan
20 shall—

21 “(i) provide evidence that the Indian
22 tribe performs law enforcement functions
23 (as determined by the Secretary of the In-
24 terior);

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

8 “(iii) provide for fiscal control and ac-
9 counting procedures that—

10 “(I) are necessary to ensure the
11 prudent use, proper disbursement,
12 and accounting of funds received
13 under this subchapter; and

14 “(II) are consistent with the re-
15 quirements of paragraph (2); and

16 “(iv) contain such other information,
17 and be subject to such additional require-
18 ments, as the Administrator may reason-
19 ably prescribe to ensure the effectiveness of
20 the grant program under this subpart.

21 “(B) FACTORS FOR CONSIDERATION.—In
22 awarding grants under this section, the Admin-
23 istrator shall consider—

24 “(i) the resources that are available to
25 each applicant that will assist, and be co-

1 ordinated with, the overall juvenile justice
2 system of the Indian tribe; and

3 “(ii) for each Indian tribe that re-
4 ceives assistance under such a grant—

5 “(I) the relative population of in-
6 dividuals under the age of 18; and

7 “(II) who will be served by the
8 assistance provided by the grant.

9 “(C) GRANT AWARDS.—

10 “(i) IN GENERAL.—

11 “(I) COMPETITIVE AWARDS.—

12 Except as provided in clause (ii), the
13 Administrator shall annually award
14 grants under this section on a com-
15 petitive basis. The Administrator shall
16 enter into a grant agreement with
17 each grant recipient under this sub-
18 section that specifies the terms and
19 conditions of the grant.

20 “(II) PERIOD OF GRANT.—The
21 period of a grant awarded under this
22 subsection shall be 1 year.

23 “(ii) EXCEPTION.—In any case in
24 which the Administrator determines that a
25 grant recipient under this section has per-

1 formed satisfactorily during the preceding
2 year in accordance with an applicable
3 grant agreement, the Administrator may—

4 “(I) waive the requirement that
5 the recipient be subject to the com-
6 petitive award process described in
7 clause (i); and

8 “(II) renew the grant for an ad-
9 ditional grant period (as specified in
10 clause (i)(II)).

11 “(iii) MODIFICATIONS OF PROC-
12 ESSES.—The Administrator may prescribe
13 requirements to provide for appropriate
14 modifications to the plan preparation and
15 application process specified in this section
16 for an application for a renewal grant
17 under this subsection.

18 “(2) REPORTING REQUIREMENT.—Each Indian
19 tribe that receives a grant under paragraph (1) is
20 subject to the fiscal accountability provisions of sec-
21 tion 5(f)(1) of the Indian Self-Determination and
22 Education Assistance Act (25 U.S.C. 450c(f)(1)),
23 relating to the submission of a single-agency audit
24 report required by chapter 75 of title 31, United
25 States Code.

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

9 “(4) RULE OF CONSTRUCTION.—Nothing in
10 this subsection may be construed to affect in any
11 manner the jurisdiction of an Indian tribe with re-
12 spect to land or persons in Alaska.

13 **“SEC. 207. ADMINISTRATIVE PROVISIONS.**

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

17 “(b) APPLICABILITY OF CERTAIN CRIME CONTROL
18 PROVISIONS.—Sections 809(c), 811(a), 811(b), 811(e),
19 812(a), 812(b), and 812(d) of the Omnibus Crime Control
20 and Safe Streets Act of 1968 (42 U.S.C. 3789d(c),
21 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b),
22 3789g(d)) shall apply with respect to the administration
23 of and compliance with this Act, except that for purposes
24 of this Act—

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

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

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

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

21 “(2) any reference to the Office of Justice Pro-
22 grams, the Bureau of Justice Assistance, the Na-
23 tional Institute of Justice, or the Bureau of Justice
24 Statistics shall be considered to be a reference to the

1 Office of Juvenile Justice and Delinquency Preven-
2 tion; and

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

6 “(d) RULES, REGULATIONS, AND PROCEDURES.—
7 The Administrator may, after appropriate consultation
8 with representatives of States and units of local govern-
9 ment, establish such rules, regulations, and procedures as
10 are necessary for the exercise of the functions of the Office
11 and as are consistent with the purpose of this Act.

12 “(e) WITHHOLDING.—The Administrator shall initi-
13 ate such proceedings as the Administrator determines to
14 be appropriate if the Administrator, after giving reason-
15 able notice and opportunity for hearing to a recipient of
16 financial assistance under this title, finds that—

17 “(1) the program or activity for which the
18 grant or contract involved was made has been so
19 changed that the program or activity no longer com-
20 plies with this title; or

21 “(2) in the operation of such program or activ-
22 ity there is failure to comply substantially with any
23 provision of this title.”;

24 (2) in part B—

25 (A) in section 221(b)—

- 1 (i) in paragraph (1)—
2 (I) by striking “section 223” and
3 inserting “section 222”; and
4 (II) by striking “section 223(c)”
5 and inserting “section 222(c)”; and
6 (ii) in paragraph (2), by striking “sec-
7 tion 299(c)(1)” and inserting “section
8 222(a)(1)”; and
9 (B) by striking sections 222 and 223 and
10 inserting the following:

11 **“SEC. 222. STATE PLANS.**

12 “(a) IN GENERAL.—In order to receive formula
13 grants under this part, a State shall submit a plan, devel-
14 oped in consultation with an advisory group as designated
15 by the chief executive officer of the State, for carrying out
16 its purposes applicable to a 3-year period. The State shall
17 submit annual performance reports to the Administrator,
18 each of which shall describe progress in implementing pro-
19 grams contained in the original plan, and shall describe
20 the status of compliance with State plan requirements. In
21 accordance with regulations that the Administrator shall
22 prescribe, such plan shall—

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

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

6 “(3) provide for the active consultation with
7 and participation of units of general local govern-
8 ment, or combinations thereof, in the development of
9 a State plan that adequately takes into account the
10 needs and requests of local governments, except that
11 nothing in the plan requirements, or any regulations
12 promulgated to carry out such requirements, shall be
13 construed to prohibit or impede the State from mak-
14 ing grants to, or entering into contracts with, local
15 private agencies, including religious organizations;

16 “(4) provide that the chief executive officer of
17 the unit of general local government shall assign re-
18 sponsibility for the preparation and administration
19 of the local government’s part of a State plan, or for
20 the supervision of the preparation and administra-
21 tion of the local government’s part of the State plan,
22 to that agency within the local government’s struc-
23 ture or to a regional planning agency (in this part
24 referred to as the ‘local agency’) which can most ef-
25 fectively carry out the purposes of this part and

1 shall provide for supervision of the programs funded
2 under this part by that local agency;

3 “(5)(A) provide for—

4 “(i) an analysis of juvenile crime problems
5 (including the joining of gangs that commit
6 crimes) and juvenile justice and delinquency
7 prevention needs (including educational needs)
8 within the relevant jurisdiction (including any
9 geographical area in which an Indian tribe per-
10 forms law enforcement functions), a description
11 of the services to be provided, and a description
12 of performance goals and priorities, including a
13 specific statement of the manner in which pro-
14 grams are expected to meet the identified juve-
15 nile crime problems (including the joining of
16 gangs that commit crimes) and juvenile justice
17 and delinquency prevention needs (including
18 educational needs) of the jurisdiction;

19 “(ii) an indication of the manner in which
20 the programs relate to other similar State or
21 local programs that are intended to address the
22 same or similar problems; and

23 “(iii) a plan for the concentration of State
24 efforts, which shall coordinate all State juvenile
25 delinquency programs with respect to overall

1 policy and development of objectives and prior-
2 ities for all State juvenile delinquency programs
3 and activities, including provision for regular
4 meetings of State officials with responsibility in
5 the area of juvenile justice and delinquency pre-
6 vention;

7 “(B) contain—

8 “(i) an analysis of services for the preven-
9 tion and treatment of juvenile delinquency in
10 rural areas, including the need for such serv-
11 ices, the types of such services available in rural
12 areas, and geographically unique barriers to
13 providing such services; and

14 “(ii) a plan for providing needed services
15 for the prevention and treatment of juvenile de-
16 linquency in rural areas; and

17 “(C) contain—

18 “(i) an analysis of mental health services
19 available to juveniles in the juvenile justice sys-
20 tem (including an assessment of the appro-
21 priateness of the particular placements of juve-
22 niles in order to receive such services) and of
23 barriers to access to such services; and

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

4 “(6) provide for the active consultation with
5 and participation of private agencies in the develop-
6 ment and execution of the State plan; and provide
7 for coordination and maximum utilization of existing
8 juvenile delinquency programs and other related pro-
9 grams, such as education, special education, recre-
10 ation, health, and welfare within the State;

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

14 “(8) provide that, of the funds made available
15 to the State pursuant to grants under section 221,
16 whether expended directly by the State, by the unit
17 of general local government, or by a combination
18 thereof, or through grants and contracts with public
19 or private nonprofit agencies—

20 “(A) not less than 40 percent shall be used
21 for programs that, in recognition of varying de-
22 grees of the seriousness of delinquent behavior
23 and the corresponding gradations in the re-
24 sponses of the juvenile justice system in re-
25 sponse to that behavior, are designed to—

1 “(i) implement an accountability-
2 based juvenile justice system that provides
3 substantial and appropriate sanctions, that
4 are graduated to reflect the severity or re-
5 peated nature of violations, for each delin-
6 quent or criminal act;

7 “(ii) encourage courts to develop and
8 implement a continuum of post-adjudica-
9 tion restraints that bridge the gap between
10 traditional probation and confinement in a
11 correctional setting (including expanded
12 use of probation, mediation, restitution,
13 community service, treatment, home deten-
14 tion, intensive supervision, electronic mon-
15 itoring, boot camps and similar programs,
16 and secure community-based treatment fa-
17 cilities linked to other support services
18 such as health, mental health, education
19 (remedial and special), job training, and
20 recreation); and

21 “(iii) assist in the provision by the
22 Administrator of information and technical
23 assistance, including technology transfer,
24 to States in the design and utilization of
25 risk assessment mechanisms to aid juvenile

1 justice personnel in determining appro-
2 priate sanctions for delinquent behavior;
3 and

4 “(B) not less than 35 percent shall be used
5 for—

6 “(i) community-based alternatives (in-
7 cluding home-based alternatives) to incar-
8 ceration and institutionalization, specifi-
9 cally—

10 “(I) for youth who can remain at
11 home with assistance, home probation
12 and programs providing professional
13 supervised group activities or individ-
14 ualized mentoring relationships with
15 adults that involve the family and pro-
16 vide counseling and other supportive
17 services;

18 “(II) for youth who need tem-
19 porary placement, crisis intervention,
20 shelter, and after-care; and

21 “(III) for youth who need resi-
22 dential placement, a continuum of fos-
23 ter care or group home alternatives
24 that provide access to a comprehen-
25 sive array of services;

1 “(ii) community-based programs and
2 services to work with—

3 “(I) parents and other family
4 members to strengthen families, in-
5 cluding parent self-help groups, so
6 that juveniles may be retained in their
7 homes;

8 “(II) juveniles during their incar-
9 ceration, and with their families, to
10 ensure the safe return of such juve-
11 niles to their homes and to strengthen
12 the families; and

13 “(III) parents with limited-Eng-
14 lish speaking ability, particularly in
15 areas where there is a large popu-
16 lation of families with limited-English
17 speaking ability;

18 “(iii) comprehensive juvenile justice
19 and delinquency prevention programs that
20 meet the needs of youth through the col-
21 laboration of the many local systems before
22 which a youth may appear, including
23 schools, courts, law enforcement agencies,
24 child protection agencies, mental health
25 agencies, welfare services, health care

1 agencies, and private nonprofit agencies of-
2 fering youth services;

3 “(iv) expanded use of home probation
4 and recruitment and training of home pro-
5 bation officers, other professional and
6 paraprofessional personnel, and volunteers
7 to work effectively to allow youth to remain
8 at home with their families as an alter-
9 native to incarceration or institutionaliza-
10 tion;

11 “(v) youth-initiated outreach pro-
12 grams designed to assist youth (including
13 youth with limited proficiency in English)
14 who otherwise would not be reached by tra-
15 ditional youth assistance programs;

16 “(vi) programs designed to develop
17 and implement projects relating to juvenile
18 delinquency and learning disabilities, in-
19 cluding on-the-job training programs to as-
20 sist community services, law enforcement,
21 and juvenile justice personnel to more ef-
22 fectively recognize and provide for learning
23 disabled and other handicapped youth;

24 “(vii) projects designed both to deter
25 involvement in illegal activities and to pro-

1 mote involvement in lawful activities on the
2 part of gangs whose membership is sub-
3 stantially composed of youth;

4 “(viii) programs and projects designed
5 to provide for the treatment of youths’ de-
6 pendence on or abuse of alcohol or other
7 addictive or nonaddictive drugs;

8 “(ix) programs designed to prevent
9 and reduce hate crimes committed by juve-
10 niles, including educational programs and
11 sentencing programs designed specifically
12 for juveniles who commit hate crimes and
13 that provide alternatives to incarceration;
14 and

15 “(x) programs (including referral to
16 literacy programs and social service pro-
17 grams) to assist families with limited-Eng-
18 lish speaking ability that include delin-
19 quent juveniles to overcome language and
20 cultural barriers that may prevent the
21 complete treatment of such juveniles and
22 the preservation of their families;

23 “(9) provide that the State shall not detain or
24 confine juveniles who are alleged to be or determined
25 to be delinquent in any institution in which the juve-

Or, for a period of more than 72 hours in any institution in which an adult inmate and a juvenile can engage in sustained

1 nile has prohibited physical contact with adult in-
 2 mates, oral communication;
 3 ^X ~~(10)~~ ¹¹ provide assurances that youth in the ju-
 4 venile justice system are treated equitably on the
 5 basis of gender, race, family income, and mentally,
 6 emotionally, or physically handicapping conditions;
 7 ¹² ~~(11)~~ provide assurances that consideration will
 8 be given to and that assistance will be available for
 9 approaches designed to strengthen the families of
 10 delinquent and other youth to prevent juvenile delin-
 11 quency (which approaches should include the involve-
 12 ment of grandparents or other extended family
 13 members when possible and appropriate and the pro-
 14 vision of family counseling during the incarceration
 15 of juvenile family members and coordination of fam-
 16 ily services when appropriate and feasible);
 17 ¹³ ~~(12)~~ provide for procedures to be established
 18 for protecting the rights of recipients of services and
 19 for assuring appropriate privacy with regard to
 20 records relating to such services provided to any in-
 21 dividual under the State plan;
 22 ¹⁴ ~~(13)~~ provide for such fiscal control and fund
 23 accounting procedures necessary to assure prudent
 24 use, proper disbursement, and accurate accounting
 25 of funds received under this title;

insert
10
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Provide that
(10) ~~§~~ the State will not detain or confine any juvenile who is alleged to be or determined to be a status offender for a period of more than 10 days in any secure correctional facility unless the court finds that the youth;

“(A) received a previous official court warning that an additional instance of such behavior would result in the secure detention of that youth; or

“(B) the chronic behavior of the youth constitutes a clear and present danger to the physical or emotional well-being of the youth or the physical safety of the community.

1 “(14)
15 provide reasonable assurances that Fed-
2 eral funds made available under this part for any pe-
3 riod shall be so used as to supplement and increase
4 (but not supplant) the level of the State, local, and
5 other non-Federal funds that would in the absence
6 of such Federal funds be made available for the pro-
7 grams described in this part, and shall in no event
8 replace such State, local, and other non-Federal
9 funds;

10 “(15)
16 provide that the State agency designated
11 under paragraph (1) will, not less often than annu-
12 ally, review its plan and submit to the Administrator
13 an analysis and evaluation of the effectiveness of the
14 programs and activities carried out under the plan,
15 and any modifications in the plan, including the sur-
16 vey of State and local needs, that the agency consid-
17 ers necessary; and

18 “(16)
17 require that the State or each unit of
19 local government that is a recipient of amounts
20 under this part spends those amounts, to the extent
21 feasible, in proportion to the amount of juvenile
22 crime committed within each relevant sector of the
23 relevant geographic region.

24 “(b) APPROVAL BY STATE AGENCY.—The State
25 agency designated under subsection (a)(1) shall approve

1 the State plan and any modification thereof prior to sub-
2 mission of the plan to the Administrator.

3 “(c) APPROVAL BY ADMINISTRATOR; COMPLIANCE
4 WITH STATUTORY REQUIREMENTS.—

5 “(1) IN GENERAL.—The Administrator shall
6 approve any State plan and any modification thereof
7 that meets the requirements of this section.

8 “(2) REDUCED ALLOCATIONS.—If a State fails
9 to comply with any requirement of subsection (a)(9)
10 in any fiscal year beginning after January 1, 1998,
11 the State shall be ineligible to receive any allocation
12 under that section for such fiscal year unless—

13 “(A) the State agrees to expend all the re-
14 maining funds the State receives under this
15 part for that fiscal year only to achieve compli-
16 ance with such paragraph; or

17 “(B) the Administrator determines, in the
18 discretion of the Administrator, that the
19 State—

20 “(i) has achieved substantial compli-
21 ance with such paragraph; and

22 “(ii) has made, through appropriate
23 executive or legislative action, an unequivocal
24 commitment to achieving full compli-
25 ance within a reasonable time.”; and

1 (3) by striking parts E and F, and each part
2 designated as part I (including the part redesignated
3 as part I by section 2(i)(1)(A) of Public Law 102-
4 586 and the part added and designated as part I
5 pursuant to section 2(i)(1)(C) of such Act);

6 (4) by redesignating part G as part E;

7 (5) in section 241—

8 ~~(5) in section 241~~

9 (A) in subsection (a), by striking “Juvenile
10 Justice and Delinquency Prevention Office”
11 and inserting “Office of Juvenile Crime Control
12 and Accountability”;

13 (B) in subsection (d)—

14 (i) in paragraph (1), by striking
15 “and” at the end;

16 (ii) by redesignating paragraph (2) as
17 paragraph (4);

18 (iii) in subsection (d), as redesignated—
19

20 (I) by striking “education person-
21 nel recreation” and inserting “edu-
22 cation personnel, recreation”; and

23 (II) by striking “park person-
24 nel,” and inserting “park person-
25 nel,”; and

1 (iv) by inserting after paragraph (1)
2 the following:

3 “(2) for the rigorous and independent evalua-
4 tion of the delinquency and youth violence preven-
5 tion programs funded under this title;

6 “(3) funding for research and demonstration
7 projects on the nature, causes, and prevention of ju-
8 venile violence and juvenile delinquency; and”;

9 (C) in subsection (e)—

10 (i) in paragraph (4), by adding “and”
11 at the end;

12 (ii) in paragraph (5), by striking “;
13 and” and inserting a period; and

14 (iii) by striking paragraph (6); and

15 (D) by striking subsection (f) and inserting
16 the following:

17 “(f) DUTIES OF THE INSTITUTE.—

18 “(1) IN GENERAL.—The Institute shall make
19 grants and enter into contracts for the purposes of
20 evaluating programs established and funded with
21 State formula grants, research and demonstration
22 projects funded by the National Institute of Juvenile
23 Justice and Delinquency, and discretionary funding
24 of the Office of Youth Violence Reduction.

1 “(2) REQUIREMENTS.—Evaluations and re-
2 search studies funded by the Institute shall—

3 “(A) be independent in nature;

4 “(B) be awarded competitively; and

5 “(C) employ rigorous and scientifically rec-
6 ognized standards and methodologies, including
7 peer review by nonapplicants.”;

8 (6) in section 243(a)—

9 (A) in paragraph (1), by striking “seek to
10 strengthen and preserve families or which”;

11 (B) in paragraph (3)—

12 (i) by redesignating clauses (i) and
13 (ii) as subparagraphs (A) and (B), respec-
14 tively; and

15 (ii) in subparagraph (B), as so des-
16 igned, by inserting “best practices of”
17 before “information and technical assist-
18 ance”;

19 (C) in paragraph (4)—

20 (i) by striking “Encourage” and in-
21 serting “encourage”; and

22 (ii) by striking “take into consider-
23 ation” and all that follows before the semi-
24 colon and inserting the following “through
25 control and incarceration, if necessary,

1 provide therapeutic intervention such as
2 providing skills”;

3 (D) by striking the second paragraph des-
4 ignated as paragraph (5) (as added by section
5 2(g)(3) of Public Law 102-586);

6 (E) by striking paragraphs (6) and (7) and
7 inserting the following:

8 “(6) prepare, in cooperation with education in-
9 stitutions, with Federal, State, and local agencies,
10 and with appropriate individuals and private agen-
11 cies, such studies as it considers to be necessary
12 with respect to prevention of and intervention with
13 juvenile violence and delinquency and the improve-
14 ment of juvenile justice systems, including—

15 “(A) evaluations of programs and interven-
16 tions designed to prevent youth violence and ju-
17 venile delinquency;

18 “(B) assessments and evaluations of the
19 methodological approaches to evaluating the ef-
20 fectiveness of interventions and programs de-
21 signed to prevent youth violence and juvenile
22 delinquency;

23 “(C) studies of the extent, nature, risk and
24 protective factors, and causes of youth violence
25 and juvenile delinquency;

1 “(D) comparisons of youth adjudicated
2 and treated by the juvenile justice system com-
3 pared to juveniles waived to and adjudicated by
4 the adult criminal justice system (including in-
5 carcerated in adult, secure correctional facili-
6 ties);

7 “(E) recommendations with respect to ef-
8 fective and ineffective primary, secondary, and
9 tertiary prevention interventions, including for
10 which juveniles, and under what circumstances
11 (including circumstances connected with the
12 staffing of the intervention), prevention efforts
13 are effective and ineffective; and

14 “(F) assessments of risk prediction sys-
15 tems of juveniles used in making decisions re-
16 garding pretrial detention;”;

17 (F) by redesignating paragraphs (8) and
18 (9) as paragraphs (7) and (8), respectively;

19 (G) in paragraph (8), as redesignated, by
20 adding “and” at the end; and

21 (H) by striking paragraphs (10) through
22 (13) and redesignating paragraph (14) as para-
23 graph (9); and

24 (7) in section 243(b)—

1 (A) in paragraph (1), by striking “and” at
2 the end;

3 (B) in paragraph (2)—

4 (i) by striking “subsection (a)(9)” and
5 inserting “subsection (a)(8)”; and

6 (ii) by striking the period at the end
7 and inserting “; and”; and

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

9 “(3) regular reports on the record of each State
10 on objective measurements of youth violence, such as
11 the number, rate, and trend of homicides committed
12 by youths.”;

13 (8) by striking sections 244 through 248;

14 (9) by striking the heading for subpart II of
15 part C of title II;

16 (10) by striking section 261 and redesignating
17 section 262 as section 244;

18 (11) in section 244, as redesignated—

19 (A) by striking “this part” each place it
20 appears and inserting “section 243”;

21 (B) in subsection (b)—

22 (i) in paragraph (4), by adding “and”
23 at the end; and

1 (ii) by striking paragraphs (5)
2 through (7) and redesignating paragraph
3 (8) as paragraph (5);

4 (C) by striking subsection (c) and inserting
5 the following:

6 “(c) FACTORS FOR CONSIDERATION.—In determin-
7 ing whether or not to approve applications for grants and
8 for contracts under this part, the Administrator shall con-
9 sider—

10 “(1) whether the project uses appropriate and
11 rigorous methodology, including appropriate sam-
12 ples, control groups, psychometrically sound meas-
13 urement, and appropriate data analysis techniques;

14 “(2) the experience of the principal and co-prin-
15 cipal investigators in the area of youth violence and
16 juvenile delinquency;

17 “(3) the protection offered human subjects in
18 the study, including informed consent procedures;
19 and

20 “(4) the cost-effectiveness of the proposed
21 project.”;

22 (D) in subsection (d)—

23 (i) in paragraph (1)(A), by striking

24 “(other than section 241(f))”;

25 (ii) in paragraph (1)(B)—

1 (I) in clause (i), by striking “;
2 or” and inserting a period;

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

4 (III) by striking “process—” and
5 all that follows through “with respect
6 to programs” and inserting “process
7 with respect to programs”; and

8 (iii) in paragraph (2)—

9 (I) by striking subparagraph (A)
10 and inserting the following:

11 “(A) Programs selected for assistance
12 through grants and contracts under this part
13 shall be selected after a competitive process
14 that provides potential grantees and contractors
15 with not less than 90 days to submit applica-
16 tions for funds. Applications for funds shall be
17 reviewed through a formal peer review process
18 by qualified scientists with expertise in the
19 fields of criminology, juvenile delinquency, soci-
20 ology, psychology, research methodology, eval-
21 uation research, statistics, and related areas.
22 The peer review process shall conform to the
23 process used by the National Institutes of
24 Health, the National Institute of Justice, or the
25 National Science Foundation”; and

1 (II) in subparagraph (B), by
2 striking “Committee on Education
3 and Labor” and inserting “Committee
4 on the Judiciary”; and

5 (12) in section 282—

6 (A) by inserting the following section head-
7 ing:

8 “GRANTS”;

9 (B) in subsection (a)(2), by striking “en-
10 forcement” and all that follows through “mem-
11 bers” and inserting “the disruption and pros-
12 ecution of gangs”; and

13 (C) in subsection (b)—

14 (i) by redesignating paragraphs (1)
15 through (6) as paragraphs (2) through (7),
16 respectively; and

17 (ii) by inserting before paragraph (2),
18 as redesignated, the following:

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

24 (13) in section 282A, by adding at the end the
25 following:

1 “(d) PRIORITY.—In approving grants under this
2 part, the Administrator shall give priority to grants for
3 programs conducted pursuant to subsections (a)(2) and
4 (b)(1) of section 282.”;

5 (14) by redesignating part H as part F; and

6 (15) by inserting after part F, as redesignated,
7 the following:

8 **“PART G—GRANTS TO PROSECUTORS AND**

9 **COURTS FOR STATE JUVENILE JUSTICE SYSTEM**

10 **“SEC. 290. GRANT AUTHORITY.**

11 “(a) IN GENERAL.—The Administrator may make
12 grants in accordance with this section to States and units
13 of local government to assist—

14 “(1) State and local prosecutors having juris-
15 diction over juvenile offender cases; and

16 “(2) State and local courts with juvenile of-
17 fender dockets.

18 “(b) GRANT PURPOSES.—Subject to subsection (c),
19 grants under this part may be used—

20 “(1) to hire additional prosecutors, together
21 with necessary support staff, for the prosecution of
22 crimes and acts of delinquency committed by juve-
23 niles;

24 “(2) for technology, equipment, and training for
25 prosecutors to—

1 “(A) implement an accountability-based ju-
2 venile justice system that provides substantial
3 and appropriate sanctions that are graduated in
4 such manner as to reflect (for each delinquent
5 act or criminal offense) the severity or repeated
6 nature of that act or offense; and

7 “(B) prosecute juvenile violent offenders;
8 and

9 “(3) to hire, for juvenile courts or adult courts
10 with juvenile offender dockets, additional judges,
11 probation officers, other necessary court personnel,
12 victims counselors, and public offenders.

13 “(c) RESTRICTION.—Of amounts received by a State
14 or unit of local government under this part, not more than
15 25 percent may be used for the purpose specified in sub-
16 section (b)(3).

17 **“SEC. 290A. APPLICATION.**

18 “(a) IN GENERAL.—Each State or unit of local gov-
19 ernment that applies for a grant under this part shall sub-
20 mit an application to the Administrator, in such form and
21 containing such information as the Administrator may by
22 regulation reasonably require.

23 “(b) REQUIREMENTS.—In submitting an application
24 for a grant under this part, a State or unit of local govern-

1 ment shall provide assurances that the State or unit of
2 local government will—

3 “(1) give priority to the prosecution of violent
4 juvenile offenders;

5 “(2) seek and impose substantial and appropri-
6 piate sanctions for the earliest acts of delinquency
7 or for crimes committed by juveniles, in order to
8 deter future violations;

9 “(3) give adequate consideration to the rights
10 and needs of victims of juvenile offenders; and

11 “(4) use amounts received under this part to
12 supplement (and not supplant) State and local re-
13 sources.

14 **“SEC. 290B. ALLOCATION OF GRANTS.**

15 “(a) ALLOCATION OF GRANTS.—

16 “(1) IN GENERAL.—

17 “(A) ALLOCATION TO STATES.—

18 “(i) IN GENERAL.—In awarding
19 grants under this part, the Administrator
20 may award grants provided for a State (in-
21 cluding units of local government in that
22 State) an aggregate amount equal to 0.75
23 percent of the amount made available to
24 the Administrator by appropriations made

1 pursuant to section 206(b)(2) (reduced by
2 amounts reserved under subsection (b)).

3 “(ii) ADJUSTMENT.—If the Adminis-
4 trator determines that an insufficient num-
5 ber of applications have been submitted for
6 a State, the Administrator may adjust the
7 aggregate amount awarded for a State
8 under clause (i).

9 “(B) REMAINING AMOUNTS.—Of the ad-
10 justed amounts available to the Administrator
11 to carry out the grant program under this sec-
12 tion referred to in subparagraph (A) that re-
13 main after the Administrator distributes the
14 amounts specified in that subparagraph (re-
15 ferred to in this subparagraph as the ‘remain-
16 ing amount’) the Administrator may award an
17 additional aggregate amount to each State (in-
18 cluding any political subdivision thereof) that
19 (or with respect to which a political subdivision
20 thereof) submits an application that is approved
21 by the Administrator under this section that
22 bears the same ratio to the remaining amount
23 as the population of juveniles residing in that
24 State bears to the population of juveniles resid-
25 ing in all States.

1 “(2) EQUITABLE DISTRIBUTION.—The Admin-
2 istrator shall ensure that the distribution of grant
3 amounts made available for a State (including units
4 of local government in that State) under this section
5 is made on an equitable geographic basis, to ensure
6 that—

7 “(A) an equitable amount of available
8 funds are directed to rural areas; and

9 “(B) the amount allocated to a State is eq-
10 uitably divided between the State, counties, and
11 other units of local government to reflect the
12 relative responsibilities of each such unit of
13 local government.

14 “(b) ADMINISTRATION; TECHNICAL ASSISTANCE.—

15 “(1) IN GENERAL.—The Administrator may re-
16 serve for each fiscal year not more than 2 percent
17 of amounts appropriated pursuant to section
18 206(b)(2)(B)—

19 “(A) for the administration of this part;
20 and

21 “(B) for the provision of technical assist-
22 ance to recipients of or applicants for grant
23 awards under this part.

24 “(2) CARRYOVER PROVISION.—Any amounts re-
25 served for any fiscal year pursuant to paragraph (1)

1 that are not expended during that fiscal year shall
2 remain available until expended, except that any
3 amount reserved under this subsection for the suc-
4 ceeding fiscal year from amounts made available by
5 appropriations shall be reduced by an amount equal
6 to the amount that remains available.

7 “(c) AVAILABILITY OF FUNDS.—Any grant amounts
8 awarded under this part shall remain available until ex-
9 pended.”.

10 **SEC. 303. RUNAWAY AND HOMELESS YOUTH.**

11 Section 385 of the Juvenile Justice and Delinquency
12 Prevention Act of 1974 (42 U.S.C. 5751) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1), by striking “1993
15 and such sums as may be necessary for fiscal
16 years 1994, 1995, and 1996” and inserting
17 “1998 and such sums as may be necessary for
18 each of fiscal years 1999, 2000, 2001, and
19 2002”; and

20 (B) by striking paragraph (3) and redesi-
21 gnating paragraphs (4) and (5) as paragraphs
22 (3) and (4), respectively;

23 (2) in subsection (b), by striking “1993 and
24 such sums as may be necessary for fiscal years
25 1994, 1995, and 1996” and inserting “1998 and

1 such sums as may be necessary for each of fiscal
2 years 1999, 2000, 2001, and 2002”; and

3 (3) in subsection (c), by striking “1993, 1994,
4 1995, and 1996” and inserting “1998, 1999, 2000,
5 2001, and 2002”.

6 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

7 Title IV of the Juvenile Justice and Delinquency Pre-
8 vention Act of 1974 (42 U.S.C. 5771 et seq.) is amend-
9 ed—

10 (1) in section 403, by striking paragraph (2)
11 and inserting the following:

12 “(2) the term ‘Administrator’ means the Ad-
13 ministrator of the Office of Juvenile Crime Control
14 and Accountability.”; and

15 (2) in section 408, by striking “1993, 1994,
16 1995, and 1996” and inserting “1998, 1999, 2000,
17 2001, and 2002”.

18 **SEC. 305. REPEAL.**

19 Title V of the Juvenile Justice and Delinquency Pre-
20 vention Act of 1974 (42 U.S.C. 5781 et seq.) is repealed.

21 **SEC. 306. TRANSFER OF FUNCTIONS AND SAVINGS PROVI-
22 SIONS.**

23 (a) **DEFINITIONS.**—In this section, unless otherwise
24 provided or indicated by the context:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Office of Ju-
3 venile Crime Control and Accountability established
4 by operation of subsection (b).

5 (2) ADMINISTRATOR OF THE OFFICE.—The
6 term “Administrator of the Office” means the Ad-
7 ministrator of the Office of Juvenile Justice and De-
8 linquency Prevention.

9 (3) BUREAU OF JUSTICE ASSISTANCE.—The
10 term “Bureau of Justice Assistance” means the bu-
11 reau established under section 401 of title I of the
12 Omnibus Crime Control and Safe Streets Act of
13 1968.

14 (4) FEDERAL AGENCY.—The term “Federal
15 agency” has the meaning given the term “agency”
16 by section 551(1) of title 5, United States Code.

17 (5) FUNCTION.—The term “function” means
18 any duty, obligation, power, authority, responsibility,
19 right, privilege, activity, or program.

20 (6) OFFICE OF JUVENILE CRIME CONTROL AND
21 ACCOUNTABILITY.—The term “Office of Juvenile
22 Crime Control and Accountability” means the office
23 established by operation of subsection (b).

24 (7) OFFICE OF JUVENILE JUSTICE AND DELIN-
25 QUENCY PREVENTION.—The term “Office of Juve-

1 nile Justice and Delinquency Prevention” means the
2 Office of Juvenile Justice and Delinquency Preven-
3 tion of the Department of Justice, established by
4 section 201 of the Juvenile Justice and Delinquency
5 Prevention Act of 1974, as in effect on the day be-
6 fore the date of enactment of this Act.

7 (8) OFFICE.—The term “office” includes any
8 office, administration, agency, institute, unit, organi-
9 zational entity, or component thereof.

10 (b) TRANSFER OF FUNCTIONS.—There are trans-
11 ferred to the Office of Juvenile Crime Control and Ac-
12 countability all functions that the Administrator of the Of-
13 fice exercised before the date of enactment of this Act (in-
14 cluding all related functions of any officer or employee of
15 the Office of Juvenile Justice and Delinquency Preven-
16 tion), and authorized after the date of enactment of this
17 Act, relating to carrying out the Juvenile Justice and De-
18 linquency Prevention Act of 1974.

19 (c) TRANSFER AND ALLOCATIONS OF APPROPRIA-
20 TIONS AND PERSONNEL.—

21 (1) IN GENERAL.—Except as otherwise pro-
22 vided in this section and in section 101(a) (relating
23 to Juvenile Justice Programs) of the Omnibus Con-
24 solidated Appropriations Act, 1997, the personnel
25 employed in connection with, and the assets, liabil-

1 ities, contracts, property, records, and unexpended
2 balances of appropriations, authorizations, alloca-
3 tions, and other amounts employed, used, held, aris-
4 ing from, available to, or to be made available in
5 connection with the functions transferred by this
6 section, subject to section 1531 of title 31, United
7 States Code, shall be transferred to the Office of Ju-
8 venile Crime Control and Accountability.

9 (2) UNEXPENDED AMOUNTS.—Any unexpended
10 amounts transferred pursuant to this subsection
11 shall be used only for the purposes for which the
12 amounts were originally authorized and appro-
13 priated.

14 (d) INCIDENTAL TRANSFERS.—

15 (1) IN GENERAL.—The Director of the Office of
16 Management and Budget, at such time or times as
17 the Director of that Office shall provide, may make
18 such determinations as may be necessary with re-
19 gard to the functions transferred by this section, and
20 to make such additional incidental dispositions of
21 personnel, assets, liabilities, grants, contracts, prop-
22 erty, records, and unexpended balances of appropria-
23 tions, authorizations, allocations, and other amounts
24 held, used, arising from, available to, or to be made

1 available in connection with such functions, as may
2 be necessary to carry out this section.

3 (2) TERMINATION OF AFFAIRS.—The Director
4 of the Office of Management and Budget shall pro-
5 vide for the termination of the affairs of all entities
6 terminated by this section and for such further
7 measures and dispositions as may be necessary to ef-
8 fectuate the purposes of this section.

9 (e) EFFECT ON PERSONNEL.—

10 (1) IN GENERAL.—Except as otherwise pro-
11 vided by this section, the transfer pursuant to this
12 section of full-time personnel (except special Govern-
13 ment employees) and part-time personnel holding
14 permanent positions shall not cause any such em-
15 ployee to be separated or reduced in grade or com-
16 pensation for 1 year after the date of transfer of
17 such employee under this section.

18 (2) EXECUTIVE SCHEDULE POSITIONS.—Except
19 as otherwise provided in this section, any person
20 who, on the day before the date of enactment of this
21 Act, held a position compensated in accordance with
22 the Executive Schedule prescribed in chapter 53 of
23 title 5, United States Code, and who, without a
24 break in service, is appointed in the Office of Juve-
25 nile Crime Control and Accountability to a position

1 having duties comparable to the duties performed
2 immediately preceding such appointment shall con-
3 tinue to be compensated in such new position at not
4 less than the rate provided for such previous posi-
5 tion, for the duration of the service of such person
6 in such new position.

7 (3) TRANSITION RULE.—

8 (A) IN GENERAL.—The incumbent Admin-
9 istrator of the Office as of the date immediately
10 preceding the date of enactment of this Act
11 shall continue to serve as Administrator after
12 the date of enactment of this Act until such
13 time as the incumbent resigns, is relieved of
14 duty by the President, or an Administrator is
15 appointed by the President, by and with the ad-
16 vice and consent of the Senate.

17 (B) NOMINEE.—Not later than 6 months
18 after the date of enactment of this Act, the
19 President shall submit to the Senate for its con-
20 sideration the name of the individual nominated
21 to be appointed as the Administrator.

22 (f) SAVINGS PROVISIONS.—

23 (1) CONTINUING EFFECT OF LEGAL DOCU-
24 MENTS.—All orders, determinations, rules, regula-
25 tions, permits, agreements, grants, contracts, certifi-

1 cates, licenses, registrations, privileges, and other
2 administrative actions—

3 (A) that have been issued, made, granted,
4 or allowed to become effective by the President,
5 any Federal agency or official thereof, or by a
6 court of competent jurisdiction, in the perform-
7 ance of functions that are transferred under
8 this section; and

9 (B) that are in effect at the time this sec-
10 tion takes effect, or were final before the date
11 of enactment of this Act and are to become ef-
12 fective on or after the date of enactment of this
13 Act, shall continue in effect according to their
14 terms until modified, terminated, superseded,
15 set aside, or revoked in accordance with law by
16 the President, the Administrator, or other au-
17 thorized official, a court of competent jurisdic-
18 tion, or by operation of law.

19 (2) PROCEEDINGS NOT AFFECTED.—

20 (A) IN GENERAL.—This section shall not
21 affect any proceedings, including notices of pro-
22 posed rulemaking, or any application for any li-
23 cense, permit, certificate, or financial assistance
24 pending before the Office of Juvenile Justice
25 and Delinquency Prevention on the date on

1 which this section takes effect, with respect to
2 functions transferred by this section but such
3 proceedings and applications shall be continued.

4 (B) ORDERS; APPEALS; PAYMENTS.—Or-
5 ders shall be issued in such proceedings, ap-
6 peals shall be taken therefrom, and payments
7 shall be made pursuant to such orders, as if
8 this section had not been enacted, and orders
9 issued in any such proceedings shall continue in
10 effect until modified, terminated, superseded, or
11 revoked by a duly authorized official, by a court
12 of competent jurisdiction, or by operation of
13 law.

14 (C) DISCONTINUANCE OR MODIFICA-
15 TION.—Nothing in this paragraph shall be con-
16 strued to prohibit the discontinuance or modi-
17 fication of any such proceeding under the same
18 terms and conditions and to the same extent
19 that such proceeding could have been discon-
20 tinued or modified if this paragraph had not
21 been enacted.

22 (3) SUITS NOT AFFECTED.—This section shall
23 not affect suits commenced before the date of enact-
24 ment of this Act, and in all such suits, proceedings
25 shall be had, appeals taken, and judgments rendered

1 in the same manner and with the same effect as if
2 this section had not been enacted.

3 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
4 tion, or other proceeding commenced by or against
5 the Office of Juvenile Justice and Delinquency Pre-
6 vention, or by or against any individual in the offi-
7 cial capacity of such individual as an officer of the
8 Office of Juvenile Justice and Delinquency Preven-
9 tion, shall abate by reason of the enactment of this
10 section.

11 (5) ADMINISTRATIVE ACTIONS RELATING TO
12 PROMULGATION OF REGULATIONS.—Any administra-
13 tive action relating to the preparation or promulga-
14 tion of a regulation by the Office of Juvenile Justice
15 and Delinquency Prevention relating to a function
16 transferred under this section may be continued, to
17 the extent authorized by this section, by the Office
18 of Juvenile Crime Control and Accountability with
19 the same effect as if this section had not been en-
20 acted.

21 (g) TRANSITION.—The Administrator may utilize—

22 (1) the services of such officers, employees, and
23 other personnel of the Office of Juvenile Justice and
24 Delinquency Prevention with respect to functions

1 transferred to the Office of Juvenile Crime Control
2 and Accountability by this section; and

3 (2) amounts appropriated to such functions for
4 such period of time as may reasonably be needed to
5 facilitate the orderly implementation of this section.

6 (h) REFERENCES.—Reference in any other Federal
7 law, Executive order, rule, regulation, or delegation of au-
8 thority, or any document of or relating to—

9 (1) the Administrator of the Office of Juvenile
10 Justice and Delinquency Prevention with regard to
11 functions transferred by operation of subsection (b),
12 shall be considered to refer to the Administrator of
13 the Office of Juvenile Crime Control and Account-
14 ability; and

15 (2) the Office of Juvenile Justice and Delin-
16 quency Prevention with regard to functions trans-
17 ferred by operation of subsection (b), shall be con-
18 sidered to refer to the Office of Juvenile Crime Con-
19 trol and Accountability.

20 (i) TECHNICAL AND CONFORMING AMENDMENT.—
21 Section 5315 of title 5, United States Code, is amended
22 by striking “Administrator, Office of Juvenile Crime Con-
23 trol and Accountability”.

1 **SEC. 307. REPEAL OF UNNECESSARY AND DUPLICATIVE**
2 **PROGRAMS.**

3 (a) **VIOLENT CRIME CONTROL AND LAW ENFORCE-**
4 **MENT ACT OF 1994.—**

5 (1) **TITLE III.—**Title III of the Violent Crime
6 Control and Law Enforcement Act of 1994 (42
7 U.S.C. 13741 et seq.) is amended by striking sub-
8 titles A through S, and subtitle X.

9 (2) **TITLE XXVII.—**Title XXVII of the Violent
10 Crime Control and Law Enforcement Act of 1994
11 (42 U.S.C. 14191 et seq.) is repealed.

12 ~~(b) **PUBLIC HEALTH SERVICE ACT.—**Section 517 of
13 the Public Health Service Act (42 U.S.C. 290bb-23) is
14 repealed.~~

15 ~~(c) **HUMAN SERVICES REAUTHORIZATION ACT.—**~~
16 Section 408 of the Human Services Reauthorization Act
17 is repealed.

18 ~~(d) **COMMUNITY SERVICES BLOCK GRANTS ACT.—**~~
19 Section 682 of the Community Services Block Grants Act
20 (42 U.S.C. 9901) is repealed.

21 ~~(e) **ANTI-DRUG ABUSE ACT.—**Subtitle B of title III
22 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801
23 et seq.) is amended by striking chapters 1 and 2.~~

24 **SEC. 308. CIVIL MONETARY PENALTY SURCHARGE.**

25 (a) **IMPOSITION.—**Subject to subsection (b) and not-
26 withstanding any other provision of law, a surcharge of

1 40 percent of the principal amount of a civil monetary
2 penalty shall be added to each civil monetary penalty as-
3 sessed by the United States or any agency thereof at the
4 time the penalty is assessed.

5 (b) LIMITATION.—This section does not apply to any
6 monetary penalty assessed under the Internal Revenue
7 Code of 1986.

8 (c) USE OF SURCHARGES.—Amounts collected from
9 the surcharge imposed under this section shall be used for
10 Federal programs to combat youth violence.

11 (d) EFFECTIVE DATES.—

12 (1) IN GENERAL.—A surcharge under sub-
13 section (b) shall be added to each civil monetary
14 penalty assessed on or after the later of October 1,
15 1997 and the date of enactment of this Act.

16 (2) EXPIRATION OF AUTHORITY.—The author-
17 ity to add a surcharge under this subsection shall
18 terminate at the close of September 30, 2002.

19 **SEC. 309. REIMBURSEMENT OF STATES FOR COSTS OF IN-**
20 **CARCERATING JUVENILE ALIENS.**

21 (a) IN GENERAL.—Section 501 of the Immigration
22 Reform and Control Act of 1986 (8 U.S.C. 1365) is
23 amended—

24 (1) in subsection (a), by inserting “or illegal ju-
25 venile alien who has been adjudicated delinquent and

1 committed to a juvenile correctional facility by such
2 State or locality” before the period;

3 (2) in subsection (b), by inserting “(including
4 any juvenile alien who has been adjudicated delin-
5 quent and has been committed to a correctional fa-
6 cility)” before “who is in the United States unlaw-
7 fully”; and

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

9 “(f) JUVENILE ALIEN DEFINED.—In this section,
10 the term ‘juvenile alien’ means an alien, as that term is
11 defined in section 101(a)(3) of the Immigration and Na-
12 tionality Act, who has been adjudicated delinquent and
13 committed to a correctional facility by a State or locality
14 as a juvenile offender.”.

15 (b) ANNUAL REPORT.—Section 332 of the Illegal Im-
16 migration Reform and Immigrant Responsibility Act of
17 1996 (8 U.S.C. 1366) is amended—

18 (1) by striking “and” at the end of paragraph
19 (3);

20 (2) by striking the period at the end of para-
21 graph (4) and inserting “; and”; and

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

23 “(5) the number of illegal juvenile aliens that
24 are committed to State or local juvenile correctional

1 facilities, including the type of offense committed by
2 each juvenile.”

3 (c) CONFORMING AMENDMENT.—Section
4 241(i)(3)(B) of the Immigration and Nationality Act (8
5 U.S.C. 1231(i)(3)(B)) is amended—

6 (1) by striking “or” at the end of clause (ii);

7 (2) by striking the period at the end of clause
8 (iii) and inserting “; or”; and

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

10 “(iv) is a juvenile alien with respect to
11 whom section 501 of the Immigration Re-
12 form and Control Act of 1986 applies.”

13 TITLE IV—

14

15 —Boys and Girls Clubs

16 SEC. 401. 2,500 BOYS AND GIRLS CLUBS BEFORE 2000.

17 (a) IN GENERAL.—Section 401(a) of the Economic
18 Espionage Act of 1996 (42 U.S.C. 13751 note) is amend-
19 ed by striking paragraph (2) and inserting the following:

20 “(2) PURPOSE.—The purpose of this section is
21 to provide adequate resources in the form of seed
22 money for the Boys and Girls Clubs of America to—

23 “(A) establish 1,000 additional local clubs
24 in locations where local clubs are needed (giving
25 particular emphasis on establishing clubs in

1 public housing projects and distressed areas);
2 and

3 “(B) ensure that a total of not less than
4 2,500 Boys and Girls Clubs of America facili-
5 ties are in operation not later than December
6 31, 1999.”

7 (b) ACCELERATED GRANTS.—Section 401 of the
8 Economic Espionage Act of 1996 (42 U.S.C. 13751 note)
9 is amended by striking subsection (c) and inserting the
10 following:

11 “(c) ESTABLISHMENT.—

12 “(1) IN GENERAL.—

13 “(A) IN GENERAL.—For each of the fiscal
14 years 1997, 1998, 1999, 2000, and 2001, the
15 Attorney General of the United States (referred
16 to in this subsection as the ‘Attorney General’),
17 acting through the Director of the Bureau of
18 Justice Assistance of the Department of Justice
19 (referred to in this subsection as the ‘Director’)
20 shall make a grant to the Boys and Girls Clubs
21 of America for the purpose of establishing and
22 extending Boys and Girls Clubs facilities in lo-
23 cations where new facilities or expanded facili-
24 ties are needed.

1 “(B) EMPHASIS.—In carrying out sub-
2 paragraph (A), the Director shall give particu-
3 lar emphasis to establishing clubs in and ex-
4 tending services to public housing projects and
5 distressed areas.

6 “(2) APPLICATIONS.—

7 “(A) IN GENERAL.—The Attorney General,
8 acting through the Director, shall accept an ap-
9 plication for a grant under this subsection sub-
10 mitted by the Boys and Girls Clubs of America.

11 “(B) APPROVAL.—Not later than 90 days
12 after an application is submitted under sub-
13 paragraph (A), the Attorney General, acting
14 through the Director, shall approve or deny the
15 application. The Attorney General may approve
16 the application only if the application—

17 “(i) includes—

18 “(I) a long-term strategy to es-
19 tablish 1,000 additional Boys and
20 Girls Clubs; and

21 “(II) a detailed summary of
22 those geographic areas in which new
23 facilities will be established, or in
24 which existing facilities will be ex-
25 panded to serve additional youths,

1 during the fiscal year following the
2 --- date of the application;

3 “(ii) includes a plan to ensure that a
4 total of not less than 2,500 Boys and Girls
5 Clubs of America facilities are in operation
6 before January 1, 2000;

7 “(iii) certifies that the Boys and Girls
8 Clubs of America will ensure appropriate
9 coordination between the communities in
10 which the Boys and Girls Clubs referred to
11 in clause (ii) and the Boys and Girls Clubs
12 of America will be located; and

13 “(iv) explains the manner in which
14 new facilities will operate without the pro-
15 vision of additional, direct Federal finan-
16 cial assistance to the Boys and Girls Clubs
17 after assistance under this subsection is
18 discontinued.”.

19 (c) ROLE MODEL GRANTS.—Section 401 of the Eco-
20 nomic Espionage Act of 1996 (42 U.S.C. 13751 note) is
21 amended by adding at the end the following:

22 “(f) ROLE MODEL GRANTS.—Of amounts made
23 available under subsection (e) for any fiscal year—

24 “(1) not more than 5 percent may be used to
25 provide a grant to the Boys and Girls Clubs of

1 America for administrative, travel, and other costs
2 associated with a national role-model speaking tour
3 program; and

4 “(2) no amount may be used to compensate
5 speakers other than to reimburse speakers for rea-
6 sonable travel and accommodation costs associated
7 with the program described in paragraph (1).”.