

105TH CONGRESS  
1ST SESSION

# S. 362

To deter and punish serious gang and violent crime, promote accountability in the juvenile justice system, prevent juvenile and youth crime, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 1997

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

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## A BILL

To deter and punish serious gang and violent crime, promote accountability in the juvenile justice system, prevent juvenile and youth crime, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Anti-Gang and Youth Violence Act of 1997”.

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

Section 1. Short title; table of contents.

## TITLE I—FINDINGS AND PURPOSE

- Sec. 1001. Findings.
- Sec. 1002. Declaration of purpose and policy.
- Sec. 1003. Definitions.

## TITLE II—TARGETING VIOLENT GANG, GUN, AND DRUG CRIMES

Subtitle A—Federal Prosecutions Targeting Violent Gangs, Gun Crimes and  
Illicit Gun Markets, and Drugs

## PART 1—TARGETING GANG AND OTHER VIOLENT CRIMES

- Sec. 2111. Increased penalties under the RICO law for gang and violent crimes.
- Sec. 2112. Increased penalty and broadened scope of statute against violent crimes in aid of racketeering.
- Sec. 2113. Facilitating the prosecution of carjacking offenses.
- Sec. 2114. Facilitation of RICO prosecutions.
- Sec. 2115. Elimination of the statute of limitations for murder and class A offenses.
- Sec. 2116. Forfeiture for crimes of violence, racketeering, and obstruction of justice.

PART 2—TARGETING SERIOUS GUN CRIMES AND PROTECTING CHILDREN  
FROM GUN VIOLENCE

- Sec. 2121. Gun ban for dangerous juvenile offenders.
- Sec. 2122. Locking devices for firearms.
- Sec. 2123. Enhanced penalties for discharging or possessing a firearm during a crime of violence or drug trafficking crime.
- Sec. 2124. Juvenile handgun possession.
- Sec. 2125. Increased penalty for firearms conspiracy.

## PART 3—TARGETING ILLICIT GUN MARKETS

- Sec. 2131. Certain gang-related firearms offenses as RICO predicates.
- Sec. 2132. Felony treatment for offenses tantamount to aiding and abetting unlawful purchases.
- Sec. 2133. Secure storage of firearms inventories.
- Sec. 2134. Suspension of Federal firearms licenses and civil penalties for willful violations of the Gun Control Act.
- Sec. 2135. Transfers of firearms to commit a crime of violence.
- Sec. 2136. Increased penalty for knowingly receiving firearm with obliterated serial number.
- Sec. 2137. Amendment of the sentencing guidelines for transfers of firearms to prohibited persons.
- Sec. 2138. Forfeiture of firearms used in crimes of violence and felonies.
- Sec. 2139. Forfeiture for gun trafficking.

PART 4—TARGETING SERIOUS DRUG CRIMES AND PROTECTING CHILDREN  
FROM DRUGS

- Sec. 2141. Increased penalties for using minors to distribute drugs.
- Sec. 2142. Increased penalties for distributing drugs to minors.
- Sec. 2143. Increased penalty for drug trafficking in or near a school or other protected location.
- Sec. 2144. Serious juvenile drug trafficking offenses as armed career criminal act predicates.

- Sec. 2145. Attorney General authority to reschedule certain drugs posing imminent danger to public safety.
- Sec. 2146. Increased penalties for using Federal property to grow or manufacture controlled substances.
- Sec. 2147. Clarification of length of supervised release terms in controlled substance cases.
- Sec. 2148. Technical correction to ensure compliance of sentencing guidelines with provisions of all Federal statutes.
- Sec. 2149. Drug testing, treatment, and supervision of incarcerated offenders.

Subtitle B—Grants to Prosecutors’ Offices to Target Gang Crime and Violent Juveniles

- Sec. 2201. Authority to make grants to prosecutors to combat gang crime and youth violence.
- Sec. 2202. Recipients.
- Sec. 2203. Authorization of appropriations.
- Sec. 2204. Training, technical assistance, research, statistics, and evaluation.

Subtitle C—Youth Violence Courts

- Sec. 2301. Creation of Youth Violence Courts.

TITLE III—PROTECTING WITNESSES TO HELP PROSECUTE  
GANGS AND OTHER VIOLENT CRIMINALS

- Sec. 3001. Interstate travel to engage in witness intimidation or obstruction of justice.
- Sec. 3002. Expanding pretrial detention eligibility for serious gang and other violent criminals.
- Sec. 3003. Conspiracy penalty for obstruction of justice offenses involving victims, witnesses, and informants.

TITLE IV—PROTECTING VICTIMS’ RIGHTS

- Sec. 4001. Access of victims and public to records of crimes committed by juvenile delinquents.
- Sec. 4002. Victims of Child Abuse Act extension of authorizations.

TITLE V—FEDERAL PROSECUTION OF SERIOUS AND VIOLENT  
JUVENILE OFFENDERS

- Sec. 5001. Short title.
- Sec. 5002. Delinquency proceedings of criminal prosecutions in district courts.
- Sec. 5003. Custody prior to appearance before judicial officer.
- Sec. 5004. Technical and conforming amendments to section 5034.
- Sec. 5005. Speedy trial.
- Sec. 5006. Disposition; availability of increased detention, fines and supervised release for juvenile offenders; availability of victim restitution.
- Sec. 5007. Technical amendments of sections 5031 and 5034.

TITLE VI—INCARCERATION OF JUVENILES IN THE FEDERAL  
SYSTEM

- Sec. 6001. Detention of juveniles prior to disposition or sentencing.
- Sec. 6002. Rules governing the commitment of juveniles.

TITLE VII—OFFICE OF JUVENILE CRIME CONTROL AND  
PREVENTION

Sec. 7001. Short title.

Subtitle A—Creation of the Office of Juvenile Crime Control and Prevention

Sec. 7101. Establishment of Office.

Sec. 7102. Conforming amendments.

Sec. 7103. Authorization of appropriations.

Subtitle B—Juvenile Crime Assistance

Sec. 7201. Formula grant assistance.

Sec. 7202. Indian tribal grants.

Sec. 7203. At-risk children grant program.

Sec. 7204. Developing, testing, and demonstrating promising programs.

Sec. 7205. Incentive grant programs.

Sec. 7206. Research, statistics, and evaluation.

Sec. 7207. Training and technical assistance.

Subtitle C—Missing and Exploited Children

Sec. 7301. Extension of authorization and uses of funds.

Sec. 7302. Corrections.

Sec. 7303. Conforming amendment.

**1            TITLE I—FINDINGS AND PURPOSES**

**2    SEC. 1001. FINDINGS.**

3            (a) The rate of juvenile crime remains unacceptably  
4 high, as does the abuse and trafficking of drugs by and  
5 to juveniles.

6            (b) The prevalence of gangs and gang-related violence  
7 has increased drastically over the last decade and remains  
8 a serious concern.

9            (c) The prevalence of illegal gun markets fuels use  
10 of illegal guns by juveniles, and the number of juvenile  
11 homicides involving guns has increased dramatically in the  
12 past several years.

13            (d) There is an increasing and urgent need to better  
14 understand the causes of crime and violence committed

1 by juveniles and young adults, and to identify those initia-  
2 tives and strategies that are effective in reducing and pre-  
3 venting juvenile and youth crime.

4 (e) Accurate statistical information, collected, ana-  
5 lyzed, and disseminated in a timely manner is necessary  
6 to the Nation's ability to fully understand, assess, and ad-  
7 dress issues related to youth violence.

8 (f) Where appropriate, the Federal Government  
9 needs to be able to better prosecute and hold accountable  
10 juveniles who commit certain serious felonies.

11 (g) State and local prosecutors face serious backlogs  
12 in cases involving young violent offenders, especially gang  
13 members, many of whom are repeat offenders.

14 (h) Juvenile courts, prosecutorial and public defender  
15 offices, probation services, and correctional facilities are  
16 overburdened and have not been able to effectively process,  
17 detain, sentence, protect, or treat juvenile offenders.

18 (i) Victims and witnesses of juvenile crimes need to  
19 be better protected by the justice system and be able to  
20 more fully participate in juvenile proceedings.

21 (j) Emphasis should be placed on preventing youth  
22 from committing crimes.

1 (k) The Federal Government has a unique and vital  
2 role in providing the leadership, focus, and resources need-  
3 ed to successfully address gangs, youth violence and juve-  
4 nile crime.

5 (l) The high incidence of juvenile crime in the United  
6 States results in an enormous annual cost and immeas-  
7 urable loss of human life, personal security, and wasted  
8 human resources and that juvenile crime constitutes a  
9 growing threat to the national welfare requiring immediate  
10 and comprehensive action by the Federal Government to  
11 reduce and prevent this type of crime.

12 **SEC. 1002. DECLARATION OF PURPOSE AND POLICY.**

13 (a) The Federal Government, through enforcement  
14 and funding initiatives, plays an essential role in combat-  
15 ing juvenile crime, gang violence, and drug use and assist-  
16 ing the victims of juvenile crime. The Federal Government  
17 has a unique and comprehensive function that includes  
18 fortifying and creating new, stronger, and more effective  
19 alliances with States, Indian tribes, cities, counties, and  
20 communities in the fight against juvenile crime, its causes,  
21 and consequences.

22 (b) It is the purpose of this Act—

23 (1) to strengthen, in appropriate cases, Federal  
24 prosecutions of serious and violent juvenile offenders  
25 by: providing Federal prosecutors with the discretion

1 to transfer juvenile offenders to adult criminal court;  
2 expanding the categories of serious felonies for  
3 which a juvenile can be prosecuted as an adult in  
4 Federal court to include certain firearms and drug  
5 offenses, violent crimes, and conspiracy; and permit-  
6 ting an adjudication of delinquency for a serious  
7 drug trafficking offense to qualify as a predicate of-  
8 fense under the Armed Career Criminal Act;

9 (2) to target illegal gun use and gun markets,  
10 gang involvement, gang violence, drug use, drug  
11 trafficking, and drug-related crime;

12 (3) to hold juvenile offenders accountable for  
13 their actions by ensuring accountability-based grad-  
14 uated sanctions are applied for every violation of the  
15 law;

16 (4) to implement a comprehensive and effective  
17 effort that provides necessary resources and other  
18 support for State, tribal, and local juvenile crime en-  
19 forcement, intervention, sanction, and prevention ini-  
20 tiatives;

21 (5) to assist State and local communities in ef-  
22 fectively and efficiently addressing and preventing  
23 juvenile substance-abuse and drug-related juvenile  
24 crime;

1           (6) to promote research, evaluation, and infor-  
2           mation and data collection procedures and activities  
3           that identify and disseminate information on effec-  
4           tive programs and initiatives that combat juvenile  
5           crime;

6           (7) to test promising strategies and programs  
7           that reduce or prevent juvenile crime, and establish  
8           flexible demonstration programs that effectively sup-  
9           port State and local initiatives to prevent and reduce  
10          juvenile crime;

11          (8) to maintain fundamental safeguards to pro-  
12          tect juveniles from harm while in custody;

13          (9) to provide resources for courts to address  
14          violent juveniles and similarly use expanded correc-  
15          tions options for juvenile offenders who pose serious  
16          danger to the community and to other, less dan-  
17          gerous juvenile offenders;

18          (10) to protect witnesses and victims of juvenile  
19          crime from intimidation and expand victim access to  
20          juvenile proceedings; and

21          (11) to establish a new Office of Juvenile Crime  
22          Control and Prevention within the Office of Justice  
23          Programs to provide leadership, resources, and co-  
24          ordination for State, local, and Indian tribal efforts.



1 **SEC. 1003. DEFINITIONS.**

2 (a) Section 901 of title I of the Omnibus Crime Con-  
 3 trol and Safe Streets Act of 1968 (42 U.S.C. 3791, et  
 4 seq.) is amended by adding after paragraph (23) the fol-  
 5 lowing new paragraphs—

6 “(26) the term ‘community based’ facility, pro-  
 7 gram, or service means a small, open group home or  
 8 other suitable place located near the juvenile’s home  
 9 or family and programs of community supervision  
 10 and service that maintain community and consumer  
 11 participation in the planning operation, and evalua-  
 12 tion of their programs that may include, but are not  
 13 limited to, medical, educational, vocational, social  
 14 and psychological guidance, training, special edu-  
 15 cation, counseling, alcoholism treatment, drug treat-  
 16 ment, and other rehabilitative services;

17 “(27) the term ‘Federal juvenile delinquency pro-  
 18 gram’ means any juvenile delinquency program that  
 19 is conducted, directly, or indirectly, or is assisted by  
 20 any Federal department or agency;

21 “(28) the term ‘juvenile delinquency program’  
 22 means any program or activity related to juvenile de-  
 23 linquency prevention, control, diversion, treatment,  
 24 rehabilitation, planning, education, training, and re-  
 25 search, including drug and alcohol abuse programs;  
 26 the improvement of the juvenile justice system; and

1 any program or activity to help prevent juvenile de-  
 2 linquency;

3 “(29) the term ‘combination’ as applied to States  
 4 or units of local government means any grouping or  
 5 joining together of such States or units for the pur-  
 6 pose of preparing, developing, or implementing a  
 7 program, initiative, or activity under this title;

8 “(30) the term ‘secure detention facility’ means  
 9 any public or private residential facility that—

10 “(A) uses construction fixtures to physically  
 11 restrict the movements and activities of juve-  
 12 niles or other individuals held in lawful custody  
 13 in such facility; and

14 “(B) is used for the temporary placement of  
 15 any juvenile who is accused of having commit-  
 16 ted an offense or of any other individual ac-  
 17 cused of having committed a criminal offense;

18 “(31) the term ‘secure correctional facility’ means  
 19 any public or private residential facility that—

20 “(A) uses construction fixtures to physically  
 21 restrict the movements and activities of juve-  
 22 niles or other individuals held in lawful custody  
 23 in such facility; and

24 “(B) is used for the placement, after adju-  
 25 dication and disposition, of any juvenile who

1           has been adjudicated as having committed an  
2           offense, or any other individual convicted of a  
3           criminal offense;

4           “(32) the term ‘serious crime’ means criminal  
5           homicide, forcible rape or other sex offenses punish-  
6           able as a felony, hate crimes, mayhem, kidnaping,  
7           aggravated assault, robbery, larceny or theft punish-  
8           able as a felony, motor vehicle theft, burglary or  
9           breaking and entering, extortion accompanied by  
10          threats of violence, drug trafficking, firearms viola-  
11          tions, or arson punishable as a felony;

12          “(33) the term ‘treatment’ includes, but is not  
13          limited to medical, educational, special education, so-  
14          cial, psychological, and vocational services, corrective  
15          and preventive guidance and training, and other re-  
16          habilitative services designed to protect the public,  
17          including services designed to benefit addicts and  
18          other users by eliminating their dependence on alco-  
19          hol or other addictive or nonaddictive drugs or by  
20          controlling their dependence and susceptibility to ad-  
21          diction or use;

22          “(34) the term ‘valid court order’ means a  
23          court order given by a juvenile court judge to a juve-  
24          nile—

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

3           “(B) who received, before the issuance of  
4           such order, the full due process rights guaran-  
5           teed to such juvenile by the Constitution of the  
6           United States or to Indian juvenile offenders  
7           under the Indian Civil Rights Act (25 U.S.C.  
8           1301 et seq.);

9           “(C) with respect to whom an appropriate  
10          public or private agency, before a disposition of  
11          confinement in a secure detention facility or a  
12          secure correctional facility, has reviewed the be-  
13          havior of such juvenile, its causes, the  
14          dispositional alternatives available, and has sub-  
15          mitted to the court a report and recommenda-  
16          tion.

17          “(35) the term ‘jail or lockup for adults’ means  
18          a locked facility that is used by a State, unit of local  
19          government, or any law enforcement authority to de-  
20          tain or confine adults—

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

23                 “(B) awaiting trial on a criminal charge;  
24                 or

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

1           “(36) the term ‘nonprofit organization’ means  
2           an organization described in section 501(c)(3) of  
3           title 26 of the United States Code that is exempt  
4           from taxation under Section 501(a) of title 26 of the  
5           United States Code.

6           “(37) the term ‘council’ means the Coordinat-  
7           ing Council on Juvenile Crime Control and Preven-  
8           tion established at Section 2701(d) of the Anti-Gang  
9           and Youth Violence Act of 1997.

10          “(38) the term ‘young violent offenders’ has the  
11          meaning given that term under 42 United States  
12          Code 13868.

13          ”(39) the term ‘Indian tribe’ means an Indian  
14          or Alaskan native tribe, band, nation, pueblo, village,  
15          or community that the Secretary of the Interior ac-  
16          knowledges to exist as an Indian tribe pursuant to  
17          25 U.S.C. 479a–1.

18          “(40) the term ‘Indian tribal government’  
19          means the legally recognized leadership of an Indian  
20          tribe, band, nation, pueblo, village, or community.

21          “(41) the term ‘prosecutor’ means a prosecu-  
22          tor’s office or that entity of a State government, or  
23          any political subdivision thereof, or of an Indian  
24          tribal government, that has, or routinely exercises,

1 direct responsibility for the prosecution of criminal  
 2 offenders.”.

3 (b) Section 901(a)(21) of title I of the Omnibus  
 4 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 5 3791, et seq.) is amended by—

6 (1) inserting the words “ or juvenile” between  
 7 the words “criminal” and “justice” the first time  
 8 they appear; and

9 (2) striking the words “the criminal justice sys-  
 10 tem” the last time they appear and inserting in their  
 11 place the words “either the criminal or juvenile jus-  
 12 tice systems.”.

13 **TITLE II—TARGETING VIOLENT GANG,**  
 14 **GUN AND DRUG CRIMES**  
 15 **Subtitle A—Federal Prosecutions Targeting**  
 16 **Violent Gangs, Gun Crimes and Illicit**  
 17 **Gun Markets, and Drugs**

18 **PART 1—TARGETING GANG AND OTHER VIOLENT**  
 19 **CRIMES**

20 **SEC. 2111. INCREASED PENALTIES UNDER THE RICO LAW**  
 21 **FOR GANG AND VIOLENT CRIMES.**

22 Section 1963(a) of title 18, United States Code, is  
 23 amended by striking “or imprisoned not more than 20  
 24 years (or for life if the violation is based on a racketeering

1 activity for which the maximum penalty includes life im-  
 2 prisonment), or both,” and inserting “or imprisoned not  
 3 more than the greater of 20 years or the statutory maxi-  
 4 mum term of imprisonment (including life) applicable to  
 5 a racketeering activity on which the violation is based, or  
 6 both,”.

7 **SEC. 2112. INCREASED PENALTY AND BROADENED SCOPE**  
 8 **OF STATUTE AGAINST VIOLENT CRIMES IN**  
 9 **AID OF RACKETEERING.**

10 Section 1959(a) of title 18, United States Code, is  
 11 amended—

12 (1) by inserting “or commits any other crime of  
 13 violence” before “or threats to commit a crime of vi-  
 14 olence”;

15 (2) in paragraph (4) by inserting “committing  
 16 any other crime of violence or for” before “threaten-  
 17 ing to commit a crime of violence”, and by striking  
 18 “five” and inserting “ten”;

19 (3) in paragraph (5) by striking “for not more  
 20 than ten years” and inserting “for any term of years  
 21 or for life”.

22 (4) in paragraph (6) by striking “or” before  
 23 “assault resulting in serious bodily injury”, by in-  
 24 serting “or any other crime of violence” after those

1 same words, and by striking “three” and inserting  
2 “ten”; and

3 (5) by inserting “(as defined in section 1365 of  
4 this title)” after “serious bodily injury” the first  
5 place it appears.

6 **SEC. 2113. FACILITATING THE PROSECUTION OF**  
7 **CARJACKING OFFENSES.**

8 Section 2119 of title 18, United States Code, is  
9 amended by striking “, with the intent to cause death or  
10 serious bodily harm”.

11 **SEC. 2114. FACILITATION OF RICO PROSECUTIONS.**

12 Section 1962(d) of title 18, United States Code, is  
13 amended by adding at the end “For purposes of this sub-  
14 section, it is not necessary to establish that the defendant  
15 agreed personally to commit any acts of racketeering ac-  
16 tivity.”

17 **SEC. 2115. ELIMINATION OF THE STATUTE OF LIMITATIONS**  
18 **FOR MURDER AND CLASS A OFFENSES.**

19 (a) Section 3281 of title 18, United States Code, is  
20 amended to read as follows:

21 **“§ 3281. Capital offenses and class A felonies involv-**  
22 **ing murder**

23 “An indictment for any offense punishable by death  
24 or an indictment or information for a class A felony involv-  
25 ing murder (as defined in section 1111 of this title or as



1 defined under applicable state law in the case of an offense  
2 under section 1963(a) of this title involving racketeering  
3 activity described in section 1961(1) of this title) may be  
4 found at any time without limitation.”.

5 (b) The amendment made by subsection (a) shall  
6 apply to any offense for which the applicable statute of  
7 limitations had not run as of the date of enactment of  
8 such subsection.

9 (c) Chapter 213 of title 18, United States Code, is  
10 amended by adding at the end the following new section:

11 **“§ 3295. Class A violent and drug trafficking offenses**

12 “Except as provided in section 3281, no person shall  
13 be prosecuted, tried, or punished for a class A felony that  
14 is a crime of violence or a drug trafficking crime (as de-  
15 fined in section 924(c) of this title) unless the indictment  
16 is returned or the information is filed within 10 years after  
17 the commission of the offense.”.

18 (d) The amendment made by subsection (c) shall  
19 apply to any offense for which the applicable statute of  
20 limitations had not run as of the date of enactment of  
21 such subsection.

22 (e) The table of sections for chapter 213 of title 18,  
23 United States Code, is amended by (1) in the item relating  
24 to section 3281, inserting “and class A felonies involving

1 murder” before the period, and (2) adding at the end the  
 2 following:

“3295. Class A violent and drug trafficking offenses.”.

3 **SEC. 2116. FORFEITURE FOR CRIMES OF VIOLENCE, RACK-**  
 4 **ETEERING AND OBSTRUCTION OF JUSTICE.**

5 (a) CIVIL FORFEITURE.—Section 981(a)(1) of title  
 6 18, United States Code, is amended by adding the follow-  
 7 ing subparagraph:

8 “(H) Any proceeds of a crime of violence  
 9 (as defined in Section 16), an offense under  
 10 chapter 95 (racketeering), or any offense under  
 11 chapter 73 (obstruction of justice), or a con-  
 12 spiracy to commit such offense, any property  
 13 used to facilitate such offense, and any property  
 14 traceable to such property.

15 (b) CRIMINAL FORFEITURE.—Section 982(a) of title  
 16 18, United States Code, is amended by inserting the fol-  
 17 lowing new paragraph:

18 “(9) The court, in imposing a sentence on a person  
 19 convicted of a crime of violence (as defined in section 16),  
 20 an offense under chapter 95 (racketeering), or any offense  
 21 under chapter 73 (obstruction of justice), or a conspiracy  
 22 to commit such offense, shall order the person to forfeit  
 23 to the United States any proceeds derived from such of-  
 24 fense, any property used or intended to be used to commit

1 such offense, and any property traceable to such prop-  
 2 erty.”.

3 **PART 2—TARGETING SERIOUS GUN CRIMES AND**  
 4 **PROTECTING CHILDREN FROM GUN VIOLENCE**  
 5 **SEC. 2121. GUN BAN FOR DANGEROUS JUVENILE OFFEND-**  
 6 **ERS.**

7 (a) DEFINITION.—Section 921(a)(20) of title 18,  
 8 United States Code, is amended—

9 (1) by inserting “(A)” after “(20)”;

10 (2) by redesignating subparagraphs (A) and  
 11 (B) as clauses (i) and (ii);

12 (3) by inserting after subparagraph (A) the fol-  
 13 lowing new subparagraph:

14 “(B) For purposes of section 922(d), (g),  
 15 and (s) of this chapter, the term ‘act of juvenile  
 16 delinquency’ means an adjudication of delin-  
 17 quency based on a finding of the commission of  
 18 an act by a person prior to his or her eight-  
 19 eenth birthday that, if committed by an adult,  
 20 would be a serious drug offense or violent fel-  
 21 ony (as defined in section 3559(c)(2) of this  
 22 title), on or after the date of enactment of this  
 23 paragraph.”; and

24 (4) by striking “What constitutes” through the  
 25 end and inserting the following: “What constitutes a

1 conviction of such a crime or an adjudication of ju-  
2 venile delinquency shall be determined in accordance  
3 with law of the jurisdiction in which the proceedings  
4 were held. Any State conviction or adjudication of  
5 delinquency which has been expunged or set aside  
6 for which a person has been pardoned or has had  
7 civil rights restored by the jurisdiction in which the  
8 conviction or adjudication of delinquency occurred  
9 shall nevertheless be considered a conviction or adju-  
10 dication of delinquency unless (i) the expunction,  
11 set-aside, pardon or restoration of civil rights is di-  
12 rected to a specific person, (ii) the State authority  
13 granting the expunction, set aside, pardon or res-  
14 toration of civil rights has expressly determined that  
15 the circumstances regarding the conviction and the  
16 person's record and reputation are such that the  
17 person will not act in a manner dangerous to public  
18 safety, and (iii) the expunction, set aside, pardon, or  
19 restoration of civil rights expressly authorizes the  
20 person to ship, transport, receive, or possess fire-  
21 arms. The requirement of this subparagraph for an  
22 individualized restoration of rights shall apply  
23 whether or not, under State law, the person's civil  
24 rights were taken away by virtue of the conviction  
25 or adjudication.”.

1 (b) PROHIBITION.—Section 922 of title 18, United  
2 States Code is amended—

3 (1) in subsection (d)—

4 (A) by striking “or” at the end of para-  
5 graph (8);

6 (B) by striking the period at the end of  
7 paragraph (9) and inserting “; or”; and

8 (C) by inserting after paragraph (9) the  
9 following:

10 “(10) who has committed an act of juvenile de-  
11 linquency.”;

12 (2) in subsection (g)—

13 (A) by striking “or” at the end of para-  
14 graph (8) ;

15 (B) by striking the period at the end of  
16 paragraph (9) and inserting “; or”, and

17 (C) by inserting after paragraph (9) the  
18 following:

19 “(10) who has committed an act of juvenile de-  
20 linquency.”; and

21 (3) in subsection (s)(3)(B)—

22 (A) by striking “and” at the end of clause  
23 (vi);

24 (B) by inserting “and” after the semicolon  
25 at the end of clause (vii); and

1 (C) by inserting after clause (vii) the fol-  
2 lowing:

3 “(viii) has not committed an act of ju-  
4 venile delinquency.”.

5 **SEC. 2122. LOCKING DEVICES FOR FIREARMS.**

6 (a) DEFINITION.—Section 921(a), title 18, United  
7 States Code, is amended by adding at the end the follow-  
8 ing:

9 (33) The term “locking device” means:

10 “(A) a device that when installed on a fire-  
11 arm and secured by means of a key or mechan-  
12 ically, electronically, or electro-mechanically op-  
13 erated combination lock prevents the firearm  
14 from being discharged without first deactivating  
15 or removing the device by means of a key or  
16 mechanically, electronically, or electron-me-  
17 chanically operated combination lock; or

18 “(B) a mechanical, electrical, or electro-  
19 mechanical locking mechanism incorporated  
20 into the design of the firearm that prevents dis-  
21 charge of the weapon by anyone not having ac-  
22 cess to the key or other device designed to  
23 unlock and allow discharge of the firearm.”.

1 (b) SALE OF LOCKING DEVICES BY FEDERAL FIRE-  
 2 ARMS LICENSEES.—Section 922, title 18, United States  
 3 Code, is amended by adding at the end the following:

4 “(y) It shall be unlawful for any licensed importer,  
 5 licensed manufacturer, or licensed dealer to sell or deliver  
 6 any firearm to any person (other than a licensed importer,  
 7 licensed manufacturer, or licensed dealer) unless the  
 8 transferee is provided with a locking device that prevents  
 9 the firearm from discharging.”.

10 (c) PENALTIES.—Section 924 is amended—

11 (1) in subsection (a)(1) by striking “or (f)” and  
 12 inserting “(f), or (o)”; and

13 (2) by adding at the end a new subsection (o)  
 14 to read as follows:

15 “(o) The Secretary may, after notice and opportunity  
 16 for hearing, suspend or revoke any license issued under  
 17 this chapter or may subject the licensee to a civil penalty  
 18 of not more than \$10,000 if the holder of such license  
 19 has knowingly violated section 922(y). The Secretary’s ac-  
 20 tions under this subsection may be reviewed only as pro-  
 21 vided in section 923(f).

22 (d) EFFECTIVE DATE.—The amendments made by  
 23 this section shall be effective 180 days after the date of  
 24 enactment.

1 **SEC. 2123. ENHANCED PENALTIES FOR DISCHARGING OR**  
 2 **POSSESSING A FIREARM DURING A CRIME OF**  
 3 **VIOLENCE OR DRUG TRAFFICKING CRIME.**

4 (a) Sections 924(c)(1) and 929(a)(1) of title 18,  
 5 United States Code, are each amended by striking “uses  
 6 or carries a firearm” and inserting “possesses a firearm.”

7 (b) Section 924(c)(1) of title 18, United States Code,  
 8 is further amended by inserting “or if the firearm is dis-  
 9 charged or is used to cause serious bodily injury (as de-  
 10 fined in section 1365 of this title),” before “to imprison-  
 11 ment for ten years”.

12 **SEC. 2124. JUVENILE HANDGUN POSSESSION.**

13 Section 924(a)(6) of title 18, United States Code, is  
 14 amended—

15 (1) by striking subparagraph (A) and inserting  
 16 the following:

17 “(A) A juvenile who violates section 922(x)  
 18 shall be fined under this title, imprisoned not  
 19 more than one year, or both, and for a second  
 20 or subsequent violation, or for a first violation  
 21 committed after an adjudication of delinquency  
 22 for an act that, if committed by an adult, would  
 23 be a serious violent felony (as defined in section  
 24 3559(c) of this title), shall be fined under this  
 25 title, imprisoned not more than five years, or  
 26 both.”;



1 (2) in clause (i) of subparagraph (B), by strik-  
 2 ing “one year” and inserting “five years”; and

3 (3) in clause (ii) of subparagraph (B), by strik-  
 4 ing “not more than 10 years” and inserting “not  
 5 less than 3 nor more than 10 years”.

6 **SEC. 2125. INCREASED PENALTY FOR FIREARMS CON-**  
 7 **SPIRACY.**

8 Section 924 of title 18, United States Code, is  
 9 amended by adding at the end the following new sub-  
 10 section:

11 “(o) Except as otherwise provided in this section, a  
 12 person who conspires to commit an offense defined in this  
 13 chapter shall be subject to the same penalties (other than  
 14 the penalty of death) as those prescribed for the offense  
 15 the commission of which is the object of the conspiracy.”.

16 **PART 3—TARGETING ILLICIT GUN MARKETS**

17 **SEC. 2131. CERTAIN GANG-RELATED FIREARMS OFFENSES**  
 18 **AS RICO PREDICATES.**

19 Section 1961(1) of title 18, United States Code, is  
 20 amended by inserting after “891–894 (relating to extor-  
 21 tionate credit transactions),” the following: “section  
 22 924(a) insofar as such offense is a violation of section 922  
 23 (a)(1), (a)(6), (i), (j), (k), (o), (q), (u), (v), or (x)(1), or  
 24 section 924 (b), (g), (h), (k), (l), or (m) (relating to fire-  
 25 arms violations),”.

1 **SEC. 2132. FELONY TREATMENT FOR OFFENSES TANTA-**  
 2 **MOUNT TO AIDING AND ABETTING UNLAW-**  
 3 **FUL PURCHASES.**

4 Section 924(a)(3) of title 18, United States Code, is  
 5 amended by striking the period and inserting “; but if the  
 6 violation is in relation to an offense (i) under subsection  
 7 (b)(1) or (b)(3) of section 922, shall be fined under this  
 8 title, imprisoned not more than five years, or both, or (ii)  
 9 under subsection (a)(6) or (d) of section 922, shall be  
 10 fined under this title, imprisoned not more than ten years,  
 11 or both.”.

12 **SEC. 2133. SECURE STORAGE OF FIREARMS INVENTORIES.**

13 (a) STORAGE REQUIREMENTS.—Section 923 is  
 14 amended by adding at the end the following:

15 “(m) It shall be unlawful for any licensed importer,  
 16 licensed manufacturer, or licensed dealer (other than a  
 17 dealer as defined in section 921(a)(11)(B)) to store any  
 18 firearms in their business inventory in a manner not in  
 19 conformity with regulations issued by the Secretary. In is-  
 20 suing such regulations, the Secretary shall take into con-  
 21 sideration the type and quantity of the firearms to be  
 22 stored, as well as the standards of safety and security rec-  
 23 ognized in the firearms industry.”.

24 (b) PENALTIES.—Section 924 is amended——

25 (1) in subsection (a)(1) by striking “or (f)” and  
 26 inserting “(f), or (o)”; and

1           (2) by adding at the end a new subsection (o)  
2           to read as follows:

3           “(o) The Secretary may, after notice and opportunity  
4           for hearing, suspend or revoke any license issued under  
5           this chapter or may subject the licensee to a civil penalty  
6           of not more than \$10,000 if the holder of such license  
7           has knowingly violated section 923(m). The Secretary’s  
8           actions under this subsection may be reviewed only as pro-  
9           vided in section 923(f).”

10          (c)       CONDITION       OF       LICENSING.—Section  
11   923(d)(1)(F) is amended:

12           (1) in subclause (II) by striking “and” the sec-  
13           ond time it appears;

14           (2) in clause (iii) by striking “license.” and in-  
15           serting “license; and”; and

16           (3) by adding at the end a new clause (iv) to  
17           read as follows:

18                   “(iv) within 30 days after the applica-  
19                   tion is approved the firearms inventory of  
20                   the business will be stored in compliance  
21                   with section 923(m) and regulations issued  
22                   thereunder.

23          (d) EFFECTIVE DATE.—The amendments made by  
24   this section shall be effective 180 days after the date of  
25   enactment.

1 **SEC. 2134. SUSPENSION OF FEDERAL FIREARMS LICENSES**  
2 **AND CIVIL PENALTIES FOR WILLFUL VIOLA-**  
3 **TIONS OF THE GUN CONTROL ACT.**

4 Sections 923 (e) and (f) of title 18, United States  
5 Code, are amended to read as follows:

6 “(e) The Secretary may, after notice and opportunity  
7 for hearing, suspend or revoke any license issued under  
8 this section, or may subject the licensee to a civil penalty  
9 of not more than \$10,000 per violation, if the holder of  
10 such license has willfully violated any provision of this  
11 chapter or any rule or regulation prescribed by the Sec-  
12 retary under this chapter. The Secretary may, after notice  
13 and opportunity for hearing, suspend or revoke the license  
14 of, or assess a civil penalty of not more than \$10,000 on,  
15 a dealer who willfully transfers armor piercing ammuni-  
16 tion. The Secretary may at any time compromise, miti-  
17 gate, or remit the liability with respect to any willful viola-  
18 tion of this chapter or any rule or regulation prescribed  
19 by the Secretary under this chapter. The Secretary’s ac-  
20 tions under this subsection may be reviewed only as pro-  
21 vided in subsection (f) of this section.

22 “(f)(1) Any person whose application for a license is  
23 denied and any holder of a license which is suspended or  
24 revoked or who is assessed a civil penalty shall receive a  
25 written notice from the Secretary stating specifically the  
26 grounds upon which the application was denied or upon

1 which the license was suspended or revoked or the civil  
2 penalty assessed. Any notice of a suspension or revocation  
3 of a license shall be given to the holder of such license  
4 before the effective date of the suspension or revocation.

5       “(2) If the Secretary denies an application for a li-  
6 cense, or suspends or revokes a license, or assesses a civil  
7 penalty, he shall, upon request by the aggrieved party,  
8 promptly hold a hearing to review his denial, suspension,  
9 revocation, or assessment. In the case of a suspension or  
10 revocation of a license, the Secretary shall, upon the re-  
11 quest of the holder of the license, stay the effective date  
12 of the suspension or revocation. A hearing under this  
13 paragraph shall be held at a location convenient to the  
14 aggrieved party.

15       “(3) If after a hearing held under paragraph (2) the  
16 Secretary decides not to reverse his decision to deny an  
17 application or suspend or revoke a license or assess a civil  
18 penalty, the Secretary shall give notice of his decision to  
19 the aggrieved party. The aggrieved party may at any time  
20 within sixty days after the date notice was given under  
21 this paragraph file a petition with the United States dis-  
22 trict court for the district in which he resides or has his  
23 principal place of business for a de novo judicial review  
24 of such denial, suspension, revocation, or assessment. In  
25 a proceeding conducted under this subsection, the court

1 may consider any evidence submitted by the parties to the  
 2 proceeding whether or not such evidence was considered  
 3 at the hearing held under paragraph (2). If the court de-  
 4 cides that the Secretary was not authorized to deny the  
 5 application or to suspend or revoke the license or to assess  
 6 the civil penalty, the court shall order the Secretary to  
 7 take such action as may be necessary to comply with the  
 8 judgment of the court.”.

9 **SEC. 2135. TRANSFER OF FIREARM TO COMMIT A CRIME OF**  
 10 **VIOLENCE.**

11 Section 924(h) of title 18, United States Code, is  
 12 amended by inserting “or having reasonable cause to be-  
 13 lieve” after “knowing”.

14 **SEC. 2136. INCREASED PENALTY FOR KNOWINGLY RECEIV-**  
 15 **ING FIREARM WITH OBLITERATED SERIAL**  
 16 **NUMBER.**

17 Section 924(a) of title 18, United States Code, is  
 18 amended—

19 (1) in subparagraph (a)(1)(B) by striking  
 20 “(k),”; and

21 (2) in paragraph (2) by inserting “(k),” after  
 22 “(j),”.

1 **SEC. 2137. AMENDMENT OF THE SENTENCING GUIDELINES**  
2 **FOR TRANSFERS OF FIREARMS TO PROHIB-**  
3 **ITED PERSONS.**

4 Pursuant to its authority under section 994(p) of title  
5 28, United States Code, the United States Sentencing  
6 Commission shall amend the Federal sentencing guidelines  
7 to increase the base offense level for offenses subject to  
8 section 2K2.1 (Unlawful Receipt, Possession, or Transpor-  
9 tation of Firearms or Ammunition; Prohibited Trans-  
10 actions Involving Firearms or Ammunitions) to assume  
11 that a person who transferred a firearm or ammunition  
12 and who knew or had reasonable cause to believe that the  
13 transferee was a prohibited person is subject to the same  
14 base offense level as the transferee. This provision shall  
15 not require the same offense level for the transferor and  
16 transferee to the extent that the transferee's base offense  
17 level is subject to an additional increase on the basis of  
18 a past criminal conviction of either a crime of violence or  
19 a controlled substance offense.

20 **SEC. 2138. FORFEITURE OF FIREARMS USED IN CRIMES OF**  
21 **VIOLENCE AND FELONIES.**

22 (a) CIVIL FORFEITURE.—Section 981(a)(1) of title  
23 18, United States Code, is amended by inserting after sub-  
24 paragraph (C) the following:

25 “(D) Any firearm (as defined in section  
26 921(a)(3) of this title) used or intended to be

1           used to commit or to facilitate the commission  
2           of any crime of violence (as defined in Section  
3           16 of this title) or any felony under Federal  
4           law.”

5           (b) CRIMINAL FORFEITURE.—Section 982(a) of title  
6 18, United States Code, is amended by inserting after sub-  
7 paragraph (2) the following:

8           “(3) The court, in imposing a sentence on a  
9           person convicted of any crime of violence (as defined  
10          in section 16 of this title) or any felony under Fed-  
11          eral law, shall order that the person forfeit to the  
12          United States any firearm (as defined in section  
13          921(a)(3) of this title) used or intended to be used  
14          to commit or to facilitate the commission of the of-  
15          fense.”

16          (c) DISPOSAL OF FORFEITED PROPERTY.—Section  
17 981(c) of title 18, United States Code, is amended by add-  
18 ing at the end the following sentence: “Any firearm for-  
19 feited pursuant to subsection (a)(1)(D) or section  
20 982(a)(3) of this title shall be disposed of by the seizing  
21 agency in accordance with law.”

22          (d) AUTHORITY TO FORFEIT PROPERTY UNDER SEC-  
23 TION 924(d).—Section 924(d) of title 18, United States  
24 Code, is amended by adding the following new paragraph:



1           “(4) Whenever any firearm is subject to forfeit-  
 2           ure under this section because it was involved in or  
 3           used in a violation of subsection (c), the Secretary  
 4           of the Treasury shall have the authority to seize and  
 5           forfeit, in accordance with the procedures of the ap-  
 6           plicable forfeiture statute, any property otherwise  
 7           forfeitable under the laws of the United States that  
 8           was involved in or derived from the crime of violence  
 9           or drug trafficking crime described in subsection (c)  
 10          in which the forfeited firearm was used or carried.”

11          (e) 120-DAY RULE FOR ADMINISTRATIVE FORFEIT-  
 12          URE.—Section 924(d)(1) of title 18, United States Code,  
 13          is amended by adding the following after the last sentence:  
 14          “If the Government institutes an administrative forfeiture  
 15          action within the 120-day period, and a claim is then filed  
 16          that requires that a judicial forfeiture action be filed in  
 17          Federal court, the Government must file the judicial ac-  
 18          tion within 120 days of the filing of the claim. The time  
 19          during which any related criminal indictment or informa-  
 20          tion is pending shall not be counted in calculating any  
 21          120-day period referred to in this subsection.”.

22          **SEC. 2139. FORFEITURE FOR GUN TRAFFICKING.**

23          (a) CIVIL FORFEITURE.—Section 981(a)(1) of title  
 24          18, United States Code, is amended by adding the follow-  
 25          ing subparagraph:

1           “(G)(i) Any conveyance used or intended  
2           to be used to commit a gun trafficking offense,  
3           or conspiracy to commit such offense, any pro-  
4           ceeds of such offense or conspiracy, and any  
5           property traceable to such property.

6           (ii) For the purposes of this section, a gun  
7           trafficking offense is a violation of any of the  
8           following sections of this title involving five or  
9           more firearms: section 922(i) (transporting sto-  
10          len firearms); section 924(g) (travel with a fire-  
11          arm in furtherance of racketeering); section  
12          924(k) (stealing a firearm); and section 924(m)  
13          (interstate travel to promote firearms traffick-  
14          ing).

15          (b) CRIMINAL FORFEITURE.—Section 982(a) of title  
16 18, United States Code, is amended by inserting the fol-  
17 lowing new paragraph:

18           “(6) The court, in imposing a sentence on a  
19           person convicted of a gun trafficking offense, as de-  
20           fined in section 981(a)(1)(G), or a conspiracy to  
21           commit such offense, shall order the person to forfeit  
22           to the United States any conveyance used or in-  
23           tended to be used to commit such offense, and any  
24           property traceable to such conveyance.”.

1     **PART 4—TARGETING SERIOUS DRUG CRIMES**  
2     **AND PROTECTING CHILDREN FROM DRUGS**

3     **SEC. 2141. INCREASED PENALTIES FOR USING MINORS TO**  
4             **DISTRIBUTE DRUGS.**

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

7             (1) in subsection (b) by striking “one year” and  
8         inserting “three years”;

9             (2) in subsection (c) by striking “one year” and  
10         inserting “five years”; and

11             (3) by amending subsection (e) to read as fol-  
12         lows:

13             “(e) PROBATION PROHIBITED.—In the case of any  
14     sentence imposed under this section, probation shall not  
15     be granted.”.

16     **SEC. 2142. INCREASED PENALTIES FOR DISTRIBUTING**  
17             **DRUGS TO MINORS.**

18         Section 418 of the Controlled Substances Act (21  
19     U.S.C. 859) is amended—

20             (1) in subsection (a) by striking “one year” and  
21         inserting “three years”;

22             (2) in subsection (b) by striking “one year” and  
23         inserting “five years”; and

24             (3) in subsections (a) and (b), by striking  
25         “under twenty-one” and inserting “under eighteen”.

1 **SEC. 2143. INCREASED PENALTY FOR DRUG TRAFFICKING**  
 2 **IN OR NEAR A SCHOOL OR OTHER PRO-**  
 3 **TECTED LOCATION.**

4 Section 419 of the Controlled Substances Act (21  
 5 U.S.C. 860) is amended—

6 (1) in subsection (a) by striking “one year” and  
 7 inserting “three years”; and

8 (2) in subsection (b) by striking “three years”  
 9 each time it appears and inserting “five years”.

10 **SEC. 2144. SERIOUS JUVENILE DRUG TRAFFICKING OF-**  
 11 **FENSES AS ARMED CAREER CRIMINAL ACT**  
 12 **PREDICATES.**

13 Section 924(e)(2)(A) of title 18, United States Code,  
 14 is amended—

15 (1) by striking “or” at the end of clause (i);

16 (2) by inserting “or” at the end of clause (ii);

17 and (3) by adding at the end the following:

18 “(iii) any act of juvenile delinquency  
 19 that if committed by an adult would be a  
 20 serious drug offense described in this para-  
 21 graph;”.

22 **SEC. 2145. ATTORNEY GENERAL AUTHORITY TO RESCHED-**  
 23 **ULE CERTAIN DRUGS POSING IMMINENT**  
 24 **DANGER TO PUBLIC SAFETY.**

25 Section 201(h) of the Controlled Substances Act (21  
 26 U.S.C. 811)(h)) is amended—

1           (1) in paragraph (1) by striking “if the sub-  
 2           stance is not listed in any other schedule in section  
 3           812 of this title or” and by inserting “or the re-  
 4           scheduling of a previously scheduled substance”  
 5           after “the scheduling of a substance”; and

6           (2) in paragraph (2) by inserting “or reschedul-  
 7           ing” after “scheduling” each time it appears.

8   **SEC. 2146. INCREASED PENALTIES FOR USING FEDERAL**  
 9                           **PROPERTY TO GROW OR MANUFACTURE**  
 10                          **CONTROLLED SUBSTANCES.**

11          (a) Section 401(b)(5) of the Controlled Substances  
 12   Act (21 U.S.C. 841(b)(5)) is amended to read as follows:

13               “(5) Any person who violates subsection (a) of  
 14               this section by cultivating or manufacturing a con-  
 15               trolled substance on any property in whole or in part  
 16               owned by or leased to the United States or any de-  
 17               partment or agency thereof shall be subject to twice  
 18               the maximum punishment otherwise authorized for  
 19               the offense.”

20          (b) The United States Sentencing Commission shall  
 21   amend the sentencing guidelines pursuant to 28 U.S.C.  
 22   994 to insure that violations of section 401(b)(5) of the  
 23   Controlled Substances Act are punished substantially  
 24   more severely than if the violation had not occurred on  
 25   federal property.

1 **SEC. 2147. CLARIFICATION OF LENGTH OF SUPERVISED RE-**  
 2 **LEASE TERMS IN CONTROLLED SUBSTANCE**  
 3 **CASES.**

4 Sections 401(b)(1) (A), (B), (C), and (D) of the Con-  
 5 trolled Substances Act (21 U.S.C. 841(b)(1) (A), (B), (C),  
 6 and (D)) are each amended by striking “Any sentence”  
 7 and inserting “Notwithstanding section 3583 of title 18,  
 8 any sentence”.

9 **SEC. 2148. TECHNICAL CORRECTION TO ENSURE COMPLI-**  
 10 **ANCE OF SENTENCING GUIDELINES WITH**  
 11 **PROVISIONS OF ALL FEDERAL STATUTES.**

12 Section 994(a) of title 18, United States Code, is  
 13 amended by striking “consistent with all pertinent provi-  
 14 sions of this title and title 18, United States Code,” and  
 15 inserting “consistent with all pertinent provisions of any  
 16 Federal statute”.

17 **SEC. 2149. DRUG TESTING, TREATMENT, AND SUPERVISION**  
 18 **OF INCARCERATED OFFENDERS.**

19 Section 20105(b) of the Violent Crime Control and  
 20 Law Enforcement Act of 1994 is stricken in its entirety  
 21 and replaced with the following:

22 “(b) ADDITIONAL REQUIREMENTS—

23 “(1) To be eligible to receive a grant under sec-  
 24 tion 20103 or section 20104, a State shall—

25 “(A) provide assurances to the Attorney  
 26 General that the State has implemented or will

1           implement not later than 18 months after the  
2           date of the enactment of this subtitle, policies  
3           that provide for the recognition of the rights of  
4           crime victims; and

5           “(B) no later than September 1, 1998,  
6           have a program of controlled substance testing  
7           and intervention for appropriate categories of  
8           convicted offenders during periods of incarcer-  
9           ation and criminal justice supervision, with  
10          sanctions including denial or revocation of re-  
11          lease for positive controlled substance tests,  
12          consistent with guidelines issued by the Attor-  
13          ney General.

14          “(2) Notwithstanding any other provision of  
15          this subtitle, funds provided under sections 20103  
16          and 20104 may be applied to the cost of offender  
17          controlled substance testing and intervention pro-  
18          grams during periods of incarceration and criminal  
19          justice supervision, consistent with guidelines issued  
20          by the Attorney General.”.

1   **Subtitle B—Grants to Prosecutors’ Offices to**  
 2   **Target Gang Crime and Violent Juveniles**  
 3   **SEC. 2201. AUTHORITY TO MAKE GRANTS TO PROSECU-**  
 4                   **TORS’ OFFICES TO COMBAT GANG CRIME**  
 5                   **AND YOUTH VIOLENCE.**

6       Section 31702 of subtitle Q of title III of the Violent  
 7   Crime Control and Law Enforcement Act of 1994 (42  
 8   U.S.C. 13862) is amended by adding after paragraph (4),  
 9   the following new paragraphs—

10           “(5) to allow the hiring of additional prosecu-  
 11       tors, so that more cases can be prosecuted and back-  
 12       logs reduced;

13           “(6) to provide funding to enable prosecutors to  
 14       address drug, gang, and youth violence problems  
 15       more effectively;

16           “(7) to provide funding to assist prosecutors  
 17       with funding for technology, equipment, and training  
 18       to assist prosecutors in reducing the incidence of,  
 19       and increase the successful identification and speed  
 20       of prosecution of young violent offenders; and

21           “(8) to provide funding to assist prosecutors in  
 22       their efforts to engage in community prosecution,  
 23       problem solving, and conflict resolution techniques



1 through collaborative efforts with police, school offi-  
2 cials, probation officers, social service agencies, and  
3 community organizations.”.

4 **SEC. 2202. RECIPIENTS.**

5 Subtitle Q of title III of the Violent Crime and Con-  
6 trol and Law Enforcement Act of 1994 (42 U.S.C. 31701)  
7 is amended by striking in section 31701, paragraph (a)  
8 the words “or local prosecutors” and inserting in their  
9 place the words “local prosecutors, or combination there-  
10 of,”.

11 **SEC. 2203. AUTHORIZATION OF APPROPRIATIONS.**

12 Subtitle Q of title II of the Violent Crime and Control  
13 and Law Enforcement Act of 1994 (42 U.S.C. 31701) is  
14 amended by striking current section 31707 in its entirety  
15 and adding the following new section:

16 **“§ 31709. Authorization of appropriations**

17 There are authorized to be appropriated to carry out  
18 this subtitle, and to remain available until expended—

19 “(1) \$100,000,000 for fiscal year 1998;

20 “(2) \$100,000,000 for fiscal year 1999; and

21 “(3) such sums as may be necessary for each  
22 of the fiscal years 2000 and 2001.”.

1 **SEC. 2204. TRAINING, TECHNICAL ASSISTANCE, RESEARCH,**  
 2 **STATISTICS, AND EVALUATION.**

3 Subtitle Q of title III of the Violent Crime Control  
 4 and Law Enforcement Act of 1994 (42 U.S.C. 31701) is  
 5 amended by—

6 (1) inserting after section 31706, the following  
 7 new sections:

8 **“§ 31707. Training and technical assistance**

9 “Two percent of all funds appropriated for this sub-  
 10 title shall be set aside for training and technical assistance  
 11 consistent with this subtitle, including providing funds to  
 12 training and technical assistance providers to assist orga-  
 13 nizations listed in section 31701(a) of this subtitle imple-  
 14 ment programs authorized under section 31702 of this  
 15 subtitle.

16 **“§ 31708. Research, statistics, and evaluation**

17 “Ten percent of all funds appropriated for this sub-  
 18 title shall be set aside for research, statistics, and evalua-  
 19 tion activities consistent with this subtitle.”; and

20 (2) Redesignating section 31708 as section  
 21 31710.

22 **Subtitle C—Youth Violence Courts**

23 **SEC. 2301. CREATION OF YOUTH VIOLENCE COURTS.**

24 Section 210602 of subtitle F of title XXI of the “Vio-  
 25 lent Crime Control and Law Enforcement Act of 1994”  
 26 (42 U.S.C. 14161) is amended—

1           (1) by redesignating subsections (a), (b), (c),  
 2           and (d) as paragraphs (1), (2), (3), and (4) respec-  
 3           tively;

4           (2) by redesignating paragraphs (1), (2), (3),  
 5           (4), and (5) as subparagraphs (A), (B), (C), (D),  
 6           and (E) respectively; and

7           (3) by inserting before newly designated para-  
 8           graph (1), the following—

9           “(a) STATE AND LOCAL COURT ASSISTANCE—”; and

10          (4) by adding after newly designated subsection  
 11          (a), the following new subsection:

12          “(b) YOUTH VIOLENCE COURTS.—

13                 “(1) AUTHORITY TO MAKE GRANTS AND ENTER  
 14                 INTO CONTRACTS.—

15                         “(A) The Attorney General is authorized  
 16                         to award grants and enter into cooperative  
 17                         agreements and contracts with States, State  
 18                         courts, local courts, units of local government,  
 19                         Indian tribes, and tribal courts to plan, develop,  
 20                         implement, and administer programs to adju-  
 21                         dicate and better manage juvenile and youthful  
 22                         violent offenders within State, tribal, and local  
 23                         court systems.

24                         “(B) Initiatives funded under this para-  
 25                         graph may include—

1 “(i) the establishment of court based  
2 juvenile justice programs that target young  
3 firearms offenders through the establish-  
4 ment of juvenile gun courts for the adju-  
5 dication and prosecution of juvenile fire-  
6 arms offenders;

7 “(ii) the establishment of drug court  
8 programs for juveniles so as to provide  
9 continuing judicial supervision over juve-  
10 nile offenders with substance abuse prob-  
11 lems and to provide the integrated admin-  
12 istration of other sanctions and services as  
13 enumerated under the provisions of 42  
14 United States Code 3796ii(2);

15 “(iii) the establishment of courts of  
16 specialized or joint jurisdiction as deemed  
17 appropriate by a jurisdiction’s chief judi-  
18 cial officer; and

19 “(iv) the establishment of programs  
20 aimed at the enhanced and improved adju-  
21 dication of juvenile offenders, including in-  
22 novative programs involving the courts,  
23 prosecutors, public defenders, probation of-  
24 fices, and corrections agencies.

1           “(2) APPLICATION.—The Attorney General  
2       shall establish guidelines governing the administra-  
3       tion of this program. Such guidelines shall include  
4       the manner and content of applications for funding  
5       under this program, as well as procedures and meth-  
6       ods for the distribution of funds distributed under  
7       this program.

8           “(3) FEDERAL SHARE.—The Federal share of  
9       any individual grant made under this program may  
10      not exceed 75 percent. Further, in-kind contribu-  
11      tions, pursuant to the discretion of the Attorney  
12      General may constitute a portion, or all, of the non-  
13      Federal share of a grant made under this program.  
14      With regard to grants to Indian tribes, the Attorney  
15      General may allow other Federal funds to constitute  
16      all or a portion of the non-Federal share.

17          “(4) GEOGRAPHIC DISTRIBUTION.—The Attor-  
18      ney General shall ensure that, to the extent reason-  
19      able and practicable, an equitable geographic dis-  
20      tribution of grant awards is made.

21          “(5) TRAINING AND TECHNICAL ASSISTANCE.—  
22      Two percent of all funds appropriated for this part  
23      shall be set aside for use by the Attorney General  
24      for training and technical assistance consistent with  
25      this program.

1           “(6) RESEARCH, STATISTICS, AND EVALUA-  
 2           TION.—Ten percent of all funds appropriated for  
 3           this part shall be set aside for use by the Attorney  
 4           General for research, statistics, and evaluation ac-  
 5           tivities consistent with this program.

6           “(7) REPORT.—Recipients of Federal funds  
 7           under this program shall submit to the Attorney  
 8           General reports as may be reasonably required to  
 9           describe progress achieved in carrying programs  
 10          funded under this program.

11          “(8) AUTHORIZATION OF APPROPRIATIONS.—  
 12          There are authorized to be appropriated to carry out  
 13          this program to remain available until expended  
 14          \$50,000,000 for fiscal year 1998 and such sums as  
 15          may be necessary for each of the fiscal years 1999,  
 16          2000, and 2001.”.

17 **TITLE III—PROTECTING WITNESSES TO**  
 18 **HELP PROSECUTE GANGS AND OTHER**  
 19 **VIOLENT CRIMINALS**

20 **SEC. 3001. INTERSTATE TRAVEL TO ENGAGE IN WITNESS**  
 21 **INTIMIDATION OR OBSTRUCTION OF JUS-**  
 22 **TICE.**

23          Section 1952 of title 18, United States Code, is  
 24          amended—

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

3           (2) by adding a new subsection (b), as follows:

4           “(b) Whoever travels in interstate or foreign com-  
 5 merce with intent by bribery, force, intimidation, or  
 6 threat, directed against any person, to delay or influence  
 7 the testimony of or prevent from testifying a witness in  
 8 a State criminal proceeding or by any such means to cause  
 9 any person to destroy, alter, or conceal a record, docu-  
 10 ment, or other object, with intent to impair the object’s  
 11 integrity or availability for use in such a proceeding, and  
 12 thereafter engages or endeavors to engage in such con-  
 13 duct, shall be fined under this title or imprisoned not more  
 14 than ten years, or both; and if serious bodily injury (as  
 15 defined in section 1365 of this title) results, shall be so  
 16 fined or imprisoned for not more than twenty years, or  
 17 both; and if death results, shall be so fined and imprisoned  
 18 for any term of years or for life, or both, and may be sen-  
 19 tenced to death.”.

20 **SEC. 3002. EXPANDING PRETRIAL DETENTION ELIGIBILITY**  
 21 **FOR SERIOUS GANG AND OTHER VIOLENT**  
 22 **CRIMINALS.**

23           (a) Section 3142(f)(1)(D) of title 18, United States  
 24 Code, is amended by inserting after the semicolon “for

1 purposes of this subparagraph, the term ‘convicted’ in-  
2 cludes a finding, under State or Federal law, that a person  
3 has committed an act of juvenile delinquency;”.

4 (b) Section 3156(a)(4) of title 18, United States  
5 Code, is amended—

6 (1) by striking “or” at the end of subparagraph  
7 (B);

8 (2) by striking the period at the end of sub-  
9 paragraph (C) and inserting “; or”; and

10 (3) by adding after subparagraph (C) the fol-  
11 lowing:

12 “(D) an offense that is a violation of sec-  
13 tion 842(i) or 922(g) of this title (relating to  
14 possession of explosives or firearms by convicted  
15 felons and other categories of prohibited per-  
16 sons).”.

17 (c) Section 3142(g)(3)(B) of title 18, United States  
18 Code, is amended—

19 (1) by inserting “(i)” after “the person”; and

20 (2) by inserting the following before the semi-  
21 colon: “, or (ii) was a member of or participated in  
22 a criminal street gang, racketeering enterprise, or  
23 other criminal organization”.



1 **SEC. 3003. CONSPIRACY PENALTY FOR OBSTRUCTION OF**  
 2 **JUSTICE OFFENSES INVOLVING VICTIMS,**  
 3 **WITNESSES, AND INFORMANTS.**

4 Section 1512 of title 18, United States Code, is  
 5 amended by adding at the end a new subsection, as fol-  
 6 lows:

7 “(i) Whoever conspires to commit any offense defined  
 8 in this section or section 1513 of this title shall be subject  
 9 to the same penalties as those prescribed for the offense  
 10 the commission of which was the object of the conspir-  
 11 acy.”.

12 **TITLE IV—PROTECTING VICTIMS’ RIGHTS**

13 **SEC. 4001. ACCESS OF VICTIMS AND PUBLIC TO RECORDS**  
 14 **OF CRIMES COMMITTED BY JUVENILE**  
 15 **DELINQUENTS.**

16 Section 5038 of title 18, United States Code, is  
 17 amended—

18 (1) in subsection (a), by striking “Throughout  
 19 and upon” and all that follows through the colon  
 20 and inserting the following: “Throughout and upon  
 21 completion of the juvenile delinquency proceeding  
 22 pursuant to 5032(a), the court records of the origi-  
 23 nal proceeding shall be safeguarded from disclosure  
 24 to unauthorized persons. The records shall be re-  
 25 leased to the extent necessary to meet the following  
 26 circumstances:”;

1           (2) in subsection (a)(3), by inserting before the  
2           semicolon “or analysis requested by the Attorney  
3           General”;

4           (3) in subsection (a), so that paragraph (6)  
5           reads as follows:

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

14          (4) in subsection (c), inserting before the  
15          comma and after “relating to the proceeding” the  
16          phrase “other than necessary docketing data”; and

17          (5) by striking subsections (d) and (f), by re-  
18          designating subsection (e) as subsection (d), by in-  
19          serting “pursuant to section 5032 (b) or (c)” after  
20          “adult” in subsection (d) as so redesignated, and by  
21          adding at the end new subsections (e) and (f) as fol-  
22          lows:

23          “(e) Whenever a juvenile has been adjudicated delin-  
24          quent for an act that if committed by an adult would be  
25          a felony or for a violation of section 924(a)(6), the juvenile

1 shall be fingerprinted and photographed, and the finger-  
2 prints and photograph shall be sent to the Federal Bureau  
3 of Investigation. The court shall also transmit to the Fed-  
4 eral Bureau of Investigation the information concerning  
5 the adjudication, including name, date of adjudication,  
6 court, offenses, and sentence, along with the notation that  
7 the matter was a juvenile adjudication. The fingerprints,  
8 photograph, and other records and information relating to  
9 a juvenile described in this subsection, or to a juvenile who  
10 is prosecuted as an adult pursuant to sections 5032 (b)  
11 or (c), shall be made available in the manner applicable  
12 to adult defendants.

13       “(f) In addition to any other authorization under this  
14 section for the reporting, retention, disclosure, or avail-  
15 ability of records or information, if the law of the State  
16 in which a Federal juvenile delinquency proceeding takes  
17 place permits or requires the reporting, retention, disclo-  
18 sure, or availability of records or information relating to  
19 a juvenile or to a juvenile delinquency proceeding or adju-  
20 dication in certain circumstances, then such reporting, re-  
21 tention, disclosure, or availability is permitted under this  
22 section whenever the same circumstances exist.”.

1 **SEC. 4002. VICTIMS OF CHILD ABUSE ACT EXTENSION OF**  
 2 **AUTHORIZATIONS.**

3 Section 13004 of title 42, United States Code, is  
 4 amended by striking the words “1994, 1995, and 1996.”  
 5 each time they appear and replacing them with the words  
 6 “1998, 1999, 2000, and 2001.”.

7 **TITLE V—FEDERAL PROSECUTION OF SE-**  
 8 **RIOUS AND VIOLENT JUVENILE OF-**  
 9 **FENDERS**

10 **SEC. 5001. SHORT TITLE.**

11 This title may be cited as the “Enhanced Prosecution  
 12 of Dangerous Juvenile Offenders Act of 1997”.

13 **SEC. 5002. DELINQUENCY PROCEEDINGS OR CRIMINAL**  
 14 **PROSECUTIONS IN DISTRICT COURTS.**

15 (a) Section 5032 of title 18, United States Code, is  
 16 amended to read as follows:

17 **“§ 5032. Delinquency proceedings or criminal pros-**  
 18 **ecutions in district courts**

19 “(a)(1) A juvenile alleged to have committed an of-  
 20 fense against the United States or an act of juvenile delin-  
 21 quency may be surrendered to State authorities or pro-  
 22 ceeded against as a juvenile under this subsection, or tried  
 23 as an adult in the circumstances described in subsections  
 24 (b) and (c).

25 “(2) Such juvenile may be proceeded against as a ju-  
 26 venile in a court of the United States under this subsection

1 for offenses committed within the special maritime and  
2 territorial jurisdiction of the United States for which the  
3 maximum authorized term of imprisonment does not ex-  
4 ceed six months, or if the Attorney General after investiga-  
5 tion certifies to the appropriate United States district  
6 court that—

7           “(A)(i) the juvenile court or other appropriate  
8 court of a State does not have jurisdiction or de-  
9 clines to assume jurisdiction over the juvenile with  
10 respect to such act of alleged juvenile delinquency,  
11 or

12           “(ii) the offense charged is described in sub-  
13 sections (b)(2), (b)(3), or (e), and

14           “(B) there is a substantial Federal interest in  
15 the case or the offense to warrant the exercise of  
16 Federal jurisdiction.

17           “(3) If, where required, the Attorney General does  
18 not so certify, such juvenile shall be surrendered to the  
19 appropriate legal authorities of such State.

20           “(4) If a juvenile alleged to have committed an act  
21 of juvenile delinquency is not surrendered to the authori-  
22 ties of a state pursuant to this section, any proceedings  
23 against the juvenile shall be in an appropriate district  
24 court of the United States. For such purposes, the court  
25 may be convened at any time and place within the district,

1 and shall be open to the public, except that the court may  
2 exclude all or some members of the public from the pro-  
3 ceedings if required by the interests of justice or if other  
4 good cause is shown. Even if all or some of the members  
5 of the public are excluded from the proceedings, the pro-  
6 ceedings shall be open to victims of the alleged offense  
7 and their relatives and legal guardians unless required by  
8 the interests of justice or otherwise good cause is shown.  
9 The Attorney General shall proceed by information or as  
10 authorized by section 3401(g) of this title, and no criminal  
11 prosecution shall be instituted except as provided in this  
12 chapter.

13 “(b) A juvenile may be prosecuted as an adult—

14 “(1) if the juvenile has requested in writing  
15 upon advice of counsel to be prosecuted as an adult;  
16 or

17 “(2) if the juvenile is alleged to have committed  
18 an act on or after the day the juvenile attains the  
19 age of 16 years which if committed by an adult  
20 would be a serious violent felony or a serious drug  
21 offense as described in section 3559(c)(2) and (c)(3)  
22 or a conspiracy or attempt under section 406 of the  
23 Controlled Substances Act or under section 1013 of  
24 the Controlled Substances Import and Export Act

1 (21 U.S.C. 846 or 963) to commit an offense de-  
2 scribed in section 3559(c)(2);

3 “(3) if the juvenile is alleged to have committed  
4 an act, which is not described in paragraph (b)(2),  
5 on or after the day the juvenile attains the age of  
6 16 years and which if committed by an adult would  
7 be—

8 “(A) a crime of violence (as defined in sec-  
9 tion 3156(a)(4)) that is a felony;

10 “(B) an offense described in section 844  
11 (d), (k), or (l), or paragraph (a)(6) or sub-  
12 section (b), (g), (h), (j), (k), or (l), of section  
13 924;

14 “(C) a violation of section 922(o) that is  
15 an offense under section 924(a)(2);

16 “(D) a violation of section 5861 of the In-  
17 ternal Revenue Code of 1986 that is an offense  
18 under section 5871 of such Code (26 U.S.C.  
19 5871);

20 “(E) a conspiracy to commit an offense de-  
21 scribed in any of subparagraphs (A) through  
22 (D); or

23 “(F) an offense described in section 401 or  
24 408 of the Controlled Substances Act (21  
25 U.S.C. 841, 848) or a conspiracy or attempt to

1           commit that offense which is punishable under  
2           section 406 of the Controlled Substances Act  
3           (21 U.S.C. 846), or an offense punishable  
4           under section 409 or 419 of the Controlled Sub-  
5           stances Act (21 U.S.C. 849, 860), or an offense  
6           described in section 1002, 1003, 1005, or 1009  
7           of the Controlled Substances Import and Ex-  
8           port Act (21 U.S.C. 952, 953, 955, or 959),  
9           or a conspiracy or attempt to commit that of-  
10          fense which is punishable under section 1013  
11          of the Controlled Substances Import and Ex-  
12          port Act (21 U.S.C. 963).

13          “(c)(1) A juvenile may also be prosecuted as an adult  
14 if the juvenile is alleged to have committed an act on or  
15 after the day on which the juvenile has attained the age  
16 of 13 years but before the juvenile has attained the age  
17 of 16 years, which if committed by an adult would be an  
18 offense described in paragraphs (b)(2) and (b)(3), upon  
19 approval of the Attorney General or the Attorney Gen-  
20 eral’s designee.

21          “(2) Any such designee shall be at a level not lower  
22 than a Deputy Assistant Attorney General.

23          “(3) Such approval shall not be granted, with respect  
24 to such a juvenile who is subject to the criminal jurisdic-  
25 tion of an Indian tribal government and who is alleged



1 to have committed an act over which, if committed by an  
2 adult, there would be Federal jurisdiction based solely on  
3 its commission in Indian country (as defined in section  
4 1151), unless the governing body of the tribe having juris-  
5 diction over the place in which the alleged act was commit-  
6 ted has before such act notified the Attorney General in  
7 writing of its election that prosecution may take place  
8 under this subsection.

9 “(d) A determination to approve or not to approve,  
10 or to institute or not to institute, a prosecution under  
11 paragraph (b) or (c) shall not be reviewable in any court  
12 except as described in subsection (f).

13 “(e) In a prosecution under subsection (b) or (c) the  
14 juvenile may be prosecuted and convicted as an adult for  
15 any other offense which is properly joined under the Fed-  
16 eral Rules of Criminal Procedure, and may also be con-  
17 victed of a lesser included offense.

18 “(f)(1) In any prosecution of a juvenile under para-  
19 graph (b)(3) or (c)(1), upon motion of the defendant, the  
20 court in which criminal charges have been filed shall after  
21 a hearing determine whether to issue an order that the  
22 defendant should be transferred to juvenile status and pro-  
23 ceeded against under paragraph (a)(2).

24 “(2) A motion by a defendant under paragraph (f)(1)  
25 shall not be considered unless filed not later than 20 days

1 after the date on which the defendant initially appears  
2 through counsel or expressly waives the right to counsel  
3 and elects to proceed pro se.

4 “(3) The court shall not order the transfer of a de-  
5 fendant to juvenile status under this paragraph unless the  
6 defendant establishes by clear and convincing evidence or  
7 information that removal to juvenile status would be in  
8 the interest of justice. In making a determination under  
9 paragraph (1), the court shall consider—

10 “(A) the nature of the alleged offense, including  
11 the extent to which the juvenile played a leadership  
12 role in an organization, or otherwise influenced other  
13 persons to take part in criminal activities, involving  
14 the use or distribution of controlled substances or  
15 firearms;

16 “(B) whether prosecution of the juvenile as an  
17 adult is necessary to protect public safety;

18 “(C) the age and social background of the juve-  
19 nile;

20 “(D) the extent and nature of the prior delin-  
21 quency record of the juvenile;

22 “(E) the intellectual development and psycho-  
23 logical maturity of the juvenile;

24 “(F) the nature of any treatment efforts and  
25 the response of the juvenile to those efforts; and

1           “(G) the availability of programs designed to  
2           treat the behavioral problems of the juvenile.

3           “(4) An order of the court made in ruling on a motion  
4 by a defendant to transfer a defendant to juvenile status  
5 under this paragraph shall not be a final order for the  
6 purpose of enabling an appeal, except that an appeal by  
7 the United States shall lie to a court of appeals pursuant  
8 to section 3731 of this title from an order of a district  
9 court removing a defendant to juvenile status. Upon re-  
10 ceipt of a notice of appeal of an order under this para-  
11 graph, a court of appeals shall hear and determine the  
12 appeal on an expedited basis.

13          “(5) No statement made by a defendant during or  
14 in connection with a hearing under this subsection shall  
15 be admissible against the defendant in any criminal pros-  
16 ecution, except for impeachment purposes or in a prosecu-  
17 tion for perjury or giving a false statement.

18          “(6) The rules concerning the receipt and admissibil-  
19 ity of evidence shall be the same as prescribed in sub-  
20 section 3142(f) of this title.”.

21          (b) CONFORMING AMENDMENT TO ADULT SENTENC-  
22 ING SECTION.—Section 3553 of title 18, United States  
23 Code, is amended by adding at the end the following:

24          “(g) LIMITATION ON APPLICABILITY OF STATUTORY  
25 MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS

1 UNDER THE AGE OF 16.—Notwithstanding any other pro-  
2 vision of law, in the case of a juvenile alleged to have com-  
3 mitted an act on or after the day on which the juvenile  
4 has attained the age of 13 years but before the juvenile  
5 has attained the age of 16 years, which if committed by  
6 an adult would be an offense described in paragraph  
7 5032(b)(3) or of subsection 5032(e) of this title, the court  
8 shall impose a sentence pursuant to guidelines promul-  
9 gated by the United States Sentencing Commission under  
10 section 994 of title 28 without regard to any statutory  
11 minimum sentence, if the court finds at sentencing, after  
12 the Government has been afforded the opportunity to  
13 make a recommendation, that the juvenile has not been  
14 previously adjudicated delinquent for or convicted of an  
15 offense described in section 5032(b)(2) of this title.”.

16 (c) CONFORMING AMENDMENT TO DEFINITIONS  
17 SECTION.—Section 5031 of title 18, United States Code,  
18 is amended by adding at the end the following: “As used  
19 in this chapter, the term ‘State’ includes a State of the  
20 United States, the District of Columbia, any common-  
21 wealth, territory, or possession of the United States and,  
22 with regard to an act of juvenile delinquency that would  
23 have been a misdemeanor if committed by an adult, a fed-  
24 erally recognized Indian tribe.”.

1   **SEC. 5003. CUSTODY PRIOR TO APPEARANCE BEFORE JUDI-**  
2                           **CIAL OFFICER.**

3           Section 5033 of title 18, United States Code, is  
4 amended to read as follows:

5   **“§ 5003. Custody prior to appearance before judicial**  
6                           **officer**

7           “(a) Whenever a juvenile is taken into custody, the  
8 arresting officer shall immediately advise such juvenile of  
9 the juvenile’s rights, in language comprehensible to a juve-  
10 nile. The arresting officer shall promptly take reasonable  
11 steps to notify the juvenile’s parents, guardian, or custo-  
12 dian of such custody, of the rights of the juvenile, and  
13 of the nature of the alleged offense.

14           “(b) The juvenile shall be taken before a judicial offi-  
15 cer without unreasonable delay.”.

16   **SEC. 5004. TECHNICAL AND CONFORMING AMENDMENTS**  
17                           **TO SECTION 5034.**

18           Section 5034 of title 18, United States Code, is  
19 amended—

20           (1) by striking “The” each place it appears at  
21 the beginning of a paragraph and inserting “the”;

22           (2) by striking “If” at the beginning of the 3rd  
23 paragraph and inserting “if”;

24           (3) by designating the 3 paragraphs as para-  
25 graphs (1), (2), and (3), respectively; and

1 (4) by inserting at the beginning of such section  
 2 before those paragraphs the following: “In a pro-  
 3 ceeding under section 5032(a)—”.

4 **SEC. 5005. SPEEDY TRIAL.**

5 Section 5036 of title 18, United States Code, is  
 6 amended by—

7 (1) striking “If an alleged delinquent” and in-  
 8 serting “If a juvenile proceeded against under sec-  
 9 tion 5032(a)”;

10 (2) striking “thirty” and inserting “45”; and

11 (3) striking “the court,” and all that follows  
 12 through the end of the section and inserting “the  
 13 court. The periods of exclusion under section  
 14 3161(h) of this title shall apply to this section.”.

15 **SEC. 5006. DISPOSITION; AVAILABILITY OF INCREASED DE-**  
 16 **TENTION, FINES AND SUPERVISED RELEASE**  
 17 **FOR JUVENILE OFFENDERS.**

18 Section 5037 of title 18, United States Code, is  
 19 amended to read as follows:

20 **“§ 5037. Disposition**

21 “(a) In a proceeding under section 5032(a) of this  
 22 title, if the court finds a juvenile to be a juvenile delin-  
 23 quent, the court shall hold a hearing concerning the appro-  
 24 priate disposition of the juvenile no later than forty court  
 25 days after the finding of juvenile delinquency, unless the

1 court has ordered further study pursuant to subsection  
2 (e). A predisposition report shall be prepared by the pro-  
3 bation officer who shall promptly provide a copy to the  
4 juvenile, the juvenile's counsel, and the attorney for the  
5 Government. Victim impact information shall be included  
6 in the report, and victims, or in appropriate cases their  
7 official representatives, shall be provided the opportunity  
8 to make a statement to the court in person or present any  
9 information in relation to the disposition. After the  
10 dispositional hearing, and after considering any pertinent  
11 policy statements promulgated by the Sentencing Commis-  
12 sion pursuant to section 994 of title 28, the court shall  
13 enter an order of restitution pursuant to section 3556 of  
14 this title, and place the juvenile on probation, commit the  
15 juvenile to official detention (including the possibility of  
16 a term of supervised release), and impose any fine that  
17 would be authorized if the juvenile had been tried and con-  
18 victed as an adult. With respect to release or detention  
19 pending an appeal or a petition for a writ of certiorari  
20 after disposition, the court shall proceed pursuant to the  
21 provisions of chapter 207.

22       “(b) The term for which probation may be ordered  
23 for a juvenile found to be a juvenile delinquent may not  
24 extend beyond the maximum term that would be author-  
25 ized by section 3561(c) of this title if the juvenile had been

1 tried and convicted as an adult. Sections 3563, 3564, and  
2 3565 of this title are applicable to an order placing a juve-  
3 nile on probation.

4 “(c) The term for which official detention (other than  
5 supervised release) may be ordered for a juvenile found  
6 to be a juvenile delinquent may not extend beyond the less-  
7 er of—

8 “(1) the maximum term of imprisonment that  
9 would be authorized if the juvenile had been tried  
10 and convicted as an adult;

11 “(2) ten years; or

12 “(3) the date when the juvenile becomes twen-  
13 ty-six years old.

14 Section 3624 of this title is applicable to an order placing  
15 a juvenile in detention.

16 “(d) The term for which supervised release may be  
17 ordered for a juvenile found to be a juvenile delinquent  
18 may not extend beyond five years. Subsections (c) through  
19 (i) of section 3583 of this title apply to an order placing  
20 a juvenile on supervised release.

21 “(e) If the court desires more detailed information  
22 concerning a juvenile alleged to have committed an act of  
23 juvenile delinquency or a juvenile adjudicated delinquent,  
24 it may commit the juvenile, after notice and hearing at  
25 which the juvenile is represented by counsel, to the custody



1 of the Attorney General for observation and study by an  
2 appropriate agency or entity. Such observation and study  
3 shall be conducted on an outpatient basis, unless the court  
4 determines that inpatient observation and study are nec-  
5 essary to obtain the desired information. In the case of  
6 an alleged juvenile delinquent, inpatient study may be or-  
7 dered only with the consent of the juvenile and the juve-  
8 nile's attorney. The agency or entity shall make a complete  
9 study of the alleged or adjudicated delinquent to ascertain  
10 the juvenile's personal traits, capabilities, background,  
11 previous delinquency or criminal experience, mental or  
12 physical defect, and any other relevant factors. The Attor-  
13 ney General shall submit to the court the attorneys for  
14 the juvenile and the Government the results of the study  
15 within 30 days after the commitment of the juvenile, un-  
16 less the court grants additional time. Time spent in cus-  
17 tody under this subsection shall be excluded for purposes  
18 of section 5036 of this title. If the juvenile has not been  
19 committed for the study, the probation office shall obtain  
20 the report under sections 3154 and 3672 of this title and  
21 submit the results of the study in like manner and within  
22 the same time period.”.

1 **SEC. 5007. TECHNICAL AMENDMENTS OF SECTIONS 5031**  
 2 **AND 5034.**

3 (a) SECTION 5031.—Sections 5031 and 5034 of title  
 4 18, United States Code, are each amended by striking  
 5 “his” each place it appears and inserting “the juvenile’s”.

6 (b) SECTION 5034.—Section 5034 of title 18, United  
 7 States Code, is amended by striking “magistrate” each  
 8 place it appears and inserting “judicial officer”.

9 **TITLE VI—INCARCERATION OF**  
 10 **JUVENILES IN THE FEDERAL SYSTEM**

11 **SEC. 6001. DETENTION OF JUVENILES PRIOR TO DISPOSI-**  
 12 **TION OR SENTENCING.**

13 Section 5035 of title 18, United States Code, is  
 14 amended to read as follows:

15 **“§ 5035. Detention prior to disposition or sentencing**

16 “(a)(1) A juvenile 16 years of age or older prosecuted  
 17 pursuant to paragraphs (b)(2) or (b)(3) of section 5032,  
 18 if detained at any time prior to sentencing, shall be de-  
 19 tained in such suitable place as the Attorney General may  
 20 designate. Preference shall be given to a place located  
 21 within, or within a reasonable distance of, the district in  
 22 which the juvenile is being prosecuted.

23 “(2) A juvenile less than 16 years of age prosecuted  
 24 pursuant to subsections (b) or (c) of section 5032, if de-  
 25 tained at any time prior to sentencing, shall be detained  
 26 in a suitable juvenile facility located within, or within a

1 reasonable distance of, the district in which the juvenile  
2 is being prosecuted. If such a facility is not available, such  
3 a juvenile may be detained in any other suitable facility  
4 located within, or within a reasonable distance of, such  
5 district. If no such facility is available, such a juvenile may  
6 be detained in any other suitable place as the Attorney  
7 General may designate.

8       “(3) To the maximum extent feasible, a juvenile less  
9 than 16 years of age prosecuted pursuant to subsections  
10 (b) or (c) of section 5032 shall not be detained prior to  
11 sentencing in any facility in which the juvenile has regular  
12 contact with adult persons convicted of a crime or await-  
13 ing trial on criminal charges.

14       “(b) A juvenile proceeded against under section  
15 5032(a) shall not be detained prior to disposition in any  
16 facility in which the juvenile has regular contact with adult  
17 persons convicted of a crime or awaiting trial on criminal  
18 charges.

19       “(c) Every juvenile who is detained prior to disposi-  
20 tion or sentencing shall be provided with reasonable safety  
21 and security and with adequate food, heat, light, sanitary  
22 facilities, bedding, clothing, recreation, education, and  
23 medical care, including necessary psychiatric, psycho-  
24 logical, or other care and treatment.”.

1 **SEC. 6002. RULES GOVERNING THE COMMITMENT OF JUVENILES.**  
2 **NILES.**

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

5 **“§ 5039. Commitment**

6 “(a) The Attorney General shall not cause any person  
7 less than 18 years of age adjudicated delinquent under  
8 section 5032(a), or any person less than 16 years of age  
9 convicted of an offense to be placed or retained in an adult  
10 jail or correctional facility in which the person has regular  
11 contact with adults incarcerated because they have been  
12 convicted of a crime or are awaiting trial on criminal  
13 charges, except for placement in a community-based facil-  
14 ity.

15 “(b) Every juvenile adjudicated delinquent who has  
16 been committed shall be provided with reasonable safety  
17 and security and with adequate food, heat, light, sanitary  
18 facilities, bedding, clothing, recreation, counseling, edu-  
19 cation, training, and medical care including necessary psy-  
20 chiatric, psychological, or other care and treatment.”.

21 **TITLE VII—OFFICE OF JUVENILE CRIME**  
22 **CONTROL AND PREVENTION**

23 **SEC. 7001. SHORT TITLE.**

24 This title may be cited as the “Juvenile Crime Con-  
25 trol and Prevention State and Local Assistance Act of  
26 1997”.

1   **Subtitle A—Creation of the Office of Juvenile**  
2                   **Crime Control and Prevention**

3   **SEC. 7101. ESTABLISHMENT OF OFFICE.**

4           Title I of the Omnibus Crime Control and Safe  
5   Streets Act of 1968 (42 U.S.C. 3711, et seq.) is amended  
6   by adding after part Y, the following new part:

7   **“PART Z—OFFICE OF JUVENILE CRIME CONTROL**  
8                   **AND PREVENTION**

9   **“SEC. 2701. ESTABLISHMENT OF OFFICE.**

10          “(a) OFFICE.—There is established within the Office  
11   of Justice Programs, United States Department of Jus-  
12   tice, an Office of Juvenile Crime Control and Prevention.

13          “(b) DIRECTOR.—The Office of Juvenile Crime Con-  
14   trol and Prevention will be headed by a Director appointed  
15   by the President, by and with the advice and consent of  
16   the Senate, who shall report to and operate under the gen-  
17   eral supervision and direction of the Assistant Attorney  
18   General for the Office of Justice Programs. The Assistant  
19   Attorney General for the Office of Justice Programs shall  
20   have overall authority for the operation and administra-  
21   tion of the Office of Juvenile Crime Control and Preven-  
22   tion.

23          “(c) FUNCTIONS.—The Office of Juvenile Crime  
24   Control and Prevention shall establish and administer

1 policies, initiatives, and programs to address the reduc-  
2 tion, control, and prosecution of juvenile crime; the juve-  
3 nile justice system; youth violence; and other purposes  
4 consistent with the Anti-Gang and Youth Violence Act of  
5 1997. Actions taken by the Director of the Office of Juve-  
6 nile Crime Control and Prevention to fulfill these functions  
7 shall be exercised with the approval of the Assistant Attor-  
8 ney General for the Office of Justice Programs.

9       “(d) COORDINATION OF FEDERAL EFFORTS.—The  
10 Attorney General is authorized to establish a body that  
11 shall be known as the Coordinating Council on Juvenile  
12 Crime Control and Prevention. The Coordinating Council  
13 shall be comprised of those members of the Cabinet, or  
14 the heads of component agencies, designated by the Attor-  
15 ney General, whose functions and responsibilities affect  
16 the health, welfare, education, and general well-being of  
17 juveniles and youth, and an equal number of members,  
18 who shall be appointed by the Attorney General with the  
19 approval of the federal members of the Council, who are  
20 practitioners in the field of juvenile justice and who are  
21 not officers or employees of the United States. These prac-  
22 tititioner members shall serve pursuant to the relevant pro-  
23 visions of 5 United States Code 5703. The Coordinating  
24 Council shall be responsible for ensuring coordination and  
25 cooperation among those federal agencies who have the

1   aforementioned jurisdiction; and the Council will help en-  
2   sure that juvenile crime prevention programs are com-  
3   plementary and not duplicative. The Coordinating Council  
4   shall offer program and policy advice to the President and  
5   agencies within the Executive Branch.

6   **“SEC. 2702. ADMINISTRATION.**

7       “(a) WITHHOLDING GRANT FUNDS.—Whenever the  
8   Director of the Office of Juvenile Crime Control and Pre-  
9   vention, after giving reasonable notice and opportunity for  
10   a hearing to a recipient of financial assistance under title  
11   VII of the Anti-Gang and Youth Violence Act of 1997  
12   (hereinafter, “Act”), finds that the program or activity for  
13   which the grant, contract, or agreement involved has been  
14   so changed that it no longer complies with this title or  
15   finds that in the operation of such program or activity  
16   there is failure to substantially comply with the provisions  
17   of this Act, the Director of the Office of Juvenile Crime  
18   and Control and Prevention is authorized to initiate such  
19   actions and proceedings to withhold grant funds as appro-  
20   priate.

21       “(b) CONFIDENTIALITY OF PROGRAM RECORDS.—  
22   Except as authorized by law, program records containing  
23   the identity of individual juveniles gathered for purposes  
24   pursuant to title VII of the Anti-Gang and Youth Violence  
25   Act of 1997 (hereinafter, “Act”) may not be disclosed

1 without the consent of the service recipient or legally au-  
 2 thorized representative, or as may be necessary to carry  
 3 out this Act. Under no circumstances may program re-  
 4 ports or findings available for public dissemination contain  
 5 the actual names of individual service recipients.

6 “(c) RESTRICTION ON USE OF FUNDS.—No funds  
 7 paid to any public or private agency, institution, or indi-  
 8 vidual under title VII of the Anti-Gang and Youth Vio-  
 9 lence Act of 1997, either directly or through a State or  
 10 local agency, may be used for construction unless—

11 “(1) the Director of the Office of Juvenile  
 12 Crime Control and Prevention determines that such  
 13 use is necessary to carry out the purposes of that  
 14 Act;

15 “(2) such funds provide no more than 50 per-  
 16 cent of the costs of any given construction project;  
 17 and

18 “(3) construction projects are limited to the  
 19 construction of innovative, community-based facili-  
 20 ties for 20 or fewer persons.

21 **“SEC. 2703. CONTINUATION OF RULES, AUTHORITIES, AND**  
 22 **PROCEEDINGS.**

23 “(a) CONTINUING STATUS UNTIL OTHERWISE AF-  
 24 FECTED.—All orders, determinations, rules, regulations,  
 25 policies, and instructions of or pertaining to the Office of



1 Juvenile Justice and Delinquency Prevention that are in  
2 effect on the date of enactment of title VII of the Anti-  
3 Gang and Youth Violence Act of 1997 shall continue in  
4 effect according to their terms until modified, terminated,  
5 superseded, set aside, or revoked by the Attorney General,  
6 or the Assistant Attorney General for the Office of Justice  
7 Programs, or the Director of the Office of Juvenile Crime  
8 Control and Prevention, as appropriate with respect to  
9 their functions under this Act or by operation of law. Fur-  
10 ther, unless otherwise specified established in accordance  
11 with section 3301 of this Act, all research, evaluations,  
12 and studies operating under grants, cooperative agree-  
13 ments, or contracts awarded or administered by the Office  
14 of Juvenile Justice and Delinquency Prevention underway  
15 at the date of enactment of title VII of the Anti-Gang and  
16 Youth Violence Act of 1997 shall continue to be adminis-  
17 tered by the Office of Juvenile Crime Control and Preven-  
18 tion until their scheduled expiration. Furthermore, noth-  
19 ing in this subsection shall be taken as in any way negat-  
20 ing the effect of section 3301 of this title.

21 “(b) OBLIGATIONS BY THE ASSISTANT ATTORNEY  
22 GENERAL FOR THE OFFICE OF JUSTICE PROGRAMS OF  
23 PREVIOUSLY APPROPRIATED, UNUSED OR REVERSION-  
24 ARY FUNDS, OR PRESENTLY APPROPRIATED FUNDS FOR  
25 THE CONTINUATION OF PROJECTS OR PURPOSES OF THIS

1 ACT.—The Director of the Office of Juvenile Crime Con-  
2 trol and Prevention under the supervision and direction  
3 of the Assistant Attorney General for the Office of Justice  
4 Programs may award new grants, enter into new contracts  
5 or cooperative agreements, approve comprehensive plans  
6 for the fiscal year beginning October 1, 1997, and other-  
7 wise obligate previously appropriated, unused or reversion-  
8 ary funds, or funds appropriated for the fiscal year begin-  
9 ning October 1, 1997, for the continuation of projects au-  
10 thorized under the Juvenile Justice and Delinquency Pre-  
11 vention Act of 1974 (42 U.S.C. 5601 et seq.) in accord-  
12 ance with the provisions of that Act, as in effect on the  
13 day of enactment of the Anti-Gang and Youth Violence  
14 Act of 1997, or for purposes consistent with the provisions  
15 of the Anti-Gang and Youth Violence Act of 1997.

16 “(c) CARRY OVER OF MANAGEMENT AND ADMINIS-  
17 TRATION FUNDS.—All funds appropriated for the man-  
18 agement and administration expenses of the Office of Ju-  
19 venile Justice and Delinquency Prevention, and remaining  
20 available for use at the time of enactment of title VII of  
21 the Anti-Gang and Youth Violence Act of 1997, shall be  
22 carried over for use until expended for the management  
23 and administration expenses of the Office of Juvenile  
24 Crime Control and Prevention.

1       “(d) PENDING SUITS, ACTIONS, OR OTHER PRO-  
2       CEEDINGS UNAFFECTED.—The adoption of title VII of  
3       the Anti-Gang and Youth Violence Act of 1997 shall not  
4       affect any suit, action, or other proceeding commenced by  
5       or against the government of the United States before the  
6       date of enactment of said title.

7       “(e) APPROPRIATED FUNDS AVAILABLE FOR AUDIT  
8       MATTERS AND CONTINUING PROGRAMS AND  
9       PROJECTS.—Nothing in the Anti-Gang and Youth Vio-  
10      lence Act of 1997 shall prevent the utilization of funds  
11      appropriated for the purposes of this Act for all activities  
12      necessary or appropriate for the review, audit, investiga-  
13      tion, and judicial or administrative resolution of audit  
14      matters, for those grants or contracts awarded under this  
15      Act. The final disposition and dissemination of programs  
16      and project approved under the Juvenile Justice and De-  
17      linquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.)  
18      in accordance within this title, as in effect before the date  
19      of enactment of the Anti-Gang and Youth Violence Act  
20      of 1997, which continue in operation beyond the date of  
21      enactment of this Act, may be carried out with funds ap-  
22      propriated for purposes of this Act.

23      “(f) TRANSFER OF PERSONNEL PURSUANT TO PER-  
24      FORMANCE OF FUNCTIONS.—Except as otherwise pro-  
25      vided for by the Anti-Gang and Youth Violence Act of

1 1997, the personnel employed on the date of enactment  
 2 of the Anti-Gang and Youth Violence Act of 1997 by the  
 3 Office of Juvenile Justice and Delinquency Prevention are  
 4 transferred to the Office of Juvenile Crime Control and  
 5 Prevention.

6 “(g) CONTINUATION OF INCUMBENT ADMINIS-  
 7 TRATOR.—Notwithstanding any other provision of law, the  
 8 individual serving as Administrator of the Office of Juve-  
 9 nile Justice and Delinquency Prevention on the date of  
 10 enactment of the Anti-Gang and Youth Violence Act of  
 11 1997 shall become the Director of the Office of Juvenile  
 12 Crime Control and Prevention.”.

13 **SEC. 7102. CONFORMING AMENDMENTS.**

14 (a) CONFORMING AMENDMENT.—Sections 3783,  
 15 3784, 3787, 3788, 3789d, and 3789e of title 42, United  
 16 States Code, are amended by inserting the words “Office  
 17 of Juvenile Crime Control and Prevention” before the  
 18 words “Bureau of Justice Statistics” each time they ap-  
 19 pear.

20 (b) CONFORMING AMENDMENT TO THE OMNIBUS  
 21 CRIME CONTROL ACT OF 1968.—Title I of the Omnibus  
 22 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 23 3711 et seq.) is amended by replacing the words “Office  
 24 of Juvenile Justice and Delinquency Prevention” with the

1 words “Office of Juvenile Crime Control and Prevention”  
 2 each time they appear.

3 **SEC. 7103. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 1001(a) of title I of Omnibus Crime Control  
 5 and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is  
 6 amended by adding after paragraph (22), the following  
 7 new paragraph:

8 “(23) There are authorized to be appropriated,  
 9 and remain available until expended, such sums as  
 10 may be necessary for the operations of the Office of  
 11 Juvenile Crime Control and Prevention as stipulated  
 12 under title VII, subtitle A, of the Anti-Gang and  
 13 Youth Violence Act of 1997, for the fiscal years  
 14 1998, 1999, 2000, and 2001.”.

15 **Subtitle B—Juvenile Crime Assistance**

16 **SEC. 7201. FORMULA GRANT ASSISTANCE.**

17 Title I of the Omnibus Crime Control and Safe  
 18 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended  
 19 by adding after part z, the following new part:

20 **“PART AA—JUVENILE CRIME CONTROL AND**  
 21 **PREVENTION FORMULA GRANT PROGRAM**

22 **“SEC. 2801. AUTHORITY TO MAKE GRANTS AND ENTER INTO**  
 23 **CONTRACTS.**

24 “The Director of the Office of Juvenile Crime Control  
 25 and Prevention under the supervision and direction of the

1 Assistant Attorney General for the Office of Justice Pro-  
2 grams is authorized to award grants to States to assist  
3 them in planning, establishing, operating, coordinating,  
4 and evaluating projects directly or through grants, cooper-  
5 ative agreements, and contracts with public and private  
6 agencies for development and implementation of policies,  
7 initiatives, and programs that are designed to reduce, con-  
8 trol, and prevent juvenile crime and violence and improve  
9 the juvenile justice system.

10 **“SEC. 2802. ALLOCATION OF FUNDS.**

11 “(a) TIME; BASIS; AMOUNTS.—

12 “(1) Subject to paragraph (2) and in accord-  
13 ance with regulations promulgated under this part,  
14 appropriated funds are authorized to be allocated  
15 annually among the States on the basis of relative  
16 population of people under the age of 18. If appro-  
17 priated funds are not sufficient to permit such allo-  
18 cations, the minimum allocation level shall be ad-  
19 justed accordingly.

20 “(2) Subject to the availability of appropriated  
21 funds, the amount allocated to each State for a fis-  
22 cal year shall be not less than \$600,000, except that  
23 the amount allocated to the Virgin Islands, Guam,  
24 American Samoa, and the Northern Mariana Islands  
25 shall be not less than \$200,000. If appropriated

1 funds are not sufficient to permit such allocations,  
2 the minimum allocation level shall be adjusted ac-  
3 cordingly.

4 “(b) REALLOCATION OF UNOBLIGATED FUNDS.—If  
5 any amount so allocated remains unobligated by the recipi-  
6 ent at the end of the fiscal year, such funds shall be reallo-  
7 cated in a manner equitable and consistent with the pur-  
8 pose of this part. Any amount so reallocated shall be in  
9 addition to the amounts already allocated and available  
10 to the States, the Virgin Islands, Guam, American Samoa,  
11 and the Commonwealth of the Northern Mariana Islands  
12 for the same period.

13 “(c) USE OF ALLOCATED FUNDS FOR THE DEVEL-  
14 OPMENT OF STATE PLANS, LIMITATIONS, AND MATCHING  
15 REQUIREMENTS.—In accordance with regulations promul-  
16 gated under this part, a portion of any allotment to any  
17 State under this part shall be made available to develop  
18 a State plan as set forth in section 2804 of this title or  
19 for other activities associated with such State plan, and  
20 to pay that portion of the expenditures that are necessary  
21 for efficient administration, including monitoring and  
22 evaluation. Not more than 10 percent of the total annual  
23 allotment of such State shall be made available for such  
24 purposes, except that any amount expended or obligated

1 by such State, or by units of local government or combina-  
2 tion thereof, from amounts made available under this sub-  
3 section shall be matched (in an amount equal to any such  
4 amount so expended or obligated) by any such State, or  
5 by such units of local government or combinations, from  
6 State and local funds, as the case may be. The State shall  
7 make available needed funds for planning and administra-  
8 tion to units of local government or combinations thereof  
9 within the State on an equitable basis.

10 **“SEC. 2803. ADMINISTRATION.**

11       “(a) The Director of the Office of Juvenile Crime  
12 Control and Prevention under the supervision and direc-  
13 tion of the Assistant Attorney General for the Office of  
14 Justice Programs is authorized to award grants and coop-  
15 erative agreements and enter into contracts with public  
16 and private agencies, organizations, Indian tribal govern-  
17 ments, and individuals to provide technical assistance to  
18 States, units of local governments, Indian tribal govern-  
19 ments, and combinations thereof, and local private agen-  
20 cies to effectuate implementation of the State plan ap-  
21 proved under section 2804 of this title, not to exceed two  
22 percent of the funds available in a fiscal year to implement  
23 this part.



1       “(b) Grants and contracts may be awarded under  
2 paragraph (a) only to public and private agencies, organi-  
3 zations, institutions, and individuals that have experience  
4 in providing such technical assistance. In providing such  
5 technical assistance, the recipient of a grant or a contract  
6 under this subsection shall coordinate its activities with  
7 the State agency described in section 2804 of this title.

8       “(c) To be eligible to receive grant funds under this  
9 part, a State unit of local government, or Indian tribal  
10 government must submit to the Director of the Office of  
11 Juvenile Crime Control and Prevention an application at  
12 such time, in such form, and containing such assurances  
13 and information as may be reasonably required.

14       “(d) The Director of the Office of Juvenile Crime  
15 Control and Prevention may issue whatever regulations  
16 and guidelines as are reasonably necessary to implement  
17 this part.

18       **“SEC. 2804. REQUIREMENTS.**

19       “(a) STATE PLANNING.—To receive formula grants  
20 under this part, a State shall submit an application and  
21 a plan for carrying out its purposes applicable to a three-  
22 year period. Such plan shall be amended annually to in-  
23 clude new programs and activities adopted following State  
24 plan approval. The State shall submit annual reports to  
25 the Director of the Office of Juvenile Crime Control and

1 Prevention that shall describe progress in implementing  
2 programs contained in the approved State plan and shall  
3 describe how State plan requirements were met. Further,  
4 in accordance with regulations that the Director of the Of-  
5 fice of Juvenile Crime Control and Prevention shall pre-  
6 scribe, the plan of a State that is applying for an award  
7 under section 2801 of this title shall—

8           “(1) designate a State agency responsible for  
9       supervising the preparation and administration of  
10      the State plan submitted under section 2804(a) of  
11      this title and provide for the creation or designation  
12      of an appropriate supervisory board, such as a State  
13      advisory group, that includes a balance of public and  
14      private sector representation and expertise from a  
15      variety of disciplines in juvenile justice, to establish  
16      policies and priorities for the planning, selection,  
17      and award of funds received by the State agency  
18      pursuant to this title;

19           “(2) provide for the active consultation with  
20      and participation of units of local government, pri-  
21      vate agencies, or combinations thereof in the devel-  
22      opment of a State plan that takes into account the  
23      needs and requests of local governments;

1           “(3) provide for a comprehensive analysis of ju-  
2       venile crime problems and juvenile justice and juve-  
3       nile crime control and prevention needs and prior-  
4       ities with the State;

5           “(4) provide that at least 50 percent of all  
6       funds received by the State pursuant to this section  
7       shall be expended, unless the provisions of this para-  
8       graph are waived at the discretion of the Director of  
9       the Office of Juvenile Crime Control and Prevention  
10      for any State in which the services for delinquent or  
11      other youth are organized on a statewide basis—

12           “(A) through programs of units of local  
13      government or combinations thereof, to the ex-  
14      tent that such programs are consistent with the  
15      State plan;

16           “(B) through programs of local private  
17      agencies, to the extent that such programs are  
18      consistent with the State plan, except that di-  
19      rect funding of any local private agency by a  
20      State shall be permitted only if such agency re-  
21      quests such funding after it has applied for and  
22      been denied funding by any unit of local gov-  
23      ernment or combination thereof; and

24           “(C) to provide funds for programs for In-  
25      dian tribes that agree to attempt to comply

1 with the requirements specified in section  
2 2804(b)(1), section 2804(b)(3), and section  
3 2804(b)(4) applicable to the detention and con-  
4 finement of juveniles, in an amount that at  
5 least bears the same ratio to the aggregate  
6 amount to be expended through programs re-  
7 ferred to in section 2804(a)(4) (A) and (B) of  
8 this title as the population under 18 years of  
9 age in the geographical areas in which such  
10 tribes perform such functions relative to the  
11 State population under 18 years of age;

12 “(5) provide for an adequate system of monitor-  
13 ing jails, detention facilities, correctional facilities,  
14 and nonsecure facilities to insure that the require-  
15 ments of section 2804(b)(1), section 2804(b)(3), and  
16 section 2804(b)(4) are met;

17 “(6) provide that the chief executive officer of  
18 a unit of local government may assign responsibility  
19 for the preparation and administration of the local  
20 government’s part of a State plan to a multidisci-  
21 plinary regional planning agency (hereinafter in this  
22 part referred to as the ‘local agency’) that can most  
23 effectively implement the purposes of this part and  
24 shall provide for supervision of the programs funded  
25 under this subtitle by that local agency;

1           “(7) provide for an equitable distribution of the  
2           assistance received under section 2802 of this part  
3           within the State;

4           “(8) provide that not less than 75 percent of  
5           the funds available to the State under section 2802  
6           of this title shall be used for the prevention, treat-  
7           ment, and accountability measures that have dem-  
8           onstrated effectiveness or a promise of effectiveness  
9           in addressing youth crime and improving the sys-  
10          tems’ response to it;

11          “(9) provide assurances that youth in the juve-  
12          nile justice system are treated equitably on the basis  
13          of gender, race, religion, family income, and men-  
14          tally, emotionally, or physically handicapping condi-  
15          tions;

16          “(10) provide for the establishment and admin-  
17          istration of procedures protecting the rights or re-  
18          cipients of services under this part, and for assuring  
19          appropriate privacy with regard to records relating  
20          to such services provided to any individual under the  
21          State plan;

22          “(11) provide that fair and equitable arrange-  
23          ments shall be made to protect the interests of em-  
24          ployees affected by assistance under this part and  
25          shall provide for the terms and conditions of such

1 protective arrangements established pursuant to this  
2 section, and such protective arrangements shall, to  
3 the extent feasible, include, without being limited to,  
4 such provisions as may be necessary for—

5 “(A) the preservation of rights, privileges,  
6 and benefits (including the continuation of pen-  
7 sion rights and other benefits) under existing  
8 collective-bargaining agreements or otherwise;

9 “(B) the continuation of collective-bargain-  
10 ing rights;

11 “(C) the protection of individual employees  
12 against a worsening of their positions with re-  
13 spect to their employment;

14 “(D) assurances of employment to employ-  
15 ees of any State or political subdivision thereof  
16 who will be affected by any program funded in  
17 whole or in part under provisions of the title;  
18 and

19 “(E) training and retraining programs;

20 “(12) provide an appropriate level of funding  
21 for the development of an adequate research, train-  
22 ing, and evaluation capacity within the State;

23 “(13) provide assurances that Federal funds re-  
24 ceived under this part shall be used to supplement,

1 not supplant, non-Federal funds that would other-  
2 wise be available for activities funded under this  
3 part; and

4 “(14) contain such other terms and conditions  
5 as the Director of the Office of Juvenile Crime Con-  
6 trol and Prevention may reasonably promulgate to  
7 assure the effectiveness of programs assisted under  
8 this part.

9 “(b) FUNDAMENTAL JUVENILE PROTECTIONS.—A  
10 State receiving funding under this title must—

11 “(1) provide that juveniles who are accused or  
12 adjudicated for offenses that would not be criminal  
13 if committed by an adult other than an offense that  
14 constitutes a violation of a valid court order or a vio-  
15 lation of section 922(x) of title 18 of the United  
16 States Code or a similar State law, or alien juveniles  
17 in custody, or such nonoffenders as dependent or ne-  
18 glected children, shall not be placed in secure deten-  
19 tion facilities or secure correctional facilities; except  
20 that accused status offenders or nonoffenders in law-  
21 ful custody can be held in a secure juvenile detention  
22 facility for up to 24 hours, exclusive of weekends  
23 and holidays, prior to an initial court appearance

1 and for an additional 24 hours, exclusive of week-  
2 ends and holidays, following an initial court appear-  
3 ance;

4 “(2) provide that the State shall submit an an-  
5 nual report to the Director of the Office of Juvenile  
6 Crime Control and Prevention containing a review of  
7 the progress made by the State to achieve the dein-  
8 stitutionalization of juveniles described in section  
9 2804(b)(1) of this title and a review of the progress  
10 made by the State to provide that such juveniles, if  
11 placed in facilities, are placed in facilities that are:  
12 (i) the least restrictive alternatives appropriate to  
13 the needs of a child and the community; (ii) in rea-  
14 sonable proximity to the family and the home com-  
15 munities of such juveniles; and (iii) provide the serv-  
16 ices described in 42 U.S.C. 3791(a)(26);

17 “(3) provide that juveniles alleged to be or  
18 found to be delinquent, and youth within the pur-  
19 view of subparagraph (1), shall not be detained or  
20 confined in any institution in which they have con-  
21 tact with adult persons incarcerated because the  
22 adult persons have been convicted of a crime or are  
23 awaiting trial on criminal charges, or with the part-



1 time or full-time security staff (including manage-  
2 ment) or direct-care staff of a collocated jail or lock-  
3 up for adults unless such staff have been properly  
4 trained and certified to supervise juveniles; and

5 “(4) provide that—

6 “(A) no juvenile shall be detained or con-  
7 fined in any jail or lockup for adults, except as  
8 provided by regulations promulgated by the Di-  
9 rector of the Office of Juvenile Crime Control  
10 and Prevention, that make exceptions with re-  
11 gard to the detention of juveniles accused of or  
12 adjudicated for nonstatus offenses who are in  
13 secure custody in such a facility for purposes of  
14 processing or while awaiting transfer to a juve-  
15 nile facility, release, or court appearance for a  
16 period not to exceed six hours. Such exception  
17 may be extended to 48 hours, excluding week-  
18 ends and holidays, provided that this exception  
19 is limited to areas that are in compliance with  
20 paragraph (3) and—

21 “(i) are outside a Standard Metropoli-  
22 tan Area and have no existing acceptable  
23 alternative placement available;

1           “(ii) are located where conditions of  
2           distance to be traveled or the lack of high-  
3           way, road, or other ground transportation  
4           do not allow for a court appearance, trans-  
5           fer, or release within 48 hours, so that a  
6           brief (not to exceed 24 hours) delay is ex-  
7           cusable;

8           “(iii) are located where conditions of  
9           safety exist (such as severely adverse, life  
10          threatening weather conditions that do not  
11          allow for reasonably safe travel), in which  
12          case the time for a court appearance trans-  
13          fer to an alternative placement, or release  
14          may be delayed until 24 hours after the  
15          time that such conditions allow for reason-  
16          ably safe travel; or

17          “(B) in the case of a juvenile accused of a  
18          nonstatus offense may be detained or confined  
19          in a jail or lockup for adults provided that such  
20          jail or lockup for adults is in compliance with  
21          paragraph (3) and;

22               “(i) is outside a Standard Metropoli-  
23               tan Area;

24               “(ii) the juvenile consents;

1 “(iii) the parent or legal guardian of  
2 the juvenile consents;

3 “(iv) the counsel for the juvenile con-  
4 curs;

5 “(v) the court reviews and approves  
6 the detention or confinement; and

7 “(vi) the court approval of such deten-  
8 tion or confinement is subject to review  
9 every seven days.

10 “(5) address efforts to reduce the proportion of  
11 juveniles detained or confined in secure detention fa-  
12 cilities, secure correctional facilities, jails, and lock-  
13 ups who are members of minority groups if such  
14 proportion exceeds the proportion such groups rep-  
15 resent in the general population. However, this para-  
16 graph neither establishes nor requires numerical  
17 standards or quotas in order for a jurisdiction to  
18 achieve or meet this requirement.

19 “(c) NONSUBMISSION, NONQUALIFICATION, OR  
20 WAIVER OF STATE PLAN.—

21 “(1) In the event that any State chooses not to  
22 submit a plan, fails to submit a plan, or submits a  
23 plan or modification that the Director of the Office

1 of Juvenile Crime Control and Prevention, after rea-  
2 sonable notice and opportunity for hearing, deter-  
3 mines does not meet the requirements of this part,  
4 the Director of the Office of Juvenile Crime Control  
5 and Prevention shall endeavor to make 50 percent of  
6 that State's allotment under the provisions of section  
7 2802 or remaining allotment, available to local pub-  
8 lic and private and nonprofit agencies with that  
9 State for purposes described in this part. The Direc-  
10 tor shall make funds that remain available after  
11 such disbursements are made, and any other unobli-  
12 gated funds, available on an equitable basis to those  
13 States that provide the protections required under  
14 subsection 2804(b) of this part.

15 “(2) The Director of the Office of Juvenile  
16 Crime Control and Prevention is authorized at the  
17 request of a State pursuant to its State plan, to  
18 waive, in whole or in part, any State plan require-  
19 ment and/or implementing regulation as appropriate  
20 to test innovative programs and methods to meet the  
21 needs of juveniles in the juvenile justice system.

22 **“SEC. 2805. FAILURE TO MEET REQUIREMENTS.**

23 “If a State fails to fully meet one or more of the re-  
24 quirements of section 2804(b)(1), section 2804(b)(3), sec-  
25 tion 2804(b)(4), and section 2804(b)(5) of this title in any

1 fiscal year beginning with fiscal year 1998, the amount  
 2 allotted under section 2802 of this title to said State shall  
 3 be reduced by 50 percent unless, the Director of the Office  
 4 of Juvenile Crime Control and Prevention has reasonably  
 5 determined that the State—

6           “(1) has substantially met each requirement  
 7 with respect to which the State had not fully met  
 8 the requirement; or

9           “(2) has made, through appropriate change to  
 10 State law a commitment to meeting these require-  
 11 ments; and

12           “(3) has submitted a plan sufficient to fully  
 13 meet each requirement; and

14           “(4) has met any other appropriate stipulations  
 15 as the Director of the Office of Juvenile Crime Con-  
 16 trol and Prevention may promulgate by regulation.

17 **“SEC. 2806. TRAINING AND TECHNICAL ASSISTANCE.**

18           “Two percent of all funds appropriated for this part  
 19 shall be set aside for use by the Director of the Office  
 20 of Juvenile Crime Control and Prevention for training and  
 21 technical assistance consistent with this part.

22 **“SEC. 2807. RESEARCH, STATISTICS, AND EVALUATION.**

23           “Ten percent of all funds appropriated for this part  
 24 shall be set aside, consistent with part FF, for use by the

1 Director of the Office of Juvenile Crime Control and Pre-  
 2 vention for research, statistics, and evaluation activities  
 3 consistent with this part.

4 **“SEC. 2808. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to carry out  
 6 this part, to remain available until expended—

7 “(1) \$80,000,000 for fiscal year 1998; and

8 “(2) such sums as may be necessary for each  
 9 of the fiscal years 1999, 2000, and 2001.”.

10 **SEC. 7202. INDIAN TRIBAL GRANTS.**

11 (a) INDIAN TRIBAL GRANT PROGRAM.—Title I of the  
 12 Omnibus Crime Control and Safe Streets Act of 1968 (42  
 13 U.S.C. 3711 et seq.) is amended by adding after part AA,  
 14 the following new part:

15 **“PART BB—INDIAN TRIBAL GRANTS PROGRAMS**

16 **“SEC. 2901. AUTHORITY TO MAKE GRANTS AND CON-**  
 17 **TRACTS.**

18 “The Director of the Office of Juvenile Crime Control  
 19 and Prevention, under the supervision and direction of the  
 20 Assistant Attorney General for the Office of Justice Pro-  
 21 grams, is authorized to award grants and to enter into  
 22 cooperative agreements and contracts with Indian tribal  
 23 governments and other public and private agencies, or  
 24 combinations thereof, to assist Indian tribal governments  
 25 in planning, establishing, operating, coordinating, and

1 evaluating projects directly for the development and imple-  
2 mentation of policies, initiatives, and programs that are  
3 designed to reduce, control, and prevent juvenile crime;  
4 to assist Indian juveniles who have had contact with, or  
5 are at risk of having contact with, the juvenile justice sys-  
6 tem, including tribal courts; and to improve the juvenile  
7 justice system.

8 **“SEC. 2902. ELIGIBILITY REQUIREMENTS.**

9 “In order to receive grants under this part, an Indian  
10 tribal government shall:

11 “(1) use such funds for planning, researching,  
12 developing, coordinating, implementing, and evaluat-  
13 ing initiatives and programs applicable to prevent,  
14 control, and reduce juvenile crime;

15 “(2) provide assurances that Federal funds re-  
16 ceived under this part shall be used to supplement,  
17 not supplant, non-Federal funds that would other-  
18 wise be available for activities funded under this  
19 part; and

20 “(3) comply with such other requirements as  
21 the Director of the Office of Juvenile Crime Control  
22 and Prevention may reasonably prescribe to assure  
23 the effectiveness of this part.

1   **“SEC. 2903. APPLICATION.**

2           “(a) IN GENERAL.—The Director of the Office of Ju-  
3   venile Crime Control and Prevention shall issue whatever  
4   requirements for applications submitted under this part  
5   as the Director of the Office of Juvenile Crime Control  
6   and Prevention determines to be appropriate.

7           “(b) GUIDELINE AUTHORITY.—The Director of the  
8   Office of Juvenile Crime Control and Prevention may issue  
9   guidelines as necessary to carry out this part.

10   **“SEC. 2904. FEDERAL SHARE.**

11           “The Federal share of a grant made under this part  
12   shall be 100 percent of the total amount awarded.

13   **“SEC. 2905. TRAINING AND TECHNICAL ASSISTANCE.**

14           “Two percent of all funds appropriated for this part  
15   shall be set aside for use by the Director of the Office  
16   of Juvenile Crime Control and Prevention for training and  
17   technical assistance consistent with this part.

18   **“SEC. 2906. RESEARCH, STATISTICS, AND EVALUATION.**

19           “Ten percent of all funds appropriated for this part  
20   shall be set aside, consistent with part FF, for use by the  
21   Director of the Office of Juvenile Crime Control and Pre-  
22   vention for research, statistics, and evaluation activities  
23   consistent with this part.

24   **“SEC. 2907. REPORT.**

25           “Recipients of Federal funds pursuant to this part  
26   shall submit to the Director of the Office of Juvenile



1 Crime Control and Prevention such reports as may be rea-  
 2 sonably requested to describe progress achieved in carry-  
 3 ing out programs funded under this part.

4 **“SEC. 2908. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to carry out  
 6 this part to remain available until expended—

7 “(1) \$6,000,000 for fiscal year 1998; and

8 “(2) such sums as may be necessary for each  
 9 of the fiscal years 1999, 2000, and 2001.”.

10 (b) INCREASE IN SUPPORT FOR CORRECTIONAL FA-  
 11 CILITIES ON INDIAN TRIBAL LAND.—Section 13709 of  
 12 title 42, United States Code, is amended—

13 (1) in subsection (a)(2) by striking the number  
 14 “0.2” and inserting in its place the number “2.0”;  
 15 and

16 (2) in subsection (b) by striking the word  
 17 “jails” and inserting in its place the words “correc-  
 18 tional facilities”.

19 **SEC. 7203. AT-RISK CHILDREN GRANT PROGRAM.**

20 The Omnibus Crime Control and Safe Streets Act of  
 21 1968 (42 U.S.C. 3711 et seq.) is amended by adding after  
 22 part BB, the following new part:

1       **“PART CC—AT-RISK CHILDREN’S INITIATIVE**

2       **“SEC. 3001. AUTHORITY TO MAKE GRANTS AND ENTER INTO**  
3                       **CONTRACTS.**

4           “The Director of the Office of Juvenile Crime Control  
5 and Prevention under the supervision and direction of the  
6 Assistant Attorney General for the Office of Justice Pro-  
7 grams and in consultation with the Department of Health  
8 and Human Services and the Department of Education  
9 is authorized to award grants to States, to be distributed  
10 by States for use by local units of government, Indian  
11 tribes, and locally based public and private agencies and  
12 organizations, for the purpose of developing, implement-  
13 ing, and operating school and community-based programs  
14 for the reduction and prevention of truancy, school vio-  
15 lence, and juvenile crime.

16       **“SEC. 3002. USE OF FUNDS.**

17           “Grants awarded pursuant to section 3001 may be  
18 used to support locally based prevention and early inter-  
19 vention efforts to assist juveniles who have had, or who  
20 are at risk of having, contact with the juvenile justice sys-  
21 tem. Funds provided under this part may be used for: tru-  
22 ancy reduction; school drop-out prevention; juvenile curfew  
23 enforcement; school safety; juvenile mentoring; violence re-  
24 duction strategies, such as dispute resolution; intensive su-  
25 pervision services; job and life skills training; family  
26 strengthening interventions; early childhood services;

1 after-school programs for juveniles and tutoring programs;  
2 recreation and parks programs; parent training; health  
3 and mental health services; alcohol and substance abuse  
4 services; restitution and community services activities;  
5 leadership development; accountability and responsibility  
6 education; and other efforts that will lower or prevent tru-  
7 ancy, school violence, and juvenile crime.

8 **“SEC. 3003. ELIGIBILITY.**

9       “(a) To receive funds pursuant to section 3001, the  
10 chief executive officer of a State must certify to the Direc-  
11 tor of the Office of Juvenile Crime Control and Prevention  
12 that the State complies with the plan requirements set out  
13 in section 2804 of this part.

14       “(b) Further, to receive funds pursuant to section  
15 3001, the chief executive of a State must designate to the  
16 Director of the Office of Juvenile Crime Control and Pre-  
17 vention a single State agency or official who shall be re-  
18 sponsible for the coordination and administration of this  
19 part.

20       “(c) The Director of the Office of Juvenile Crime  
21 Control and Prevention may issue additional guidelines  
22 with respect to State and local eligibility consistent with  
23 this part.

1 **“SEC. 3004. LOCAL PLANNING REQUIREMENT.**

2 “(a) Units of local government participating under  
3 this part must utilize a local planning board.

4 “(b) The board established pursuant to subsection (a)  
5 shall—

6 “(1) be appointed or designated by the chief ex-  
7 ecutive of the participating jurisdiction;

8 “(2) consist of representatives of the commu-  
9 nity and a balance of public and private agencies  
10 and organizations;

11 “(3) be responsible for developing, on behalf of  
12 the participating jurisdiction, a three-year plan out-  
13 lining the jurisdiction’s plans and strategies and pro-  
14 grams to develop a balanced prevention and early  
15 intervention plan consistent with section 3002 of  
16 this part; and

17 “(4) provide the plan referenced in paragraph  
18 (3) as part of any application submitted from public  
19 or private entities within the participating jurisdic-  
20 tion.

21 “(c) Plans submitted by participating jurisdictions  
22 must be certified by the chief executive officer of the par-  
23 ticipating jurisdiction and submitted to the state agency  
24 or organization designated by the chief executive officer  
25 of the State under section 3003(b).

1       “(d) The plans must show evidence of coordination  
2 with other local truancy, school violence, and juvenile  
3 crime programs.

4       “(e) The Director of the Office of Juvenile Crime  
5 Control and Prevention may issue guidelines with respect  
6 to local planning requirements consistent with this part.

7       **“SEC. 3005. ADMINISTRATION.**

8       “The Director of the Office of Juvenile Crime Control  
9 and Prevention shall establish guidelines governing the ad-  
10 ministration and the manner and content of applications  
11 for funding under this part. Such guidelines shall include  
12 procedures and methods for the distribution of funds dis-  
13 tributed under this part.

14       **“SEC. 3006. FEDERAL SHARE.**

15       “For any grant made under this program, the State/  
16 local contribution shall be 50 percent. Further, in-kind  
17 contributions, pursuant to the discretion of the Director  
18 of the Office of Juvenile Crime Control and Prevention  
19 may constitute a portion, or all, of the non-Federal share  
20 of a grant made under this part. With regard to grants  
21 to Indian tribes, the Director of the Office of Juvenile  
22 Crime Control and Prevention may allow other Federal  
23 funds to constitute all or a portion of the non-Federal  
24 share.

1   **“SEC. 3007. TRAINING AND TECHNICAL ASSISTANCE.**

2           “Two percent of all funds appropriated for this part  
3 shall be set aside for use by the Director of the Office  
4 of Juvenile Crime Control and Prevention for training and  
5 technical assistance consistent with this part.

6   **“SEC. 3008. RESEARCH, STATISTICS, AND EVALUATION.**

7           “Ten percent of all funds appropriated for this part  
8 shall be set aside, consistent with part FF, for use by the  
9 Director of the Office of Juvenile Crime Control and Pre-  
10 vention for research, statistics, and evaluation activities  
11 consistent with this part.

12   **“SEC. 3009. REPORT.**

13           “Recipients of Federal funds pursuant to this part  
14 shall submit to the Director of the Office of Juvenile  
15 Crime Control and Prevention such reports as may be rea-  
16 sonably requested to describe progress achieved in carry-  
17 ing programs funded under this part.

18   **“SEC. 3010. AUTHORIZATION OF APPROPRIATIONS.**

19           “There are authorized to be appropriated to carry out  
20 this part to remain available until expended—

21                   “(1) \$75,000,000 for fiscal year 1998; and

22                   “(2) such sums as may be necessary for each  
23           of the fiscal years 1999, 2000, and 2001.”.

1 **SEC. 7204. DEVELOPING, TESTING, AND DEMONSTRATING**  
2 **PROMISING PROGRAMS.**

3 Title I of the Omnibus Crime Control and Safe  
4 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended  
5 by adding after part CC, the following new part:

6 **“PART DD—DEVELOPING, TESTING, AND**  
7 **DEMONSTRATING PROMISING NEW PROGRAMS**

8 **“SEC. 3101. AUTHORITY TO MAKE GRANTS AND CONTRACTS**

9 “(a) The Director of the Office of Juvenile Crime  
10 Control and Prevention under the supervision and direc-  
11 tion of the Assistant Attorney General for the Office of  
12 Justice Programs is authorized to make grants to States,  
13 units of local government, Indian tribal governments, pub-  
14 lic and private agencies, organizations, and individuals, or  
15 combinations thereof for the development, testing, and  
16 demonstration of promising initiatives and programs for  
17 the prevention, control, and/or reduction of juvenile crime.  
18 Such programs shall be those considered to possess a high  
19 probability of improving the juvenile justice system, as  
20 well as efforts that may include prevention, early interven-  
21 tion, and/or reduction of juvenile crime.

22 “(b) The Director of the Office of Juvenile Crime  
23 Control and Prevention under the supervision and direc-  
24 tion of the Assistant Attorney General for the Office of  
25 Justice Programs is authorized to award grants to and

1 enter into cooperative agreements and contracts with pub-  
2 lic and private agencies, organizations, and individuals to  
3 provide technical assistance to States, units of local gov-  
4 ernment, Indian tribal governments, local private entities  
5 or agencies, or any combination thereof to effectuate im-  
6 plementation of applications approved under this part.

7 **“SEC. 3102. ELIGIBILITY REQUIREMENTS.**

8 “Under this part, public and private agencies, Indian  
9 tribal governments, or organizations, institutions, individ-  
10 uals are eligible to apply.

11 **“SEC. 3103. APPLICATIONS.**

12 “(a) GENERALLY.—An application shall be submitted  
13 at such time, in such form, and containing such informa-  
14 tion as the Director of the Office of Juvenile Crime Con-  
15 trol and Prevention may reasonably require.

16 “(b) GUIDELINE AUTHORITY.—The Director of the  
17 Office of Juvenile Crime Control and Prevention may issue  
18 guidelines necessary to carry out this part.

19 **“SEC. 3104. FEDERAL SHARE.**

20 “The Federal share of a grant made under this part  
21 shall be 100 percent of the total amount awarded.

22 **“SEC. 3105. GEOGRAPHIC DISTRIBUTION.**

23 “The Director of the Office of Juvenile Crime Control  
24 and Prevention shall ensure that, to the extent reasonable



1 and practicable, an equitable geographic distribution of  
2 grant awards is made.

3 **“SEC. 3106. TRAINING AND TECHNICAL ASSISTANCE.**

4 “Two percent of all funds appropriated for this part  
5 shall be set aside for use by the Director of the Office  
6 of Juvenile Crime Control and Prevention for training and  
7 technical assistance consistent with this part.

8 **“SEC. 3107. RESEARCH, STATISTICS, AND EVALUATION.**

9 “Ten percent of all funds appropriated for this part  
10 shall be set aside, consistent with part FF, for use by the  
11 Director of the Office of Juvenile Crime Control and Pre-  
12 vention for research, statistics, and evaluation activities  
13 consistent with this part.

14 **“SEC. 3108. REPORT.**

15 “Recipients of Federal funds pursuant to this part  
16 shall submit to the Director of the Office of Juvenile  
17 Crime Control and Prevention such reports as may be rea-  
18 sonably requested to describe progress achieved in carry-  
19 ing programs unfunded under this part.

20 **“SEC. 3109. AUTHORIZATION OF APPROPRIATIONS.**

21 “There are authorized to be appropriated to carry out  
22 this part to remain available until expended—

23 “(1) \$24,000,000 for fiscal year 1998; and

24 “(2) such sums as may be necessary for each  
25 of the fiscal years 1999, 2000, and 2001.”.

1 **SEC. 7205. INCENTIVE GRANT PROGRAMS.**

2 Title I of the Omnibus Crime Control and Safe  
3 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended  
4 by adding after part DD, the following new part:

5 **“PART EE—INCENTIVE GRANT PROGRAMS**

6 **“SEC. 3201. AUTHORITY TO MAKE GRANTS AND ENTER INTO**  
7 **CONTRACTS.**

8 “The Director of the Office of Juvenile Crime Control  
9 and Prevention under the supervision and direction of the  
10 Assistant Attorney General for the Office of Justice Pro-  
11 grams is authorized to make grants to States that receive  
12 an allocation under section 2802 of this title, in an amount  
13 to be determined based on each qualifying State’s propor-  
14 tion of the total population of juveniles in all qualifying  
15 States. Such funds may be used by the State acting di-  
16 rectly or through grants, cooperative agreements and con-  
17 tracts with public or private agencies, institutions, individ-  
18 uals, or Indian tribes, for program purposes authorized  
19 under section 3203 of this title.

20 **“SEC. 3202. ELIGIBILITY REQUIREMENTS.**

21 “The State agency designated under section 2804 of  
22 this title is eligible to apply under this part. The applicant  
23 shall provide assurances that the State has, either at the  
24 time of application, or within 12 months from the time  
25 of application—

1           “(1) implemented a system of accountability-  
2       based graduated sanctions applicable to juveniles  
3       within the juvenile justice system designed to hold  
4       such juveniles accountable for their actions and to  
5       protect local communities from the effects of juvenile  
6       crime by providing appropriate sanctions for every  
7       act for which a juvenile is adjudicated delinquent;  
8       and

9           “(2) designed a system for juvenile delinquency  
10      history record information collection, storage, and  
11      dissemination that will ensure that such records will  
12      be available for such purposes as provided by State  
13      or tribal law.

14   **“SEC. 3203. APPLICATIONS.**

15      “(a) **GENERALLY.**—To request funds under this part,  
16   the State agency shall submit an application to the Direc-  
17   tor of the Office of Juvenile Crime Control and Prevention  
18   in such form and containing such information as the Di-  
19   rector of the Office of Juvenile Crime Control and Preven-  
20   tion may reasonably require.

21      “(b) **SPECIFIC REQUIREMENTS.**—In addition to any  
22   other requirements that may be specified by the Director  
23   of the Office of Juvenile Crime Control and Prevention,  
24   an application for a grant under this part shall—

1           “(1) include a long-term strategy and detailed  
2           implementation plan;

3           “(2) identify related governmental or commu-  
4           nity initiatives that complement or will be coordi-  
5           nated with the initiative or program;

6           “(3) certify that there has been appropriate  
7           consultation with all affected agencies or govern-  
8           mental entities and that there will be appropriate co-  
9           ordination with said agencies or entities in the im-  
10          plementation of the initiative or program;

11          “(4) ensure that Federal funds received under  
12          this part shall be used to supplement, not supplant,  
13          non-Federal funds that would otherwise be available  
14          for activities funded under this section. With regard  
15          to grants to Indian tribes, the Director of the Office  
16          of Juvenile Crime Control and Prevention may allow  
17          other Federal funds to constitute all or a portion of  
18          the non-Federal share; and

19          “(5) specify plans for obtaining necessary sup-  
20          port for continuing the funded program following  
21          the conclusion of Federal support.

22          “(c) GUIDELINE AUTHORITY.—The Director of the  
23          Office of Juvenile Crime Control and Prevention may issue  
24          guidelines as are necessary to carry out this part.

1   **“SEC. 3204. GENERAL USES.**

2           “A State, unit of local government, or Indian tribal  
3 government that receives a grant pursuant to this part  
4 must use said grant funds for one or more of the following  
5 purposes—

6           “(1) for the effectuation of paragraphs (1) and/  
7 or (2) of section 3202 of this part;

8           “(2) for the advancement of initiatives and pro-  
9 grams that are designed to prevent or intervene in  
10 the unlawful possession, distribution, or sale of fire-  
11 arms by or to juveniles, including law enforcement  
12 and prosecution strategies and programs;

13           “(3) for the implementation of programs and  
14 activities that facilitate the collection, dissemination,  
15 and use of data and information regarding juvenile  
16 crime;

17           “(4) for the implementation of new programs  
18 and activities that enhance the ability of State and  
19 local jurisdictions to track, intervene with, and con-  
20 trol serious, violent, and chronic juvenile offenders,  
21 such as assessment, aftercare, intensive supervision,  
22 SHOCAP programs, and targeted gang intervention  
23 programs;

24           “(5) for the implementation of comprehensive  
25 program services in juvenile detention and correc-  
26 tional facilities;

1           “(6) for any other purpose related to juvenile  
2       crime prevention, control, and/or reduction as the  
3       Director of the Office of Juvenile Crime Control and  
4       Prevention shall determine, such as rural juvenile  
5       crime prevention, innovative local law enforcement  
6       and juvenile-focuses community policing, gender-spe-  
7       cific services, and hate crime prevention and inter-  
8       vention; and

9           “(7) planned and implemented programs, poli-  
10      cies, and procedures that address efforts to prevent  
11      and reduce and disproportionate confinement of mi-  
12      nority juveniles when it exists within the juvenile  
13      justice system.

14   **“SEC. 3205. FEDERAL SHARE.**

15      “The Federal share of any individual grant made  
16   pursuant to this part may not exceed 75 percent. Further,  
17   in-kind contributions, pursuant to the discretion of the Di-  
18   rector of the Office of Juvenile Crime Control and Preven-  
19   tion, may constitute a portion, or all, of the non-Federal  
20   share of a grant made under this part. With regard to  
21   grants to Indian tribes, the Director of the Office of Juve-  
22   nile Crime Control and Prevention may allow other Fed-  
23   eral funds to constitute all or a portion of the non-Federal  
24   share.

1 **“SEC. 3206. TRAINING AND TECHNICAL ASSISTANCE.**

2 “Two percent of all funds appropriated for this part  
3 shall be set aside for use by the Director of the Office  
4 of Juvenile Crime Control and Prevention for training and  
5 technical assistance consistent with this part.

6 **“SEC. 3207. RESEARCH, STATISTICS, AND EVALUATION.**

7 “Ten percent of all funds appropriated for this part  
8 shall be set aside, consistent with part FF, for use by the  
9 Director of the Office of Juvenile Crime Control and Pre-  
10 vention for research, statistics, and evaluation activities  
11 consistent with this part.

12 **“SEC. 3208. REPORT.**

13 “Recipients of Federal funds pursuant to this part  
14 shall submit to the Director of the Office of Juvenile  
15 Crime Control and Prevention such reports as may be rea-  
16 sonably requested to describe progress achieved in carry-  
17 ing programs funded under this part.

18 **“SEC. 3209. AUTHORIZATION OF APPROPRIATIONS.**

19 “There are authorized to be appropriated to carry out  
20 this part to remain available until expended—

21 “(1) \$17,000,000 for fiscal year 1998; and

22 “(2) such sums as may be necessary for each  
23 of the fiscal years 1999, 2000, and 2001.”.

24 **“SEC. 7206. RESEARCH, STATISTICS, AND EVALUATION.**

25 (a) SHORT TITLE.—This section may be cited as the  
26 “Youth Violence Reduction Research Act of 1997”.

1 (b) RESEARCH, STATISTICS, EVALUATION.—Title I  
 2 of the Omnibus Crime Control and Safe Streets Act of  
 3 1968 (42 U.S.C. et seq.) is amended by adding after part  
 4 EE, the following new part:

5 **“PART FF—RESEARCH, STATISTICS, AND**  
 6 **EVALUATION”**

7 **“SEC. 3301. FEDERAL EFFORT.**

8 “(a) RESEARCH AND EVALUATION.—The Director of  
 9 the Office of Juvenile Crime Control and Prevention under  
 10 the supervision and direction of the Assistant Attorney  
 11 General for the Office of Justice Programs is authorized  
 12 to—

13 “(1) transfer funds to and enter into agree-  
 14 ments with the National Institute of Justice or, sub-  
 15 ject to the approval of the Assistant Attorney Gen-  
 16 eral for the Office of Justice Programs, to another  
 17 Federal agency authorized by law to conduct re-  
 18 search or evaluation in juvenile justice matters, for  
 19 the purpose of providing research and evaluation to  
 20 address the reduction, control, and prevention of ju-  
 21 venile crime; the juvenile justice system; youth vio-  
 22 lence and other purposes consistent with Anti-Gang  
 23 and Youth Violence Act of 1997; and

24 “(2) plan and identify, in consultation with the  
 25 Director of the National Institute of Justice, the



1 purposes and goals of all grants, contracts, or agree-  
2 ments to be supported under this subsection.

3 “(b) STATISTICAL ANALYSIS.—The Director of the  
4 Office of Juvenile Crime Control and Prevention under the  
5 supervision and direction of the Assistant Attorney Gen-  
6 eral for the Office of Justice Programs is authorized to—

7 “(1) transfer funds to and enter into agree-  
8 ments with the Bureau of Justice Statistics or, sub-  
9 ject to the approval of the Assistant Attorney Gen-  
10 eral for the Office of Justice Programs, to another  
11 Federal agency authorized by law to undertake sta-  
12 tistical work in juvenile justice matters, for the pur-  
13 pose of providing for the collection, analysis, and  
14 dissemination of statistical data and information re-  
15 lating to juvenile crime; the juvenile justice system;  
16 youth violence and other purposes consistent with  
17 Anti-Gang and Youth Violence Act of 1997; and

18 “(2) plan and identify, in consultation with the  
19 Director of the Bureau of Justice Statistics, the pur-  
20 poses and goals of all grants, contracts, or agree-  
21 ments to be supported under this subsection.

22 **“SEC. 3302. AUTHORIZATION OF APPROPRIATIONS.**

23 “(a) In addition to such sums as authorized in other  
24 parts of title VII of the Anti-Gang and Youth Violence  
25 Act of 1997, there are authorized to be appropriated for

1 purposes authorized pursuant to section 3301(a) of this  
 2 title to be available until expended—

3 “(1) \$6,000,000 for fiscal year 1998; and

4 “(2) such sums as may be necessary for each  
 5 of the fiscal years 1999; 2000; and 2001.

6 “(b) In addition to such sums as authorized in other  
 7 parts of title VII of the Anti-Gang and Youth Violence  
 8 Act of 1997, there are authorized to be appropriated for  
 9 purposes authorized pursuant to section 3301(b) of this  
 10 title to be available until expended—

11 “(1) \$3,000,000 for fiscal year 1998; and

12 “(2) such sums as may be necessary for each  
 13 of the fiscal years 1999; 2000; and 2001.”.

14 **SEC. 7207. TRAINING AND TECHNICAL ASSISTANCE.**

15 Title I of the Omnibus Crime Control and Safe  
 16 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended  
 17 by adding after part FF, the following new part:

18 **“PART GG—TRAINING AND TECHNICAL**

19 **ASSISTANCE**

20 **“SEC. 3401. AUTHORITY TO MAKE GRANTS AND CON-**  
 21 **TRACTS.**

22 “(a) TRAINING.—The Director of the Office of Juve-  
 23 nile Crime Control and Prevention, under the supervision  
 24 and direction of the Assistant Attorney General for the  
 25 Office of Justice Programs, is authorized to—

1           “(1) develop and implement programs and ini-  
2           tiatives for the purpose of educating representatives  
3           and personnel from public and private agencies, in-  
4           cluding practitioners in the field of juvenile justice,  
5           law enforcement, the courts, corrections, the schools,  
6           and related services, in programs and practices con-  
7           sistent with the goals and purposes of the Anti-Gang  
8           and Youth Violence Act of 1997; and

9           “(2) award grants to and into cooperative  
10          agreements and contracts with public and private  
11          agencies, institutions, and organizations, including  
12          universities and other academic institutions, for the  
13          purpose of educating representatives and personnel  
14          from public and private agencies, including practi-  
15          tioners in the field of juvenile justice, law enforce-  
16          ment, the courts, corrections, the schools, and relat-  
17          ed services, in programs and practices consistent  
18          with the goals of the Anti-Gang and Youth Violence  
19          Act of 1997.

20          “(b) TECHNICAL ASSISTANCE.—The Director of the  
21          Office of Juvenile Crime Control and Prevention under the  
22          supervision of the Assistant Attorney General for the Of-  
23          fice of Justice Programs is authorized to—

1           “(1) develop and implement programs and ini-  
2           tiatives for the purpose of providing technical assist-  
3           ance to representatives and personnel from public  
4           and private agencies and organizations, including  
5           practitioners in the field of juvenile justice, law en-  
6           forcement, the courts, corrections, the schools, and  
7           related services, in the establishment, implementa-  
8           tion, and operation of programs and practices fund-  
9           ed under, and consistent with the Anti-Gang and  
10          Youth Violence Act of 1997; and

11          “(2) award grants to and enter into cooperative  
12          agreements and contracts with public and private  
13          agencies, institutions, and organizations, including  
14          universities and other academic institutions, for the  
15          purpose of providing technical assistance to rep-  
16          resentatives and personnel from public and private  
17          agencies, including practitioners in the field of juve-  
18          nile justice, law enforcement, the courts, corrections,  
19          the schools, and related services in the establish-  
20          ment, implementation, and operation of programs  
21          and practices funded under, and consistent with the  
22          Anti-Gang and Youth Violence Act of 1997.

23          “(c) INFORMATION DISSEMINATION.—The Director  
24          of the Office of Juvenile Crime Control and Prevention

1 under the supervision of the Assistant Attorney General  
2 for the Office of Justice Programs is authorized to—

3           “(1) review reports and data relating to juvenile  
4 justice in the United States and internationally, as  
5 appropriate, collect data and information from stud-  
6 ies and research into all aspects of juvenile delin-  
7 quency and crime, its causes, prevention, and treat-  
8 ment, and serve as a clearinghouse and information  
9 center for the preparation, publication, and dissemi-  
10 nation of information regarding juvenile crime, in-  
11 cluding State and local prevention and treatment  
12 programs, plans, resources, training and technical  
13 assistance programs, resources, and other pertinent  
14 data and information.

15           “(2) award grants to and enter into cooperative  
16 agreements and contracts with public and private  
17 agencies, institutions, and organizations, including  
18 universities and other academic institutions, for the  
19 purpose of disseminating information to representa-  
20 tives and personnel from public and private agencies,  
21 including practitioners in the field of juvenile justice,  
22 law enforcement, the courts, corrections, the schools,  
23 and related services in the establishment, implemen-  
24 tation, and operation of programs and practices

1 funded under, and consistent with the Anti-Gang  
2 and Youth Violence Act of 1997.

3 **“SEC. 3402. APPLICATIONS.**

4 “The Director of the Office of Juvenile Crime Control  
5 and Prevention shall establish guidelines governing the  
6 manner and content of applications for funding under this  
7 part.

8 **“SEC. 3403. ADMINISTRATION.**

9 “The Director of the Office of Juvenile Crime Control  
10 and Prevention under the supervision and direction of the  
11 Assistant Attorney General for the Office of Justice Pro-  
12 grams shall establish guidelines governing the administra-  
13 tion of this part. Such guidelines shall include procedures  
14 and methods for the distribution of funds, including the  
15 awarding of grants, cooperative agreements and contracts,  
16 made under this part.

17 **“SEC. 3404. AUTHORIZATION OF APPROPRIATIONS.**

18 “There are authorized to be appropriated to carry out  
19 this part to be available until expended—

20 “(1) \$10,000,000 for fiscal year 1998; and

21 “(2) such sums as may be necessary for each  
22 of the fiscal years 1999; 2000; and 2001.”.

1     **SUBTITLE C—MISSING AND EXPLOITED**  
2                     **CHILDREN**

3     **SEC. 7301. EXTENSION OF AUTHORIZATION AND USES OF**  
4                     **FUNDS.**

5         Section 5777 of title 42, United States Code, is  
6     amended by—

7             (1) striking the words “1993, 1994, 1995, and  
8         1996.” and inserting in their place the words “1998,  
9         1999, 2000, and 2001.”; and

10            (2) by designating the subsection beginning  
11         with the words “To carry out the provisions of” as  
12         subsection (a); and

13            (3) by adding after newly designated subsection  
14         (a), the following new subsection—

15         “(b) Of the funds appropriated under this sub-  
16         chapter, 10 percent shall be set aside for research, statis-  
17         tics, and evaluation consistent with the purposes of this  
18         subchapter; and two percent shall be set aside for training  
19         consistent with this subchapter.”.

20     **SEC. 7302. CORRECTIONS.**

21         Subchapter IV of 42 United States Code is amended  
22     by—

23             (1) striking 42 United States Code 5778(a)(b);  
24         and

25             (2) in 42 United States Code 5773(b)—

1 (A) striking the word “making” the first  
 2 time it appears and inserting in its place the  
 3 word “awarding”;

4 (B) inserting the words “or cooperative  
 5 agreements” between the word “grant” and the  
 6 word “to” the first time they appear; and

7 (C) striking the word “coordinating” the  
 8 first time it appears and inserting in its place  
 9 the word “coordinate”.

10 **SEC. 7303. CONFORMING AMENDMENT.**

11 Subchapter IV of title 42, United States Code, is  
 12 amended by—

13 (1) the word “Administrator” is replaced with  
 14 the word “Director” anywhere it appears; and

15 (2) the words “Office of Juvenile Justice and  
 16 Delinquency Prevention” are replaced with the  
 17 words “Office of Juvenile Crime Control and Pre-  
 18 vention” anywhere they appear; and

19 (3) the words “Administrator of the Office of  
 20 Juvenile Justice and Delinquency Prevention” are  
 21 replaced with the words “Director of the Office of  
 22 Juvenile Crime Control and Prevention” anywhere  
 23 they appear.

