

106TH CONGRESS
1ST SESSION

S. 254

AN ACT

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

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

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

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

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

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

TITLE I—JUVENILE JUSTICE REFORM

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

TITLE II—JUVENILE GANGS

- Sec. 201. Solicitation or recruitment of persons in criminal street gang activity.
 Sec. 202. Increased penalties for using minors to distribute drugs.
 Sec. 203. Penalties for use of minors in crimes of violence.
 Sec. 204. Criminal street gangs.
 Sec. 205. High intensity interstate gang activity areas.
 Sec. 206. Increasing the penalty for using physical force to tamper with witnesses, victims, or informants.
 Sec. 207. Authority to make grants to prosecutors' offices to combat gang crime and youth violence.
 Sec. 208. Increase in offense level for participation in crime as a gang member.
 Sec. 209. Interstate and foreign travel or transportation in aid of criminal gangs.
 Sec. 210. Prohibitions relating to firearms.
 Sec. 211. Clone pagers.

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

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

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

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

- Sec. 321. Block grant program.

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

Subtitle C—Alternative Education and Delinquency Prevention

- Sec. 331. Alternative education.

Subtitle D—Parenting as Prevention

- Sec. 341. Short title.
- Sec. 342. Establishment of program.
- Sec. 343. National Parenting Support and Education Commission.
- Sec. 344. State and local parenting support and education grant program.
- Sec. 345. Grants to address the problem of violence related stress to parents and children.

TITLE IV—VOLUNTARY MEDIA AGREEMENTS FOR CHILDREN’S PROTECTION

Subtitle A—Children and the Media.

- Sec. 401. Short title.
- Sec. 402. Findings.
- Sec. 403. Purposes; construction.
- Sec. 404. Exemption of voluntary agreements on guidelines for certain entertainment material from applicability of antitrust laws.
- Sec. 405. Exemption of activities to ensure compliance with ratings and labeling systems from applicability of antitrust laws.
- Sec. 406. Definitions.

Subtitle B—Other Matters.

- Sec. 411. Study of marketing practices of motion picture, recording, and video/ personal computer game industries.

TITLE V—GENERAL FIREARM PROVISIONS

- Sec. 501. Special licensees; special registrations.
- Sec. 502. Clarification of authority to conduct firearm transactions at gun shows.
- Sec. 503. “Instant check” gun tax and gun owner privacy.
- Sec. 504. Effective date.

TITLE VI—RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

- Sec. 601. Penalties for unlawful acts by juveniles.
- Sec. 602. Effective date.

TITLE VII—ASSAULT WEAPONS

- Sec. 701. Short title.
- Sec. 702. Ban on importing large capacity ammunition feeding devices.
- Sec. 703. Definition of large capacity ammunition feeding device.
- Sec. 704. Effective date.

TITLE VIII—EFFECTIVE GUN LAW ENFORCEMENT

Subtitle A—Criminal Use of Firearms by Felons

- Sec. 801. Short title.
- Sec. 802. Findings.
- Sec. 803. Criminal Use of Firearms by Felons Program.
- Sec. 804. Annual reports.
- Sec. 805. Authorization of appropriations.

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- Sec. 811. Apprehension and procedural treatment of armed violent criminals.

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Subtitle D—Gun Prosecution Data

- Sec. 831. Collection of gun prosecution data.

Subtitle E—Firearms Possession by Violent Juvenile Offenders

- Sec. 841. Prohibition on firearms possession by violent juvenile offenders.

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- Sec. 1501. Short title.
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TITLE XVI—MISCELLANEOUS PROVISIONS

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- Sec. 1601. Prohibition on firearms possession by violent juvenile offenders.
- Sec. 1602. Safe students.
- Sec. 1603. Study of marketing practices of the firearms industry.
- Sec. 1604. Provision of Internet filtering or screening software by certain Internet service providers.
- Sec. 1605. Application of section 923 (j) and (m).
- Sec. 1606. Constitutionality of memorial services and memorials at public schools.
- Sec. 1607. Twenty-first Amendment enforcement.
- Sec. 1608. Interstate shipment and delivery of intoxicating liquors.

- Sec. 1609. Disclaimer on materials produced, procured or distributed from funding authorized by this Act.
- Sec. 1610. Aimee's Law.
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- Sec. 1622. District judges for districts in the States of Arizona, Florida, and Nevada.
- Sec. 1623. Behavioral and social science research on youth violence.
- Sec. 1624. Sense of the Senate regarding mentoring programs.
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- Sec. 1627. Federal Judiciary Protection Act of 1999.
- Sec. 1628. Local enforcement of local alcohol prohibitions that reduce juvenile crime in remote Alaska villages.
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- Sec. 1632. Findings and sense of Congress.
- Sec. 1633. Prohibition on promoting violence on Federal property.
- Sec. 1634. Provisions relating to pawn shops and special licensees.
- Sec. 1635. Extension of Brady background checks to gun shows.
- Sec. 1636. Appropriate interventions and services; clarification of Federal law.
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- Sec. 1647. Additional findings; purpose.
- Sec. 1648. Matching grant programs for law enforcement bullet resistant equipment and for video cameras.
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- Sec. 1650. Technology development.
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Subtitle C—Animal Enterprise Terrorism and Ecoterrorism

- Sec. 1652. Enhancement of penalties for animal enterprise terrorism.
- Sec. 1653. National animal terrorism and ecoterrorism incident clearinghouse.

Subtitle D—Jail-Based Substance Abuse

- Sec. 1654. Jail-based substance abuse treatment programs.

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- Sec. 1656. Establishment of School Security Technology Center.
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- Sec. 1662. Findings; purpose.
- Sec. 1663. Prohibitions on uses of the Internet.
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- Sec. 1672. Findings.
- Sec. 1673. Purposes.
- Sec. 1674. Establishment of demonstration project.
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- Sec. 1681. Short title.
- Sec. 1682. Purposes.
- Sec. 1683. Establishment of National Youth Crime Prevention Demonstration Project.
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- Sec. 1691. Short title.
- Sec. 1692. National Youth Violence Commission.
- Sec. 1693. Duties of the Commission.
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Subtitle J—School Safety

Sec. 1698. Short title.

Sec. 1699. Amendments to the Individuals with Disabilities Education Act.

1 SEC. 2. FINDINGS AND PURPOSES.

2 (a) FINDINGS.—Congress finds that—

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

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

11 (3) in 1994—

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

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

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

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

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

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

22 (8) an effective strategy for reducing violent ju-
23 venile crime requires greater collection of investiga-
24 tive data and other information, such as fingerprints

1 and DNA evidence, as well as greater sharing of
2 such information—

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

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

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

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

17 (11) the injuries and losses suffered by the vic-
18 tims of violent crime are no less painful or dev-
19 astating because the offender is a juvenile; and

20 (12) the prevention, investigation, prosecution,
21 adjudication, and punishment of criminal offenses
22 committed by juveniles, and the rehabilitation and
23 correction of juvenile offenders are, and should re-
24 main, primarily the responsibility of the States, to

1 be carried out without interference from the Federal
2 Government.

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

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

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

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

20 **SEC. 3. SEVERABILITY.**

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

1 to any person or circumstance shall not be affected there-
2 by.

3 **TITLE I—JUVENILE JUSTICE**
4 **REFORM**

5 **SEC. 101. SURRENDER TO STATE AUTHORITIES.**

6 Section 5001 of title 18, United States Code, is
7 amended by striking the first undesignated paragraph and
8 inserting the following:

9 “Whenever any person who is less than 18 years of
10 age is been arrested and charged with the commission of
11 an offense (or an act of delinquency that would be an of-
12 fense were it committed by an adult) punishable in any
13 court of the United States or of the District of Columbia,
14 the United States Attorney for the district in which such
15 person has been arrested may forego prosecution pursuant
16 to section 5032(a)(2) if, after investigation by the United
17 States Attorney, it appears that—

18 “(1) such person has committed an act that is
19 also an offense or an act of delinquency under the
20 law of any State or the District of Columbia;

21 “(2) such State or the District of Columbia, as
22 applicable, can and will assume jurisdiction over
23 such juvenile and will take such juvenile into custody
24 and deal with the juvenile in accordance with the law

1 of such State or the District of Columbia, as appli-
 2 cable; and

3 “(3) it is in the best interests of the United
 4 States and of the juvenile offender.”.

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

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

8 **“§ 5032. Delinquency proceedings in district courts;**
 9 **juveniles tried as adults; transfer for**
 10 **other criminal prosecution**

11 “(a) IN GENERAL.—

12 “(1) DELINQUENCY PROCEEDINGS IN DISTRICT
 13 COURTS.—A juvenile who is alleged to have com-
 14 mitted a Federal offense shall, except as provided in
 15 paragraph (2), be tried in the appropriate district
 16 court of the United States—

17 “(A) in the case of an offense described in
 18 subsection (c), and except as provided in sub-
 19 section (i), if the juvenile was not less than 14
 20 years of age at the time of the offense, as an
 21 adult at the discretion of the United States At-
 22 torney in the appropriate jurisdiction, upon cer-
 23 tification by that United States Attorney (which
 24 certification shall not be subject to review in or

1 by any court, except as provided in subsection
2 (d)(2)) that—

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

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

8 “(B) in the case of a felony offense that is
9 not described in subsection (c), and except as
10 provided in subsection (i), if the juvenile was
11 not less than 14 years of age at the time of the
12 offense, as an adult, upon certification by the
13 Attorney General (which certification shall not
14 be subject to review in or by any court, except
15 as provided in subsection (d)(2)) that—

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

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

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

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

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

3 “(A) IN GENERAL.—If the United States
4 Attorney in the appropriate jurisdiction (or in
5 the case of an offense under paragraph (1)(B),
6 the Attorney General), declines prosecution of
7 an offense under this section, the matter may
8 be referred to the appropriate legal authorities
9 of the State or Indian tribe with jurisdiction
10 over both the offense and the juvenile.

11 “(B) APPLICATION TO CONCURRENT JU-
12 RISDICTION.—The United States Attorney in
13 the appropriate jurisdiction (or, in the case of
14 an offense under paragraph (1)(B), the Attor-
15 ney General), in cases in which both the Fed-
16 eral Government and a State or Indian tribe
17 have penal provisions that criminalize the con-
18 duct at issue and both have jurisdiction over
19 the juvenile, shall exercise a presumption in
20 favor of referral pursuant to subparagraph (A),
21 unless the United States Attorney pursuant to
22 paragraph (1)(A) (or the Attorney General pur-
23 suant to paragraph (1)(B)) certifies (which cer-
24 tification shall not be subject to review in or by
25 any court) that—

1 “(i) the prosecuting authority or the
2 juvenile court or other appropriate court of
3 the State or Indian tribe refuses, declines,
4 or will refuse or will decline to assume ju-
5 risdiction over the conduct or the juvenile;
6 and

7 “(ii) there is a substantial Federal in-
8 terest in the case or the offense to warrant
9 the exercise of Federal jurisdiction.

10 “(C) DEFINITION.—In this subsection, the
11 term ‘Indian tribe’ has the meaning given the
12 term in section 4(e) of the Indian Self-Deter-
13 mination and Education Assistance Act (25
14 U.S.C. 450b(e)).

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

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

23 “(1) is a serious violent felony or a serious drug
24 offense (as those terms are defined in section

1 3559(c), except that section 3559(c)(3) does not
2 apply to this subsection); or

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

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

7 “(1) IN GENERAL.—Except as otherwise pro-
8 vided in this subsection, a determination to approve
9 or not to approve, or to institute or not to institute,
10 a prosecution under subsection (a)(1) shall not be
11 reviewable in any court.

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

23 “(3) TIME REQUIREMENTS.—A motion by a de-
24 fendant under paragraph (2) shall not be considered

1 unless that motion is filed not later than 30 days
2 after the date on which the defendant—

3 “(A) appears through counsel to answer an
4 indictment; or

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

7 “(4) PROHIBITION.—The court shall not order
8 the transfer of a defendant to juvenile status under
9 paragraph (2) unless the defendant establishes by a
10 preponderance of the evidence or information that
11 removal to juvenile status would be in the interest
12 of justice. In making a determination under para-
13 graph (2), the court may consider—

14 “(A) the nature of the alleged offense, in-
15 cluding the extent to which the juvenile played
16 a leadership role in an organization, or other-
17 wise influenced other persons to take part in
18 criminal activities;

19 “(B) whether prosecution of the juvenile as
20 an adult is necessary to protect property or
21 public safety;

22 “(C) the age and social background of the
23 juvenile;

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

1 “(E) the intellectual development and psy-
2 chological maturity of the juvenile;

3 “(F) the nature of any treatment efforts
4 and the response of the juvenile to those efforts;
5 and

6 “(G) the availability of programs designed
7 to treat any identified behavioral problems of
8 the juvenile.

9 “(5) STATUS OF ORDERS.—

10 “(A) IN GENERAL.—An order of the court
11 made in ruling on a motion by a defendant to
12 transfer a defendant to juvenile status under
13 this subsection shall not be a final order for the
14 purpose of enabling an appeal, except that an
15 appeal by the United States shall lie to a court
16 of appeals pursuant to section 3731 from an
17 order of a district court removing a defendant
18 to juvenile status.

19 “(B) APPEALS.—Upon receipt of a notice
20 of appeal of an order under this paragraph, a
21 court of appeals shall hear and determine the
22 appeal on an expedited basis.

23 “(6) INADMISSIBILITY OF EVIDENCE.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), no statement made by a de-

1 fendant during or in connection with a hearing
 2 under this subsection shall be admissible
 3 against the defendant in any criminal prosecu-
 4 tion.

5 “(B) EXCEPTIONS.—The prohibition under
 6 subparagraph (A) shall apply, except—

7 “(i) for impeachment purposes; or

8 “(ii) in a prosecution for perjury or
 9 giving a false statement.

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

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

15 “(1) in the case of a juvenile tried as an adult
 16 under subsection (a), shall proceed in the same man-
 17 ner as is required by this title and by the Federal
 18 Rules of Criminal Procedure in any proceeding
 19 against an adult; and

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

24 “(f) APPLICATION OF LAWS.—

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

3 “(A) IN GENERAL.—Except as otherwise
4 provided in this chapter, and subject to sub-
5 paragraph (C) of this paragraph, in any case in
6 which a juvenile is prosecuted in a district court
7 of the United States as an adult, the juvenile
8 shall be subject to the same laws, rules, and
9 proceedings regarding sentencing (including the
10 availability of probation, restitution, fines, for-
11 feiture, imprisonment, and supervised release)
12 that would be applicable in the case of an adult,
13 except that no person shall be subject to the
14 death penalty for an offense committed before
15 the person attains the age of 18 years.

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

20 “(C) APPLICABLE GUIDELINES.—Each ju-
21 venile tried as an adult shall be sentenced in ac-
22 cordance with the Federal sentencing guidelines
23 promulgated under section 994(z) of title 28,
24 United States Code, once such guidelines are
25 promulgated and take effect.

1 “(2) APPLICABILITY OF MANDATORY RESTITU-
2 TION PROVISIONS TO CERTAIN JUVENILES.—If a ju-
3 venile is tried as an adult for any offense to which
4 the mandatory restitution provisions of sections
5 3663A, 2248, 2259, 2264, and 2323 apply, those
6 sections shall apply to that juvenile in the same
7 manner and to the same extent as those provisions
8 apply to adults.

9 “(g) OPEN PROCEEDINGS.—

10 “(1) IN GENERAL.—Any offense tried or adju-
11 dicated in a district court of the United States
12 under this section shall be open to the general pub-
13 lic, in accordance with rules 10, 26, 31(a), and 53
14 of the Federal Rules of Criminal Procedure, unless
15 good cause is established by the moving party or is
16 otherwise found by the court, for closure.

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

21 “(h) AVAILABILITY OF RECORDS.—

22 “(1) IN GENERAL.—In making a determination
23 concerning the arrest or prosecution of a juvenile in
24 a district court of the United States under this sec-
25 tion, the United States Attorney of the appropriate

1 jurisdiction, or, as appropriate, the Attorney Gen-
2 eral, shall have complete access to the prior Federal
3 juvenile records of the subject juvenile and, to the
4 extent permitted by State law, the prior State juve-
5 nile records of the subject juvenile.

6 “(2) CONSIDERATION OF ENTIRE RECORD.—In
7 any case in which a juvenile is found guilty or adju-
8 dicated delinquent in an action under this section,
9 the district court responsible for imposing sentence
10 shall have complete access to the prior Federal juve-
11 nile records of the subject juvenile and, to the extent
12 permitted under State law, the prior State juvenile
13 records of the subject juvenile. At sentencing, the
14 district court shall consider the entire available prior
15 juvenile record of the subject juvenile.

16 “(i) APPLICATION TO INDIAN COUNTRY.—Notwith-
17 standing sections 1152 and 1153, certification under sub-
18 paragraph (A) or (B) of subsection (a)(1) shall not be
19 made nor granted with respect to a juvenile who is subject
20 to the criminal jurisdiction of an Indian tribal government
21 if the juvenile is less than 15 years of age at the time
22 of offense and is alleged to have committed an offense for
23 which there would be Federal jurisdiction based solely on
24 commission of the offense in Indian country (as defined
25 in section 1151), unless the governing body of the tribe

1 having jurisdiction over the place where the alleged offense
 2 was committed has, before the occurrence of the alleged
 3 offense, notified the Attorney General in writing of its
 4 election that prosecution as an adult may take place under
 5 this section.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) CHAPTER ANALYSIS.—The analysis for
 8 chapter 403 of title 18, United States Code, is
 9 amended by striking the item relating to section
 10 5032 and inserting the following:

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

11 (2) ADULT SENTENCING.—Section 3553 of title
 12 18, United States Code, is amended by adding at
 13 the end the following:

14 “(g) LIMITATION ON APPLICABILITY OF STATUTORY
 15 MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS
 16 YOUNGER THAN 16.—Notwithstanding any other provi-
 17 sion of law, in the case of a defendant convicted for con-
 18 duct that occurred before the juvenile attained the age of
 19 16 years, the court shall impose a sentence without regard
 20 to any statutory minimum sentence, if the court finds at
 21 sentencing, after affording the Government an opportunity
 22 to make a recommendation, that the juvenile has not been
 23 previously adjudicated delinquent for, or convicted of, a

1 serious violent felony or a serious drug offense (as those
2 terms are defined in section 3559(c)).

3 “(h) TREATMENT OF JUVENILE CRIMINAL HISTORY
4 IN FEDERAL SENTENCING.—

5 “(1) IN GENERAL.—

6 “(A) SENTENCING GUIDELINES.—Pursu-
7 ant to its authority under section 994 of title
8 28, the United States Sentencing Commission
9 (referred to in this subsection as the ‘Commis-
10 sion’) shall amend the Federal sentencing
11 guidelines to provide that, in determining the
12 criminal history score under the Federal sen-
13 tencing guidelines for any adult offender or any
14 juvenile offender being sentenced as an adult,
15 prior juvenile convictions and adjudications for
16 offenses described in paragraph (2) shall receive
17 a score similar to that which the defendant
18 would have received if those offenses had been
19 committed by the defendant as an adult, if any
20 portion of the sentence for the offense was im-
21 posed or served within 15 years after the com-
22 mencement of the instant offense.

23 “(B) REVIEWS.—The Commission shall re-
24 view the criminal history treatment of juvenile
25 adjudications or convictions for offenses other

1 than those described in paragraph (2) to deter-
 2 mine whether the treatment should be adjusted
 3 as described in subparagraph (A), and make
 4 any amendments to the Federal sentencing
 5 guidelines as necessary to make whatever ad-
 6 justments the Commission concludes are nec-
 7 essary to implement the results of the review.

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

10 “(A) crime of violence;

11 “(B) controlled substance offense;

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

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

18 “(3) DEFINITIONS.—The Federal sentencing
 19 guidelines described in paragraph (1) shall define
 20 the terms ‘crime of violence’ and ‘controlled sub-
 21 stance offense’ in substantially the same manner as
 22 those terms are defined in Guideline Section 4B1.2
 23 of the November 1, 1995, Guidelines Manual.

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

1 “(A) shall assign criminal history points
2 for juvenile adjudications based principally on
3 the nature of the acts committed by the juve-
4 nile; an

5 “(B) may provide for some adjustment of
6 the score in light of the length of sentence the
7 juvenile received.

8 “(5) EMERGENCY AUTHORITY.—The Commis-
9 sion shall promulgate the Federal sentencing guide-
10 lines and amendments under this subsection as soon
11 as practicable, and in any event not later than 90
12 days after the date of enactment of the Violent and
13 Repeat Juvenile Offender Accountability and Reha-
14 bilitation Act of 1999, in accordance with the proce-
15 dures set forth in section 21(a) of the Sentencing
16 Act of 1987, as though the authority under that au-
17 thority had not expired, except that the Commission
18 shall submit to Congress the emergency guidelines
19 or amendments promulgated under this section, and
20 shall set an effective date for those guidelines or
21 amendments not earlier than 30 days after their
22 submission to Congress.

23 “(6) CAREER OFFENDER DETERMINATION.—
24 Pursuant to its authority under section 994 of title
25 28, the Commission shall amend the Federal sen-

1 tencing guidelines to provide for inclusion, in any de-
 2 termination regarding whether a juvenile or adult
 3 defendant is a career offender under section 994(h)
 4 of title 28, and any computation of the sentence that
 5 any defendant found to be a career offender should
 6 receive, of any act for which the defendant was pre-
 7 viously convicted or adjudicated delinquent as a ju-
 8 venile that would be a felony covered by that section
 9 if it had been committed by the defendant as an
 10 adult.”.

11 **SEC. 103. DEFINITIONS.**

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

14 **“§ 5031. Definitions**

15 “In this chapter:

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

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

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

1 “(B) for the purpose of proceedings and
 2 disposition under this chapter for an alleged act
 3 of juvenile delinquency, a person who has not
 4 attained the age of 21 years.

5 “(3) JUVENILE DELINQUENCY.—The term ‘ju-
 6 venile delinquency’ means the violation of a law of
 7 the United States committed by a person before the
 8 eighteenth birthday of that person, if the violation—

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

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

12 “(4) PROHIBITED PHYSICAL CONTACT.—

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

15 “(i) any physical contact between a
 16 juvenile and an adult inmate; and

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

20 “(B) EXCLUSION.—The term does not in-
 21 clude supervised proximity between a juvenile
 22 and an adult inmate that is brief and inad-
 23 vertent, or accidental, in secure areas of a facil-
 24 ity that are not dedicated to use by juvenile of-
 25 fenders and that are nonresidential, which may

1 include dining, recreational, educational, voca-
2 tional, health care, entry areas, and passage-
3 ways.

4 “(5) SUSTAINED ORAL COMMUNICATION.—

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

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

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

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

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

23 “(7) VIOLENT JUVENILE.—The term ‘violent
24 juvenile’ means any juvenile who is alleged to have
25 committed, has been adjudicated delinquent for, or

1 has been convicted of an offense that, if committed
 2 by an adult, would be a crime of violence (as defined
 3 in section 16).”.

4 **SEC. 104. NOTIFICATION AFTER ARREST.**

5 Section 5033 of title 18, United States Code, is
 6 amended—

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

13 (2) in the second sentence of the second undes-
 14 ignated paragraph, by inserting before the period at
 15 the end the following: “, and the juvenile shall not
 16 be subject to detention under conditions that permit
 17 prohibited physical contact with adult inmates or in
 18 which the juvenile and an adult inmate can engage
 19 in sustained oral communication”.

20 **SEC. 105. RELEASE AND DETENTION PRIOR TO DISPOSI-**
 21 **TION.**

22 (a) DUTIES OF MAGISTRATE.—Section 5034 of title
 23 18, United States Code, is amended—

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

1 “(a) IN GENERAL.—

2 “(1) REPRESENTATION BY COUNSEL.—The
3 magistrate shall ensure”;

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

6 “(2) GUARDIAN AD LITEM.—The magistrate
7 may appoint”;

8 (3) by striking “If the juvenile” and inserting
9 the following:

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

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

13 “(c) RELEASE OF CERTAIN JUVENILES.—A juvenile
14 who is to be tried as an adult pursuant to section 5032
15 shall be released pending trial only in accordance with the
16 applicable provisions of chapter 207. The release shall be
17 conducted in the same manner and shall be subject to the
18 same terms, conditions, and sanctions for violation of a
19 release condition as provided for an adult under chapter
20 207.

21 “(d) PENALTY FOR AN OFFENSE COMMITTED WHILE
22 ON RELEASE.—

23 “(1) IN GENERAL.—A juvenile alleged to have
24 committed, while on release under this section, an
25 offense that, if committed by an adult, would be a

1 Federal criminal offense, shall be subject to prosecu-
 2 tion under section 5032.

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

8 (b) DETENTION PRIOR TO DISPOSITION.—Section
 9 5035 of title 18, United States Code, is amended—

10 (1) by striking “A juvenile” and inserting the
 11 following:

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

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

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

18 (B) after the fourth sentence, by inserting
 19 the following: “To the extent practicable, vio-
 20 lent juveniles shall be kept separate from non-
 21 violent juveniles.”; and

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

23 “(b) DETENTION OF CERTAIN JUVENILES.—

24 “(1) IN GENERAL.—A juvenile who is to be
 25 tried as an adult pursuant to section 5032 shall be

1 subject to detention in accordance with chapter 207
 2 in the same manner, to the same extent, and subject
 3 to the same terms and conditions as an adult would
 4 be subject to under that chapter.

5 “(2) EXCEPTION.—A juvenile shall not be de-
 6 tained or confined in any institution in which the ju-
 7 venile has prohibited physical contact or sustained
 8 oral communication with adult inmates. To the ex-
 9 tent practicable, violent juveniles shall be kept sepa-
 10 rate from nonviolent juveniles.”.

11 **SEC. 106. SPEEDY TRIAL.**

12 Section 5036 of title 18, United States Code, is
 13 amended—

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

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

18 (3) by striking “the court,” and all that follows
 19 through the end of the section and inserting the fol-
 20 lowing: “the court. The periods of exclusion under
 21 section 3161(h) shall apply to this section. In deter-
 22 mining whether an information should be dismissed
 23 with or without prejudice, the court shall consider
 24 the seriousness of the alleged act of juvenile delin-
 25 quency, the facts and circumstances of the case that

1 led to the dismissal, and the impact of a reprosecu-
2 tion on the administration of justice.”.

3 **SEC. 107. DISPOSITIONAL HEARINGS.**

4 Section 5037 of title 18, United States Code, is
5 amended—

6 (1) by striking subsection (a) and inserting the
7 following:

8 “(a) IN GENERAL.—

9 “(1) DISPOSITIONAL HEARING.—

10 “(A) IN GENERAL.—In a proceeding under
11 section 5032(a)(1)(D), if the court finds a juve-
12 nile to be a juvenile delinquent, the court shall
13 hold a hearing concerning the appropriate dis-
14 position of the juvenile not later than 40 court
15 days after the finding of juvenile delinquency,
16 unless the court has ordered further study pur-
17 suant to subsection (e).

18 “(B) PREDISPOSITION REPORT.—A pre-
19 disposition report shall be prepared by the pro-
20 bation officer, who shall promptly provide a
21 copy to the juvenile, the juvenile’s counsel, and
22 the attorney for the Government. Victim impact
23 information shall be included in the predisposi-
24 tion report, and victims or, in appropriate
25 cases, their official representatives, shall be pro-

1 vided the opportunity to make a statement to
 2 the court in person or to present any informa-
 3 tion in relation to the disposition.

4 “(2) ACTIONS OF COURT AFTER HEARING.—
 5 After a dispositional hearing under paragraph (1),
 6 after considering any pertinent policy statements
 7 promulgated by the United States Sentencing Com-
 8 mission pursuant to section 994 of title 28, and in
 9 conformance with any guidelines promulgated by the
 10 United States Sentencing Commission pursuant to
 11 section 994(z)(1)(B) of title 28, the court shall—

12 “(A) place the juvenile on probation or
 13 commit the juvenile to official detention (includ-
 14 ing the possibility of a term of supervised re-
 15 lease), and impose any fine that would be au-
 16 thorized if the juvenile had been tried and con-
 17 victed as an adult; and

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

20 (2) in subsection (b)—

21 (A) in the matter preceding paragraph (1),
 22 by inserting “or supervised release” after “pro-
 23 bation”;

24 (B) by striking “extend—” and all that
 25 follows through “The provisions” and inserting

1 the following: “extend, in the case of a juvenile,
 2 beyond the maximum term of probation that
 3 would be authorized by section 3561, or beyond
 4 the maximum term of supervised release au-
 5 thorized by section 3583, if the juvenile had
 6 been tried and convicted as an adult. The provi-
 7 sions dealing with supervised release set forth
 8 in section 3583 and the provisions”; and

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

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

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

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

1 **“§ 5038. Use of juvenile records**

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

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

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

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

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

13 “(5) responding to an inquiry from a law en-
14 forcement agency, if the request for information is
15 related to the investigation of a crime or a position
16 within that agency or analysis requested by the At-
17 torney General;

18 “(6) responding to a written inquiry from the
19 director of a treatment agency or the director of a
20 facility to which the juvenile has been committed by
21 the court;

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

25 “(8) responding to an inquiry from any victim
26 of such juvenile delinquency or, if the victim is de-

1 ceased, from a member of the immediate family of
2 the victim, related to the final disposition of such ju-
3 venile by the court in accordance with section 5032
4 or 5037, as applicable; and

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

8 “(A) apprise the victim or representative of
9 the status or disposition of the proceeding;

10 “(B) effectuate any other provision of law;

11 or

12 “(C) assist in the allocution at disposition
13 of the victim or the representative of the victim.

14 “(b) RECORDS OF ADJUDICATION.—

15 “(1) TRANSMISSION TO FBI.—Upon an adju-
16 dication of delinquency under section 5032 or 5037,
17 the court shall transmit to the Director of the Fed-
18 eral Bureau of Investigation a record of such adju-
19 dication.

20 “(2) MAINTAINING RECORDS.—The Director of
21 the Federal Bureau of Investigation shall maintain,
22 in the central repository of the Federal Bureau of
23 Investigation, in accordance with the established
24 practices and policies relating to adult criminal his-

1 tory records of the Federal Bureau of
2 Investigation—

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

15 “(B) a fingerprint supported record of the
16 Federal adjudication of delinquency of any juve-
17 nile who commits an act that, if committed by
18 an adult, would be any felony offense (other
19 than an offense described in subparagraph (A))
20 that is equivalent to, and maintained and dis-
21 seminated in the same manner, as are adult
22 criminal history records for the same offenses—

23 “(i) for use by and within the criminal
24 justice system for the detection, apprehen-
25 sion, detention, pretrial release, post-trial

1 release, prosecution, adjudication, sen-
2 tencing, disposition, correctional super-
3 vision, or rehabilitation of an accused per-
4 son, criminal offender, or juvenile delin-
5 quent; and

6 “(ii) for purposes of responding to an
7 inquiry from an agency considering the
8 subject of the record for a position or
9 clearance immediately and directly affect-
10 ing national security.

11 “(3) AVAILABILITY OF RECORDS TO SCHOOLS
12 IN CERTAIN CIRCUMSTANCES.—Notwithstanding
13 paragraph (2), the Director of the Federal Bureau
14 of Investigation shall make an adjudication record of
15 a juvenile maintained pursuant to subparagraph (A)
16 or (B) of that paragraph, or conviction record de-
17 scribed in subsection (d), available to an official of
18 an elementary, secondary, or post-secondary school,
19 in appropriate circumstances (as defined by and
20 under rules issued by the Attorney General), if—

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

24 “(B) the school official is subject to the
25 same standards and penalties under applicable

1 Federal and State law relating to the handling
2 and disclosure of information contained in juve-
3 nile adjudication records as are employees of
4 law enforcement and juvenile justice agencies in
5 the State; and

6 “(C) information contained in the record is
7 not used for the sole purpose of denying admis-
8 sion.

9 “(c) NOTIFICATION OF RIGHTS.—A district court of
10 the United States that exercises jurisdiction over a juve-
11 nile shall notify the juvenile, and a parent or guardian
12 of the juvenile, in writing, and in clear and nontechnical
13 language, of the rights of the juvenile relating to the adju-
14 dication record of the juvenile. Any juvenile may petition
15 the court after a period of 5 years to have a record relating
16 to such juvenile and described in this section (except a
17 record relating to an offense described in subsection
18 (b)(2)(A)) removed from the Federal Bureau of Investiga-
19 tion database if that juvenile can establish by clear and
20 convincing evidence that the juvenile is no longer a danger
21 to the community.

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

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

3 **SEC. 109. IMPLEMENTATION OF A SENTENCE FOR JUVENILE OFFENDERS.**
 4

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

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

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

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

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

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

1 “(2) PROHIBITION.—The parent, guardian, or
 2 custodian of a juvenile sentenced to pay a fine may
 3 not be made liable for such payment by any court.

4 “(d) SEGREGATION OF JUVENILES; CONDITIONS OF
 5 CONFINEMENT.—

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

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

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

21 “(B) as appropriate, counseling, education,
 22 training, and medical care (including necessary
 23 psychiatric, psychological, or other care or
 24 treatment).

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

10 “(A) practicable;

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

12 and

13 “(C) consistent with the safety of the com-
 14 munity.”.

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

 “5039. Implementation of a sentence.”.

19 **SEC. 110. MAGISTRATE JUDGE AUTHORITY REGARDING JU-**
 20 **VENILE DEFENDANTS.**

21 Section 3401(g) of title 18, United States Code, is
 22 amended—

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

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

4 **SEC. 111. FEDERAL SENTENCING GUIDELINES.**

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

10 (b) GUIDELINES FOR JUVENILE CASES.—

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

14 “(z) GUIDELINES FOR JUVENILE CASES.—

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

“(A) guidelines, as described in this section, for use by a sentencing court in determining the sentence to be imposed in a criminal case if the defendant committed the offense as a juvenile, and is tried as an adult pursuant to section 5032 of title 18, United States Code; and

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

“(2) DETERMINATIONS.—In carrying out this subsection, the Commission shall make the determinations required by subsection (a)(1) and promulgate the policy statements and guidelines required by paragraphs (2) and (3) of subsection (a).

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

“(A) pursuant to paragraph (1)(A), shall presume the appropriateness of adult sentencing provisions, but may make such adjust-

ments to sentence lengths and to provisions governing downward departures from the guidelines as reflect the specific interests and circumstances of juvenile defendants; and

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

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

“(ii) effectuate a policy of an accountability-based juvenile justice system that provides substantial and appropriate sanctions, that are graduated to reflect the severity or repeated nature of violations, for each delinquent act, and reflect the specific interests and circumstances of juvenile defendants.

“(4) REVIEW PERIOD.—The review period specified by subsection (p) applies to guidelines promulgated pursuant to this subsection and any amendments to those guidelines.”.

(2) TECHNICAL CORRECTION TO ASSURE COMPLIANCE OF SENTENCING GUIDELINES WITH PROVISIONS OF ALL FEDERAL STATUTES.—Section 994(a)

1 of title 28, United States Code, is amended by strik-
2 ing “consistent with all pertinent provisions of this
3 title and title 18, United States Code,” and inserting
4 “consistent with all pertinent provisions of any Fed-
5 eral statute”.

6 **SEC. 112. STUDY AND REPORT ON INDIAN TRIBAL JURIS-**
7 **DICTION.**

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

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

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

1 **TITLE II—JUVENILE GANGS**

2 **SEC. 201. SOLICITATION OR RECRUITMENT OF PERSONS IN** 3 **CRIMINAL STREET GANG ACTIVITY.**

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

7 **“§ 522. Recruitment of persons to participate in** 8 **criminal street gang activity**

9 “(a) PROHIBITED ACT.—It shall be unlawful for any
 10 person, to use any facility in, or travel in, interstate or
 11 foreign commerce, or cause another to do so, to recruit,
 12 solicit, induce, command, or cause another person to be
 13 or remain as a member of a criminal street gang, or con-
 14 spire to do so, with the intent that the person being re-
 15 cruited, solicited, induced, commanded or caused to be or
 16 remain a member of such gang participate in an offense
 17 described in section 521(c) of this title.

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

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

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

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

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

8 “(c) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 “(b) DEFINITIONS.—In this section:

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

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

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

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

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

4 **SEC. 204. CRIMINAL STREET GANGS.**

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

7 (1) in subsection (a), in the second undesig-
 8 nated paragraph—

9 (A) by striking “5” and inserting “3”;

10 (B) by inserting “, whether formal or in-
 11 formal” after “or more persons”; and

12 (C) in subparagraph (A), by inserting “or
 13 activities” after “purposes”;

14 (2) in subsection (b), by inserting after “10
 15 years” the following: “and such person shall be sub-
 16 ject to the forfeiture prescribed in section 412 of the
 17 Controlled Substances Act (21 U.S.C. 853)”;

18 (3) in subsection (c)—

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

21 (B) in paragraph (3), by striking the pe-
 22 riod at the end and inserting a semicolon;

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

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

4 “(4) that is a violation of section 844, 875, or
5 876 (relating to extortion and threats), section 1084
6 (relating to gambling), section 1955 (relating to
7 gambling), or chapter 73 (relating to obstruction of
8 justice);

9 “(5) that is a violation of section 1956 (relating
10 to money laundering), to the extent that the viola-
11 tion of such section is related to a Federal or State
12 offense involving a controlled substance (as that
13 term is defined in section 102 of the Controlled Sub-
14 stances Act (21 U.S.C. 802)); or

15 “(6) that is a violation of section 274(a)(1)(A),
16 277, or 278 of the Immigration and Nationality Act
17 (8 U.S.C. 1324(a)(1)(A), 1327, or 1328) (relating
18 to alien smuggling); and

19 “(7) a conspiracy, attempt, or solicitation to
20 commit an offense described in paragraphs (1)
21 through (6).”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—
23 Section 3663(c)(4) of title 18, United States Code, is
24 amended by striking “chapter 46” and inserting “section
25 521, chapter 46,”.

1 **SEC. 205. HIGH INTENSITY INTERSTATE GANG ACTIVITY**
2 **AREAS.**

3 (a) DEFINITIONS.—In this section:

4 (1) GOVERNOR.—The term “Governor” means
5 a Governor of a State or the Mayor of the District
6 of Columbia.

7 (2) HIGH INTENSITY INTERSTATE GANG ACTIV-
8 ITY AREA.—The term “high intensity interstate
9 gang activity area” means an area within a State
10 that is designated as a high intensity interstate gang
11 activity area under subsection (b)(1).

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

14 (b) HIGH INTENSITY INTERSTATE GANG ACTIVITY
15 AREAS.—

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

21 (A) within a State; or

22 (B) in more than 1 State.

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

1 (A) facilitate the establishment of a re-
2 gional task force, consisting of Federal, State,
3 and local law enforcement authorities, for the
4 coordinated investigation, disruption, apprehen-
5 sion, and prosecution of criminal activities of
6 gangs and gang members in the high intensity
7 interstate gang activity area; and

8 (B) direct the detailing from any Federal
9 department or agency (subject to the approval
10 of the head of that department or agency, in
11 the case of a department or agency other than
12 the Department of Justice) of personnel to the
13 high intensity interstate gang activity area.

14 (3) CRITERIA FOR DESIGNATION.—In consid-
15 ering an area (within a State or within more than
16 1 State) for designation as a high intensity inter-
17 state gang activity area under this section, the At-
18 torney General shall consider—

19 (A) the extent to which gangs from the
20 area are involved in interstate or international
21 criminal activity;

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

24 (i) are located in, or have relocated
25 from, other States; or

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

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

6 (D) the extent to which State and local law
7 enforcement agencies have committed resources
8 to respond to the problem of criminal gang ac-
9 tivity in the area, as an indication of their de-
10 termination to respond aggressively to the prob-
11 lem;

12 (E) the extent to which a significant in-
13 crease in the allocation of Federal resources
14 would enhance local response to gang-related
15 criminal activities in the area; and

16 (F) any other criteria that the Attorney
17 General considers to be appropriate.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

1 (A) 60 percent shall be used to carry out
2 subsection (b)(2); and

3 (B) 40 percent shall be used to make
4 grants for community-based programs to pro-
5 vide crime prevention and intervention services
6 that are designed for gang members and at-risk
7 youth in areas designated pursuant to this sec-
8 tion as high intensity interstate gang activity
9 areas.

10 (3) REQUIREMENT.—

11 (A) IN GENERAL.—The Attorney General
12 shall ensure that not less than 10 percent of
13 amounts made available under paragraph (1) in
14 each fiscal year are used to assist rural States
15 affected as described in subparagraphs (B) and
16 (C) of subsection (b)(3).

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

1 **SEC. 206. INCREASING THE PENALTY FOR USING PHYSICAL**
 2 **FORCE TO TAMPER WITH WITNESSES, VIC-**
 3 **TIMS, OR INFORMANTS.**

4 Section 1512 of title 18, United States Code, is
 5 amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “as pro-
 8 vided in paragraph (2)” and inserting “as pro-
 9 vided in paragraph (3)”;

10 (B) by redesignating paragraph (2) as
 11 paragraph (3);

12 (C) by inserting after paragraph (1) the
 13 following:

14 “(2) USE OF PHYSICAL FORCE TO TAMPER
 15 WITH WITNESSES, VICTIMS, OR INFORMANTS.—Who-
 16 ever uses physical force or the threat of physical
 17 force against any person, or attempts to do so, with
 18 intent to—

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

21 “(B) cause or induce any person to—

22 “(i) withhold testimony, or withhold a
 23 record, document, or other object, from an
 24 official proceeding;

25 “(ii) alter, destroy, mutilate, or con-
 26 ceal an object with intent to impair the ob-

1 ject’s integrity or availability for use in an
2 official proceeding;

3 “(iii) evade legal process summoning
4 that person to appear as a witness, or to
5 produce a record, document, or other ob-
6 ject, in an official proceeding; or

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

10 “(C) hinder, delay, or prevent the commu-
11 nication to a law enforcement officer or judge
12 of the United States of information relating to
13 the commission or possible commission of a
14 Federal offense or a violation of conditions of
15 probation, parole, or release pending judicial
16 proceedings;

17 shall be punished as provided in paragraph (3).”;
18 and

19 (D) in paragraph (3), as redesignated, by
20 striking subparagraph (B) and inserting the fol-
21 lowing:

22 “(B) in the case of—

23 “(i) an attempt to murder; or

24 “(ii) the use of physical force against
25 any person;

1 imprisonment for not more than 20 years.”;

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

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

5 “(j) CONSPIRACY.—Whoever conspires to commit any
6 offense under this section or section 1513 shall be subject
7 to the same penalties as those prescribed for the offense
8 the commission of which was the object of the con-
9 spiracy.”.

10 **SEC. 207. AUTHORITY TO MAKE GRANTS TO PROSECUTORS’**

11 **OFFICES TO COMBAT GANG CRIME AND**

12 **YOUTH VIOLENCE.**

13 (a) IN GENERAL.—Section 31702 of subtitle Q of
14 title III of the Violent Crime Control and Law Enforce-
15 ment Act of 1994 (42 U.S.C. 13862) is amended—

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

18 (2) in paragraph (4), by striking the period at
19 the end and inserting a semicolon; and

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

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

1 “(6) to provide funding to enable prosecutors to
 2 address drug, gang, and youth violence problems
 3 more effectively;

4 “(7) to provide funding to assist prosecutors
 5 with funding for technology, equipment, and training
 6 to assist prosecutors in reducing the incidence of,
 7 and increase the successful identification and speed
 8 of prosecution of young violent offenders; and

9 “(8) to provide funding to assist prosecutors in
 10 their efforts to engage in community prosecution,
 11 problem solving, and conflict resolution techniques
 12 through collaborative efforts with police, school offi-
 13 cials, probation officers, social service agencies, and
 14 community organizations.”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 16 31707 of subtitle Q of title III of the Violent Crime Con-
 17 trol and Law Enforcement Act of 1994 (42 U.S.C. 13867)
 18 is amended to read as follows:

19 **“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated to carry out
 21 this subtitle, \$50,000,000 for 2000 through 2004.”.

22 **SEC. 208. INCREASE IN OFFENSE LEVEL FOR PARTICIPA-**
 23 **TION IN CRIME AS A GANG MEMBER.**

24 (a) DEFINITION OF CRIMINAL STREET GANG.—In
 25 this section, the term “criminal street gang” has the

1 meaning given that term in section 521(a) of title 18,
2 United States Code, as amended by section 204 of this
3 Act.

4 (b) AMENDMENT OF SENTENCING GUIDELINES.—

5 (1) IN GENERAL.—Pursuant to its authority
6 under section 994(p) of title 28, United States Code,
7 the United States Sentencing Commission shall
8 amend the Federal Sentencing Guidelines to provide
9 an appropriate enhancement for any Federal offense
10 described in section 521(c) of title 18, United States
11 Code as amended by section 204 of this Act, if the
12 offense was both committed in connection with, or in
13 furtherance of, the activities of a criminal street
14 gang and the defendant was a member of the crimi-
15 nal street gang at the time of the offense.

16 (2) FACTORS TO BE CONSIDERED.—In deter-
17 mining an appropriate enhancement under this sec-
18 tion, the United States Sentencing Commission shall
19 give great weight to the seriousness of the offense,
20 the offender's relative position in the criminal gang,
21 and the risk of death or serious bodily injury to any
22 person posed by the offense.

23 (c) CONSTRUCTION WITH OTHER GUIDELINES.—

24 The amendment made by subsection (b) shall provide that
25 the increase in the offense level shall be in addition to any

1 other adjustment under chapter 3 of the Federal Sen-
 2 tencing Guidelines.

3 **SEC. 209. INTERSTATE AND FOREIGN TRAVEL OR TRANS-**
 4 **PORTATION IN AID OF CRIMINAL GANGS.**

5 (a) TRAVEL ACT AMENDMENT.—Section 1952 of
 6 title 18, United States Code, is amended to read as fol-
 7 lows:

8 **“§ 1952. Interstate and foreign travel or transpor-**
 9 **tation in aid of racketeering enterprises**

10 “(a) PROHIBITED CONDUCT AND PENALTIES.—

11 “(1) IN GENERAL.—Whoever—

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

15 “(i) distribute the proceeds of any un-
 16 lawful activity; or

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

21 “(B) after travel or use of the mail or any
 22 facility in interstate or foreign commerce de-
 23 scribed in subparagraph (A), performs, at-
 24 tempts to perform, or conspires to perform an

1 act described in clause (i) or (ii) of subpara-
2 graph (A);
3 shall be fined under this title, imprisoned not more
4 than 10 years, or both.

5 “(2) CRIMES OF VIOLENCE.—Whoever—

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

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

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

20 “(b) DEFINITIONS.—In this section:

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

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

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

7 “(A) any business enterprise involving
8 gambling, liquor on which the Federal excise
9 tax has not been paid, narcotics or controlled
10 substances, or prostitution offenses in violation
11 of the laws of the State in which the offense is
12 committed or of the United States;

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

22 “(C) the use of bribery, force, intimidation,
23 or threat, directed against any person, to delay
24 or influence the testimony of or prevent from
25 testifying a witness in a State criminal pro-

ceeding or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object's integrity or availability for use in such a proceeding; or

“(D) any act that is indictable under section 1956 or 1957 of this title or under subchapter II of chapter 53 of title 31.”.

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines to provide an appropriate increase in the offense levels for traveling in interstate or foreign commerce in aid of unlawful activity.

(2) UNLAWFUL ACTIVITY DEFINED.—In this subsection, the term “unlawful activity” has the meaning given that term in section 1952(b) of title 18, United States Code, as amended by this section.

(3) SENTENCING ENHANCEMENT FOR RECRUITMENT ACROSS STATE LINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines

1 to provide an appropriate enhancement for a person
2 who, in violating section 522 of title 18, United
3 States Code (as added by section 201 of this Act),
4 recruits, solicits, induces, commands, or causes an-
5 other person residing in another State to be or to re-
6 main a member of a criminal street gang, or crosses
7 a State line with the intent to recruit, solicit, induce,
8 command, or cause another person to be or to re-
9 main a member of a criminal street gang.

10 **SEC. 210. PROHIBITIONS RELATING TO FIREARMS.**

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

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

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

16 and

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

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

21 (b) **TRANSFER OF FIREARMS TO MINORS FOR USE**
22 **IN CRIME.**—Section 924(h) of title 18, United States
23 Code, is amended by inserting “and if the transferee is
24 a person who is under 18 years of age, imprisoned not
25 less than 3 years,” after “10 years,”.

1 **SEC. 211. CLONE PAGERS.**

2 (a) IN GENERAL.—Section 2511(2)(h) of title 18,
3 United States Code, is amended by striking clause (i) and
4 inserting the following:

5 “(i) to use a pen register, trap and trace device,
6 or clone pager, as those terms are defined in chapter
7 206 of this title (relating to pen registers, trap and
8 trace devices, and clone pagers); or”;

9 (b) EXCEPTION.—Section 3121 of title 18, United
10 States Code, is amended—

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

13 “(a) IN GENERAL.—Except as provided in this sec-
14 tion, no person may install or use a pen register, trap and
15 trace device, or clone pager without first obtaining a court
16 order under section 3123 or 3129 of this title, or under
17 the Foreign Intelligence Surveillance Act of 1978 (50
18 U.S.C. 1801 et seq.).”;

19 (2) in subsection (b), by striking “a pen reg-
20 ister or a trap and trace device” and inserting “a
21 pen register, trap and trace device, or clone pager”;
22 and

23 (3) by striking the section heading and insert-
24 ing the following:

1 **“§ 3121. General prohibition on pen register, trap and**
2 **trace device, and clone pager use; excep-**
3 **tion”.**

4 (c) ASSISTANCE.—Section 3124 of title 18, United
5 States Code, is amended—

6 (1) by redesignating subsections (c) through (f)
7 as subsections (d) through (g), respectively;

8 (2) by inserting after subsection (b) the fol-
9 lowing:

10 “(c) CLONE PAGER.—Upon the request of an attor-
11 ney for the Government or an officer of a law enforcement
12 agency authorized to use a clone pager under this chapter,
13 a provider of electronic communication service shall fur-
14 nish to such investigative or law enforcement officer all
15 information, facilities, and technical assistance necessary
16 to accomplish the use of the clone pager unobtrusively and
17 with a minimum of interference with the services that the
18 person so ordered by the court provides to the subscriber,
19 if such assistance is directed by a court order, as provided
20 in section 3129(b)(2) of this title.”; and

21 (3) by striking the section heading and insert-
22 ing the following:

1 **“§ 3124. Assistance in installation and use of a pen**
2 **register, trap and trace device, or clone**
3 **pager”.**

4 (d) EMERGENCY INSTALLATIONS.—Section 3125 of
5 title 18, United States Code, is amended—

6 (1) by striking “pen register or a trap and
7 trace device” and “pen register or trap and trace de-
8 vice” each place they appear and inserting “pen reg-
9 ister, trap and trace device, or clone pager”;

10 (2) in subsection (a), by striking “an order ap-
11 proving the installation or use is issued in accord-
12 ance with section 3123 of this title” and inserting
13 “an application is made for an order approving the
14 installation or use in accordance with section 3122
15 or section 3128 of this title”;

16 (3) in subsection (b), by adding at the end the
17 following: “If such application for the use of a clone
18 pager is denied, or in any other case in which the
19 use of the clone pager is terminated without an
20 order having been issued, an inventory shall be
21 served as provided for in section 3129(e) of this
22 title.”; and

23 (4) by striking the section heading and insert-
24 ing the following:

1 **“§ 3125. Emergency installation and use of pen reg-**
 2 **ister, trap and trace device, and clone**
 3 **pager”.**

4 (e) REPORTS.—Section 3126 of title 18, United
 5 States Code, is amended—

6 (1) by striking “pen register orders and orders
 7 for trap and trace devices” and inserting “orders for
 8 pen registers, trap and trace devices, and clone
 9 pagers”; and

10 (2) by striking the section heading and insert-
 11 ing the following:

12 **“§ 3126. Reports concerning pen registers, trap and**
 13 **trace devices, and clone pagers”.**

14 (f) DEFINITIONS.—Section 3127 of title 18, United
 15 States Code, is amended—

16 (1) in paragraph (2)—

17 (A) in subparagraph (A), by striking “or”
 18 at the end; and

19 (B) by striking subparagraph (B) and in-
 20 serting the following:

21 “(B) with respect to an application for the
 22 use of a pen register or trap and trace device,
 23 a court of general criminal jurisdiction of a
 24 State authorized by the law of that State to
 25 enter orders authorizing the use of a pen reg-
 26 ister or a trap and trace device; or

1 “(C) with respect to an application for the
 2 use of a clone pager, a court of general criminal
 3 jurisdiction of a State authorized by the law of
 4 that State to issue orders authorizing the use of
 5 a clone pager;”;

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

8 (3) in paragraph (6), by striking the period at
 9 the end and inserting “; and”; and

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

11 “(7) the term ‘clone pager’ means a numeric
 12 display device that receives communications intended
 13 for another numeric display paging device.”.

14 (g) APPLICATIONS.—Chapter 206 of title 18, United
 15 States Code, is amended by adding at the end the fol-
 16 lowing:

17 **“§ 3128. Application for an order for use of a clone**
 18 **pager**

19 “(a) APPLICATION.—

20 “(1) FEDERAL REPRESENTATIVES.—Any attor-
 21 ney for the Government may apply to a court of
 22 competent jurisdiction for an order or an extension
 23 of an order under section 3129 of this title author-
 24 izing the use of a clone pager.

1 “(2) STATE REPRESENTATIVES.—A State in-
2 vestigative or law enforcement officer may, if author-
3 ized by a State statute, apply to a court of com-
4 petent jurisdiction of such State for an order or an
5 extension of an order under section 3129 of this title
6 authorizing the use of a clone pager.

7 “(b) CONTENTS OF APPLICATION.—An application
8 under subsection (a) of this section shall include—

9 “(1) the identity of the attorney for the Govern-
10 ment or the State law enforcement or investigative
11 officer making the application and the identity of the
12 law enforcement agency conducting the investiga-
13 tion;

14 “(2) the identity, if known, of the individual or
15 individuals using the numeric display paging device
16 to be cloned;

17 “(3) a description of the numeric display paging
18 device to be cloned;

19 “(4) a description of the offense to which the
20 information likely to be obtained by the clone pager
21 relates;

22 “(5) the identity, if known, of the person who
23 is subject of the criminal investigation; and

24 “(6) an affidavit or affidavits, sworn to before
25 the court of competent jurisdiction, establishing

1 probable cause to believe that information relevant
2 to an ongoing criminal investigation being conducted
3 by that agency will be obtained through use of the
4 clone pager.

5 **“§ 3129. Issuance of an order for use of a clone pager**

6 “(a) IN GENERAL.—Upon an application made under
7 section 3128 of this title, the court shall enter an ex parte
8 order authorizing the use of a clone pager within the juris-
9 diction of the court if the court finds that the application
10 has established probable cause to believe that information
11 relevant to an ongoing criminal investigation being con-
12 ducted by that agency will be obtained through use of the
13 clone pager.

14 “(b) CONTENTS OF AN ORDER.—An order issued
15 under this section—

16 “(1) shall specify—

17 “(A) the identity, if known, of the indi-
18 vidual or individuals using the numeric display
19 paging device to be cloned;

20 “(B) the numeric display paging device to
21 be cloned;

22 “(C) the identity, if known, of the sub-
23 scriber to the pager service; and

1 “(D) the offense to which the information
2 likely to be obtained by the clone pager relates;
3 and

4 “(2) shall direct, upon the request of the appli-
5 cant, the furnishing of information, facilities, and
6 technical assistance necessary to use the clone pager
7 under section 3124 of this title.

8 “(c) TIME PERIOD AND EXTENSIONS.—

9 “(1) IN GENERAL.—An order issued under this
10 section shall authorize the use of a clone pager for
11 a period not to exceed 30 days. Such 30-day period
12 shall begin on the earlier of the day on which the
13 investigative or law enforcement officer first begins
14 use of the clone pager under the order or the tenth
15 day after the order is entered.

16 “(2) EXTENSIONS.—Extensions of an order
17 issued under this section may be granted, but only
18 upon an application for an order under section 3128
19 of this title and upon the judicial finding required by
20 subsection (a). An extension under this paragraph
21 shall be for a period not to exceed 30 days.

22 “(3) REPORT.—Within a reasonable time after
23 the termination of the period of a clone pager order
24 or any extensions thereof under this subsection, the
25 applicant shall report to the issuing court the num-

1 ber of numeric pager messages acquired through the
2 use of the clone pager during such period.

3 “(d) NONDISCLOSURE OF EXISTENCE OF CLONE
4 PAGER.—An order authorizing the use of a clone pager
5 shall direct that—

6 “(1) the order shall be sealed until otherwise
7 ordered by the court; and

8 “(2) the person who has been ordered by the
9 court to provide assistance to the applicant may not
10 disclose the existence of the clone pager or the exist-
11 ence of the investigation to the listed subscriber, or
12 to any other person, until otherwise ordered by the
13 court.

14 “(e) NOTIFICATION.—

15 “(1) IN GENERAL.—Within a reasonable time,
16 not later than 90 days after the date of termination
17 of the period of a clone pager order or any exten-
18 sions thereof, the issuing judge shall cause to be
19 served, on the individual or individuals using the nu-
20 meric display paging device that was cloned, an in-
21 ventory including notice of—

22 “(A) the fact of the entry of the order or
23 the application;

1 “(B) the date of the entry and the period
2 of clone pager use authorized, or the denial of
3 the application; and

4 “(C) whether or not information was ob-
5 tained through the use of the clone pager.

6 “(2) POSTPONEMENT.—Upon an ex-parte show-
7 ing of good cause, a court of competent jurisdiction
8 may in its discretion postpone the serving of the no-
9 tice required by this subsection.”.

10 (h) CLERICAL AMENDMENTS.—The table of sections
11 for chapter 206 of title 18, United States Code, is
12 amended—

13 (1) by striking the item relating to section 3121
14 and inserting the following:

“3121. General prohibition on pen register, trap and trace device, and clone
pager use; exception.”;

15 (2) by striking the items relating to sections
16 3124, 3125, and 3126 and inserting the following:

“3124. Assistance in installation and use of a pen register, trap and trace de-
vice, or clone pager.

“3125. Emergency installation and use of pen register, trap and trace device,
and clone pager.

“3126. Reports concerning pen registers, trap and trace devices, and clone
pagers.”; and

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

“3128. Application for an order for use of a clone pager.

“3129. Issuance of an order for use of a clone pager”.

18 (i) CONFORMING AMENDMENT.—Section 704(a) of
19 the Communications Act of 1934 (47 U.S.C. 605(a)) is

1 amended by striking “chapter 119,” and inserting “chap-
2 ters 119 and 206 of”.

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

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

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

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

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

17 **“SEC. 101. FINDINGS.**

18 “Congress makes the following findings:

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

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

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

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

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

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

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

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

1 “(8) Existing Federal programs have not pro-
2 vided the States with necessary flexibility, nor have
3 these programs provided the coordination, resources,
4 and leadership required to meet the crisis of youth
5 violence.

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

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

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

1 “(12) A strong partnership among law enforce-
2 ment, local government, juvenile and family courts,
3 schools, public recreation agencies, businesses, phil-
4 anthropic organizations, families, and the religious
5 community, can create a community environment
6 that supports the youth of the Nation in reaching
7 their highest potential and reduces the destructive
8 trend of juvenile crime.

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

10 “(a) IN GENERAL.—The purposes of this Act are
11 to—

12 “(1) empower States and communities to de-
13 velop and implement comprehensive programs that
14 support families, reduce risk factors, and prevent se-
15 rious youth crime and juvenile delinquency;

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

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

1 “(4) provide for the thorough and ongoing eval-
2 uation of all federally funded programs addressing
3 juvenile crime and delinquency;

4 “(5) provide technical assistance to public and
5 private nonprofit entities that protect public safety,
6 administer justice and corrections to delinquent
7 youth, or provide services to youth at risk of delin-
8 quency, and their families;

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

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

16 “(8) assist States and units of local government
17 in improving the administration of justice for juve-
18 niles;

19 “(9) assist the States and units of local govern-
20 ment in reducing the level of youth violence and ju-
21 venile delinquency;

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

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

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

7 “(13) assist States and units of local govern-
8 ment in promoting public safety by improving the
9 extent, accuracy, availability and usefulness of juve-
10 nile court and law enforcement records and the
11 openness of the juvenile justice system;

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

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

19 “(16) provide for the evaluation of federally as-
20 sisted juvenile crime control programs, and the
21 training necessary for the establishment and oper-
22 ation of such programs;

23 “(17) ensure the dissemination of information
24 regarding juvenile crime control programs by pro-
25 viding a national clearinghouse; and

1 “(18) provide technical assistance to public and
2 private nonprofit juvenile justice and delinquency
3 prevention programs.

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

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

9 “(2) enhance efforts to prevent juvenile crime
10 and delinquency; and

11 “(3) improve the quality of juvenile justice in
12 the United States.

13 **“SEC. 103. DEFINITIONS.**

14 “In this Act:

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

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

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

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

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

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

7 “(B) regular, remedial, special, and voca-
8 tional education;

9 “(C) counseling and treatment for sub-
10 stance abuse and other health and mental
11 health problems;

12 “(D) supervision by properly screened
13 staff, who are trained and experienced in work-
14 ing with juveniles or young adults, in highly
15 structured, disciplined surroundings, char-
16 acteristic of a military environment; and

17 “(E) participation in community service
18 programs, such as counseling sessions, men-
19 toring, community service, or restitution
20 projects, and a comprehensive aftercare plan
21 developed through close coordination with Fed-
22 eral, State, and local agencies, and in coopera-
23 tion with business and private organizations, as
24 appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(A) drug and alcohol abuse programs;

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

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

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

21 “(21) NATIONAL INSTITUTE OF JUSTICE.—The
22 term ‘National Institute of Justice’ means the insti-
23 tute established by section 202(a) of title I of the
24 Omnibus Crime Control and Safe Streets Act of
25 1968 (42 U.S.C. 3721).

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

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

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

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

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

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

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

14 “(27) PROHIBITED PHYSICAL CONTACT.—

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

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

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

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

ity that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

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

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

“(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28, Code of Federal Regulations, as in effect on December 10, 1996.

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

“(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

“(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an

1 offense or any other individual convicted of a
2 criminal offense.

3 “(30) SECURE DETENTION FACILITY.—The
4 term ‘secure detention facility’ means any public or
5 private residential facility that—

6 “(A) includes construction fixtures de-
7 signed to physically restrict the movements and
8 activities of juveniles or other individuals held
9 in lawful custody in such facility; and

10 “(B) is used for the temporary placement
11 of any juvenile who is accused of having com-
12 mitted an offense or of any other individual ac-
13 cused of having committed a criminal offense.

14 “(31) SERIOUS CRIME.—The term ‘serious
15 crime’ means criminal homicide, rape or other sex
16 offenses punishable as a felony, mayhem, kidnap-
17 ping, aggravated assault, drug trafficking, robbery,
18 larceny or theft punishable as a felony, motor vehicle
19 theft, burglary or breaking and entering, extortion
20 accompanied by threats of violence, and arson pun-
21 ishable as a felony.

22 “(32) STATE.—The term ‘State’ means any
23 State of the United States, the District of Columbia,
24 the Commonwealth of Puerto Rico, the Virgin Is-

1 lands, Guam, American Samoa, and the Common-
2 wealth of the Northern Mariana Islands.

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

8 “(34) SUSTAINED ORAL COMMUNICATION.—

9 “(A) IN GENERAL.—The term ‘sustained
10 oral communication’ means the imparting or
11 interchange of speech by or between an adult
12 inmate and a juvenile.

13 “(B) EXCEPTION.—The term does not
14 include—

15 “(i) communication that is accidental
16 or incidental; or

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

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

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

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

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

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

8 “(B) any law enforcement district or judi-
9 cial enforcement district that—

10 “(i) is established under applicable
11 State law; and

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

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

18 “(D) for the purposes of assistance eligi-
19 bility, any agency of the government of the Dis-
20 trict of Columbia or the Federal Government
21 that performs law enforcement functions in and
22 for—

23 “(i) the District of Columbia; or

24 “(ii) any Trust Territory of the
25 United States.

1 “(37) VALID COURT ORDER.—The term ‘valid
2 court order’ means a court order given by a juvenile
3 court judge to a juvenile—

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

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

10 “(38) VIOLENT CRIME.—The term ‘violent
11 crime’ means—

12 “(A) murder or nonnegligent man-
13 slaughter, forcible rape, or robbery; or

14 “(B) aggravated assault committed with
15 the use of a firearm.

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

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

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

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

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

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

10 “(b) ADMINISTRATOR.—

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

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

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

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

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

9 “(d) ASSOCIATE ADMINISTRATOR.—

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

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

20 “(e) DELEGATION AND ASSIGNMENT.—

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

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

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

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

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

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

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

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

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

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

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

16 **“SEC. 203. VOLUNTARY SERVICE.**

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

21 **“SEC. 204. NATIONAL PROGRAM.**

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

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

13 “(2) CONTENTS OF PLANS.—

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

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

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

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

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

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

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

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

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

17 “(ii) the ages of the juveniles;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(9) provide technical and financial assistance
12 to an organization composed of member representa-
13 tives of the State advisory groups appointed under
14 section 222(b)(2) to carry out activities under this
15 paragraph, if such an organization agrees to carry
16 out activities that include—

17 “(A) conducting an annual conference of
18 such member representatives for purposes relat-
19 ing to the activities of such State advisory
20 groups;

21 “(B) disseminating information, data,
22 standards, advanced techniques, and programs
23 models developed through the Institute and
24 through programs funded under section 261;
25 and

1 “(C) advising the Administrator with re-
2 spect to particular functions or aspects of the
3 work of the Office; and

4 “(10) provide technical and financial assistance
5 to an eligible organization composed of member rep-
6 resentatives of the State advisory groups appointed
7 under section 222(b)(2) to assist such organization
8 to carry out the functions specified under subpara-
9 graph (A).

10 “(A) To be eligible to receive such assist-
11 ance such organization shall agree to carry out
12 activities that include—

13 “(i) conducting an annual conference
14 of such member representatives for pur-
15 poses relating to the activities of such
16 State advisory groups; and

17 “(ii) disseminating information, data,
18 standards, advanced techniques, and pro-
19 gram models developed through the Insti-
20 tute and through programs funded under
21 section 261.

22 “(c) INFORMATION, REPORTS, STUDIES, AND SUR-
23 VEYS FROM OTHER AGENCIES.—The Administrator
24 through the general authority of the Attorney General,
25 may require, through appropriate authority, Federal de-

1 partments and agencies engaged in any activity involving
2 any Federal juvenile crime control, prevention, and juve-
3 nile offender accountability program to provide the Ad-
4 ministrator with such information and reports, and to con-
5 duct such studies and surveys, as the Administrator deter-
6 mines to be necessary to carry out the purposes of this
7 title.

8 “(d) UTILIZATION OF SERVICES AND FACILITIES OF
9 OTHER AGENCIES; REIMBURSEMENT.—The Adminis-
10 trator, through the general authority of the Attorney Gen-
11 eral, may utilize the services and facilities of any agency
12 of the Federal Government and of any other public agency
13 or institution in accordance with appropriate agreements,
14 and to pay for such services either in advance or by way
15 of reimbursement as may be agreed upon.

16 “(e) COORDINATION OF FUNCTIONS OF ADMINIS-
17 TRATOR AND SECRETARY OF HEALTH AND HUMAN SERV-
18 ICES.—All functions of the Administrator shall be coordi-
19 nated as appropriate with the functions of the Secretary
20 of Health and Human Services under title III.

21 “(f) ANNUAL JUVENILE DELINQUENCY DEVELOP-
22 MENT STATEMENTS.—

23 “(1) IN GENERAL.—Each Federal agency that
24 administers a Federal juvenile crime control, preven-
25 tion, and juvenile offender accountability program

1 shall annually submit to the Administrator a juvenile
2 crime control, prevention, and juvenile offender ac-
3 countability development statement.

4 “(2) CONTENTS.—Each development statement
5 submitted under paragraph (1) shall contain such
6 information, data, and analyses as the Administrator
7 may require. Such analyses shall include an analysis
8 of the extent to which the program of the Federal
9 agency submitting such development statement con-
10 forms with and furthers Federal juvenile crime con-
11 trol, prevention, and juvenile offender accountability,
12 prevention, and treatment goals and policies.

13 “(3) REVIEW AND COMMENT.—

14 “(A) IN GENERAL.—The Administrator
15 shall review and comment upon each juvenile
16 crime control, prevention, and juvenile offender
17 accountability development statement trans-
18 mitted to the Administrator under paragraph
19 (1).

20 “(B) INCLUSION IN OTHER DOCUMENTA-
21 TION.—The development statement transmitted
22 under paragraph (1), together with the com-
23 ments of the Administrator under subparagraph
24 (A), shall be—

1 “(i) included by the Federal agency
2 involved in every recommendation or re-
3 quest made by such agency for Federal
4 legislation that significantly affects juvenile
5 crime control, prevention, and juvenile of-
6 fender accountability; and

7 “(ii) made available for promulgation
8 to and use by State and local government
9 officials, and by nonprofit organizations in-
10 volved in delinquency prevention programs.

11 “(g) JOINT FUNDING.—Notwithstanding any other
12 provision of law, if funds are made available by more than
13 1 Federal agency to be used by any agency, organization,
14 institution, or individual to carry out a Federal juvenile
15 crime control, prevention, or juvenile offender account-
16 ability program or activity—

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

20 “(2) in such a case, a single non-Federal share
21 requirement may be established according to the
22 proportion of funds advanced by each Federal agen-
23 cy, and the Administrator may order any such agen-
24 cy to waive any technical grant or contract require-
25 ment (as defined in those regulations) that is incon-

1 sistent with the similar requirement of the admin-
2 istering agency or which the administering agency
3 does not impose.

4 **“SEC. 205. JUVENILE DELINQUENCY PREVENTION CHAL-**
5 **LENCE GRANT PROGRAM.**

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

11 “(1) educational projects or supportive services
12 for delinquent or other juveniles—

13 “(A) to encourage juveniles to remain in
14 elementary and secondary schools or in alter-
15 native learning situations in educational set-
16 tings;

17 “(B) to provide services to assist juveniles
18 in making the transition to the world of work
19 and self-sufficiency;

20 “(C) to assist in identifying learning dif-
21 ficulties (including learning disabilities);

22 “(D) to prevent unwarranted and arbitrary
23 suspensions and expulsions;

1 “(E) to encourage new approaches and
2 techniques with respect to the prevention of
3 school violence and vandalism;

4 “(F) that assist law enforcement personnel
5 and juvenile justice personnel to more effec-
6 tively recognize and provide for learning-dis-
7 abled and other disabled juveniles;

8 “(G) that develop locally coordinated poli-
9 cies and programs among education, juvenile
10 justice, public recreation, and social service
11 agencies; or

12 “(H) to provide services to juveniles with
13 serious mental and emotional disturbances
14 (SED) who are in need of mental health serv-
15 ices;

16 “(2) projects that provide support and treat-
17 ment to—

18 “(A) juveniles who are at risk of delin-
19 quency because they are the victims of child
20 abuse or neglect; and

21 “(B) juvenile offenders who are victims of
22 child abuse or neglect and to their families, in
23 order to reduce the likelihood that such juvenile
24 offenders will commit subsequent violations of
25 law;

1 “(3) to develop, implement or operate projects
2 for the prevention or reduction of truancy through
3 partnerships between local education agencies, local
4 law enforcement, and, as appropriate, other commu-
5 nity groups;

6 “(4) projects that support State and local pro-
7 grams to prevent juvenile delinquency by providing
8 for—

9 “(A) assessments by qualified mental
10 health professionals of incarcerated juveniles
11 who are suspected of being in need of mental
12 health services;

13 “(B) the development of individualized
14 treatment plans for juveniles determined to be
15 in need of mental health services pursuant to
16 assessments under subparagraph (A);

17 “(C) the inclusion of discharge plans for
18 incarcerated juveniles determined to be in need
19 of mental health services; and

20 “(D) requirements that all juveniles receiv-
21 ing psychotropic medication be under the care
22 of a licensed mental health professional;

23 “(5) one-on-one mentoring projects that are de-
24 signed to link at-risk juveniles and juvenile offenders
25 who did not commit serious crime, particularly juve-

1 niles residing in high-crime areas and juveniles expe-
2 riencing educational failure, with responsible adults
3 (such as law enforcement officers, adults working
4 with local businesses, public recreation staff, and
5 adults working for community-based organizations
6 and agencies) who are properly screened and trained
7 and that—

8 “(A) the State establish criteria to assess
9 the quality of those one-on-one mentoring
10 projects;

11 “(B) the Administrator develop an annual
12 report on the best mentoring practices in those
13 projects; and

14 “(C) the State choose exemplary projects,
15 designated Gold Star Mentoring Projects, to re-
16 ceive preferential access to funding;

17 “(6) community-based projects and services (in-
18 cluding literacy and social service programs) that
19 work with juvenile offenders, including those from
20 families with limited English-speaking proficiency,
21 their parents, their siblings, and other family mem-
22 bers during and after incarceration of the juvenile
23 offenders, in order to strengthen families, to allow
24 juvenile offenders to remain in their homes, and to

1 prevent the involvement of other juvenile family
2 members in delinquent activities;

3 “(7) projects designed to provide for the treat-
4 ment of juveniles for dependence on or abuse of al-
5 cohool, drugs, or other harmful substances, giving
6 priority to juveniles who have been arrested for an
7 alleged act of juvenile delinquency or adjudicated de-
8 linquent;

9 “(8) projects that leverage funds to provide
10 scholarships for postsecondary education and train-
11 ing for low-income juveniles who reside in neighbor-
12 hoods with high rates of poverty, violence, and drug-
13 related crimes;

14 “(9) projects (including school- or community-
15 based projects) that are designed to prevent, and re-
16 duce the rate of, the participation of juveniles in
17 gangs that commit crimes (particularly violent
18 crimes), that unlawfully use firearms and other
19 weapons, or that unlawfully traffic in drugs and that
20 involve, to the extent practicable, families and other
21 community members (including law enforcement per-
22 sonnel and members of the business community) in
23 the activities conducted under such projects, includ-
24 ing youth violence courts targeted to juveniles aged
25 14 and younger;

1 “(10) comprehensive juvenile justice and delin-
2 quency prevention projects that meet the needs of
3 juveniles through the collaboration of the many local
4 service systems juveniles encounter, including
5 schools, child abuse and neglect courts, courts, law
6 enforcement agencies, child protection agencies,
7 mental health agencies, welfare services, health care
8 agencies, public recreation agencies, and private
9 nonprofit agencies offering services to juveniles;

10 “(11) to develop, implement, and support, in
11 conjunction with public and private agencies, organi-
12 zations, and businesses, projects for the employment
13 of juveniles and referral to job training programs
14 (including referral to Federal job training pro-
15 grams);

16 “(12) delinquency prevention activities that in-
17 volve youth clubs, sports, recreation and parks, peer
18 counseling and teaching, the arts, leadership devel-
19 opment, community service, volunteer service,
20 before- and after-school programs, violence preven-
21 tion activities, mediation skills training, camping,
22 environmental education, ethnic or cultural enrich-
23 ment, tutoring, and academic enrichment;

24 “(13) to establish policies and systems to incor-
25 porate relevant child protective services records into

1 juvenile justice records for purposes of establishing
2 treatment plans for juvenile offenders;

3 “(14) family strengthening activities, such as
4 mutual support groups for parents and their chil-
5 dren and postadoption services for families who
6 adopt children with special needs;

7 “(15) adoptive parent recruitment activities tar-
8 geted at recruiting permanent adoptive families for
9 older children and children with special needs in the
10 foster care system who are at risk of entering the ju-
11 venile justice system;

12 “(16) projects to coordinate the delivery of ado-
13 lescent mental health and substance abuse services
14 to children at risk by coordinating councils composed
15 of public and private service providers;

16 “(17) partnerships between State educational
17 agencies and local educational agencies for the de-
18 sign and implementation of character education and
19 training programs that incorporate the following ele-
20 ments of character: Caring, citizenship, fairness, re-
21 spect, responsibility and trustworthiness;

22 “(18) programs for positive youth development
23 that provide youth at risk of delinquency with—

1 “(A) an ongoing relationship with a caring
2 adult (for example, mentor, tutor, coach, or
3 shelter youth worker);

4 “(B) safe places and structured activities
5 during nonschool hours;

6 “(C) a healthy start;

7 “(D) a marketable skill through effective
8 education; and

9 “(E) an opportunity to give back through
10 community service;

11 “(19) projects that use neighborhood courts or
12 panels that increase victim satisfaction and require
13 juveniles to make restitution, or perform community
14 service, for the damage caused by their delinquent
15 acts;

16 “(20) programs designed and operated to pro-
17 vide eligible offenders with an alternative to adju-
18 dication that emphasizes restorative justice;

19 “(21) projects that expand the use of probation
20 officers—

21 “(A) particularly for the purpose of per-
22 mitting nonviolent juvenile offenders, including
23 status offenders, to remain at home with their
24 families as an alternative to detention; and

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

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

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

8 “(B) to provide appropriate interventions
9 to prevent such juvenile from committing subse-
10 quent offenses.

11 “(b) ELIGIBILITY OF STATES.—

12 “(1) APPLICATION.—To be eligible to receive a
13 grant under subsection (a), a State shall submit to
14 the Administrator an application that contains the
15 following:

16 “(A) An assurance that the State will
17 use—

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

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

22 “(II) to evaluate, and provide
23 technical assistance relating to,
24 projects and activities carried out with
25 funds provided under this part; and

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

3 “(B) An assurance that, and a detailed de-
4 scription of how, such grant will support, and
5 not supplant State and local efforts to prevent
6 juvenile delinquency.

7 “(C) An assurance that such application
8 was prepared after consultation with and par-
9 ticipation by—

10 “(i) community-based organizations
11 that carry out programs, projects, or ac-
12 tivities to prevent juvenile delinquency; and

13 “(ii) police, sheriff, prosecutors, State
14 or local probation services, juvenile courts,
15 schools, public recreation agencies, busi-
16 nesses, and religious affiliated fraternal,
17 nonprofit, and social service organizations
18 involved in crime prevention.

19 “(D) An assurance that each eligible entity
20 described in subsection (c)(1) that receives an
21 initial grant under subsection (c) to carry out
22 a project or activity shall also receive an assur-
23 ance from the State that such entity will receive
24 from the State, for the subsequent fiscal year to
25 carry out such project or activity, a grant under

1 such section in an amount that is proportional,
2 based on such initial grant and on the amount
3 of the grant received under subsection (a) by
4 the State for such subsequent fiscal year, but
5 that does not exceed the amount specified for
6 such subsequent fiscal year in such application
7 as approved by the State.

8 “(E) An assurance that each eligible entity
9 described in subsection (c)(1) that receives a
10 grant to carry out a project or activity under
11 subsection (c) has agreed to provide a 50 per-
12 cent match of the amount of the grant, includ-
13 ing the value of in-kind contributions to fund
14 the project or activity, except that the Adminis-
15 trator may for good cause reduce the matching
16 requirement to $33\frac{1}{3}$ percent for economically
17 disadvantaged communities.

18 “(F) An assurance that projects or activi-
19 ties funded by a grant under subsection (a)
20 shall be carried out through or in coordination
21 with a court with a juvenile crime or delin-
22 quency docket.

23 “(G) An assurance that of the grant funds
24 remaining after administrative costs are de-
25 ducted consistent with subparagraph (A)—

1 “(i) not less than 80 percent shall be
2 used for the purposes designated in para-
3 graphs (1) through (18) of subsection (a);
4 and

5 “(ii) not less than 20 percent shall be
6 used for the purposes in paragraphs (19)
7 through (22) of subsection (a).

8 “(H) Such other information as the Ad-
9 ministrator may reasonably require by rule.

10 “(2) APPROVAL OF APPLICATIONS.—

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

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

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

23 “(II) such plan is approved by the Ad-
24 ministrator for such fiscal year; or

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

5 “(c) GRANTS FOR LOCAL PROJECTS.—

6 “(1) SELECTION FROM AMONG APPLICA-
7 TIONS.—

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

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

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

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

23 “(II) a recent rapid increase in
24 the number of nonstatus offenses
25 committed by juveniles;

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

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

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

17 “(2) RECEIPT OF APPLICATIONS.—

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

22 “(i) timely received by such unit from
 23 eligible entities; and

24 “(ii) determined by such unit to be
 25 consistent with a current plan formulated

1 by such unit for the purpose of preventing,
2 and reducing the rate of, juvenile delin-
3 quency in the geographical area under the
4 jurisdiction of such unit.

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

11 “(d) ELIGIBILITY OF ENTITIES.—

12 “(1) ELIGIBILITY.—Subject to paragraph (2)
13 and except as provided in paragraph (3), to be eligi-
14 ble to receive a grant under subsection (c), a com-
15 munity-based organization, local juvenile justice sys-
16 tem officials (including prosecutors, police officers,
17 judges, probation officers, parole officers, and public
18 defenders), local education authority (as defined in
19 section 14101 of the Elementary and Secondary
20 Education Act of 1965 and including a school within
21 such authority), local recreation agency, nonprofit
22 private organization (including a faith-based organi-
23 zation), unit of local government, or social service
24 provider, and/or other entity with a demonstrated
25 history of involvement in the prevention of juvenile

1 delinquency, shall submit to a unit of local govern-
2 ment an application that contains the following:

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

11 “(B) A statement of the particular goals
12 such project or activity is designed to achieve,
13 and the methods such entity will use to achieve,
14 and assess the achievement of, each of such
15 goals.

16 “(C) A statement identifying the research
17 (if any) such entity relied on in preparing such
18 application.

19 “(2) REVIEW AND SUBMISSION OF APPLICA-
20 TIONS.—Except as provided in paragraph (3), an en-
21 tity shall not be eligible to receive a grant under
22 subsection (c) unless—

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

1 “(i) satisfies the requirements speci-
2 fied in subsection (a); and

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

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

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

24 “(e) REPORTING REQUIREMENT.—Not later than
25 180 days after the last day of each fiscal year, the Admin-

1 istrator shall submit to the Chairman of the Committee
 2 on Education and the Workforce of the House of Rep-
 3 resentatives and the Chairman of the Committee on the
 4 Judiciary of the Senate a report, which shall—

5 “(1) describe activities and accomplishments of
 6 grant activities funded under this section;

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

9 “(3) describe activities conducted to develop
 10 policy and to coordinate Federal agency and inter-
 11 agency efforts related to delinquency prevention;

12 “(4) identify successful approaches and making
 13 the recommendations for future activities to be con-
 14 ducted under this section; and

15 “(5) describe, on a State-by-State basis, the
 16 total amount of matching contributions made by
 17 States and eligible entities for activities funded
 18 under this section.

19 “(f) RESEARCH AND EVALUATION.—

20 “(1) IN GENERAL.—Except as provided in para-
 21 graph (2), of the amount made available to carry out
 22 this section in each fiscal year, the Administrator
 23 shall use the lesser of 5 percent or \$5,000,000 for
 24 research, statistics, and evaluation activities carried

1 out in conjunction with the grant programs under
2 this section.

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

9 **“SEC. 206. GRANTS TO YOUTH ORGANIZATIONS.**

10 “(a) GRANT PROGRAM.—The Administrator may
11 make grants to Indian tribes (as defined in section 4(e)
12 of the Indian Self-Determination and Education Assist-
13 ance Act) and national, Statewide, or community-based,
14 nonprofit organizations in crime prone areas, (such as
15 Boys and Girls Clubs, Police Athletic Leagues, 4-H Clubs,
16 YWCA, YMCA, Big Brothers and Big Sisters, and Kids
17 ’N Kops programs) for the purposes of—

18 “(1) providing constructive activities to youth
19 during after school hours, weekends, and school va-
20 cations;

21 “(2) providing supervised activities in safe envi-
22 ronments to youth in those areas, including activities
23 through parks and other recreation areas; and

1 “(3) providing anti-alcohol and other drug edu-
2 cation to prevent alcohol and other drug abuse
3 among youth.

4 “(b) APPLICATIONS.—

5 “(1) ELIGIBILITY.—In order to be eligible to
6 receive a grant under this section, the governing
7 body of the Indian tribe or the chief operating offi-
8 cer of a national, Statewide, or community-based
9 nonprofit organization shall submit an application to
10 the Administrator, in such form and containing such
11 information as the Administrator may reasonably re-
12 quire.

13 “(2) APPLICATION REQUIREMENTS.—Each ap-
14 plication submitted in accordance with paragraph
15 (1) shall include—

16 “(A) a request for a grant to be used for
17 the purposes of this section;

18 “(B) a description of the communities to
19 be served by the grant, including the nature of
20 juvenile crime, violence, and drug use in the
21 communities;

22 “(C) written assurances that Federal funds
23 received under this section will be used to sup-
24 plement and not supplant, non-Federal funds

1 that would otherwise be available for activities
2 funded under this section;

3 “(D) written assurances that all activities
4 funded under this section will be supervised by
5 an appropriate number of responsible adults;

6 “(E) a plan for assuring that program ac-
7 tivities will take place in a secure environment
8 that is free of crime and drugs; and

9 “(F) any additional statistical or financial
10 information that the Administrator may reason-
11 ably require.

12 “(c) GRANT AWARDS.—In awarding grants under
13 this section, the Administrator shall consider—

14 “(1) the ability of the applicant to provide the
15 intended services;

16 “(2) the history and establishment of the appli-
17 cant in providing youth activities; and

18 “(3) the extent to which services will be pro-
19 vided in crime prone areas, including efforts to
20 achieve an equitable geographic distribution of the
21 grant awards.

22 “(d) ALLOCATION.—Of the amounts made available
23 to carry out this section—

24 “(1) 20 percent shall be for grants to national
25 or Statewide nonprofit organizations; and

1 “(2) 80 percent shall be for grants to commu-
2 nity-based, nonprofit organizations.

3 “(e) CONTINUED AVAILABILITY.—Amounts made
4 available under this section shall remain available until ex-
5 pended.

6 **“SEC. 207. GRANTS TO INDIAN TRIBES.**

7 “(a) IN GENERAL.—From the amount reserved
8 under section 208(b) in each fiscal year, the Administrator
9 shall make grants to Indian tribes for programs pursuant
10 to the permissible purposes under section 205 and part
11 B.

12 “(b) APPLICATIONS.—

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

18 “(2) PLANS.—Each application submitted
19 under paragraph (1) shall include a plan for con-
20 ducting projects described in section 205(a), which
21 plan shall—

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

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

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

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

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

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

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

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

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

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

10 “(A) the relative juvenile population; and

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

13 “(d) GRANT AWARDS.—

14 “(1) IN GENERAL.—

15 “(A) COMPETITIVE AWARDS.—Except as
16 provided in paragraph (2), the Administrator
17 shall annually award grants under this section
18 on a competitive basis. The Administrator shall
19 enter into a grant agreement with each grant
20 recipient under this section that specifies the
21 terms and conditions of the grant.

22 “(B) PERIOD OF GRANT.—The period of
23 each grant awarded under this section shall be
24 2 years.

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

6 “(A) waive the requirement that the recipi-
 7 ent be subject to the competitive award process
 8 described in paragraph (1)(A); and

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

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

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

24 “(f) MATCHING REQUIREMENT.—Funds appro-
 25 priated by Congress for the activities of any agency of an

1 Indian tribal government or the Bureau of Indian Affairs
2 performing law enforcement functions on any Indian lands
3 may be used to provide the non-Federal share of any pro-
4 gram or project with a matching requirement funded
5 under this section.

6 “(g) TECHNICAL ASSISTANCE.—From the amount
7 reserved under section 208(b) in each fiscal year, the Ad-
8 ministrator may reserve 1 percent for the purpose of pro-
9 viding technical assistance to recipients of grants under
10 this section.

11 **“SEC. 208. ALLOCATION OF GRANTS.**

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

16 “(1) 0.5 percent shall be allocated to each eligi-
17 ble State.

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

21 “(A) 50 percent of such amount shall be
22 allocated proportionately based on the juvenile
23 population in the eligible States.

24 “(B) 50 percent of such amount shall be
25 allocated proportionately based on the annual

1 average number of arrests for serious crimes
2 committed in the eligible States by juveniles
3 during the then most recently completed period
4 of 3 consecutive calendar years for which suffi-
5 cient information is available to the Adminis-
6 trator.

7 “(b) RESERVATION OF FUNDS.—Notwithstanding
8 any other provision of law, from the amounts allocated
9 under section 291 to carry out section 205 and part B
10 in each fiscal year—

11 “(1) the Administrator shall reserve an amount
12 equal to the amount which all Indian tribes that
13 qualify for a grant under section 207 would collec-
14 tively be entitled, if such tribes were collectively
15 treated as a State for purposes of subsection (a);
16 and

17 “(2) the Administrator shall reserve 5 percent
18 to make grants to States under section 209.

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

24 “(d) ADMINISTRATIVE COSTS.—A State, unit of local
25 government, or eligible unit that receives funds under this

1 part may not use more than 5 percent of those funds to
2 pay for administrative costs.

3 **“SEC. 209. CONFIDENTIAL REPORTING OF INDIVIDUALS**
4 **SUSPECTED OF IMMINENT SCHOOL VIO-**
5 **LENCE.**

6 “(a) IN GENERAL.—Grants under this section shall
7 be known as ‘CRISIS Grants’.

8 “(b) AUTHORITY TO MAKE GRANTS.—From the
9 amounts reserved by the Administrator under section
10 208(b)(2), the Administrator shall make a grant to each
11 State in an amount determined under subsection (d), for
12 use in accordance with subsection (c).

13 “(c) USE OF GRANT AMOUNTS.—Amounts made
14 available to a State under a grant under this section may
15 be used by the State—

16 “(1) to support the independent State develop-
17 ment and operation of confidential, toll-free tele-
18 phone hotlines that will operate 7 days per week, 24
19 hours per day, in order to provide students, school
20 officials, and other individuals with the opportunity
21 to report specific threats of imminent school violence
22 or to report other suspicious or criminal conduct by
23 juveniles to appropriate State and local law enforce-
24 ment entities for investigation;

8 “(4) to enhance State efforts to offer appro-
9 priate counseling services to individuals who call a
10 hotline described in paragraph (1) threatening to do
11 harm to themselves or others; and

16 “(d) ALLOCATION TO STATES.—The total amount re-
17 served to carry out this section in each fiscal year shall
18 be allocated to each State based on the proportion of the
19 population of the State that is less than 18 years of age.

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

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1 operating, coordinating, and evaluating projects directly or
2 through grants and contracts with public and private
3 agencies for the development of more effective education,
4 training, research, prevention, diversion, treatment, and
5 rehabilitation programs in the area of juvenile delinquency
6 and programs to improve the juvenile justice system.

7 “(b) TRAINING AND TECHNICAL ASSISTANCE.—

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

18 “(2) ELIGIBLE RECIPIENTS.—Grants may be
19 made and contracts may be entered into under para-
20 graph (1) only to public and private agencies, orga-
21 nizations, and individuals that have experience in
22 providing such training and technical assistance. In
23 providing such training and technical assistance, the
24 recipient of a grant or contract under this subsection

1 shall coordinate its activities with the State agency
2 described in section 222(a)(1).

3 **“SEC. 222. STATE PLANS.**

4 “(a) IN GENERAL.—In order to receive formula
5 grants under this part, a State shall submit a plan, devel-
6 oped in consultation with the State Advisory Group estab-
7 lished by the State under subsection (b)(2)(A), for car-
8 rying out its purposes applicable to a 3-year period. A por-
9 tion of any allocation of formula grants to a State shall
10 be available to develop a State plan or for other activities
11 associated with such State plan which are necessary for
12 efficient administration, including monitoring, evaluation,
13 and one full-time staff position. The State shall submit
14 annual performance reports to the Administrator, each of
15 which shall describe progress in implementing programs
16 contained in the original plan, and amendments necessary
17 to update the plan, and shall describe the status of compli-
18 ance with State plan requirements. In accordance with
19 regulations that the Administrator shall prescribe, such
20 plan shall—

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

24 “(2) contain satisfactory evidence that the
25 State agency designated in accordance with para-

1 graph (1) has or will have authority, by legislation
2 if necessary, to implement such plan in conformity
3 with this part;

4 “(3) provide for the active consultation with
5 and participation of units of local government, or
6 combinations thereof, in the development of a State
7 plan that adequately takes into account the needs
8 and requests of units of local government, except
9 that nothing in the plan requirements, or any regu-
10 lations promulgated to carry out such requirements,
11 shall be construed to prohibit or impede the State
12 from making grants to, or entering into contracts
13 with, local private agencies, including religious orga-
14 nizations;

15 “(4) to the extent feasible and consistent with
16 paragraph (5), provide for an equitable distribution
17 of the assistance received with the State, including
18 rural areas;

19 “(5) require that the State or unit of local gov-
20 ernment that is a recipient of amounts under this
21 part distributes those amounts intended to be used
22 for the prevention of juvenile delinquency and reduc-
23 tion of incarceration, to the extent feasible, in pro-
24 portion to the amount of juvenile crime committed
25 within those regions and communities;

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

5 “(7)(A) provide for—

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

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

1 “(iii) a plan for the concentration of State
2 efforts, which shall coordinate all State juvenile
3 crime control, prevention, and delinquency pro-
4 grams with respect to overall policy and devel-
5 opment of objectives and priorities for all State
6 juvenile crime control and delinquency pro-
7 grams and activities, including provision for
8 regular meetings of State officials with respon-
9 sibility in the area of juvenile justice and delin-
10 quency prevention;

11 “(B) contain—

12 “(i) a plan for providing needed gender-
13 specific services for the prevention and treat-
14 ment of juvenile delinquency;

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

18 “(iii) a plan for providing needed mental
19 health services to juveniles in the juvenile jus-
20 tice system;

21 “(8) provide for the coordination and maximum
22 utilization of existing juvenile delinquency programs,
23 programs operated by public and private agencies
24 and organizations, and other related programs (such

1 as education, special education, recreation, health,
2 and welfare programs) in the State;

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

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

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

17 “(i) for youth who need temporary
18 placement: crisis intervention, shelter, and
19 after-care; and

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

24 “(B) programs that assist in holding juveniles
25 accountable for their actions, including the

1 use of graduated sanctions and of neighborhood
2 courts or panels that increase victim satisfac-
3 tion and require juveniles to make restitution
4 for the damage caused by their delinquent be-
5 havior;

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

16 “(D) programs that provide treatment to
17 juvenile offenders who are victims of child
18 abuse or neglect, and to their families, in order
19 to reduce the likelihood that such juvenile of-
20 fenders will commit subsequent violations of
21 law;

22 “(E) educational programs or supportive
23 services for delinquent or other juveniles—

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

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

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

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

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

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

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

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

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

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

20 “(I) projects designed both to deter in-
21 volvement in illegal activities and to promote in-
22 volvement in lawful activities on the part of
23 gangs whose membership is substantially com-
24 posed of youth;

1 “(J) programs and projects designed to
2 provide for the treatment of youths’ dependence
3 on or abuse of alcohol or other addictive or non-
4 addictive drugs;

5 “(K) boot camps for juvenile offenders;

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

11 “(M) other activities (such as court-ap-
12 pointed advocates) that the State determines
13 will hold juveniles accountable for their acts
14 and decrease juvenile involvement in delinquent
15 activities;

16 “(N) establishing policies and systems to
17 incorporate relevant child protective services
18 records into juvenile justice records for pur-
19 poses of establishing treatment plans for juve-
20 nile offenders;

21 “(O) programs (including referral to lit-
22 eracy programs and social service programs) to
23 assist families with limited English-speaking
24 ability that include delinquent juveniles to over-
25 come language and other barriers that may pre-

1 vent the complete treatment of such juveniles
2 and the preservation of their families;

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

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

14 “(R) court supervised initiatives that ad-
15 dress the illegal possession of firearms by juve-
16 niles; and

17 “(S) programs for positive youth develop-
18 ment that provide delinquent youth and youth
19 at-risk of delinquency with—

20 “(i) an ongoing relationship with a
21 caring adult (for example, mentor, tutor,
22 coach, or shelter youth worker);

23 “(ii) safe places and structured activi-
24 ties during nonschool hours;

25 “(iii) a healthy start;

1 “(iv) a marketable skill through effective education; and

2
3 “(v) an opportunity to give back through community service;

4
5 “(11) shall provide that—

6 “(A) juveniles who are charged with or
7 who have committed an offense that would not
8 be criminal if committed by an adult,
9 excluding—

10 “(i) juveniles who are charged with or
11 who have committed a violation of section
12 922(x)(2) of title 18, United States Code,
13 or of a similar State law;

14 “(ii) juveniles who are charged with or
15 who have committed a violation of a valid
16 court order; and

17 “(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

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

20
21 “(B) juveniles—

22 “(i) who are not charged with any offense; and

23
24 “(ii) who are—

25

1 “(I) aliens; or

2 “(II) alleged to be dependent, ne-
3 glected, or abused;

4 shall not be placed in secure detention facilities
5 or secure correctional facilities;

6 “(12) provide that—

7 “(A) juveniles alleged to be or found to be
8 delinquent or juveniles within the purview of
9 paragraph (11) will not be detained or confined
10 in any institution in which they have prohibited
11 physical contact or sustained oral communica-
12 tion with adult inmates; and

13 “(B) there is in effect in the State a policy
14 that requires individuals who work with both
15 such juveniles and such adult inmates, includ-
16 ing in colocated facilities, have been trained
17 and certified to work with juveniles;

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

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

24 “(i) for processing or release;

1 “(ii) while awaiting transfer to a juve-
2 nile facility; or

3 “(iii) in which period such juveniles
4 make a court appearance;

5 “(B) juveniles who are accused of non-
6 status offenses, who are awaiting an initial
7 court appearance that will occur within 48
8 hours after being taken into custody (excluding
9 Saturdays, Sundays, and legal holidays), and
10 who are detained or confined in a jail or
11 lockup—

12 “(i) in which—

13 “(I) such juveniles do not have
14 prohibited physical contact or sus-
15 tained oral communication with adult
16 inmates; and

17 “(II) there is in effect in the
18 State a policy that requires individ-
19 uals who work with both such juve-
20 niles and such adult inmates, includ-
21 ing in colocated facilities, have been
22 trained and certified to work with ju-
23 veniles; and

24 “(ii) that—

1 “(I) is located outside a metro-
2 politan statistical area (as defined by
3 the Office of Management and Budg-
4 et) and has no existing acceptable al-
5 ternative placement available;

6 “(II) is located where conditions
7 of distance to be traveled or the lack
8 of highway, road, or transportation do
9 not allow for court appearances within
10 48 hours (excluding Saturdays, Sun-
11 days, and legal holidays) so that a
12 brief (not to exceed an additional 48
13 hours) delay is excusable; or

14 “(III) is located where conditions
15 of safety exist (such as severe adverse,
16 life-threatening weather conditions
17 that do not allow for reasonably safe
18 travel), in which case the time for an
19 appearance may be delayed until 24
20 hours after the time that such condi-
21 tions allow for reasonable safe travel;

22 “(C) juveniles who are accused of non-
23 status offenses and who are detained or con-
24 fined in a jail or lockup that satisfies the re-
25 quirements of subparagraph (B)(i) if—

1 “(i) such jail or lockup—

2 “(I) is located outside a metro-
3 politan statistical area (as defined by
4 the Office of Management and Budg-
5 et); and

6 “(II) has no existing acceptable
7 alternative placement available;

8 “(ii) a parent or other legal guardian
9 (or guardian ad litem) of the juvenile in-
10 volved consents to detaining or confining
11 such juvenile in accordance with this sub-
12 paragraph and the parent has the right to
13 revoke such consent at any time;

14 “(iii) the juvenile has counsel, and the
15 counsel representing such juvenile has an
16 opportunity to present the juvenile’s posi-
17 tion regarding the detention or confine-
18 ment involved to the court before the court
19 finds that such detention or confinement is
20 in the best interest of such juvenile and
21 approves such detention or confinement;
22 and

23 “(iv) detaining or confining such juve-
24 nile in accordance with this subparagraph
25 is—

1 “(I) approved in advance by a
2 court with competent jurisdiction;

3 “(II) required to be reviewed pe-
4 riodically, at intervals of not more
5 than 5 days (excluding Saturdays,
6 Sundays, and legal holidays), by such
7 court for the duration of detention or
8 confinement, which review may be in
9 the presence of the juvenile; and

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

12 “(14) provide assurances that consideration will
13 be given to and that assistance will be available for
14 approaches designed to strengthen the families of
15 delinquent and other youth to prevent juvenile delin-
16 quency (which approaches should include the involve-
17 ment of grandparents or other extended family
18 members, when possible, and appropriate and the
19 provision of family counseling during the incarcer-
20 ation of juvenile family members and coordination of
21 family services when appropriate and feasible);

22 “(15) provide for procedures to be established
23 for protecting the rights of recipients of services and
24 for assuring appropriate privacy with regard to

1 records relating to such services provided to any in-
2 dividual under the State plan;

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

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

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

24 “(19) provide assurances that the State or each
25 unit of local government that is a recipient of

1 amounts under this part require that any person
2 convicted of a sexual act or sexual contact involving
3 any other person who has not attained the age of 18
4 years, and who is not less than 4 years younger than
5 such convicted person, be tested for the presence of
6 any sexually transmitted disease and that the results
7 of such test be provided to the victim or to the fam-
8 ily of the victim as well as to any court or other gov-
9 ernment agency with primary authority for sen-
10 tencing the person convicted for the commission of
11 the sexual act or sexual contact (as those terms are
12 defined in paragraphs (2) and (3), respectively, of
13 section 2246 of title 18, United States Code) involv-
14 ing a person not having attained the age of 18
15 years;

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

19 “(A) an appropriate public agency shall be
20 promptly notified that such juvenile is held in
21 custody for violating such order;

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

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

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

7 “(ii) such court shall conduct a hear-
8 ing to determine—

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

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

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

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

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

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

12 “(A) through programs of units of general
13 local government or combinations thereof, to
14 the extent such programs are consistent with
15 the State plan; and

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

24 “(24) provide for the establishment of youth
25 tribunals and peer ‘juries’ in school districts in the

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

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

11 “(26) provide assurances that—

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

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

22 “(C) no such activity that would be incon-
23 sistent with the terms of a collective bargaining
24 agreement shall be undertaken without the

1 written concurrence of the labor organization
2 involved;

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

12 “(28) demonstrate that the State has in effect
13 a policy or practice that requires State or local law
14 enforcement agencies to—

15 “(A) present before a judicial officer any
16 juvenile who unlawfully possesses a firearm in
17 a school; and

18 “(B) detain such juvenile in an appropriate
19 juvenile facility or secure community-based
20 placement for not less than 24 hours for appro-
21 priate evaluation, upon a finding by the judicial
22 officer that the juvenile may be a danger to
23 himself or herself, to other individuals, or to the
24 community in which that juvenile resides.

25 “(b) APPROVAL BY STATE AGENCY.—

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

5 “(2) STATE ADVISORY GROUP.—

6 “(A) ESTABLISHMENT.—The State advi-
7 sory group referred to in subsection (a) shall be
8 known as the ‘State Advisory Group’. The State
9 Advisory Group shall consist of representatives
10 from both the private and public sector, each of
11 whom shall be appointed for a term of not more
12 than 6 years. The State shall ensure that mem-
13 bers of the State Advisory Group shall have ex-
14 perience in the area of juvenile delinquency pre-
15 vention, the prosecution of juvenile offenders,
16 the treatment of juvenile delinquency, the inves-
17 tigation of juvenile crimes, or the administra-
18 tion of juvenile justice programs, and shall in-
19 clude not less than 1 prosecutor and not less
20 than 1 judge from a court with a juvenile crime
21 or delinquency docket. The chairperson of the
22 State Advisory Group shall not be a full-time
23 employee of the Federal Government or the
24 State government.

25 “(B) CONSULTATION.—

1 “(i) IN GENERAL.—The State Advi-
2 sory Group established under subpara-
3 graph (A) shall—

4 “(I) participate in the develop-
5 ment and review of the State plan
6 under this section before submission
7 to the supervisory agency for final ac-
8 tion; and

9 “(II) be afforded an opportunity
10 to review and comment, not later than
11 30 days after the submission to the
12 State Advisory Group, on all juvenile
13 justice and delinquency prevention
14 grant applications submitted to the
15 State agency designated under sub-
16 section (a)(1).

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

23 “(C) FUNDING.—From amounts reserved
24 for administrative costs, the State may make
25 available to the State Advisory Group such

1 sums as may be necessary to assist the State
 2 Advisory Group in adequately performing its
 3 duties under this paragraph.

4 “(c) COMPLIANCE WITH STATUTORY REQUIRE-
 5 MENTS.—

6 “(1) IN GENERAL.—If a State fails to comply
 7 with any of the applicable requirements of para-
 8 graph (11), (12), (13), (27), or (28) of subsection
 9 (a) in any fiscal year beginning after September 30,
 10 2000, the amount allocated to such State for the
 11 subsequent fiscal year shall be reduced by not to ex-
 12 ceed 10 percent for each such paragraph with re-
 13 spect to which the failure occurs, unless the Admin-
 14 istrator determines that the State—

15 “(A) has achieved substantial compliance
 16 with such applicable requirements with respect
 17 to which the State was not in compliance; and

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

23 “(2) WAIVER.—The Administrator may, upon
 24 request by a State showing good cause, waive the

1 application of this subsection with respect to such
2 State.

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

4 “(a) IN GENERAL.—Subject to subsections (b), (c),
5 and (d), the amount allocated under section 291 to carry
6 out this part in each fiscal year that remains after reserva-
7 tion under section 208(b) for that fiscal year shall be allo-
8 cated to the States as follows:

9 “(1) 0.5 percent shall be allocated to each eligi-
10 ble State.

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

15 “(b) SYSTEM SUPPORT GRANTS.—Of the amount al-
16 located under section 291 to carry out this part in each
17 fiscal year that remains after reservation under section
18 208(b) for that fiscal year, up to 10 percent may be avail-
19 able for use by the Administrator to provide—

20 “(1) training and technical assistance con-
21 sistent with the purposes authorized under sections
22 204, 205, and 221;

23 “(2) direct grant awards and other support to
24 develop, test, and demonstrate new approaches to
25 improving the juvenile justice system and reducing,

1 preventing, and abating delinquent behavior, juvenile
 2 crime, and youth violence;

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

8 “(4) information, including information on best
 9 practices, consistent with purposes authorized under
 10 sections 204, 205, and 221.

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

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

20 **“PART C—NATIONAL PROGRAMS**

21 **“SEC. 241. ESTABLISHMENT OF NATIONAL INSTITUTE FOR** 22 **JUVENILE CRIME CONTROL AND DELIN-** 23 **QUENCY PREVENTION.**

24 “(a) IN GENERAL.—There is established within the
 25 National Institute of Justice a National Institute for Juve-

1 nile Crime Control and Delinquency Prevention, the pur-
 2 pose of which shall be to provide—

3 “(1) through the National Institute of Justice,
 4 for the rigorous and independent evaluation of the
 5 delinquency and youth violence prevention programs
 6 funded under this title; and

7 “(2) funding for new research, through the Na-
 8 tional Institute of Justice, on the nature, causes,
 9 and prevention of juvenile violence and juvenile de-
 10 linquency.

11 “(b) ADMINISTRATION.—The National Institute for
 12 Juvenile Crime Control and Delinquency Prevention shall
 13 be under the supervision and direction of the Director of
 14 the National Institute of Justice (referred to in this part
 15 as the ‘Director’), in consultation with the Administrator.

16 “(c) COORDINATION.—The activities of the National
 17 Institute for Juvenile Crime Control and Delinquency Pre-
 18 vention shall be coordinated with the activities of the Na-
 19 tional Institute of Justice.

20 “(d) DUTIES OF THE INSTITUTE.—

21 “(1) IN GENERAL.—The Administrator shall
 22 transfer appropriated amounts to the National Insti-
 23 tute of Justice, or to other Federal agencies, for the
 24 purposes of new research and evaluation projects
 25 funded by the National Institute for Juvenile Crime

1 Control and Delinquency Prevention, and for evalua-
2 tion of discretionary programs of the Office of Juve-
3 nile Crime Control and Prevention.

4 “(2) REQUIREMENTS.—Each evaluation and re-
5 search study funded with amounts transferred under
6 paragraph (1) shall—

7 “(A) be independent in nature;

8 “(B) be awarded competitively; and

9 “(C) employ rigorous and scientifically rec-
10 ognized standards and methodologies, including
11 peer review by nonapplicants.

12 “(e) POWERS OF THE INSTITUTE.—In addition to the
13 other powers, express and implied, the National Institute
14 for Juvenile Crime Control and Delinquency Prevention
15 may—

16 “(1) request any Federal agency to supply such
17 statistics, data, program reports, and other material
18 as the National Institute for Juvenile Crime Control
19 and Delinquency Prevention deems necessary to
20 carry out its functions;

21 “(2) arrange with and reimburse the heads of
22 Federal agencies for the use of personnel or facilities
23 or equipment of such agencies;

1 “(3) confer with and avail itself of the coopera-
2 tion, services, records, and facilities of State, munic-
3 ipal, or other public or private local agencies;

4 “(4) make grants and enter into contracts with
5 public or private agencies, organizations, or individ-
6 uals for the partial performance of any functions of
7 the National Institute for Juvenile Crime Control
8 and Delinquency Prevention; and

9 “(5) compensate consultants and members of
10 technical advisory councils who are not in the reg-
11 ular full-time employ of the United States, at a rate
12 now or hereafter payable under section 5376 of title
13 5, United States Code, and while away from home,
14 or regular place of business, they may be allowed
15 travel expenses, including per diem in lieu of subsist-
16 ence, as authorized by section 5703 of title 5,
17 United States Code, for persons in the Government
18 service employed intermittently.

19 “(f) INFORMATION FROM FEDERAL AGENCIES.—A
20 Federal agency that receives a request from the National
21 Institute for Juvenile Crime Control and Delinquency Pre-
22 vention under subsection (e)(1) may cooperate with the
23 National Institute for Juvenile Crime Control and Delin-
24 quency Prevention and shall, to the maximum extent prac-
25 ticable, consult with and furnish information and advice

1 to the National Institute for Juvenile Crime Control and
2 Delinquency Prevention.

3 **“SEC. 242. INFORMATION FUNCTION.**

4 “The Administrator, in consultation with the Direc-
5 tor, shall—

6 “(1) on a continuing basis, review reports, data,
7 and standards relating to the juvenile justice system
8 in the United States;

9 “(2) serve as an information bank by collecting
10 systematically and synthesizing the knowledge ob-
11 tained from studies and research by public and pri-
12 vate agencies, institutions, or individuals concerning
13 all aspects of juvenile delinquency, including the pre-
14 vention and treatment of juvenile delinquency; and

15 “(3) serve as a clearinghouse and information
16 center for the preparation, publication, and dissemi-
17 nation of all information regarding juvenile delin-
18 quency, including State and local juvenile delin-
19 quency prevention and treatment programs (includ-
20 ing drug and alcohol programs and gender-specific
21 programs) and plans, availability of resources, train-
22 ing and educational programs, statistics, and other
23 pertinent data and information.

1 **“SEC. 242A. STATISTICAL ANALYSIS.**

2 “The Administrator, under the supervision of the As-
3 sistant Attorney General for the Office of Justice Pro-
4 grams, and in consultation with the Director, may—

5 “(1) transfer funds to and enter into agree-
6 ments with the Bureau of Justice Statistics or, sub-
7 ject to the approval of the Assistant Attorney Gen-
8 eral for the Office of Justice Programs, to another
9 Federal agency authorized by law to undertake sta-
10 tistical work in juvenile justice matters, for the pur-
11 pose of providing for the collection, analysis, and
12 dissemination of statistical data and information re-
13 lating to juvenile crime, the juvenile justice system,
14 and youth violence, and for other purposes, con-
15 sistent with the Violent and Repeat Juvenile Of-
16 fender Accountability Act of 1999; and

17 “(2) plan and identify, in consultation with the
18 Director of the Bureau of Justice Statistics, the pur-
19 poses and goals of each grant made or contract or
20 other agreement entered into under this title.

21 **“SEC. 243. RESEARCH, DEMONSTRATION, AND EVALUATION**
22 **FUNCTIONS.**

23 “(a) IN GENERAL.—The Administrator, acting
24 through the National Institute for Juvenile Crime Control
25 and Delinquency Prevention, as appropriate, may—

1 “(1) conduct, encourage, and coordinate re-
2 search and evaluation into any aspect of juvenile de-
3 linquency, particularly with regard to new programs
4 and methods that show promise of making a con-
5 tribution toward the prevention and treatment of ju-
6 venile delinquency;

7 “(2) encourage the development of demonstra-
8 tion projects in new, innovative techniques and
9 methods to prevent and treat juvenile delinquency;

10 “(3) establish or expand programs that, in rec-
11 ognition of varying degrees of the seriousness of de-
12 linquent behavior and the corresponding gradations
13 in the responses of the juvenile justice system in re-
14 sponse to that behavior, are designed to—

15 “(A) encourage courts to develop and im-
16 plement a continuum of post-adjudication re-
17 straints that bridge the gap between traditional
18 probation and confinement in a correctional set-
19 ting (including expanded use of probation, me-
20 diation, restitution, community service, treat-
21 ment, home detention, intensive supervision,
22 electronic monitoring, boot camps and similar
23 programs, and secure community-based treat-
24 ment facilities linked to other support services
25 such as health, mental health, education (reme-

1 dial and special), job training, and recreation);
2 and

3 “(B) assist in the provision by the Admin-
4 istrator of best practices of information and
5 technical assistance, including technology trans-
6 fer, to States in the design and utilization of
7 risk assessment mechanisms to aid juvenile jus-
8 tice personnel in determining appropriate sanc-
9 tions for delinquent behavior;

10 “(4) encourage the development of programs
11 that, in addition to helping youth take responsibility
12 for their behavior, through control and incarceration,
13 if necessary, provide therapeutic intervention such as
14 providing skills;

15 “(5) encourage the development and establish-
16 ment of programs to enhance the States’ ability to
17 identify chronic serious and violent juvenile offend-
18 ers who commit crimes such as rape, murder, fire-
19 arms offenses, gang-related crimes, violent felonies,
20 and serious drug offenses;

21 “(6) prepare, in cooperation with education in-
22 stitutions, with Federal, State, and local agencies,
23 and with appropriate individuals and private agen-
24 cies, such studies as it considers to be necessary
25 with respect to prevention of and intervention with

1 juvenile violence and delinquency and the improve-
2 ment of juvenile justice systems, including—

3 “(A) evaluations of programs and interven-
4 tions designed to prevent youth violence and ju-
5 venile delinquency;

6 “(B) assessments and evaluations of the
7 methodological approaches to evaluating the ef-
8 fectiveness of interventions and programs de-
9 signed to prevent youth violence and juvenile
10 delinquency;

11 “(C) studies of the extent, nature, risk,
12 and protective factors, and causes of youth vio-
13 lence and juvenile delinquency;

14 “(D) comparisons of youth adjudicated
15 and treated by the juvenile justice system com-
16 pared to juveniles waived to and adjudicated by
17 the adult criminal justice system (including in-
18 carcerated in adult, secure correctional facili-
19 ties);

20 “(E) recommendations with respect to ef-
21 fective and ineffective primary, secondary, and
22 tertiary prevention interventions, including for
23 which juveniles, and under what circumstances
24 (including circumstances connected with the

1 staffing of the intervention), prevention efforts
2 are effective and ineffective; and

3 “(F) assessments of risk prediction sys-
4 tems of juveniles used in making decisions re-
5 garding pretrial detention;

6 “(7) disseminate the results of such evaluations
7 and research and demonstration activities particu-
8 larly to persons actively working in the field of juve-
9 nile delinquency;

10 “(8) disseminate pertinent data and studies to
11 individuals, agencies, and organizations concerned
12 with the prevention and treatment of juvenile delin-
13 quency; and

14 “(9) routinely collect, analyze, compile, publish,
15 and disseminate uniform national statistics
16 concerning—

17 “(A) all aspects of juveniles as victims and
18 offenders;

19 “(B) the processing and treatment, in the
20 juvenile justice system, of juveniles who are sta-
21 tus offenders, delinquent, neglected, or abused;
22 and

23 “(C) the processing and treatment of such
24 juveniles who are treated as adults for purposes
25 of the criminal justice system.

1 “(b) PUBLIC DISCLOSURE.—The Administrator or
2 the Director, as appropriate, shall make available to the
3 public—

4 “(1) the results of research, demonstration, and
5 evaluation activities referred to in subsection (a)(8);

6 “(2) the data and studies referred to in sub-
7 section (a)(9); and

8 “(3) regular reports regarding each State’s ob-
9 jective measurements of youth violence, such as the
10 number, rate, and trend of homicides committed by
11 youths.

12 **“SEC. 244. TECHNICAL ASSISTANCE AND TRAINING FUNC-**
13 **TIONS.**

14 “The Administrator may—

15 “(1) provide technical assistance and training
16 assistance to Federal, State, and local governments
17 and to courts, public and private agencies, institu-
18 tions, and individuals in the planning, establishment,
19 funding, operation, and evaluation of juvenile delin-
20 quency programs;

21 “(2) develop, conduct, and provide for training
22 programs for the training of professional, para-
23 professional, and volunteer personnel, and other per-
24 sons who are working with or preparing to work

1 with juveniles, juvenile offenders (including juveniles
2 who commit hate crimes), and their families;

3 “(3) develop, conduct, and provide for seminars,
4 workshops, and training programs in the latest prov-
5 en effective techniques and methods of preventing
6 and treating juvenile delinquency for law enforce-
7 ment officers, juvenile judges, prosecutors, and de-
8 fense attorneys, and other court personnel, probation
9 officers, correctional personnel, and other Federal,
10 State, and local government personnel who are en-
11 gaged in work relating to juvenile delinquency;

12 “(4) develop technical training teams to aid in
13 the development of training programs in the States
14 and to assist State and local agencies that work di-
15 rectly with juveniles and juvenile offenders; and

16 “(5) provide technical assistance and training
17 to assist States and units of general local govern-
18 ment.

19 **“SEC. 245. ESTABLISHMENT OF TRAINING PROGRAM.**

20 “(a) IN GENERAL.—The Administrator shall estab-
21 lish a training program designed to train enrollees with
22 respect to methods and techniques for the prevention and
23 treatment of juvenile delinquency, including methods and
24 techniques specifically designed to prevent and reduce the
25 incidence of hate crimes committed by juveniles. In car-

1 rying out this program the Administrator may make use
 2 of available State and local services, equipment, personnel,
 3 facilities, and the like.

4 “(b) **QUALIFICATIONS FOR ENROLLMENT.**—Enroll-
 5 ees in the training program established under this section
 6 shall be drawn from law enforcement and correctional per-
 7 sonnel (including volunteer lay personnel), teachers and
 8 special education personnel, family counselors, child wel-
 9 fare workers, juvenile judges and judicial personnel, per-
 10 sons associated with law-related education, public recre-
 11 ation personnel, youth workers, and representatives of pri-
 12 vate agencies and organizations with specific experience
 13 in the prevention and treatment of juvenile delinquency.

14 **“SEC. 246. REPORT ON STATUS OFFENDERS.**

15 “Not later than September 1, 2002, the Adminis-
 16 trator, through the National Institute of Justice, shall—

17 “(1) conduct a study on the effect of incarcer-
 18 ation on status offenders compared to similarly situ-
 19 ated individuals who are not placed in secure deten-
 20 tion in terms of the continuation of their inappro-
 21 priate or illegal conduct, delinquency, or future
 22 criminal behavior, and evaluating the safety of sta-
 23 tus offenders placed in secure detention; and

24 “(2) submit to the Chairman and Ranking
 25 Member of the Committee on the Judiciary of the

1 Senate and the Chairman and Ranking Member of
2 the Committee on Education and the Workforce of
3 the House of Representatives a report on the results
4 of the study conducted under paragraph (1).

5 **“SEC. 247. CONSIDERATIONS FOR APPROVAL OF APPLICA-**
6 **TIONS.**

7 “(a) IN GENERAL.—Any agency, institution, or indi-
8 vidual seeking to receive a grant, or enter into a contract,
9 under section 243, 244, or 245 shall submit an application
10 at such time, in such manner, and containing or accom-
11 panied by such information as the Administrator or the
12 Director, as appropriate, may prescribe.

13 “(b) APPLICATION CONTENTS.—In accordance with
14 guidelines established by the Administrator or the Direc-
15 tor, as appropriate, each application for assistance under
16 section 243, 244, or 245 shall—

17 “(1) set forth a program for carrying out 1 or
18 more of the purposes set forth in section 243, 244,
19 or 245, and specifically identify each such purpose
20 such program is designed to carry out;

21 “(2) provide that such program shall be admin-
22 istered by or under the supervision of the applicant;

23 “(3) provide for the proper and efficient admin-
24 istration of such program;

1 “(4) provide for regular evaluation of such pro-
2 gram; and

3 “(5) provide for such fiscal control and fund ac-
4 counting procedures as may be necessary to ensure
5 prudent use, proper disbursement, and accurate ac-
6 counting of funds received under this title.

7 “(c) FACTORS FOR CONSIDERATION.—In deter-
8 mining whether or not to approve applications for grants
9 and for contracts under this part, the Administrator or
10 the Director, as appropriate, shall consider—

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

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

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

21 “(4) the cost-effectiveness of the proposed
22 project.

23 “(d) SELECTION PROCESS.—

24 “(1) IN GENERAL.—

1 “(A) COMPETITIVE PROCESS.—Subject to
2 subparagraph (B), programs selected for assist-
3 ance through grants or contracts under section
4 243, 244, or 245 shall be selected through a
5 competitive process, which shall be established
6 by the Administrator or the Director, as appro-
7 priate, by rule. As part of such a process, the
8 Administrator or the Director, as appropriate,
9 shall announce in the Federal Register—

10 “(i) the availability of funds for such
11 assistance;

12 “(ii) the general criteria applicable to
13 the selection of applicants to receive such
14 assistance; and

15 “(iii) a description of the procedures
16 applicable to submitting and reviewing ap-
17 plications for such assistance.

18 “(B) WAIVER.—The competitive process
19 described in subparagraph (A) shall not be re-
20 quired if the Administrator or the Director, as
21 appropriate, makes a written determination
22 waiving the competitive process with respect to
23 a program to be carried out in an area with re-
24 spect to which the President declares under the
25 Robert T. Stafford Disaster Relief and Emer-

1 agency Assistance Act (42 U.S.C. 5121 et seq.)
2 that a major disaster or emergency exists.

3 “(2) REVIEW PROCESS.—

4 “(A) IN GENERAL.—Programs selected for
5 assistance through grants and contracts under
6 this part shall be selected after a competitive
7 process that provides potential grantees and
8 contractors with not less than 90 days to sub-
9 mit applications for funds. Applications for
10 funds shall be reviewed through a formal peer
11 review process by qualified scientists with ex-
12 pertise in the fields of criminology, juvenile de-
13 linquency, sociology, psychology, research meth-
14 odology, evaluation research, statistics, and re-
15 lated areas. The peer review process shall con-
16 form to the process used by the National Insti-
17 tutes of Health, the National Institute of Jus-
18 tice, or the National Science Foundation.

19 “(B) ESTABLISHMENT OF PROCESS.—
20 Such process shall be established by the Admin-
21 istrator or the Director, as appropriate, in con-
22 sultation with the Directors and other appro-
23 priate officials of the National Science Founda-
24 tion and the National Institute of Mental
25 Health. Before implementation of such process,

1 the Administrator or the Director, as appro-
 2 priate, shall submit such process to such Direc-
 3 tors, each of whom shall prepare and furnish to
 4 the Chairman of the Committee on Education
 5 and the Workforce of the House of Representa-
 6 tives and the Chairman of the Committee on
 7 the Judiciary of the Senate a final report con-
 8 taining their comments on such process as pro-
 9 posed to be established.

10 “(3) EMERGENCY EXPEDITED CONSIDER-
 11 ATION.—In establishing the process required under
 12 paragraphs (1) and (2), the Administrator or the
 13 Director, as appropriate, shall provide for emergency
 14 expedited consideration of a proposed program if the
 15 Administrator or the Director, as appropriate, deter-
 16 mines such action to be necessary in order to avoid
 17 a delay that would preclude carrying out the pro-
 18 gram.

19 “(e) EFFECT OF POPULATION.—A city shall not be
 20 denied assistance under section 243, 244, or 245 solely
 21 on the basis of its population.

22 “(f) NOTIFICATION PROCESS.—Notification of grants
 23 and contracts made under sections 243, 244, and 245
 24 (and the applications submitted for such grants and con-
 25 tracts) shall, upon being made, be transmitted by the Ad-

1 administrator or the Director, as appropriate, to the Chair-
 2 man of the Committee on Education and the Workforce
 3 of the House of Representatives and the Chairman of the
 4 Committee on the Judiciary of the Senate.

5 **“SEC. 248. STUDY OF VIOLENT ENTERTAINMENT.**

6 “(a) REQUIREMENT.—The National Institutes of
 7 Health shall conduct a study of the effects of violent video
 8 games and music on child development and youth violence.

9 “(b) ELEMENTS.—The study under subsection (a)
 10 shall address—

11 “(1) whether, and to what extent, violence in
 12 video games and music adversely affects the emo-
 13 tional and psychological development of juveniles;
 14 and

15 “(2) whether violence in video games and music
 16 contributes to juvenile delinquency and youth vio-
 17 lence.

18 **“PART D—GANG-FREE SCHOOLS AND COMMU-**
 19 **NITIES; COMMUNITY-BASED GANG INTER-**
 20 **VENTION**

21 **“SEC. 251. DEFINITION OF JUVENILE.**

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

24 **“SEC. 252. GANG-FREE SCHOOLS AND COMMUNITIES.**

25 “(a) IN GENERAL.—

1 “(1) The Administrator shall make grants to or
2 enter into contracts with public agencies (including
3 local educational agencies) and private nonprofit
4 agencies, organizations, and institutions to establish
5 and support programs and activities that involve
6 families and communities and that are designed to
7 carry out any of the following purposes:

8 “(A) To prevent and to reduce the partici-
9 pation of juveniles in the activities of gangs
10 that commit crimes. Such programs and activi-
11 ties may include—

12 “(i) individual, peer, family, and
13 group counseling, including the provision
14 of life skills training and preparation for
15 living independently, which shall include
16 cooperation with social services, welfare,
17 and health care programs;

18 “(ii) education, recreation, and social
19 services designed to address the social and
20 developmental needs of juveniles that such
21 juveniles would otherwise seek to have met
22 through membership in gangs;

23 “(iii) crisis intervention and coun-
24 seling to juveniles, who are particularly at
25 risk of gang involvement, and their fami-

1 lies, including assistance from social serv-
2 ice, welfare, health care, mental health,
3 and substance abuse prevention and treat-
4 ment agencies where necessary;

5 “(iv) the organization of neighborhood
6 and community groups to work closely with
7 parents, schools, law enforcement, and
8 other public and private agencies in the
9 community; and

10 “(v) training and assistance to adults
11 who have significant relationships with ju-
12 veniles who are or may become members of
13 gangs, to assist such adults in providing
14 constructive alternatives to participating in
15 the activities of gangs.

16 “(B) To develop within the juvenile adju-
17 dicatory and correctional systems new and inno-
18 vative means to address the problems of juve-
19 niles convicted of serious drug-related and
20 gang-related offenses.

21 “(C) To target elementary school students,
22 with the purpose of steering students away
23 from gang involvement.

24 “(D) To provide treatment to juveniles
25 who are members of such gangs, including

1 members who are accused of committing a seri-
2 ous crime and members who have been adju-
3 dicated as being delinquent.

4 “(E) To promote the involvement of juve-
5 niles in lawful activities in geographical areas in
6 which gangs commit crimes.

7 “(F) To promote and support, with the co-
8 operation of community-based organizations ex-
9 perience in providing services to juveniles en-
10 gaged in gang-related activities and the co-
11 operation of local law enforcement agencies, the
12 development of policies and activities in public
13 elementary and secondary schools that will as-
14 sist such schools in maintaining a safe environ-
15 ment conducive to learning.

16 “(G) To assist juveniles who are or may
17 become members of gangs to obtain appropriate
18 educational instruction, in or outside a regular
19 school program, including the provision of coun-
20 seling and other services to promote and sup-
21 port the continued participation of such juve-
22 niles in such instructional programs.

23 “(H) To expand the availability of preven-
24 tion and treatment services relating to the ille-
25 gal use of controlled substances and controlled

1 substance analogues (as defined in paragraphs
2 (6) and (32) of section 102 of the Controlled
3 Substances Act (21 U.S.C. 802)) by juveniles,
4 provided through State and local health and so-
5 cial services agencies.

6 “(I) To provide services to prevent juve-
7 niles from coming into contact with the juvenile
8 justice system again as a result of gang-related
9 activity.

10 “(J) To provide services authorized in this
11 section at a special location in a school or hous-
12 ing project or other appropriate site.

13 “(K) To support activities to inform juve-
14 niles of the availability of treatment and serv-
15 ices for which financial assistance is available
16 under this section.

17 “(2) From not more than 15 percent of the
18 total amount appropriated to carry out this part in
19 each fiscal year, the Administrator may make grants
20 to and enter into contracts with public agencies and
21 private nonprofit agencies, organizations, and
22 institutions—

23 “(A) to conduct research on issues related
24 to juvenile gangs;

1 “(B) to evaluate the effectiveness of pro-
2 grams and activities funded under paragraph
3 (1); and

4 “(C) to increase the knowledge of the pub-
5 lic (including public and private agencies that
6 operate or desire to operate gang prevention
7 and intervention programs) by disseminating in-
8 formation on research and on effective pro-
9 grams and activities funded under this section.

10 “(b) APPROVAL OF APPLICATIONS.—

11 “(1) IN GENERAL.—Any agency, organization,
12 or institution seeking to receive a grant, or to enter
13 into a contract, under this section shall submit an
14 application at such time, in such manner, and con-
15 taining such information as the Administrator may
16 prescribe.

17 “(2) APPLICATION CONTENTS.—In accordance
18 with guidelines established by the Administrator,
19 each application submitted under paragraph (1)
20 shall—

21 “(A) set forth a program or activity for
22 carrying out 1 or more of the purposes specified
23 in subsection (a) and specifically identify each
24 such purpose such program or activity is de-
25 signed to carry out;

1 “(B) provide that such program or activity
2 shall be administered by or under the super-
3 vision of the applicant;

4 “(C) provide for the proper and efficient
5 administration of such program or activity;

6 “(D) provide for regular evaluation of such
7 program or activity;

8 “(E) provide an assurance that the pro-
9 posed program or activity will supplement, not
10 supplant, similar programs and activities al-
11 ready available in the community;

12 “(F) describe how such program or activity
13 is coordinated with programs, activities, and
14 services available locally under part B or C of
15 this title, and under chapter 1 of subtitle B of
16 title III of the Anti-Drug Abuse Act of 1988
17 (42 U.S.C. 11801–11805);

18 “(G) certify that the applicant has re-
19 quested the State planning agency to review
20 and comment on such application and summa-
21 rize the responses of such State planning agen-
22 cy to such request;

23 “(H) provide that regular reports on such
24 program or activity shall be sent to the Admin-
25 istrator and to such State planning agency; and

1 “(I) provide for such fiscal control and
2 fund accounting procedures as may be nec-
3 essary to ensure prudent use, proper disburse-
4 ment, and accurate accounting of funds re-
5 ceived under this section.

6 “(3) PRIORITY.—In reviewing applications for
7 grants and contracts under this section, the Admin-
8 istrator shall give priority to applications—

9 “(A) submitted by, or substantially involv-
10 ing, local educational agencies (as defined in
11 section 1471 of the Elementary and Secondary
12 Education Act of 1965 (20 U.S.C. 2891));

13 “(B) based on the incidence and severity of
14 crimes committed by gangs whose membership
15 is composed primarily of juveniles in the geo-
16 graphical area in which the applicants propose
17 to carry out the programs and activities for
18 which such grants and contracts are requested;
19 and

20 “(C) for assistance for programs and ac-
21 tivities that—

22 “(i) are broadly supported by public
23 and private nonprofit agencies, organiza-
24 tions, and institutions located in such geo-
25 graphical area; and

1 “(ii) will substantially involve the fam-
2 ilies of juvenile gang members in carrying
3 out such programs or activities.

4 **“SEC. 253. COMMUNITY-BASED GANG INTERVENTION.**

5 “(a) IN GENERAL.—The Administrator shall make
6 grants to or enter into contracts with public and private
7 nonprofit agencies, organizations, and institutions to carry
8 out programs and activities—

9 “(1) to reduce the participation of juveniles in
10 the illegal activities of gangs;

11 “(2) to develop regional task forces involving
12 State, local, and community-based organizations to
13 coordinate the disruption of gangs and the prosecu-
14 tion of juvenile gang members and to curtail inter-
15 state activities of gangs; and

16 “(3) to facilitate coordination and cooperation
17 among—

18 “(A) local education, juvenile justice, em-
19 ployment, recreation, and social service agen-
20 cies; and

21 “(B) community-based programs with a
22 proven record of effectively providing interven-
23 tion services to juvenile gang members for the
24 purpose of reducing the participation of juve-
25 niles in illegal gang activities; and

1 “(4) to support programs that, in recognition of
2 varying degrees of the seriousness of delinquent be-
3 havior and the corresponding gradations in the re-
4 sponses of the juvenile justice system in response to
5 that behavior, are designed to—

6 “(A) encourage courts to develop and im-
7 plement a continuum of post-adjudication re-
8 straints that bridge the gap between traditional
9 probation and confinement in a correctional set-
10 ting (including expanded use of probation, me-
11 diation, restitution, community service, treat-
12 ment, home detention, intensive supervision,
13 electronic monitoring, boot camps and similar
14 programs, and secure community-based treat-
15 ment facilities linked to other support services
16 such as health, mental health, education (reme-
17 dial and special), job training, and recreation);
18 and

19 “(B) assist in the provision by the Admin-
20 istrator of information and technical assistance,
21 including technology transfer, to States in the
22 design and utilization of risk assessment mech-
23 anisms to aid juvenile justice personnel in de-
24 termining appropriate sanctions for delinquent
25 behavior.

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

4 “(1) the hiring of additional State and local
5 prosecutors, and the establishment and operation of
6 programs, including multijurisdictional task forces,
7 for the disruption of gangs and the prosecution of
8 gang members;

9 “(2) developing within the juvenile adjudicatory
10 and correctional systems new and innovative means
11 to address the problems of juveniles convicted of se-
12 rious drug-related and gang-related offenses;

13 “(3) providing treatment to juveniles who are
14 members of such gangs, including members who are
15 accused of committing a serious crime and members
16 who have been adjudicated as being delinquent;

17 “(4) promoting the involvement of juveniles in
18 lawful activities in geographical areas in which
19 gangs commit crimes;

20 “(5) expanding the availability of prevention
21 and treatment services relating to the illegal use of
22 controlled substances and controlled substances ana-
23 logues (as defined in paragraphs (6) and (32) of sec-
24 tion 102 of the Controlled Substances Act (21

1 U.S.C. 802)), by juveniles, provided through State
2 and local health and social services agencies;

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

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

9 “(c) APPROVAL OF APPLICATIONS.—

10 “(1) IN GENERAL.—Any agency, organization,
11 or institution desiring to receive a grant, or to enter
12 into a contract, under this section shall submit an
13 application at such time, in such manner, and con-
14 taining such information as the Administrator may
15 prescribe.

16 “(2) APPLICATION CONTENTS.—In accordance
17 with guidelines established by the Administrator,
18 each application submitted under paragraph (1)
19 shall—

20 “(A) set forth a program or activity for
21 carrying out 1 or more of the purposes specified
22 in subsection (a) and specifically identify each
23 such purpose such program or activity is de-
24 signed to carry out;

1 “(B) provide that such program or activity
2 shall be administered by or under the super-
3 vision of the applicant;

4 “(C) provide for the proper and efficient
5 administration of such program or activity;

6 “(D) provide for regular evaluation of such
7 program or activity;

8 “(E) provide an assurance that the pro-
9 posed program or activity will supplement, not
10 supplant, similar programs and activities al-
11 ready available in the community;

12 “(F) describe how such program or activity
13 is coordinated with programs, activities, and
14 services available locally under part B of this
15 title and under chapter 1 of subtitle B of title
16 III of the Anti-Drug Abuse Act of 1988 (42
17 U.S.C. 11801–11805);

18 “(G) certify that the applicant has re-
19 quested the State planning agency to review
20 and comment on such application and summa-
21 rize the responses of such State planning agen-
22 cy to such request;

23 “(H) provide that regular reports on such
24 program or activity shall be sent to the Admin-
25 istrator and to such State planning agency; and

1 “(I) provide for such fiscal control and
2 fund accounting procedures as may be nec-
3 essary to ensure prudent use, proper disburse-
4 ment, and accurate accounting of funds re-
5 ceived under this section.

6 “(3) PRIORITY.—In reviewing applications for
7 grants and contracts under subsection (a), the Ad-
8 ministrator shall give priority to applications—

9 “(A) submitted by, or substantially involv-
10 ing, community-based organizations experienced
11 in providing services to juveniles;

12 “(B) based on the incidence and severity of
13 crimes committed by gangs whose membership
14 is composed primarily of juveniles in the geo-
15 graphical area in which the applicants propose
16 to carry out the programs and activities for
17 which such grants and contracts are requested;
18 and

19 “(C) for assistance for programs and ac-
20 tivities that—

21 “(i) are broadly supported by public
22 and private nonprofit agencies, organiza-
23 tions, and institutions located in such geo-
24 graphical area; and

1 “(ii) will substantially involve the fam-
2 ilies of juvenile gang members in carrying
3 out such programs or activities.

4 **“SEC. 254. PRIORITY.**

5 “In making grants under this part, the Administrator
6 shall give priority to funding programs and activities de-
7 scribed in subsections (a)(2) and (b)(1) of section 253.

8 **“PART E—DEVELOPING, TESTING, AND DEM-**
9 **ONSTRATING PROMISING NEW INITIATIVES**
10 **AND PROGRAMS**

11 **“SEC. 261. GRANTS AND PROJECTS.**

12 “(a) **AUTHORITY TO MAKE GRANTS.**—The Adminis-
13 trator may make grants to, and enter into contracts with,
14 States, units of local government, Indian tribal govern-
15 ments, public and private agencies, organizations, and in-
16 dividuals, or combinations thereof, to carry out projects
17 for the development, testing, and demonstration of prom-
18 ising initiatives and programs for the prevention, control,
19 or reduction of juvenile delinquency. The Administrator
20 shall ensure that, to the extent reasonable and practicable,
21 such grants are made to achieve an equitable geographical
22 distribution of such projects throughout the United
23 States.

1 “(b) USE OF GRANTS.—A grant made under sub-
2 section (a) may be used to pay all or part of the cost of
3 the project for which such grant is made.

4 **“SEC. 262. GRANTS FOR TRAINING AND TECHNICAL ASSIST-**
5 **ANCE.**

6 “The Administrator may make grants to, and enter
7 into contracts with, public and private agencies, organiza-
8 tions, and individuals to provide training and technical as-
9 sistance to States, units of local government, Indian tribal
10 governments, local private entities or agencies, or any
11 combination thereof, to carry out the projects for which
12 grants are made under section 261.

13 **“SEC. 263. ELIGIBILITY.**

14 “To be eligible to receive assistance pursuant to a
15 grant or contract under this part, a public or private agen-
16 cy, Indian tribal government, organization, institution, in-
17 dividual, or combination thereof, shall submit an applica-
18 tion to the Administrator at such time, in such form, and
19 containing such information as the Administrator may
20 reasonably require by rule.

21 **“SEC. 264. REPORTS.**

22 “Each recipient of assistance pursuant to a grant or
23 contract under this part shall submit to the Administrator
24 such reports as may be reasonably requested by the Ad-

1 ministrator to describe progress achieved in carrying the
2 projects for which the assistance was provided.

3 **“PART F—MENTORING**

4 **“SEC. 271. MENTORING.**

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

7 “(1) reduce juvenile delinquency and gang par-
8 ticipation;

9 “(2) improve academic performance; and

10 “(3) reduce the dropout rate.

11 **“SEC. 272. DEFINITIONS.**

12 “In this part—

13 “(1) the term ‘at-risk youth’ means a youth at
14 risk of educational failure, dropping out of school, or
15 involvement in criminal or delinquent activities; and

16 “(2) the term ‘mentor’ means a person who
17 works with an at-risk youth on a one-to-one basis,
18 providing a positive role model for the youth, estab-
19 lishing a supportive relationship with the youth, and
20 providing the youth with academic assistance and
21 exposure to new experiences and examples of oppor-
22 tunity that enhance the ability of the youth to be-
23 come a responsible adult.

1 **“SEC. 273. GRANTS.**

2 “(a) LOCAL EDUCATIONAL GRANTS.—The Adminis-
3 trator shall make grants to local education agencies and
4 nonprofit organizations to establish and support programs
5 and activities for the purpose of implementing mentoring
6 programs that—

7 “(1) are designed to link at-risk children, par-
8 ticularly children living in high crime areas and chil-
9 dren experiencing educational failure, with respon-
10 sible adults such as law enforcement officers, per-
11 sons working with local businesses, elders in Alaska
12 Native villages, and adults working for community-
13 based organizations and agencies; and

14 “(2) are intended to achieve 1 or more of the
15 following goals:

16 “(A) Provide general guidance to at-risk
17 youth.

18 “(B) Promote personal and social responsi-
19 bility among at-risk youth.

20 “(C) Increase at-risk youth’s participation
21 in and enhance their ability to benefit from ele-
22 mentary and secondary education.

23 “(D) Discourage at-risk youth’s use of ille-
24 gal drugs, violence, and dangerous weapons,
25 and other criminal activity.

1 “(E) Discourage involvement of at-risk
2 youth in gangs.

3 “(F) Encourage at-risk youth’s participa-
4 tion in community service and community ac-
5 tivities.

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

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

8 “(A) FAMILY-TO-FAMILY MENTORING PRO-
9 GRAM.—The term ‘family-to-family mentoring
10 program’ means a mentoring program that—

11 “(i) utilizes a 2-tier mentoring ap-
12 proach that matches volunteer families
13 with at-risk families allowing parents to di-
14 rectly work with parents and children to
15 work directly with children; and

16 “(ii) has an afterschool program for
17 volunteer and at-risk families.

18 “(B) POSITIVE ALTERNATIVES PRO-
19 GRAM.—The term ‘positive alternatives pro-
20 gram’ means a positive youth development and
21 family-to-family mentoring program that em-
22 phasizes drug and gang prevention components.

23 “(C) QUALIFIED POSITIVE ALTERNATIVES
24 PROGRAM.—The term ‘qualified positive alter-
25 natives program’ means a positive alternatives

1 program that has established a family-to-family
2 mentoring program, as of the date of enactment
3 of the Violent and Repeat Juvenile Offender
4 Accountability and Rehabilitation Act of 1999.

5 “(2) **AUTHORITY.**—The Administrator shall
6 make and enter into contracts with a qualified posi-
7 tive alternatives program.

8 **“SEC. 274. REGULATIONS AND GUIDELINES.**

9 “(a) **PROGRAM GUIDELINES.**—The Administrator
10 shall issue program guidelines to implement this part. The
11 program guidelines shall be effective only after a period
12 for public notice and comment.

13 “(b) **MODEL SCREENING GUIDELINES.**—The Admin-
14 istrator shall develop and distribute to program partici-
15 pants specific model guidelines for the screening of pro-
16 spective program mentors.

17 **“SEC. 275. USE OF GRANTS.**

18 “(a) **PERMITTED USES.**—Grants awarded under this
19 part shall be used to implement mentoring programs,
20 including—

21 “(1) hiring of mentoring coordinators and sup-
22 port staff;

23 “(2) recruitment, screening, and training of
24 adult mentors;

1 “(3) reimbursement of mentors for reasonable
2 incidental expenditures such as transportation that
3 are directly associated with mentoring; and

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

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

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

10 “(2) to obtain educational or other materials or
11 equipment that would otherwise be used in the ordi-
12 nary course of the grantee’s operations;

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

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

16 **“SEC. 276. PRIORITY.**

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

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

21 “(2) have 60 percent or more of their youth eli-
22 gible to receive funds under the Elementary and
23 Secondary Education Act of 1965; and

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

1 “(b) OTHER CONSIDERATIONS.—In making grants
2 under this part, the Administrator shall give consideration
3 to—

4 “(1) the geographic distribution (urban and
5 rural) of applications;

6 “(2) the quality of a mentoring plan,
7 including—

8 “(A) the resources, if any, that will be
9 dedicated to providing participating youth with
10 opportunities for job training or postsecondary
11 education; and

12 “(B) the degree to which parents, teachers,
13 community-based organizations, and the local
14 community participate in the design and imple-
15 mentation of the mentoring plan; and

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

18 **“SEC. 277. APPLICATIONS.**

19 “An application for assistance under this part shall
20 include—

21 “(1) information on the youth expected to be
22 served by the program;

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

1 “(3) An assurance that no mentor or mentoring
2 family will be assigned a number of youths that
3 would undermine their ability to be an effective men-
4 tor and ensure a one-to-one relationship with
5 mentored youths;

6 “(4) an assurance that projects operated in sec-
7 ondary schools will provide youth with a variety of
8 experiences and support, including—

9 “(A) an opportunity to spend time in a
10 work environment and, when possible, partici-
11 pate in the work environment;

12 “(B) an opportunity to witness the job
13 skills that will be required for youth to obtain
14 employment upon graduation;

15 “(C) assistance with homework assign-
16 ments; and

17 “(D) exposure to experiences that youth
18 might not otherwise encounter;

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

21 “(A) academic assistance;

22 “(B) exposure to new experiences and ac-
23 tivities that youth might not encounter on their
24 own; and

25 “(C) emotional support;

1 “(6) an assurance that projects will be mon-
2 itored to ensure that each youth benefits from a
3 mentor relationship, with provision for a new mentor
4 assignment if the relationship is not beneficial to the
5 youth;

6 “(7) the method by which mentors and youth
7 will be recruited to the project;

8 “(8) the method by which prospective mentors
9 will be screened; and

10 “(9) the training that will be provided to men-
11 tors.

12 **“SEC. 278. GRANT CYCLES.**

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

15 **“SEC. 279. FAMILY MENTORING PROGRAM.**

16 “(a) DEFINITIONS.—In this section—

17 “(1) the term ‘cooperative extension services’
18 has the meaning given that term in section 1404 of
19 the National Agricultural Research, Extension, and
20 Teaching Policy Act of 1977 (7 U.S.C. 3103);

21 “(2) the term ‘family mentoring program’
22 means a mentoring program that—

23 “(A) utilizes a 2-tier mentoring approach
24 that uses college age or young adult mentors
25 working directly with at-risk youth and uses re-

1 tirement-age couples working with the parents
2 and siblings of at-risk youth; and

3 “(B) has a local advisory board to provide
4 direction and advice to program administrators;
5 and

6 “(3) the term ‘qualified cooperative extension
7 service’ means a cooperative extension service that
8 has established a family mentoring program, as of
9 the date of enactment of the Violent and Repeat Ju-
10 venile Offender Accountability and Rehabilitation
11 Act of 1999.

12 “(b) MODEL PROGRAM.—The Administrator, in co-
13 operation with the Secretary of Agriculture, shall make
14 a grant to a qualified cooperative extension service for the
15 purpose of expanding and replicating family mentoring
16 programs to reduce the incidence of juvenile crime and
17 delinquency among at-risk youth.

18 “(c) ESTABLISHMENT OF NEW FAMILY MENTORING
19 PROGRAMS.—

20 “(1) IN GENERAL.—The Administrator, in co-
21 operation with the Secretary of Agriculture, may
22 make 1 or more grants to cooperative extension serv-
23 ices for the purpose of establishing family mentoring
24 programs to reduce the incidence of juvenile crime
25 and delinquency among at-risk youth.

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

3 “(A) IN GENERAL.—The amount of a
4 grant under this subsection may not exceed 35
5 percent of the total costs of the program funded
6 by the grant.

7 “(B) SOURCE OF MATCH.—Matching funds
8 for grants under this subsection may be derived
9 from amounts made available to a State under
10 subsections (b) and (c) of section 3 of the
11 Smith-Lever Act (7 U.S.C. 343), except that
12 the total amount derived from Federal sources
13 may not exceed 70 percent of the total cost of
14 the program funded by the grant.

15 **“SEC. 280. CAPACITY BUILDING.**

16 “(a) MODEL PROGRAM.—The Administrator may
17 make a grant to a qualified national organization with a
18 proven history of providing one-to-one services for the pur-
19 pose of expanding and replicating capacity building pro-
20 grams to reduce the incidence of juvenile crime and delin-
21 quency among at-risk youth.

22 “(b) ESTABLISHMENT OF NEW CAPACITY BUILDING
23 PROGRAMS.—

24 “(1) IN GENERAL.—The Administrator may
25 make one or more grants to national organizations

1 with proven histories of providing one-to-one services
2 for the purpose of expanding and replicating capac-
3 ity building programs to reduce the incidence of ju-
4 venile crime and delinquency among at-risk youth.

5 “(2) MATCHING REQUIREMENT AND SOURCE OF
6 MATCHING FUNDS.—

7 “(A) IN GENERAL.—The amount of a
8 grant under this subsection may not exceed 50
9 percent of the total cost of the programs funded
10 by the grant.

11 “(B) SOURCE OF MATCH.—Matching funds
12 for grants under this subsection must be de-
13 rived from a private agency, institution or busi-
14 ness.

15 **“PART G—ADMINISTRATIVE PROVISIONS**

16 **“SEC. 291. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) IN GENERAL.—There is authorized to be appro-
18 priated to carry out this title, and to carry out part R
19 of title I of the Omnibus Crime Control and Safe Streets
20 Act of 1968 (42 U.S.C. 3796 et seq.), \$1,100,000,000 for
21 each of fiscal years 1999 through 2004.

22 “(b) ALLOCATION OF APPROPRIATIONS.—Of the
23 amount made available under subsection (a) for each fiscal
24 year—

1 “(1) \$500,000,000 shall be for programs under
2 sections 1801 and 1803 of part R of title I of the
3 Omnibus Crime Control and Safe Streets Act of
4 1968 (42 U.S.C. 3796 et seq.), of which
5 \$50,000,000 shall be for programs under section
6 1803;

7 “(2) \$75,000,000 shall be for grants for juve-
8 nile criminal history records upgrades pursuant to
9 section 1802 of part R of title I of the Omnibus
10 Crime Control and Safe Streets Act of 1968 (42
11 U.S.C. 3796 et seq.);

12 “(3) \$200,000,000 shall be for programs under
13 section 205 of part A of this title;

14 “(4) \$200,000,000 shall be for programs under
15 part B of this title;

16 “(5) \$40,000,000 shall be for prevention pro-
17 grams under part C of this title—

18 “(A) of which \$20,000,000 shall be for
19 evaluation research of primary, secondary, and
20 tertiary juvenile delinquency programs; and

21 “(B) \$2,000,000 shall be for the study re-
22 quired by section 248;

23 “(6) \$20,000,000 shall be for programs under
24 parts D and E of this title; and

“(7) \$20,000,000 shall be for programs under part F of this title, of which \$3,000,000 shall be for programs under section 279 and \$3,000,000 for programs under section 280.

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

8 “(d) ADMINISTRATION AND OPERATIONS.—There is
9 authorized to be appropriated for the administration and
10 operation of the Office of Juvenile Crime Control and Pre-
11 vention such sums as may be necessary for each of fiscal
12 years 1999 through 2004.

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

17 "SEC. 292. RELIGIOUS NONDISCRIMINATION; RESTRIC-
18 TIONS ON USE OF AMOUNTS; PENALTIES.

19 “(a) **RELIGIOUS NONDISCRIMINATION.**—The provi-
20 sions of section 104 of the Personal Responsibility and
21 Work Opportunity Reconciliation Act of 1996 (42 U.S.C.
22 604a) shall apply to a State or local government exercising
23 its authority to distribute grants to applicants under this
24 title.

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

1 “(1) EXPERIMENTATION ON INDIVIDUALS.—

2 “(A) IN GENERAL.—No amounts made
3 available to carry out this title may be used for
4 any biomedical or behavior control experimen-
5 tation on individuals or any research involving
6 such experimentation.

7 “(B) DEFINITION OF BEHAVIOR CON-
8 TROL.—In this paragraph, the term ‘behavior
9 control’—

10 “(i) means any experimentation or re-
11 search employing methods that—

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

15 “(II) are intended to modify or
16 alter criminal and other antisocial be-
17 havior, including aversive conditioning
18 therapy, drug therapy, chemotherapy
19 (except as part of routine clinical
20 care), physical therapy of mental dis-
21 orders, electroconvulsive therapy, or
22 physical punishment; and

23 “(ii) does not include a limited class
24 of programs generally recognized as involv-
25 ing no such risk, including methadone

1 maintenance and certain substance abuse
2 treatment programs, psychological coun-
3 seling, parent training, behavior con-
4 tracting, survival skills training, restitue-
5 tion, or community service, if safeguards
6 are established for the informed consent of
7 subjects (including parents or guardians of
8 minors).

9 “(2) PROHIBITION AGAINST PRIVATE AGENCY
10 USE OF AMOUNTS IN CONSTRUCTION.—

11 “(A) IN GENERAL.—No amount made
12 available to any private agency or institution, or
13 to any individual, under this title (either di-
14 rectly or through a State office) may be used
15 for construction.

16 “(B) EXCEPTION.—The restriction in
17 clause (i) shall not apply to any juvenile pro-
18 gram in which training or experience in con-
19 struction or renovation is used as a method of
20 juvenile accountability or rehabilitation.

21 “(3) LOBBYING.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), no amount made available
24 under this title to any public or private agency,
25 organization or institution, or to any individual

1 shall be used to pay for any personal service,
2 advertisement, telegram, telephone communica-
3 tion, letter, printed or written matter, or other
4 device intended or designed to influence a Mem-
5 ber of Congress or any other Federal, State, or
6 local elected official to favor or oppose any Act,
7 bill, resolution, or other legislation, or any ref-
8 erendum, initiative, constitutional amendment,
9 or any other procedure of Congress, any State
10 legislature, any local council, or any similar
11 governing body.

12 “(B) EXCEPTION.—This paragraph does
13 not preclude the use of amounts made available
14 under this title in connection with communica-
15 tions to Federal, State, or local elected officials,
16 upon the request of such officials through prop-
17 er official channels, pertaining to authorization,
18 appropriation, or oversight measures directly af-
19 fecting the operation of the program involved.

20 “(4) LEGAL ACTION.—No amounts made avail-
21 able under this title to any public or private agency,
22 organization, institution, or to any individual, shall
23 be used in any way directly or indirectly to file an
24 action or otherwise take any legal action against any

1 Federal, State, or local agency, institution, or em-
2 ployee.

3 “(c) PENALTIES.—

4 “(1) IN GENERAL.—If any amounts are used
5 for the purposes prohibited in either paragraph (3)
6 or (4) of subsection (b), or in violation of subsection
7 (a)—

8 “(A) funding for the agency, organization,
9 institution, or individual at issue shall be imme-
10 diately discontinued in whole or in part; and

11 “(B) the agency, organization, institution,
12 or individual using amounts for the purpose
13 prohibited in paragraph (3) or (4) of subsection
14 (b), or in violation of subsection (a), shall be
15 liable for reimbursement of all amounts granted
16 to the individual or entity for the fiscal year for
17 which the amounts were granted.

18 “(2) LIABILITY FOR EXPENSES AND DAM-
19 AGES.—In relation to a violation of subsection
20 (b)(4), the individual filing the lawsuit or responsible
21 for taking the legal action against the Federal,
22 State, or local agency or institution, or individual
23 working for the Government, shall be individually
24 liable for all legal expenses and any other expenses
25 of the Government agency, institution, or individual

1 working for the Government, including damages as-
 2 sessed by the jury against the Government agency,
 3 institution, or individual working for the Govern-
 4 ment, and any punitive damages.

5 **“SEC. 293. ADMINISTRATIVE PROVISIONS.**

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

9 “(b) APPLICABILITY OF CERTAIN CRIME CONTROL
 10 PROVISIONS.—Sections 809(c), 811(a), 811(b), 811(c),
 11 812(a), 812(b), and 812(d) of the Omnibus Crime Control
 12 and Safe Streets Act of 1968 (42 U.S.C. 3789d(c),
 13 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b),
 14 3789g(d)) shall apply with respect to the administration
 15 of and compliance with this title, except that for purposes
 16 of this Act—

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

21 “(2) the term ‘this title’ as it appears in such
 22 sections shall be considered to be a reference to this
 23 title.

24 “(c) APPLICABILITY OF CERTAIN OTHER CRIME
 25 CONTROL PROVISIONS.—Sections 801(a), 801(c), and 806

1 of the Omnibus Crime Control and Safe Streets Act of
 2 1968 (42 U.S.C. 3711(a), 3711(c), and 3787) shall apply
 3 with respect to the administration of and compliance with
 4 this title, except that, for purposes of this title—

5 “(1) any reference to the Attorney General, the
 6 Assistant Attorney General who heads the Office of
 7 Justice Programs, the Director of the National In-
 8 stitute of Justice, the Director of the Bureau of Jus-
 9 tice Statistics, or the Director of the Bureau of Jus-
 10 tice Assistance shall be considered to be a reference
 11 to the Administrator;

12 “(2) any reference to the Office of Justice Pro-
 13 grams, the Bureau of Justice Assistance, the Na-
 14 tional Institute of Justice, or the Bureau of Justice
 15 Statistics shall be considered to be a reference to the
 16 Office of Juvenile Crime Control and Prevention;
 17 and

18 “(3) the term ‘this title’ as it appears in those
 19 sections shall be considered to be a reference to this
 20 title.

21 “(d) RULES, REGULATIONS, AND PROCEDURES.—
 22 The Administrator may, after appropriate consultation
 23 with representatives of States and units of local govern-
 24 ment, and an opportunity for notice and comment in ac-
 25 cordance with subchapter II of chapter 5 of title 5, United

1 States Code, establish such rules, regulations, and proce-
 2 dures as are necessary for the exercise of the functions
 3 of the Office and as are consistent with the purpose of
 4 this Act.

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

10 “(1) the program or activity for which the
 11 grant or contract involved was made has been so
 12 changed that the program or activity no longer com-
 13 plies with this title; or

14 “(2) in the operation of such program or activ-
 15 ity there is failure to comply substantially with any
 16 provision of this title.”.

17 (b) REPEAL.—Title V of the Juvenile Justice and De-
 18 linquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.)
 19 is repealed.

20 **SEC. 303. RUNAWAY AND HOMELESS YOUTH.**

21 (a) FINDINGS.—Section 302 of the Runaway and
 22 Homeless Youth Act (42 U.S.C. 5701) is amended—

23 (1) in paragraph (5), by striking “accurate re-
 24 porting of the problem nationally and to develop”
 25 and inserting “an accurate national reporting system

1 to report the problem, and to assist in the develop-
2 ment of”; and

3 (2) by striking paragraph (8) and inserting the
4 following:

5 “(8) services for runaway and homeless youth
6 are needed in urban, suburban, and rural areas;”.

7 (b) AUTHORITY TO MAKE GRANTS FOR CENTERS
8 AND SERVICES.—Section 311 of the Runaway and Home-
9 less Youth Act (42 U.S.C. 5711) is amended—

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

12 “(a) GRANTS FOR CENTERS AND SERVICES.—

13 “(1) IN GENERAL.—The Secretary shall make
14 grants to public and nonprofit private entities (and
15 combinations of such entities) to establish and oper-
16 ate (including renovation) local centers to provide
17 services for runaway and homeless youth and for the
18 families of such youth.

19 “(2) SERVICES PROVIDED.—Services provided
20 under paragraph (1)—

21 “(A) shall be provided as an alternative to
22 involving runaway and homeless youth in the
23 law enforcement, child welfare, mental health,
24 and juvenile justice systems;

25 “(B) shall include—

1 “(i) safe and appropriate shelter; and

2 “(ii) individual, family, and group

3 counseling, as appropriate; and

4 “(C) may include—

5 “(i) street-based services;

6 “(ii) home-based services for families

7 with youth at risk of separation from the

8 family; and

9 “(iii) drug abuse education and pre-

10 vention services.”;

11 (2) in subsection (b)(2), by striking “the Trust

12 Territory of the Pacific Islands,”; and

13 (3) by striking subsections (c) and (d).

14 (c) ELIGIBILITY.—Section 312 of the Runaway and

15 Homeless Youth Act (42 U.S.C. 5712) is amended—

16 (1) in subsection (b)—

17 (A) in paragraph (8), by striking “para-

18 graph (6)” and inserting “paragraph (7)”;

19 (B) in paragraph (10), by striking “and”

20 at the end;

21 (C) in paragraph (11), by striking the pe-

22 riod at the end and inserting “; and”; and

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

1 “(12) shall submit to the Secretary an annual
2 report that includes, with respect to the year for
3 which the report is submitted—

4 “(A) information regarding the activities
5 carried out under this part;

6 “(B) the achievements of the project under
7 this part carried out by the applicant; and

8 “(C) statistical summaries describing—

9 “(i) the number and the characteris-
10 ties of the runaway and homeless youth,
11 and youth at risk of family separation, who
12 participate in the project; and

13 “(ii) the services provided to such
14 youth by the project.”; and

15 (2) by striking subsections (c) and (d) and in-
16 serting the following:

17 “(c) APPLICANTS PROVIDING STREET-BASED SERV-
18 ICES.—To be eligible to use assistance under section
19 311(a)(2)(C)(i) to provide street-based services, the appli-
20 cant shall include in the plan required by subsection (b)
21 assurances that in providing such services the applicant
22 will—

23 “(1) provide qualified supervision of staff, in-
24 cluding on-street supervision by appropriately
25 trained staff;

1 “(2) provide backup personnel for on-street
2 staff;

3 “(3) provide initial and periodic training of
4 staff who provide such services; and

5 “(4) conduct outreach activities for runaway
6 and homeless youth, and street youth.

7 “(d) APPLICANTS PROVIDING HOME-BASED SERV-
8 ICES.—To be eligible to use assistance under section
9 311(a) to provide home-based services described in section
10 311(a)(2)(C)(ii), an applicant shall include in the plan re-
11 quired by subsection (b) assurances that in providing such
12 services the applicant will—

13 “(1) provide counseling and information to
14 youth and the families (including unrelated individ-
15 uals in the family households) of such youth, includ-
16 ing services relating to basic life skills, interpersonal
17 skill building, educational advancement, job attain-
18 ment skills, mental and physical health care, par-
19 enting skills, financial planning, and referral to
20 sources of other needed services;

21 “(2) provide directly, or through an arrange-
22 ment made by the applicant, 24-hour service to re-
23 spond to family crises (including immediate access to
24 temporary shelter for runaway and homeless youth,
25 and youth at risk of separation from the family);

1 “(3) establish, in partnership with the families
2 of runaway and homeless youth, and youth at risk
3 of separation from the family, objectives and meas-
4 ures of success to be achieved as a result of receiv-
5 ing home-based services;

6 “(4) provide initial and periodic training of
7 staff who provide home-based services; and

8 “(5) ensure that—

9 “(A) caseloads will remain sufficiently low
10 to allow for intensive (5 to 20 hours per week)
11 involvement with each family receiving such
12 services; and

13 “(B) staff providing such services will re-
14 ceive qualified supervision.

15 “(e) APPLICANTS PROVIDING DRUG ABUSE EDU-
16 CATION AND PREVENTION SERVICES.—To be eligible to
17 use assistance under section 311(a)(2)(C)(iii) to provide
18 drug abuse education and prevention services, an appli-
19 cant shall include in the plan required by subsection (b)—

20 “(1) a description of—

21 “(A) the types of such services that the ap-
22 plicant proposes to provide;

23 “(B) the objectives of such services; and

1 “(C) the types of information and training
2 to be provided to individuals providing such
3 services to runaway and homeless youth; and

4 “(2) an assurance that in providing such serv-
5 ices the applicant shall conduct outreach activities
6 for runaway and homeless youth.”.

7 (d) APPROVAL OF APPLICATIONS.—Section 313 of
8 the Runaway and Homeless Youth Act (42 U.S.C. 5713)
9 is amended to read as follows:

10 **“SEC. 313. APPROVAL OF APPLICATIONS.**

11 “(a) IN GENERAL.—An application by a public or
12 private entity for a grant under section 311(a) may be
13 approved by the Secretary after taking into consideration,
14 with respect to the State in which such entity proposes
15 to provide services under this part—

16 “(1) the geographical distribution in such State
17 of the proposed services under this part for which all
18 grant applicants request approval; and

19 “(2) which areas of such State have the great-
20 est need for such services.

21 “(b) PRIORITY.—In selecting applications for grants
22 under section 311(a), the Secretary shall give priority to—

23 “(1) eligible applicants who have demonstrated
24 experience in providing services to runaway and
25 homeless youth; and

1 “(2) eligible applicants that request grants of
2 less than \$200,000.”.

3 (e) **AUTHORITY FOR TRANSITIONAL LIVING GRANT**
4 **PROGRAM.**—Section 321 of the Runaway and Homeless
5 Youth Act (42 U.S.C. 5714–1) is amended—

6 (1) in the section heading, by striking “PUR-
7 POSE AND”;

8 (2) in subsection (a), by striking “(a)”; and

9 (3) by striking subsection (b).

10 (f) **ELIGIBILITY.**—Section 322(a)(9) of the Runaway
11 and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is
12 amended by inserting “, and the services provided to such
13 youth by such project,” after “such project”.

14 (g) **COORDINATION.**—Section 341 of the Runaway
15 and Homeless Youth Act (42 U.S.C. 5714–21) is amended
16 to read as follows:

17 **“SEC. 341. COORDINATION.**

18 “With respect to matters relating to the health, edu-
19 cation, employment, and housing of runaway and homeless
20 youth, the Secretary—

21 “(1) in conjunction with the Attorney General,
22 shall coordinate the activities of agencies of the De-
23 partment of Health and Human Services with activi-
24 ties under any other Federal juvenile crime control,
25 prevention, and juvenile offender accountability pro-

1 gram and with the activities of other Federal enti-
2 ties; and

3 “(2) shall coordinate the activities of agencies
4 of the Department of Health and Human Services
5 with the activities of other Federal entities and with
6 the activities of entities that are eligible to receive
7 grants under this title.”.

8 (h) AUTHORITY TO MAKE GRANTS FOR RESEARCH,
9 EVALUATION, DEMONSTRATION, AND SERVICE
10 PROJECTS.—Section 343 of the Runaway and Homeless
11 Youth Act (42 U.S.C. 5714–23) is amended—

12 (1) in the section heading, by inserting “EVAL-
13 UATION,” after “RESEARCH,”;

14 (2) in subsection (a), by inserting “evaluation,”
15 after “research,”; and

16 (3) in subsection (b)—

17 (A) by striking paragraph (2); and

18 (B) by redesignating paragraphs (3)
19 through (10) as paragraphs (2) through (9), re-
20 spectively.

21 (i) ASSISTANCE TO POTENTIAL GRANTEEES.—Section
22 371 of the Runaway and Homeless Youth Act (42 U.S.C.
23 5714a) is amended by striking the last sentence.

1 (j) REPORTS.—Section 381 of the Runaway and
2 Homeless Youth Act (42 U.S.C. 5715) is amended to read
3 as follows:

4 **“SEC. 381. REPORTS.**

5 “(a) IN GENERAL.—Not later than April 1, 2000,
6 and biennially thereafter, the Secretary shall submit, to
7 the Committee on Education and the Workforce of the
8 House of Representatives and the Committee on the Judi-
9 ciary of the Senate, a report on the status, activities, and
10 accomplishments of entities that receive grants under
11 parts A, B, C, D, and E, with particular attention to—

12 “(1) in the case of centers funded under part
13 A, the ability or effectiveness of such centers in—

14 “(A) alleviating the problems of runaway
15 and homeless youth;

16 “(B) if applicable or appropriate, reuniting
17 such youth with their families and encouraging
18 the resolution of intrafamily problems through
19 counseling and other services;

20 “(C) strengthening family relationships
21 and encouraging stable living conditions for
22 such youth; and

23 “(D) assisting such youth to decide upon a
24 future course of action; and

1 “(2) in the case of projects funded under part

2 B—

3 “(A) the number and characteristics of
4 homeless youth served by such projects;

5 “(B) the types of activities carried out by
6 such projects;

7 “(C) the effectiveness of such projects in
8 alleviating the problems of homeless youth;

9 “(D) the effectiveness of such projects in
10 preparing homeless youth for self-sufficiency;

11 “(E) the effectiveness of such projects in
12 assisting homeless youth to decide upon future
13 education, employment, and independent living;

14 “(F) the ability of such projects to encour-
15 age the resolution of intrafamily problems
16 through counseling and development of self-suf-
17 ficient living skills; and

18 “(G) activities and programs planned by
19 such projects for the following fiscal year.

20 “(b) CONTENTS OF REPORTS.—The Secretary shall
21 include in each report submitted under subsection (a),
22 summaries of—

23 “(1) the evaluations performed by the Secretary
24 under section 386; and

1 “(2) descriptions of the qualifications of, and
2 training provided to, individuals involved in carrying
3 out such evaluations.”.

4 (k) EVALUATION.—Section 384 of the Runaway and
5 Homeless Youth Act (42 U.S.C. 5732) is amended to read
6 as follows:

7 **“SEC. 386. EVALUATION AND INFORMATION.**

8 “(a) IN GENERAL.—If a grantee receives grants for
9 3 consecutive fiscal years under part A, B, C, D, or E
10 (in the alternative), then the Secretary shall evaluate such
11 grantee on-site, not less frequently than once in the period
12 of such 3 consecutive fiscal years, for purposes of—

13 “(1) determining whether such grants are being
14 used for the purposes for which such grants are
15 made by the Secretary;

16 “(2) collecting additional information for the re-
17 port required by section 383; and

18 “(3) providing such information and assistance
19 to such grantee as will enable such grantee to im-
20 prove the operation of the centers, projects, and ac-
21 tivities for which such grants are made.

22 “(b) COOPERATION.—Recipients of grants under this
23 title shall cooperate with the Secretary’s efforts to carry
24 out evaluations, and to collect information, under this
25 title.”.

1 (l) AUTHORIZATION OF APPROPRIATIONS.—Section
2 385 of the Runaway and Homeless Youth Act (42 U.S.C.
3 5751) is amended to read as follows:

4 **“SEC. 388. AUTHORIZATION OF APPROPRIATIONS.**

5 “(a) IN GENERAL.—

6 “(1) AUTHORIZATION.—There is authorized to
7 be appropriated to carry out this title (other than
8 part E) such sums as may be necessary for fiscal
9 years 2000, 2001, 2002, 2003, and 2004.

10 “(2) ALLOCATION.—

11 “(A) PARTS A AND B.—From the amount
12 appropriated under paragraph (1) for a fiscal
13 year, the Secretary shall reserve not less than
14 90 percent to carry out parts A and B.

15 “(B) PART B.—Of the amount reserved
16 under subparagraph (A), not less than 20 per-
17 cent, and not more than 30 percent, shall be re-
18 served to carry out part B.

19 “(3) PARTS C AND D.—In each fiscal year,
20 after reserving the amounts required by paragraph
21 (2), the Secretary shall use the remaining amount
22 (if any) to carry out parts C and D.

23 “(b) SEPARATE IDENTIFICATION REQUIRED.—No
24 funds appropriated to carry out this title may be combined
25 with funds appropriated under any other Act if the pur-

1 pose of combining such funds is to make a single discre-
 2 tionary grant, or a single discretionary payment, unless
 3 such funds are separately identified in all grants and con-
 4 tracts and are used for the purposes specified in this
 5 title.”.

6 (m) SEXUAL ABUSE PREVENTION PROGRAM.—

7 (1) AUTHORITY FOR PROGRAM.—The Runaway
 8 and Homeless Youth Act (42 U.S.C. 5701 et seq.)
 9 is amended—

10 (A) by striking the heading for part F;

11 (B) by redesignating part E as part F; and

12 (C) by inserting after part D the following:

13 **“PART E—SEXUAL ABUSE PREVENTION**
 14 **PROGRAM**

15 **“SEC. 351. AUTHORITY TO MAKE GRANTS.**

16 “(a) IN GENERAL.—The Secretary may make grants
 17 to nonprofit private agencies for the purpose of providing
 18 street-based services to runaway and homeless, and street
 19 youth, who have been subjected to, or are at risk of being
 20 subjected to, sexual abuse, prostitution, or sexual exploi-
 21 tation.

22 “(b) PRIORITY.—In selecting applicants to receive
 23 grants under subsection (a), the Secretary shall give pri-
 24 ority to nonprofit private agencies that have experience in

1 providing services to runaway and homeless, and street
2 youth.”.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 Section 388(a) of the Runaway and Homeless Youth
5 Act (42 U.S.C. 5751), as amended by subsection (l)
6 of this section, is amended by adding at the end the
7 following:

8 “(4) PART E.—There is authorized to be appro-
9 priated to carry out part E such sums as may be necessary
10 for fiscal years 2000, 2001, 2002, 2003, and 2004.”.

11 (n) DEFINITIONS.—The Runaway and Homeless
12 Youth Act (42 U.S.C. 5701 et seq.) is amended by insert-
13 ing after section 386, as amended by subsection (k) of this
14 section, the following:

15 **“SEC. 387. DEFINITIONS.**

16 “In this title:

17 “(1) DRUG ABUSE EDUCATION AND PREVEN-
18 TION SERVICES.—The term ‘drug abuse education
19 and prevention services’—

20 “(A) means services to runaway and home-
21 less youth to prevent or reduce the illicit use of
22 drugs by such youth; and

23 “(B) may include—

24 “(i) individual, family, group, and
25 peer counseling;

1 “(ii) drop-in services;

2 “(iii) assistance to runaway and
3 homeless youth in rural areas (including
4 the development of community support
5 groups);

6 “(iv) information and training relating
7 to the illicit use of drugs by runaway and
8 homeless youth, to individuals involved in
9 providing services to such youth; and

10 “(v) activities to improve the avail-
11 ability of local drug abuse prevention serv-
12 ices to runaway and homeless youth.

13 “(2) HOME-BASED SERVICES.—The term
14 ‘home-based services’—

15 “(A) means services provided to youth and
16 their families for the purpose of—

17 “(i) preventing such youth from run-
18 ning away, or otherwise becoming sepa-
19 rated, from their families; and

20 “(ii) assisting runaway youth to re-
21 turn to their families; and

22 “(B) includes services that are provided in
23 the residences of families (to the extent prac-
24 ticable), including—

1 “(i) intensive individual and family
2 counseling; and

3 “(ii) training relating to life skills and
4 parenting.

5 “(3) HOMELESS YOUTH.—The term ‘homeless
6 youth’ means an individual—

7 “(A) who is—

8 “(i) not more than 21 years of age;
9 and

10 “(ii) for the purposes of part B, not
11 less than 16 years of age;

12 “(B) for whom it is not possible to live in
13 a safe environment with a relative; and

14 “(C) who has no other safe alternative liv-
15 ing arrangement.

16 “(4) STREET-BASED SERVICES.—The term
17 ‘street-based services’—

18 “(A) means services provided to runaway
19 and homeless youth, and street youth, in areas
20 where they congregate, designed to assist such
21 youth in making healthy personal choices re-
22 garding where they live and how they behave;
23 and

24 “(B) may include—

1 “(i) identification of and outreach to
 2 runaway and homeless youth, and street
 3 youth;

4 “(ii) crisis intervention and coun-
 5 seling;

6 “(iii) information and referral for
 7 housing;

8 “(iv) information and referral for
 9 transitional living and health care services;

10 “(v) advocacy, education, and preven-
 11 tion services related to—

12 “(I) alcohol and drug abuse;

13 “(II) sexual exploitation;

14 “(III) sexually transmitted dis-
 15 eases, including human immuno-
 16 deficiency virus (HIV); and

17 “(IV) physical and sexual as-
 18 sault.

19 “(5) STREET YOUTH.—The term ‘street youth’
 20 means an individual who—

21 “(A) is—

22 “(i) a runaway youth; or

23 “(ii) indefinitely or intermittently a
 24 homeless youth; and

1 “(B) spends a significant amount of time
2 on the street or in other areas that increase the
3 risk to such youth for sexual abuse, sexual ex-
4 ploitation, prostitution, or drug abuse.

5 “(6) TRANSITIONAL LIVING YOUTH PROJECT.—
6 The term ‘transitional living youth project’ means a
7 project that provides shelter and services designed to
8 promote a transition to self-sufficient living and to
9 prevent long-term dependency on social services.

10 “(7) YOUTH AT RISK OF SEPARATION FROM
11 THE FAMILY.—The term ‘youth at risk of separation
12 from the family’ means an individual—

13 “(A) who is less than 18 years of age; and

14 “(B)(i) who has a history of running away
15 from the family of such individual;

16 “(ii) whose parent, guardian, or custodian
17 is not willing to provide for the basic needs of
18 such individual; or

19 “(iii) who is at risk of entering the child
20 welfare system or juvenile justice system as a
21 result of the lack of services available to the
22 family to meet such needs.”.

23 (o) REDESIGNATION OF SECTIONS.—Sections 371,
24 372, 381, 382, and 383 of the Runaway and Homeless
25 Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended

1 by this title, are redesignated as sections 381, 382, 383,
2 384, and 385, respectively.

3 (p) TECHNICAL AMENDMENTS.—The Runaway and
4 Homeless Youth Act (42 U.S.C. 5701 et seq.) is
5 amended—

6 (1) in section 331, in the first sentence, by
7 striking “With” and all that follows through “the
8 Secretary”, and inserting “The Secretary”; and

9 (2) in section 344(a)(1), by striking “With”
10 and all that follows through “the Secretary”, and in-
11 serting “The Secretary”.

12 **SEC. 304. NATIONAL CENTER FOR MISSING AND EXPLOITED**
13 **CHILDREN.**

14 (a) FINDINGS.—Section 402 of the Missing Chil-
15 dren’s Assistance Act (42 U.S.C. 5771) is amended—

16 (1) in paragraph (7), by striking “and” at the
17 end;

18 (2) in paragraph (8), by striking the period at
19 the end and inserting “; and”; and

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

21 “(9) for 14 years, the National Center for Miss-
22 ing and Exploited Children has—

23 “(A) served as the national resource center
24 and clearinghouse congressionally mandated

1 under the provisions of the Missing Children's
2 Assistance Act of 1984; and

3 "(B) worked in partnership with the De-
4 partment of Justice, the Federal Bureau of In-
5 vestigation, the Department of the Treasury,
6 the Department of State, and many other agen-
7 cies in the effort to find missing children and
8 prevent child victimization;

9 "(10) Congress has given the Center, which is
10 a private non-profit corporation, access to the Na-
11 tional Crime Information Center of the Federal Bu-
12 reau of Investigation, and the National Law En-
13 forcement Telecommunications System;

14 "(11) since 1987, the Center has operated the
15 National Child Pornography Tipline, in conjunction
16 with the United States Customs Service and the
17 United States Postal Inspection Service and, begin-
18 ning this year, the Center established a new
19 CyberTipline on child exploitation, thus becoming
20 'the 911 for the Internet';

21 "(12) in light of statistics that time is of the es-
22 sence in cases of child abduction, the Director of the
23 Federal Bureau of Investigation in February of
24 1997 created a new NCIC child abduction ('CA')
25 flag to provide the Center immediate notification in

1 the most serious cases, resulting in 642 ‘CA’ notifi-
2 cations to the Center and helping the Center to have
3 its highest recovery rate in history;

4 “(13) the Center has established a national and
5 increasingly worldwide network, linking the Center
6 online with each of the missing children clearing-
7 houses operated by the 50 States, the District of Co-
8 lumbia, and Puerto Rico, as well as with Scotland
9 Yard in the United Kingdom, the Royal Canadian
10 Mounted Police, INTERPOL headquarters in Lyon,
11 France, and others, which has enabled the Center to
12 transmit images and information regarding missing
13 children to law enforcement across the United States
14 and around the world instantly;

15 “(14) from its inception in 1984 through March
16 31, 1998, the Center has—

17 “(A) handled 1,203,974 calls through its
18 24-hour toll-free hotline (1-800-THE-LOST)
19 and currently averages 700 calls per day;

20 “(B) trained 146,284 law enforcement,
21 criminal and juvenile justice, and healthcare
22 professionals in child sexual exploitation and
23 missing child case detection, identification, in-
24 vestigation, and prevention;

1 “(C) disseminated 15,491,344 free publica-
2 tions to citizens and professionals; and

3 “(D) worked with law enforcement on the
4 cases of 59,481 missing children, resulting in
5 the recovery of 40,180 children;

6 “(15) the demand for the services of the Center
7 is growing dramatically, as evidenced by the fact
8 that in 1997, the Center handled 129,100 calls, an
9 all-time record, and by the fact that its new Internet
10 website (www.missingkids.com) receives 1,500,000
11 ‘hits’ every day, and is linked with hundreds of other
12 websites to provide real-time images of breaking
13 cases of missing children;

14 “(16) in 1997, the Center provided policy train-
15 ing to 256 police chiefs and sheriffs from 50 States
16 and Guam at its new Jimmy Ryce Law Enforcement
17 Training Center;

18 “(17) the programs of the Center have had a
19 remarkable impact, such as in the fight against in-
20 fant abductions in partnership with the healthcare
21 industry, during which the Center has performed
22 668 onsite hospital walk-throughs and inspections,
23 and trained 45,065 hospital administrators, nurses,
24 and security personnel, and thereby helped to reduce

1 infant abductions in the United States by 82 per-
2 cent;

3 “(18) the Center is now playing a significant
4 role in international child abduction cases, serving as
5 a representative of the Department of State at cases
6 under The Hague Convention, and successfully re-
7 solving the cases of 343 international child abduc-
8 tions, and providing greater support to parents in
9 the United States;

10 “(19) the Center is a model of public/private
11 partnership, raising private sector funds to match
12 congressional appropriations and receiving extensive
13 private in-kind support, including advanced tech-
14 nology provided by the computer industry such as
15 imaging technology used to age the photographs of
16 long-term missing children and to reconstruct facial
17 images of unidentified deceased children;

18 “(20) the Center was 1 of only 10 of 300 major
19 national charities given an A+ grade in 1997 by the
20 American Institute of Philanthropy; and

21 “(21) the Center has been redesignated as the
22 Nation’s missing children clearinghouse and resource
23 center once every 3 years through a competitive se-
24 lection process conducted by the Office of Juvenile
25 Justice and Delinquency Prevention of the Depart-

1 ment of Justice, and has received grants from that
2 Office to conduct the crucial purposes of the Cen-
3 ter.”.

4 (b) DEFINITIONS.—Section 403 of the Missing Chil-
5 dren’s Assistance Act (42 U.S.C. 5772) is amended—

6 (1) in paragraph (1), by striking “and” at the
7 end;

8 (2) in paragraph (2), by striking the period at
9 the end and inserting “; and”; and

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

11 “(3) the term ‘Center’ means the National Cen-
12 ter for Missing and Exploited Children.”.

13 (c) DUTIES AND FUNCTIONS OF THE ADMINIS-
14 TRATOR.—Section 404 of the Missing Children’s Assist-
15 ance Act (42 U.S.C. 5773) is amended—

16 (1) by redesignating subsection (c) as sub-
17 section (d); and

18 (2) by striking subsection (b) and inserting the
19 following:

20 “(b) ANNUAL GRANT TO NATIONAL CENTER FOR
21 MISSING AND EXPLOITED CHILDREN.—

22 “(1) IN GENERAL.—The Administrator shall
23 annually make a grant to the Center, which shall be
24 used to—

1 “(A)(i) operate a national 24-hour toll-free
2 telephone line by which individuals may report
3 information regarding the location of any miss-
4 ing child, or other child 13 years of age or
5 younger whose whereabouts are unknown to
6 such child’s legal custodian, and request infor-
7 mation pertaining to procedures necessary to
8 reunite such child with such child’s legal custo-
9 dian; and

10 “(ii) coordinate the operation of such tele-
11 phone line with the operation of the national
12 communications system referred to in part C of
13 the Runaway and Homeless Youth Act (42
14 U.S.C. 5714–11);

15 “(B) operate the official national resource
16 center and information clearinghouse for miss-
17 ing and exploited children;

18 “(C) provide to State and local govern-
19 ments, public and private nonprofit agencies,
20 and individuals, information regarding—

21 “(i) free or low-cost legal, restaurant,
22 lodging, and transportation services that
23 are available for the benefit of missing and
24 exploited children and their families; and

1 “(ii) the existence and nature of pro-
2 grams being carried out by Federal agen-
3 cies to assist missing and exploited chil-
4 dren and their families;

5 “(D) coordinate public and private pro-
6 grams that locate, recover, or reunite missing
7 children with their families;

8 “(E) disseminate, on a national basis, in-
9 formation relating to innovative and model pro-
10 grams, services, and legislation that benefit
11 missing and exploited children;

12 “(F) provide technical assistance and
13 training to law enforcement agencies, State and
14 local governments, elements of the criminal jus-
15 tice system, public and private nonprofit agen-
16 cies, and individuals in the prevention, inves-
17 tigation, prosecution, and treatment of cases in-
18 volving missing and exploited children; and

19 “(G) provide assistance to families and law
20 enforcement agencies in locating and recovering
21 missing and exploited children, both nationally
22 and internationally.

23 “(2) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to the Ad-
25 ministrator to carry out this subsection,

1 \$10,000,000 for each of fiscal years 2000, 2001,
2 2002, 2003, and 2004.

3 “(c) NATIONAL INCIDENCE STUDIES.—The Adminis-
4 trator, either by making grants to or entering into con-
5 tracts with public agencies or nonprofit private agencies,
6 shall—

7 “(1) periodically conduct national incidence
8 studies to determine for a given year the actual
9 number of children reported missing each year, the
10 number of children who are victims of abduction by
11 strangers, the number of children who are the vic-
12 tims of parental kidnappings, and the number of chil-
13 dren who are recovered each year; and

14 “(2) provide to State and local governments,
15 public and private nonprofit agencies, and individ-
16 uals information to facilitate the lawful use of school
17 records and birth certificates to identify and locate
18 missing children.”.

19 (d) NATIONAL CENTER FOR MISSING AND EX-
20 PLOITED CHILDREN.—Section 405(a) of the Missing Chil-
21 dren’s Assistance Act (42 U.S.C. 5775(a)) is amended by
22 inserting “the Center and with” before “public agencies”.

23 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
24 408 of the Missing Children’s Assistance Act (42 U.S.C.

1 5777) is amended by striking “1997 through 2001” and
2 inserting “2000 through 2004”.

3 **SEC. 305. TRANSFER OF FUNCTIONS AND SAVINGS PROVI-**
4 **SIONS.**

5 (a) DEFINITIONS.—In this section, unless otherwise
6 provided or indicated by the context:

7 (1) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of the Office of Ju-
9 venile Crime Control and Prevention established by
10 operation of subsection (b).

11 (2) ADMINISTRATOR OF THE OFFICE.—The
12 term “Administrator of the Office” means the Ad-
13 ministrator of the Office of Juvenile Justice and De-
14 linquency Prevention.

15 (3) BUREAU OF JUSTICE ASSISTANCE.—The
16 term “Bureau of Justice Assistance” means the bu-
17 reau established under section 401 of title I of the
18 Omnibus Crime Control and Safe Streets Act of
19 1968.

20 (4) FEDERAL AGENCY.—The term “Federal
21 agency” has the meaning given the term “agency”
22 by section 551(1) of title 5, United States Code.

23 (5) FUNCTION.—The term “function” means
24 any duty, obligation, power, authority, responsibility,
25 right, privilege, activity, or program.

1 (6) OFFICE OF JUVENILE CRIME CONTROL AND
2 PREVENTION.—The term “Office of Juvenile Crime
3 Control and Prevention” means the office estab-
4 lished by operation of subsection (b).

5 (7) OFFICE OF JUVENILE JUSTICE AND DELIN-
6 QUENCY PREVENTION.—The term “Office of Juve-
7 nile Justice and Delinquency Prevention” means the
8 Office of Juvenile Justice and Delinquency Preven-
9 tion of the Department of Justice, established by
10 section 201 of the Juvenile Justice and Delinquency
11 Prevention Act of 1974, as in effect on the day be-
12 fore the date of enactment of this Act.

13 (8) OFFICE.—The term “office” includes any
14 office, administration, agency, institute, unit, organi-
15 zational entity, or component thereof.

16 (b) TRANSFER OF FUNCTIONS.—There are trans-
17 ferred to the Office of Juvenile Crime Control and Preven-
18 tion all functions that the Administrator of the Office ex-
19 ercised before the date of enactment of this Act (including
20 all related functions of any officer or employee of the Of-
21 fice of Juvenile Justice and Delinquency Prevention), and
22 authorized after the date of enactment of this Act, relating
23 to carrying out the Juvenile Justice and Delinquency Pre-
24 vention Act of 1974.

1 (c) TRANSFER AND ALLOCATIONS OF APPROPRIA-
2 TIONS AND PERSONNEL.—

3 (1) IN GENERAL.—Except as otherwise pro-
4 vided in this section, the personnel employed in con-
5 nection with, and the assets, liabilities, contracts,
6 property, records, and unexpended balances of ap-
7 propriations, authorizations, allocations, and other
8 amounts employed, used, held, arising from, avail-
9 able to, or to be made available in connection with
10 the functions transferred by this section, subject to
11 section 1531 of title 31, United States Code, shall
12 be transferred to the Office of Juvenile Crime Con-
13 trol and Prevention.

14 (2) UNEXPENDED AMOUNTS.—Any unexpended
15 amounts transferred pursuant to this subsection
16 shall be used only for the purposes for which the
17 amounts were originally authorized and appro-
18 priated.

19 (d) INCIDENTAL TRANSFERS.—

20 (1) IN GENERAL.—The Director of the Office of
21 Management and Budget, at such time or times as
22 the Director of that Office shall provide, may make
23 such determinations as may be necessary with re-
24 gard to the functions transferred by this section, and
25 to make such additional incidental dispositions of

1 personnel, assets, liabilities, grants, contracts, prop-
2 erty, records, and unexpended balances of appropria-
3 tions, authorizations, allocations, and other amounts
4 held, used, arising from, available to, or to be made
5 available in connection with such functions, as may
6 be necessary to carry out this section.

7 (2) TERMINATION OF AFFAIRS.—The Director
8 of the Office of Management and Budget shall pro-
9 vide for the termination of the affairs of all entities
10 terminated by this section and for such further
11 measures and dispositions as may be necessary to ef-
12 fectuate the purposes of this section.

13 (e) EFFECT ON PERSONNEL.—

14 (1) IN GENERAL.—Except as otherwise pro-
15 vided by this section, the transfer pursuant to this
16 section of full-time personnel (except special Govern-
17 ment employees) and part-time personnel holding
18 permanent positions shall not cause any such em-
19 ployee to be separated or reduced in grade or com-
20 pensation for 1 year after the date of transfer of
21 such employee under this section.

22 (2) EXECUTIVE SCHEDULE POSITIONS.—Except
23 as otherwise provided in this section, any person
24 who, on the day before the date of enactment of this
25 Act, held a position compensated in accordance with

1 the Executive Schedule prescribed in chapter 53 of
2 title 5, United States Code, and who, without a
3 break in service, is appointed in the Office of Juve-
4 nile Crime Control and Prevention to a position hav-
5 ing duties comparable to the duties performed imme-
6 diately preceding such appointment shall continue to
7 be compensated in such new position at not less
8 than the rate provided for such previous position, for
9 the duration of the service of such person in such
10 new position.

11 (3) TRANSITION RULE.—The incumbent Ad-
12 ministrator of the Office as of the date immediately
13 preceding the date of enactment of this Act shall
14 continue to serve as Administrator after the date of
15 enactment of this Act until such time as the incum-
16 bent resigns, is relieved of duty by the President, or
17 an Administrator is appointed by the President, by
18 and with the advice and consent of the Senate.

19 (f) SAVINGS PROVISIONS.—

20 (1) CONTINUING EFFECT OF LEGAL DOCU-
21 MENTS.—All orders, determinations, rules, regula-
22 tions, permits, agreements, grants, contracts, certifi-
23 cates, licenses, registrations, privileges, and other
24 administrative actions—

1 (A) that have been issued, made, granted,
2 or allowed to become effective by the President,
3 any Federal agency or official thereof, or by a
4 court of competent jurisdiction, in the perform-
5 ance of functions that are transferred under
6 this section; and

7 (B) that are in effect at the time this sec-
8 tion takes effect, or were final before the date
9 of enactment of this Act and are to become ef-
10 fective on or after the date of enactment of this
11 Act, shall continue in effect according to their
12 terms until modified, terminated, superseded,
13 set aside, or revoked in accordance with law by
14 the President, the Administrator, or other au-
15 thorized official, a court of competent jurisdic-
16 tion, or by operation of law.

17 (2) PROCEEDINGS NOT AFFECTED.—

18 (A) IN GENERAL.—This section shall not
19 affect any proceedings, including notices of pro-
20 posed rulemaking, or any application for any li-
21 cense, permit, certificate, or financial assistance
22 pending before the Office of Juvenile Justice
23 and Delinquency Prevention on the date on
24 which this section takes effect, with respect to

1 functions transferred by this section but such
2 proceedings and applications shall be continued.

3 (B) ORDERS; APPEALS; PAYMENTS.—Or-
4 ders shall be issued in such proceedings, ap-
5 peals shall be taken therefrom, and payments
6 shall be made pursuant to such orders, as if
7 this section had not been enacted, and orders
8 issued in any such proceedings shall continue in
9 effect until modified, terminated, superseded, or
10 revoked by a duly authorized official, by a court
11 of competent jurisdiction, or by operation of
12 law.

13 (C) DISCONTINUANCE OR MODIFICA-
14 TION.—Nothing in this paragraph shall be con-
15 strued to prohibit the discontinuance or modi-
16 fication of any such proceeding under the same
17 terms and conditions and to the same extent
18 that such proceeding could have been discon-
19 tinued or modified if this paragraph had not
20 been enacted.

21 (3) SUITS NOT AFFECTED.—This section shall
22 not affect suits commenced before the date of enact-
23 ment of this Act, and in all such suits, proceedings
24 shall be had, appeals taken, and judgments rendered

1 in the same manner and with the same effect as if
2 this section had not been enacted.

3 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
4 tion, or other proceeding commenced by or against
5 the Office of Juvenile Justice and Delinquency Pre-
6 vention, or by or against any individual in the offi-
7 cial capacity of such individual as an officer of the
8 Office of Juvenile Justice and Delinquency Preven-
9 tion, shall abate by reason of the enactment of this
10 section.

11 (5) ADMINISTRATIVE ACTIONS RELATING TO
12 PROMULGATION OF REGULATIONS.—Any administra-
13 tive action relating to the preparation or promulga-
14 tion of a regulation by the Office of Juvenile Justice
15 and Delinquency Prevention relating to a function
16 transferred under this section may be continued, to
17 the extent authorized by this section, by the Office
18 of Juvenile Crime Control and Prevention with the
19 same effect as if this section had not been enacted.

20 (6) RULE OF CONSTRUCTION.—Nothing in this
21 subsection may be construed to affect the authority
22 under section 242A or 243 of the Juvenile Justice
23 and Delinquency Prevention Act of 1974, as amend-
24 ed by this Act.

25 (g) TRANSITION.—The Administrator may utilize—

1 (1) the services of such officers, employees, and
2 other personnel of the Office of Juvenile Justice and
3 Delinquency Prevention with respect to functions
4 transferred to the Office of Juvenile Crime Control
5 and Prevention by this section; and

6 (2) amounts appropriated to such functions for
7 such period of time as may reasonably be needed to
8 facilitate the orderly implementation of this section.

9 (h) REFERENCES.—Reference in any other Federal
10 law, Executive order, rule, regulation, or delegation of au-
11 thority, or any document of or relating to—

12 (1) the Administrator of the Office of Juvenile
13 Justice and Delinquency Prevention with regard to
14 functions transferred by operation of subsection (b),
15 shall be considered to refer to the Administrator of
16 the Office of Juvenile Crime Control and Prevention;
17 and

18 (2) the Office of Juvenile Justice and Delin-
19 quency Prevention with regard to functions trans-
20 ferred by operation of subsection (b), shall be con-
21 sidered to refer to the Office of Juvenile Crime Con-
22 trol and Prevention.

23 (i) TECHNICAL AND CONFORMING AMENDMENTS.—

24 (1) Section 5315 of title 5, United States Code,
25 is amended by striking “Administrator, Office of Ju-

1 venile Justice and Delinquency Prevention” and in-
2 serting “Administrator, Office of Juvenile Crime
3 Control and Prevention”.

4 (2) Section 4351(b) of title 18, United States
5 Code, is amended by striking “Office of Juvenile
6 Justice and Delinquency Prevention” and inserting
7 “Office of Juvenile Crime Control and Prevention”.

8 (3) Subsections (a)(1) and (c) of section 3220
9 of title 39, United States Code, are each amended
10 by striking “Office of Juvenile Justice and Delin-
11 quency Prevention” each place it appears and insert-
12 ing “Office of Juvenile Crime Control and Preven-
13 tion”.

14 (4) Section 463(f) of the Social Security Act
15 (42 U.S.C. 663(f)) is amended by striking “Office of
16 Juvenile Justice and Delinquency Prevention” and
17 inserting “Office of Juvenile Crime Control and Pre-
18 vention”.

19 (5) Sections 801(a), 804, 805, and 813 of title
20 I of the Omnibus Crime Control and Safe Streets
21 Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786,
22 3789i) are amended by striking “Office of Juvenile
23 Justice and Delinquency Prevention” each place it
24 appears and inserting “Office of Juvenile Crime
25 Control and Prevention”.

1 (6) The Victims of Child Abuse Act of 1990
2 (42 U.S.C. 13001 et seq.) is amended—

3 (A) in section 214(b)(1) by striking “262,
4 293, and 296 of subpart II of title II” and in-
5 serting “299B and 299E”;

6 (B) in section 214A(c)(1) by striking
7 “262, 293, and 296 of subpart II of title II”
8 and inserting “299B and 299E”;

9 (C) in sections 217 and 222 by striking
10 “Office of Juvenile Justice and Delinquency
11 Prevention” each place it appears and inserting
12 “Office of Juvenile Crime Control and Preven-
13 tion”; and

14 (D) in section 223(c) by striking “section
15 262, 293, and 296” and inserting “sections
16 262, 299B, and 299E”.

17 (7) The Missing Children’s Assistance Act (42
18 U.S.C. 5771 et seq.) is amended—

19 (A) in section 403(2) by striking “Justice
20 and Delinquency Prevention” and inserting
21 “Crime Control and Delinquency Prevention”;
22 and

23 (B) in subsections (a)(5)(E) and (b)(1)(B)
24 of section 404 by striking “section 313” and in-
25 serting “section 331”.

1 (8) The Crime Control Act of 1990 (42 U.S.C.
2 13001 et seq.) is amended—

3 (A) in section 217(c)(1) by striking “sec-
4 tions 262, 293, and 296 of subpart II of title
5 II” and inserting “sections 299B and 299E”;
6 and

7 (B) in section 223(c) by striking “section
8 262, 293, and 296 of title II” and inserting
9 “sections 299B and 299E”.

10 (j) REFERENCES.—In any Federal law (excluding
11 this Act and the Acts amended by this Act), Executive
12 order, rule, regulation, order, delegation of authority,
13 grant, contract, suit, or document a reference to the Office
14 of Juvenile Justice and Delinquency Prevention shall be
15 deemed to include a reference to the Office of Juvenile
16 Crime Control and Prevention.

17 **Subtitle B—Accountability for Ju-**
18 **venile Offenders and Public**
19 **Protection Incentive Grants**

20 **SEC. 321. BLOCK GRANT PROGRAM.**

21 (a) IN GENERAL.—Part R of title I of the Omnibus
22 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
23 3796 et seq.) is amended to read as follows:

1 **“PART R—JUVENILE ACCOUNTABILITY BLOCK**

2 **GRANTS**

3 **“SEC. 1801. PROGRAM AUTHORIZED.**

4 “(a) IN GENERAL.—The Attorney General shall
5 make, subject to the availability of appropriations, grants
6 to States for use by States and units of local government
7 in planning, establishing, operating, coordinating, and
8 evaluating projects, directly or through grants and con-
9 tracts with public and private agencies, for the develop-
10 ment of more effective investigation, prosecution, and pun-
11 ishment (including the imposition of graduated sanctions)
12 of crimes or acts of delinquency committed by juveniles,
13 programs to improve the administration of justice for and
14 ensure accountability by juvenile offenders, and programs
15 to reduce the risk factors (such as truancy, drug or alcohol
16 use, and gang involvement) associated with juvenile crime
17 or delinquency.

18 “(b) USE OF GRANTS.—Grants under this section
19 may be used by States and units of local government—

20 “(1) for programs to enhance the identification,
21 investigation, prosecution, and punishment of juve-
22 nile offenders, such as—

23 “(A) the utilization of graduated sanctions;

24 “(B) the utilization of short-term confine-
25 ment of juvenile offenders;

1 “(C) the incarceration of violent juvenile
2 offenders for extended periods of time;

3 “(D) the hiring of juvenile public defend-
4 ers, juvenile judges, juvenile probation officers,
5 and juvenile correctional officers to implement
6 policies to control juvenile crime and violence
7 and ensure accountability of juvenile offenders;
8 and

9 “(E) the development and implementation
10 of coordinated, multi-agency systems for—

11 “(i) the comprehensive and coordi-
12 nated booking, identification, and assess-
13 ment of juveniles arrested or detained by
14 law enforcement agencies, including the
15 utilization of multi-agency facilities such as
16 juvenile assessment centers; and

17 “(ii) the coordinated delivery of sup-
18 port services for juveniles who have had or
19 are at risk for contact with the juvenile or
20 criminal systems, including utilization of
21 court-established local service delivery
22 councils;

23 “(2) for programs that require juvenile offend-
24 ers to make restitution to the victims of offenses
25 committed by those juvenile offenders, including pro-

1 grams designed and operated to further the goal of
2 providing eligible offenders with an alternative to ad-
3 judication that emphasizes restorative justice;

4 “(3) for programs that require juvenile offend-
5 ers to attend and successfully complete school or vo-
6 cational training as part of a sentence imposed by
7 a court;

8 “(4) for programs that require juvenile offend-
9 ers who are parents to demonstrate parental respon-
10 sibility by working and paying child support;

11 “(5) for programs that seek to curb or punish
12 truancy;

13 “(6) for programs designed to collect, record,
14 retain, and disseminate information useful in the
15 identification, prosecution, and sentencing of juvenile
16 offenders, such as criminal history information, fin-
17 gerprints, DNA tests, and ballistics tests;

18 “(7) for the development and implementation of
19 coordinated multijurisdictional or multiagency pro-
20 grams for the identification, control, supervision,
21 prevention, investigation, and treatment of the most
22 serious juvenile offenses and offenders, popularly
23 known as a ‘SHOCAP Program’ (Serious Habitual
24 Offenders Comprehensive Action Program);

1 “(8) for the development and implementation of
2 coordinated multijurisdictional or multiagency pro-
3 grams for the identification, control, supervision,
4 prevention, investigation, and disruption of youth
5 gangs;

6 “(9) for the construction or remodeling of
7 short- and long-term facilities for juvenile offenders;

8 “(10) for the development and implementation
9 of technology, equipment, training programs for ju-
10 venile crime control, for law enforcement officers,
11 judges, prosecutors, probation officers, and other
12 court personnel who are employed by State and local
13 governments, in furtherance of the purposes identi-
14 fied in this section;

15 “(11) for partnerships between State edu-
16 cational agencies and local educational agencies for
17 the design and implementation of character edu-
18 cation and training programs that incorporate the
19 following elements of character: Caring, citizenship,
20 fairness, respect, responsibility and trustworthiness;

21 “(12) for programs to seek to target, curb and
22 punish adults who knowingly and intentionally use a
23 juvenile during the commission or attempted com-
24 mission of a crime, including programs that specifi-
25 cally provide for additional punishments or sentence

1 enhancements for adults who knowingly and inten-
2 tionally use a juvenile during the commission or at-
3 tempted commission of a crime;

4 “(13) for juvenile prevention programs (includ-
5 ing curfews, youth organizations, anti-drug, and
6 anti-alcohol programs, anti-gang programs, and
7 after school programs and activities);

8 “(14) for juvenile drug and alcohol treatment
9 programs;

10 “(15) for school counseling and other school-
11 base prevention programs;

12 “(16) for programs that drug test juveniles who
13 are arrested, including follow-up testings; and

14 “(17) for programs for—

15 “(A) providing cross-training, jointly with
16 the public mental health system, for State juve-
17 nile court judges, public defenders, prosecutors,
18 and mental health and substance abuse agency
19 representatives with respect to the appropriate
20 use of effective, community-based alternatives
21 to juvenile justice or mental health system insti-
22 tutional placements; or

23 “(B) providing training for State juvenile
24 probation officers and community mental health
25 and substance abuse program representatives

1 on appropriate linkages between probation pro-
2 grams and mental health community programs,
3 specifically focusing on the identification of
4 mental disorders and substance abuse addiction
5 in juveniles on probation, effective treatment
6 interventions for those disorders, and making
7 appropriate contact with mental health and
8 substance abuse case managers and programs
9 in the community, in order to ensure that juve-
10 niles on probation receive appropriate access to
11 mental health and substance abuse treatment
12 programs and services.

13 “(c) REQUIREMENTS.—To be eligible to receive an in-
14 centive grant under this section, a State shall submit to
15 the Attorney General an application, in such form as shall
16 be prescribed by the Attorney General, which shall contain
17 assurances that, not later than 1 year after the date on
18 which the State submits such application—

19 “(1) the State has established or will establish
20 a system of graduated sanctions for juvenile offend-
21 ers that ensures appropriate sanctions, which are
22 graduated to reflect the severity or repeated nature
23 of violations, for each act of delinquency;

24 “(2) the State has established or will establish
25 a policy of drug testing (including followup testing)

1 juvenile offenders upon their arrest for any offense
2 within an appropriate category of offenses des-
3 ignated by the chief executive officer of the State;
4 and

5 “(3) the State has an established policy recog-
6 nizing the rights and needs of victims of crimes com-
7 mitted by juveniles.

8 “(d) ALLOCATION AND DISTRIBUTION OF STATE
9 GRANTS.—

10 “(1) IN GENERAL.—

11 “(A) STATE AND LOCAL DISTRIBUTION.—
12 Subject to subparagraph (B), of amounts made
13 available to the State, 30 percent may be re-
14 tained by the State for use pursuant to para-
15 graph (2) and 70 percent shall be reserved by
16 the State for local distribution pursuant to
17 paragraph (3).

18 “(B) SPECIAL RULE.—The Attorney Gen-
19 eral may waive the requirements of this para-
20 graph with respect to any State in which the
21 criminal and juvenile justice services for delin-
22 quent or other youth are organized primarily on
23 a statewide basis, in which case not more than
24 50 percent of funds shall be made available to

1 all units of local government in that State pur-
2 suant to paragraph (3).

3 “(2) OTHER DISTRIBUTION.—Of amounts re-
4 tained by the State under paragraph (1)—

5 “(A) not less than 50 percent shall be des-
6 ignated for—

7 “(i) programs pursuant to paragraph
8 (1) or (9) of subsection (b), except that if
9 the State designates any amounts for pur-
10 poses of construction or remodeling of
11 short- or long-term facilities pursuant to
12 subsection (b)(9), such amounts shall con-
13 stitute not more than 50 percent of the es-
14 timated construction or remodeling cost
15 and that no funds expended pursuant to
16 this subparagraph may be used for the in-
17 carceration of any offender who was more
18 than 21 years of age at the time of the of-
19 fense, and no funds expended pursuant to
20 this subparagraph may be used for con-
21 struction, renovation, or expansion of fa-
22 cilities for such offenders, except that
23 funds may be used to construct juvenile fa-
24 cilities colocated with adult facilities; or

1 “(ii) drug testing upon arrest for any
2 offense within the category of offenses des-
3 ignated pursuant to subsection (c)(3), and
4 intensive supervision thereafter pursuant
5 to programs under subsection (b)(7) and
6 subsection (c)(3); and

7 “(B) not less than 25 percent shall be used
8 for the purposes set forth in paragraph (13),
9 (14), or (15) of subsection (b).

10 “(3) LOCAL ELIGIBILITY AND DISTRIBUTION.—

11 “(A) IN GENERAL.—

12 “(i) LOCAL DISTRIBUTION SUBGRANT
13 ELIGIBILITY.—To be eligible to receive a
14 subgrant, a unit of local government shall
15 provide such assurances to the State as the
16 State shall require, that, to the maximum
17 extent applicable, the unit of local govern-
18 ment has laws or policies and programs
19 that comply with the eligibility require-
20 ments of subsection (c).

21 “(ii) COORDINATED LOCAL EFFORT.—
22 Prior to receiving a grant under this sec-
23 tion, a unit of local government shall cer-
24 tify that it has or will establish a coordi-
25 nated enforcement plan for reducing juve-

1 nile crime within the jurisdiction of the
2 unit of local government, developed by a
3 juvenile crime enforcement coalition, such
4 coalition consisting of individuals within
5 the jurisdiction representing the police,
6 sheriff, prosecutor, State or local probation
7 services, juvenile court, schools, business,
8 and religious affiliated, fraternal, non-
9 profit, or social service organizations in-
10 volved in crime prevention.

11 “(B) SPECIAL RULE.—The requirements
12 of subparagraph (A) shall apply to an eligible
13 unit that receives funds from the Attorney Gen-
14 eral under subparagraph (H), except that infor-
15 mation that would otherwise be submitted to
16 the State shall be submitted to the Attorney
17 General.

18 “(C) LOCAL DISTRIBUTION.—From
19 amounts reserved for local distribution under
20 paragraph (1), the State shall allocate to such
21 units of local government an amount that bears
22 the same ratio to the aggregate amount of such
23 funds as—

24 “(i) the sum of—

25 “(I) the product of—

1 “(aa) two-thirds; multiplied
2 by

3 “(bb) the average law en-
4 forcement expenditure for such
5 unit of local government for the
6 3 most recent calendar years for
7 which such data is available; plus
8 “(II) the product of—

9 “(aa) one-third; multiplied
10 by

11 “(bb) the average annual
12 number of part 1 violent crimes
13 in such unit of local government
14 for the 3 most recent calendar
15 years for which such data is
16 available, bears to—

17 “(ii) the sum of the products deter-
18 mined under subparagraph (A) for all such
19 units of local government in the State.

20 “(D) EXPENDITURES.—The allocation any
21 unit of local government shall receive under
22 paragraph (1) for a payment period shall not
23 exceed 100 percent of law enforcement expendi-
24 tures of the unit for such payment period.

1 “(E) REALLOCATION.—The amount of any
2 unit of local government’s allocation that is not
3 available to such unit by operation of paragraph
4 (2) shall be available to other units of local gov-
5 ernment that are not affected by such operation
6 in accordance with this subsection.

7 “(F) UNAVAILABILITY OF DATA FOR UNITS
8 OF LOCAL GOVERNMENT.—If the State has rea-
9 son to believe that the reported rate of part 1
10 violent crimes or law enforcement expenditure
11 for a unit of local government is insufficient or
12 inaccurate, the State shall—

13 “(i) investigate the methodology used
14 by the unit to determine the accuracy of
15 the submitted data; and

16 “(ii) if necessary, use the best avail-
17 able comparable data regarding the num-
18 ber of violent crimes or law enforcement
19 expenditure for the relevant years for the
20 unit of local government.

21 “(G) LOCAL GOVERNMENT WITH ALLOCA-
22 TIONS LESS THAN \$5,000.—If, under this sec-
23 tion, a unit of local government is allocated less
24 than \$5,000 for a payment period, the amount
25 allocated shall be expended by the State on

1 services to units of local government whose al-
2 lotment is less than such amount in a manner
3 consistent with this part.

4 “(H) DIRECT GRANTS TO ELIGIBLE
5 UNITS.—

6 “(i) IN GENERAL.—If a State does
7 not qualify or apply for a grant under this
8 section, by the application deadline estab-
9 lished by the Attorney General, the Attor-
10 ney General shall reserve not more than 70
11 percent of the allocation that the State
12 would have received for grants under this
13 section under subsection (e) for such fiscal
14 year to provide grants to eligible units that
15 meet the requirements for funding under
16 subparagraph (A).

17 “(ii) AWARD BASIS.—In addition to
18 the qualification requirements for direct
19 grants for eligible units the Attorney Gen-
20 eral may use the average amount allocated
21 by the States to like governmental units as
22 a basis for awarding grants under this sec-
23 tion.

24 “(I) ALLOCATION BY UNITS OF LOCAL
25 GOVERNMENT.—Of the total amount made

1 available under this section to a unit of local
2 government for a fiscal year, not less than 25
3 percent shall be used for the purposes set forth
4 in paragraph (13), (14), or (15) of subsection
5 (b), and not less than 50 percent shall be des-
6 ignated for—

7 “(i) paragraph (1) or (9) of sub-
8 section (b), except that, if amounts are al-
9 located for purposes of construction or re-
10 modeling of short- or long-term facilities
11 pursuant to subsection (b)(9)—

12 “(I) the unit of local government
13 shall coordinate such expenditures
14 with similar State expenditures;

15 “(II) Federal funds shall con-
16 stitute not more than 50 percent of
17 the estimated construction or remod-
18 eling cost; and

19 “(III) no funds expended pursu-
20 ant to this clause may be used for the
21 incarceration of any offender who was
22 more than 21 years of age at the time
23 of the offense or for construction, ren-
24 ovation, or expansion of facilities for
25 such offenders, except that funds may

1 be used to construct juvenile facilities
2 collocated with adult facilities, includ-
3 ing separate buildings for juveniles
4 and separate juvenile wings, cells, or
5 areas collocated within an adult jail or
6 lockup; or

7 “(ii) drug testing upon arrest for any
8 offense within the category of offenses des-
9 ignated pursuant to subsection (c)(3), and
10 intensive supervision thereafter pursuant
11 to programs under subsection (b)(7) and
12 subsection (c)(3).

13 “(4) NONSUPPLANTATION.—Amounts made
14 available under this section to the States (or units
15 of local government in the State) shall not be used
16 to supplant State or local funds (or in the case of
17 Indian tribal governments, to supplant amounts pro-
18 vided by the Bureau of Indian Affairs) but shall be
19 used to increase the amount of funds that would in
20 the absence of amounts received under this section,
21 be made available from a State or local source, or
22 in the case of Indian tribal governments, from
23 amounts provided by the Bureau of Indian Affairs.

24 “(e) ALLOCATION OF GRANTS AMONG QUALIFYING
25 STATES; RESTRICTIONS ON USE.—

1 “(1) ALLOCATION.—Amounts made available
2 under this section shall be allocated as follows:

3 “(A) 0.5 percent shall be allocated to each
4 eligible State.

5 “(B) The amount remaining after the allo-
6 cation under subparagraph (A) shall be allo-
7 cated proportionately based on the population
8 that is less than 18 years of age in the eligible
9 States.

10 “(2) RESTRICTIONS ON USE.—Amounts made
11 available under this section shall be subject to the
12 restrictions of subsections (a) and (b) of section 292
13 of the Juvenile Justice and Delinquency Prevention
14 Act of 1974, except that the penalties in section
15 292(c) of such Act do not apply.

16 “(f) GRANTS TO INDIAN TRIBES.—

17 “(1) RESERVATION OF FUNDS.—Notwith-
18 standing any other provision of law, from the
19 amounts appropriated pursuant to section 291 of the
20 Juvenile Justice and Delinquency Prevention Act of
21 1974, for each fiscal year, the Attorney General
22 shall reserve an amount equal to the amount to
23 which all Indian tribes eligible to receive a grant
24 under paragraph (3) would collectively be entitled, if

1 such tribes were collectively treated as a State to
2 carry out this subsection.

3 “(2) GRANTS TO INDIAN TRIBES.—From the
4 amounts reserved under paragraph (1), the Attorney
5 General shall make grants to Indian tribes for pro-
6 grams pursuant to the permissible purposes under
7 section 1801.

8 “(3) APPLICATIONS.—To be eligible to receive a
9 grant under this subsection, an Indian tribe shall
10 submit to the Attorney General an application in
11 such form and containing such information as the
12 Attorney General may by regulation require. The re-
13 quirements of subsection (c) apply to grants under
14 this subsection.

15 **“SEC. 1802. JUVENILE CRIMINAL HISTORY GRANTS.**

16 “(a) IN GENERAL.—The Attorney General, through
17 the Director of the Bureau of Justice Statistics and with
18 consultation and coordination with the Office of Justice
19 Programs and the Attorney General, upon application
20 from a State (in such form and containing such informa-
21 tion as the Attorney General may reasonably require) shall
22 make a grant to each eligible State to be used by the State
23 exclusively for purposes of meeting the eligibility require-
24 ments of subsection (b).

1 “(b) ELIGIBILITY.—A State is eligible for a grant
2 under subsection (a) if its application provides assurances
3 that, not later than 3 years after the date on which such
4 application is submitted, the State will—

5 “(1) maintain, at the adult State central reposi-
6 tory in accordance with the State’s established prac-
7 tices and policies relating to adult criminal history
8 records—

9 “(A) a fingerprint supported record of the
10 adjudication of delinquency of any juvenile who
11 commits an act that, if committed by an adult,
12 would constitute the offense of murder, armed
13 robbery, rape (except statutory rape), or a fel-
14 ony offense involving sexual molestation of a
15 child, or a conspiracy or attempt to commit any
16 such offense (all as defined by State law), that
17 is equivalent to, and maintained and dissemi-
18 nated in the same manner and for the same
19 purposes as are adult criminal history records
20 for the same offenses, except that the record
21 may include a notation of expungement pursu-
22 ant to State law; and

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

1 would be a felony other than a felony described
2 in subparagraph (A) that is equivalent to, and
3 maintained and disseminated in the same man-
4 ner for any criminal justice purpose as are
5 adult criminal history records for the same of-
6 fenses, except that the record may include a no-
7 tation of expungement pursuant to State law;
8 and

9 “(2) will establish procedures by which an offi-
10 cial of an elementary, secondary, and post-secondary
11 school may, in appropriate circumstances (as defined
12 by applicable State law), gain access to the juvenile
13 adjudication record of a student enrolled at the
14 school, or a juvenile who seeks, intends, or is in-
15 structed to enroll at that school, if—

16 “(A) the official is subject to the same
17 standards and penalties under applicable Fed-
18 eral and State law relating to the handling and
19 disclosure of information contained in juvenile
20 adjudication records as are employees of law
21 enforcement and juvenile justice agencies in the
22 State; and

23 “(B) information contained in the juvenile
24 adjudication record may not be used for the
25 purpose of making an admission determination.

1 “(c) VALIDITY OF CERTAIN JUDGMENTS.—Nothing
 2 in this section shall require States, in order to qualify for
 3 grants under this title, to modify laws concerning the sta-
 4 tus of any adjudication of juvenile delinquency or judg-
 5 ment of conviction under the law of the State that entered
 6 the judgment.

7 “(d) DEFINITIONS.—In this section—

8 “(1) the term ‘criminal justice purpose’ means
 9 the use by and within the criminal justice system for
 10 the detection, apprehension, detention, pretrial re-
 11 lease, post-trial release, prosecution, adjudication,
 12 sentencing, disposition, correctional supervision, or
 13 rehabilitation of accused persons, criminal offenders,
 14 or juvenile delinquents; and

15 “(2) the term ‘expungement’ means the nul-
 16 lification of the legal effect of the conviction or adju-
 17 dication to which the record applies.

18 **“SEC. 1803. GRANTS TO COURTS FOR STATE JUVENILE JUS-**
 19 **TICE SYSTEMS.**

20 “(a) IN GENERAL.—The Attorney General may make
 21 grants in accordance with this section to States and units
 22 of local government to assist State and local courts with
 23 juvenile offender dockets.

24 “(b) GRANT PURPOSES.—Grants under this section
 25 may be used—

1 “(1) for technology, equipment, and training for
2 judges, probation officers, and other court personnel
3 to implement an accountability-based juvenile justice
4 system that provides substantial and appropriate
5 sanctions that are graduated in such manner as to
6 reflect (for each delinquent act or criminal offense)
7 the severity or repeated nature of that act or of-
8 fense;

9 “(2) to hire additional judges, probation offi-
10 cers, other necessary court personnel, victims coun-
11 selors, and public defenders for juvenile courts or
12 adult courts with juvenile offender dockets, including
13 courts with specialized juvenile drug offense or juve-
14 nile firearms offense dockets to reduce juvenile court
15 backlogs, and provide additional services to make
16 more effective systems of graduated sanctions de-
17 signed to reduce recidivism and deter future crimes
18 or delinquent acts by juvenile offenders;

19 “(3) to provide funding to enable juvenile
20 courts and juvenile probation officers to address
21 drug, gang, and youth violence problems more effec-
22 tively; and

23 “(4) to provide funds to—

1 “(A) effectively supervise and monitor ju-
2 venile offenders sentenced to probation or pa-
3 role; and

4 “(B) enforce conditions of probation and
5 parole imposed on juvenile offenders, including
6 drug testing and payment of restitution.

7 “(c) APPLICATION.—

8 “(1) IN GENERAL.—Each State or unit of local
9 government that applies for a grant under this sec-
10 tion shall submit an application to the Attorney
11 General, in such form and containing such informa-
12 tion as the Attorney General may reasonably re-
13 quire.

14 “(2) REQUIREMENTS.—In submitting an appli-
15 cation for a grant under this part, a State or unit
16 of local government shall provide assurances that the
17 State or unit of local government will—

18 “(A) give priority to the prosecution of vio-
19 lent juvenile offenders;

20 “(B) seek to reduce any backlogs in juve-
21 nile justice cases and provide additional services
22 to make more effective systems of graduated
23 sanctions designed to reduce recidivism and
24 deter future crimes or delinquent acts by juve-
25 nile offenders;

1 “(C) give adequate consideration to the
2 rights and needs of victims of juvenile offend-
3 ers; and

4 “(D) use amounts received under this sec-
5 tion to supplement (and not supplant) State
6 and local resources.

7 “(d) ALLOCATION OF GRANTS.—

8 “(1) IN GENERAL.—

9 “(A) ALLOCATION TO STATES.—

10 “(i) IN GENERAL.—In awarding
11 grants under this part, the Attorney Gen-
12 eral may award grants provided for a State
13 (including units of local government in
14 that State) an aggregate amount equal to
15 0.75 percent of the amount made available
16 to the Attorney General by appropriations
17 for this section made pursuant to section
18 291(b)(1) of the Juvenile Justice and De-
19 linquency Prevention Act of 1974 (reduced
20 by amounts reserved under subsection (e)).

21 “(ii) ADJUSTMENT.—If the Attorney
22 General determines that an insufficient
23 number of applications have been sub-
24 mitted for a State, the Attorney General

1 may adjust the aggregate amount awarded
2 for a State under clause (i).

3 “(B) REMAINING AMOUNTS.—Of the ad-
4 justed amounts available to the Attorney Gen-
5 eral to carry out the grant program under this
6 section referred to in subparagraph (A) that re-
7 main after the Attorney General distributes the
8 amounts specified in that subparagraph (re-
9 ferred to in this subparagraph as the ‘remain-
10 ing amount’) the Attorney General may award
11 an additional aggregate amount to each State
12 (including any political subdivision thereof) that
13 (or with respect to which a political subdivision
14 thereof) submits an application that is approved
15 by the Attorney General under this section that
16 bears the same ratio to the remaining amount
17 as the population of juveniles residing in that
18 State bears to the population of juveniles resid-
19 ing in all States.

20 “(2) EQUITABLE DISTRIBUTION.—The Attorney
21 General shall ensure that the distribution of grant
22 amounts made available for a State (including units
23 of local government in that State) under this section
24 is made on an equitable geographic basis, to ensure
25 that—

“(A) an equitable amount of available funds are directed to rural areas, including those jurisdictions serving smaller urban and rural communities located along interstate transportation routes that are adversely affected by interstate criminal gang activity, such as illegal drug trafficking; and

“(B) the amount allocated to a State is equitably divided between the State, counties, and other units of local government to reflect the relative responsibilities of each such unit of local government.

“(e) ADMINISTRATION; TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The Attorney General may reserve for each fiscal year not more than 2 percent of amounts appropriated for this section pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974—

“(A) for the administration of this section; and

“(B) for the provision of technical assistance to recipients of or applicants for grant awards under this section.

“(2) CARRYOVER PROVISION.—Any amounts reserved for any fiscal year pursuant to paragraph (1)

1 that are not expended during that fiscal year shall
2 remain available until expended, except that any
3 amount reserved under this subsection for the suc-
4 ceeding fiscal year from amounts made available by
5 appropriations shall be reduced by an amount equal
6 to the amount that remains available.

7 “(f) AVAILABILITY OF FUNDS.—Any grant amounts
8 awarded under this section shall remain available until ex-
9 pended.”.

10 **SEC. 322. PILOT PROGRAM TO PROMOTE REPLICATION OF**
11 **RECENT SUCCESSFUL JUVENILE CRIME RE-**
12 **DUCTION STRATEGIES.**

13 (a) PILOT PROGRAM TO PROMOTE REPLICATION OF
14 RECENT SUCCESSFUL JUVENILE CRIME REDUCTION
15 STRATEGIES.—

16 (1) ESTABLISHMENT.—The Attorney General
17 (or a designee of the Attorney General), in conjunc-
18 tion with the Secretary of the Treasury (or the des-
19 ignee of the Secretary), shall establish a pilot pro-
20 gram (referred to in this section as the “program”)
21 to encourage and support communities that adopt a
22 comprehensive approach to suppressing and pre-
23 venting violent juvenile crime patterned after suc-
24 cessful State juvenile crime reduction strategies.

1 (2) PROGRAM.—In carrying out the program,
2 the Attorney General shall—

3 (A) make and track grants to grant recipi-
4 ents (referred to in this section as “coalitions”);

5 (B) in conjunction with the Secretary of
6 the Treasury, provide for technical assistance
7 and training, data collection, and dissemination
8 of relevant information; and

9 (C) provide for the general administration
10 of the program.

11 (3) ADMINISTRATION.—Not later than 30 days
12 after the date of enactment of this Act, the Attorney
13 General shall appoint or designate an Administrator
14 (referred to in this section as the “Administrator”)
15 to carry out the program.

16 (4) PROGRAM AUTHORIZATION.—To be eligible
17 to receive an initial grant or a renewal grant under
18 this section, a coalition shall meet each of the fol-
19 lowing criteria:

20 (A) COMPOSITION.—The coalition shall
21 consist of 1 or more representatives of—

22 (i) the local police department or sher-
23 iff’s department;

24 (ii) the local prosecutors’ office;

1 (iii) the United States Attorney's of-
2 fice;

3 (iv) the Federal Bureau of Investiga-
4 tion;

5 (v) the Bureau of Alcohol, Tobacco
6 and Firearms;

7 (vi) State or local probation officers;

8 (vii) religious affiliated or fraternal
9 organizations involved in crime prevention;

10 (viii) schools;

11 (ix) parents or local grass roots orga-
12 nizations such as neighborhood watch
13 groups;

14 (x) local recreation agencies; and

15 (xi) social service agencies involved in
16 crime prevention.

17 (B) OTHER PARTICIPANTS.—If possible, in
18 addition to the representatives from the cat-
19 egories listed in subparagraph (A), the coalition
20 shall include—

21 (i) representatives from the business
22 community; and

23 (ii) researchers who have studied
24 criminal justice and can offer technical or
25 other assistance.

1 (C) COORDINATED STRATEGY.—A coalition
2 shall submit to the Attorney General, or the At-
3 torney General’s designee, a comprehensive plan
4 for reducing violent juvenile crime. To be eligi-
5 ble for consideration, a plan shall—

6 (i) ensure close collaboration among
7 all members of the coalition in suppressing
8 and preventing juvenile crime;

9 (ii) place heavy emphasis on coordi-
10 nated enforcement initiatives, such as Fed-
11 eral and State programs that coordinate
12 local police departments, prosecutors, and
13 local community leaders to focus on the
14 suppression of violent juvenile crime involv-
15 ing gangs;

16 (iii) ensure that there is close collabo-
17 ration between police and probation offi-
18 cers in the supervision of juvenile offend-
19 ers, such as initiatives that coordinate the
20 efforts of parents, school officials, and po-
21 lice and probation officers to patrol the
22 streets and make home visits to ensure
23 that offenders comply with the terms of
24 their probation;

1 (iv) ensure that a program is in place
2 to trace all firearms seized from crime
3 scenes or offenders in an effort to identify
4 illegal gun traffickers; and

5 (v) ensure that effective crime preven-
6 tion programs are in place, such as pro-
7 grams that provide after-school safe havens
8 and other opportunities for at-risk youth to
9 escape or avoid gang or other criminal ac-
10 tivity, and to reduce recidivism.

11 (D) ACCOUNTABILITY.—A coalition shall—

12 (i) establish a system to measure and
13 report outcomes consistent with common
14 indicators and evaluation protocols estab-
15 lished by the Administrator and that re-
16 ceives the approval of the Administrator;
17 and

18 (ii) devise a detailed model for meas-
19 uring and evaluating the success of the
20 plan of the coalition in reducing violent ju-
21 venile crime, and provide assurances that
22 the plan will be evaluated on a regular
23 basis to assess progress in reducing violent
24 juvenile crime.

25 (5) GRANT AMOUNTS.—

1 (A) IN GENERAL.—The Administrator may
2 grant to an eligible coalition under this para-
3 graph, an amount not to exceed the amount of
4 non-Federal funds raised by the coalition, in-
5 cluding in-kind contributions, for that fiscal
6 year.

7 (B) NONSUPPLANTING REQUIREMENT.—A
8 coalition seeking funds shall provide reasonable
9 assurances that funds made available under this
10 program to States or units of local government
11 shall be so used as to supplement and increase
12 (but not supplant) the level of the State, local,
13 and other non-Federal funds that would in the
14 absence of such Federal funds be made avail-
15 able for programs described in this section, and
16 shall in no event replace such State, local, or
17 other non-Federal funds.

18 (C) SUSPENSION OF GRANTS.—If a coali-
19 tion fails to continue to meet the criteria set
20 forth in this section, the Administrator may
21 suspend the grant, after providing written no-
22 tice to the grant recipient and an opportunity
23 to appeal.

24 (D) RENEWAL GRANTS.—Subject to sub-
25 paragraph (D), the Administrator may award a

1 renewal grant to grant recipient under this sub-
2 paragraph for each fiscal year following the fis-
3 cal year for which an initial grant is awarded,
4 in an amount not to exceed the amount of non-
5 Federal funds raised by the coalition, including
6 in-kind contributions, for that fiscal year, dur-
7 ing the 4-year period following the period of the
8 initial grant.

9 (E) LIMITATION.—The amount of a grant
10 award under this section may not exceed
11 \$300,000 for a fiscal year.

12 (6) PERMITTED USE OF FUNDS.—A coalition
13 receiving funds under this section may expend such
14 Federal funds on any use or program that is con-
15 tained in the plan submitted to the Administrator.

16 (7) CONGRESSIONAL CONSULTATION.—

17 (A) IN GENERAL.—Two years after the
18 date of implementation of the program estab-
19 lished in this section, the Comptroller General
20 of the United States shall submit to Congress
21 a report reviewing the effectiveness of the pro-
22 gram in suppressing and reducing violent juve-
23 nile crime in the participating communities.

1 (B) CONTENTS OF REPORT.—The report
2 submitted under subparagraph (A) shall
3 include—

4 (i) an analysis of each community
5 participating in the program, along with
6 information regarding the plan undertaken
7 in the community, and the effectiveness of
8 the plan in reducing violent juvenile crime;
9 and

10 (ii) recommendations regarding the ef-
11 ficacy of continuing the program.

12 (b) INFORMATION COLLECTION AND DISSEMINATION
13 WITH RESPECT TO COALITIONS.—

14 (1) COALITION INFORMATION.—For the pur-
15 pose of audit and examination, the Attorney
16 General—

17 (A) shall have access to any books, docu-
18 ments, papers, and records that are pertinent to
19 any grant or grant renewal request under this
20 section; and

21 (B) may periodically request information
22 from a coalition to ensure that the coalition
23 meets the applicable criteria.

24 (2) REPORTING.—The Attorney General shall,
25 to the maximum extent practicable and in a manner

1 consistent with applicable law, minimize reporting
2 requirements by a coalition and expedite any appli-
3 cation for a renewal grant made under this section.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There is authorized to be
6 appropriated to carry out this section \$3,000,000 for
7 each of fiscal years 2000 through 2003.

8 (2) SOURCE OF SUMS.—Amounts authorized to
9 be appropriated pursuant to this subsection may be
10 derived from the Violent Crime Reduction Trust
11 Fund.

12 **SEC. 323. REPEAL OF UNNECESSARY AND DUPLICATIVE**
13 **PROGRAMS.**

14 (a) VIOLENT CRIME CONTROL AND LAW ENFORCE-
15 MENT ACT OF 1994.—

16 (1) TITLE III.—Title III of the Violent Crime
17 Control and Law Enforcement Act of 1994 (42
18 U.S.C. 13741 et seq.) is amended by striking sub-
19 titles A through C, and subtitles G through S.

20 (2) TITLE XXVII.—Title XXVII of the Violent
21 Crime Control and Law Enforcement Act of 1994
22 (42 U.S.C. 14191 et seq.) is repealed.

23 (b) REFORM OF GREAT PROGRAM.—Section
24 32401(a) of the Violent Crime Control and Law Enforce-
25 ment Act of 1994 (42 U.S.C. 13921(a)) is amended—

1 (1) by striking paragraph (2) and inserting the
2 following:

3 “(2) SELECTION OF COMMUNITIES.—

4 “(A) IN GENERAL.—Each community iden-
5 tified for a GREAT project referred to in para-
6 graph (1) shall be selected by the Secretary of
7 the Treasury on the basis of—

8 “(i) the level of gang activity and
9 youth violence in the area in which the
10 community is located;

11 “(ii) the number of schools in the
12 community in which training would be pro-
13 vided under the project;

14 “(iii) the number of students who
15 would receive the training referred to in
16 clause (ii) in schools referred to in that
17 clause; and

18 “(iv) a written description from offi-
19 cials of the community explaining the man-
20 ner in which funds made available to the
21 community under this section would be al-
22 located.

23 “(B) EQUITABLE SELECTION.—The Sec-
24 retary of the Treasury shall ensure that—

1 “(i) communities are identified and
 2 selected for GREAT projects under this
 3 subsection on an equitable geographic basis
 4 (except that this clause shall not be con-
 5 strued to require the termination of any
 6 projects selected prior to the beginning of
 7 fiscal year 1999); and

8 “(ii) the communities referred to in
 9 clause (i) include rural communities.”; and

10 (2) in paragraph (3)—

11 (A) in subparagraph (A), by striking “50
 12 percent” and inserting “85 percent”; and

13 (B) in subparagraph (B), by striking “50
 14 percent” and inserting “15 percent”.

15 **SEC. 324. EXTENSION OF VIOLENT CRIME REDUCTION**
 16 **TRUST FUND.**

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

21 “(1) for fiscal year 2001, \$6,025,000,000;

22 “(2) for fiscal year 2002, \$6,169,000,000;

23 “(3) for fiscal year 2003, \$6,316,000,000;

24 “(4) for fiscal year 2004, \$6,458,000,000; and

25 “(5) for fiscal year 2005, \$6,616,000,000.”.

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

5 **“SEC. 310002. DISCRETIONARY LIMITS.**

6 “For the purposes of allocations made for the discre-
 7 tionary category pursuant to section 302(a) of the Con-
 8 gressional Budget Act of 1974 (2 U.S.C. 633(a)), the term
 9 ‘discretionary spending limit’ means—

10 “(1) with respect to fiscal year 2001—

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

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

20 “(2) with respect to fiscal year 2002—

21 “(A) for the discretionary category,
 22 amounts of budget authority and outlays nec-
 23 essary to adjust the discretionary spending lim-
 24 its to reflect the changes in subparagraph (B)

1 as determined by the Chairman of the Budget
2 Committee; and

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

6 “(3) with respect to fiscal year 2003—

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

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

16 “(4) with respect to fiscal year 2004—

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

23 “(B) for the violent crime reduction cat-
24 egory: \$6,458,000 in new budget authority and
25 \$6,303,000,000 in outlays; and

1 “(5) with respect to fiscal year 2005—

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

8 “(B) for the violent crime reduction cat-
9 egory: \$6,616,000 in new budget authority and
10 \$6,452,000,000 in outlays;

11 as adjusted in accordance with section 251(b) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985
13 (2 U.S.C. 901(b)) and section 314 of the Congressional
14 Budget Act of 1974.”.

15 **SEC. 325. REIMBURSEMENT OF STATES FOR COSTS OF IN-**
16 **CARCERATING JUVENILE ALIENS.**

17 (a) IN GENERAL.—Section 501 of the Immigration
18 Reform and Control Act of 1986 (8 U.S.C. 1365) is
19 amended—

20 (1) in subsection (a), by inserting “or illegal ju-
21 venile alien who has been adjudicated delinquent and
22 committed to a juvenile correctional facility by such
23 State or locality” before the period;

24 (2) in subsection (b), by inserting “(including
25 any juvenile alien who has been adjudicated delin-

1 quent and has been committed to a correctional fa-
2 cility)” before “who is in the United States unlaw-
3 fully”; and

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

5 “(f) JUVENILE ALIEN DEFINED.—In this section,
6 the term ‘juvenile alien’ means an alien (as defined in sec-
7 tion 101(a)(3) of the Immigration and Nationality Act)
8 who has been adjudicated delinquent and committed to a
9 correctional facility by a State or locality as a juvenile of-
10 fender.”.

11 (b) ANNUAL REPORT.—Section 332 of the Illegal Im-
12 migration Reform and Immigrant Responsibility Act of
13 1996 (8 U.S.C. 1366) is amended—

14 (1) by striking “and” at the end of paragraph
15 (3);

16 (2) by striking the period at the end of para-
17 graph (4) and inserting “; and”; and

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

19 “(5) the number of illegal juvenile aliens that
20 are committed to State or local juvenile correctional
21 facilities, including the type of offense committed by
22 each juvenile.”.

23 (c) CONFORMING AMENDMENT.—Section
24 241(i)(3)(B) of the Immigration and Nationality Act (8
25 U.S.C. 1231(i)(3)(B)) is amended—

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

2 (2) by striking the period at the end of clause

3 (iii) and inserting “; or”; and

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

5 “(iv) is a juvenile alien with respect to

6 whom section 501 of the Immigration Re-

7 form and Control Act of 1986 applies.”.

8 **Subtitle C—Alternative Education**
9 **and Delinquency Prevention**

10 **SEC. 331. ALTERNATIVE EDUCATION.**

11 Part D of title I of the Elementary and Secondary

12 Education Act of 1965 (20 U.S.C. 6421 et seq.) is amend-

13 ed by adding at the end the following:

14 **“Subpart 4—Alternative Education Demonstration**

15 **Project Grants**

16 **“SEC. 1441. PROGRAM AUTHORITY.**

17 “(a) GRANTS.—

18 “(1) IN GENERAL.—From amounts appro-

19 priated under section 1443, the Secretary, in con-

20 sultation with the Administrator, shall make grants

21 to State educational agencies or local educational

22 agencies for not less than 10 demonstration projects

23 that enable the agencies to develop models for and

24 carry out alternative education for at-risk youth.

1 “(2) CONSTRUCTION.—Nothing in this subpart
2 shall be construed to affect the requirements of the
3 Individuals with Disabilities Education Act.

4 “(b) DEMONSTRATION PROJECTS.—

5 “(1) PARTNERSHIPS.—Each agency receiving a
6 grant under this subpart may enter into a partner-
7 ship with a private sector entity to provide alter-
8 native educational services to at-risk youth.

9 “(2) REQUIREMENTS.—Each demonstration
10 project assisted under this subpart shall—

11 “(A) accept for alternative education at-
12 risk or delinquent youth who are referred by a
13 local school or by a court with a juvenile delin-
14 quency docket and who—

15 “(i) have demonstrated a pattern of
16 serious and persistent behavior problems in
17 regular schools;

18 “(ii) are at risk of dropping out of
19 school;

20 “(iii) have been convicted of a crimi-
21 nal offense or adjudicated delinquent for
22 an act of juvenile delinquency, and are
23 under a court’s supervision; or

24 “(iv) have demonstrated that contin-
25 ued enrollment in a regular classroom—

1 “(I) poses a physical threat to
2 other students; or

3 “(II) inhibits an atmosphere con-
4 ducive to learning; and

5 “(B) provide for accelerated learning, in a
6 safe, secure, and disciplined environment,
7 including—

8 “(i) basic curriculum focused on mas-
9 tery of essential skills, including targeted
10 instruction in basic skills required for sec-
11 ondary school graduation; and

12 “(ii) emphasis on—

13 “(I) personal, academic, social,
14 and workplace skills; and

15 “(II) behavior modification.

16 “(c) APPLICABILITY.—Except as provided in sub-
17 sections (c) and (e) of section 1442, the provisions of sec-
18 tion 1401(c), 1402, and 1431, and subparts 1 and 2, shall
19 not apply to this subpart.

20 “(d) DEFINITION OF ADMINISTRATOR.—In this sub-
21 part, the term ‘Administrator’ means the Administrator
22 of the Office of Juvenile Crime Control and Prevention
23 of the Department of Justice.

1 **“SEC. 1442. APPLICATIONS; GRANTEE SELECTION.**

2 “(a) APPLICATIONS.—Each State educational agency
3 and local educational agency seeking a grant under this
4 subpart shall submit an application in such form, and con-
5 taining such information, as the Secretary, in consultation
6 with the Administrator, may reasonably require.

7 “(b) SELECTION OF GRANTEES.—

8 “(1) IN GENERAL.—The Secretary shall select
9 State educational agencies and local educational
10 agencies to receive grants under this subpart on an
11 equitable geographic basis, including selecting agen-
12 cies that serve urban, suburban, and rural popu-
13 lations.

14 “(2) MINIMUM.—The Secretary shall award a
15 grant under this subpart to not less than 1 agency
16 serving a population with a significant percentage of
17 Native Americans.

18 “(3) PRIORITY.—In awarding grants under this
19 subpart, the Secretary may give priority to State
20 educational agencies and local educational agencies
21 that demonstrate in the application submitted under
22 subsection (a) that the State has a policy of equi-
23 tably distributing resources among school districts in
24 the State.

1 “(c) QUALIFICATIONS.—To qualify for a grant under
2 this subpart, a State educational agency or local edu-
3 cational agency shall—

4 “(1) in the case of a State educational agency,
5 have submitted a State plan under section 1414(a)
6 that is approved by the Secretary;

7 “(2) in the case of a local educational agency,
8 have submitted an application under section 1423
9 that is approved by the State educational agency;

10 “(3) certify that the agency will comply with
11 the restrictions of section 292 of the Juvenile Jus-
12 tice and Delinquency Prevention Act of 1974;

13 “(4) explain the educational and juvenile justice
14 needs of the community to be addressed by the dem-
15 onstration project;

16 “(5) provide a detailed plan to implement the
17 demonstration project; and

18 “(6) provide assurances and an explanation of
19 the agency’s ability to continue the program funded
20 by the demonstration project after the termination
21 of Federal funding under this subpart.

22 “(d) MATCHING REQUIREMENT.—

23 “(1) IN GENERAL.—Grant funds provided
24 under this subpart shall not constitute more than 35

1 percent of the cost of the demonstration project
2 funded.

3 “(2) SOURCE OF FUNDS.—Matching funds for
4 grants under this subpart may be derived from
5 amounts available under section 205, or part B of
6 title II, of the Juvenile Justice and Delinquency Pre-
7 vention Act of 1974 (42 U.S.C. 5611 et seq.) to the
8 State in which the demonstration project will be car-
9 ried out, except that the total share of funds derived
10 from Federal sources shall not exceed 50 percent of
11 the cost of the demonstration project.

12 “(e) PROGRAM EVALUATION.—

13 “(1) IN GENERAL.—Each State educational
14 agency or local educational agency that receives a
15 grant under this subpart shall evaluate the dem-
16 onstration project assisted under this subpart in the
17 same manner as programs are evaluated under sec-
18 tion 1431. In addition, the evaluation shall include—

19 “(A) an evaluation of the effect of the al-
20 ternative education project on order, discipline,
21 and an effective learning environment in reg-
22 ular classrooms;

23 “(B) an evaluation of the project’s effec-
24 tiveness in improving the skills and abilities of
25 at-risk students assigned to alternative edu-

1 cation, including an analysis of the academic
2 and social progress of such students; and

3 “(C) an evaluation of the project’s effec-
4 tiveness in reducing juvenile crime and delin-
5 quency, including—

6 “(i) reductions in incidents of campus
7 crime in relevant school districts, compared
8 with school districts not included in the
9 project; and

10 “(ii) reductions in recidivism by at-
11 risk students who have juvenile justice sys-
12 tem involvement and are assigned to alter-
13 native education.

14 “(2) EVALUATION BY THE SECRETARY.—The
15 Secretary, in cooperation with the Administrator,
16 shall comparatively evaluate each of the demonstra-
17 tion projects funded under this subpart, including an
18 evaluation of the effectiveness of private sector edu-
19 cational services, and shall report the findings of the
20 evaluation to the Committee on Education and the
21 Workforce of the House of Representatives and the
22 Committees on the Judiciary and Health, Education,
23 Labor and Pensions of the Senate not later than
24 June 30, 2005.

1 **“SEC. 1443. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this subpart \$15,000,000 for each of fiscal years 2000,
4 2001, 2002, and 2003.”.

5 **Subtitle D—Parenting as**
6 **Prevention**

7 **SEC. 341. SHORT TITLE.**

8 This subtitle shall be cited as the “Parenting as Pre-
9 vention Act”.

10 **SEC. 342. ESTABLISHMENT OF PROGRAM.**

11 The Secretary of Health and Human Services, in con-
12 sultation with the Attorney General, the Secretary of Edu-
13 cation, the Secretary of Housing and Urban Development,
14 the Secretary of Labor, the Secretary of Agriculture, and
15 the Secretary of Defense shall establish a parenting sup-
16 port and education program as provided in sections 343,
17 344, and 345.

18 **SEC. 343. NATIONAL PARENTING SUPPORT AND EDU-**
19 **CATION COMMISSION.**

20 (a) ESTABLISH COMMISSION.—The Secretary of
21 Health and Human Services shall establish a National
22 Parenting Support and Education Commission (herein-
23 after referred to as the “Commission”) to identify the best
24 practices for parenting and to provide practical parenting
25 advice for parents and caregivers based on the best avail-

1 able research data. She shall provide the Commission with
2 necessary staff and other resources to fulfill its duties.

3 (b) MEMBERSHIP OF COMMISSION.—The Secretary
4 shall appoint the Commission after consultation with the
5 cabinet members identified in section 342. The Commis-
6 sion shall consist of the following members—

7 (1) an adolescent representative;

8 (2) a parent representative;

9 (3) an expert in brain research;

10 (4) experts in child development, youth develop-
11 ment, early childhood education, primary education,
12 and secondary education;

13 (5) an expert in children’s mental health;

14 (6) an expert on children’s health and nutrition;

15 (7) an expert on child abuse prevention, diag-
16 nosis, and treatment;

17 (8) a representative of parenting support pro-
18 grams;

19 (9) a representative of parenting education;

20 (10) a representative from law enforcement;

21 (11) an expert on firearm safety programs;

22 (12) a representative from a nonprofit organiza-
23 tion that delivers services to children and their fami-
24 lies which may include a faith based organization;
25 and

1 (13) such other representatives as the Secretary
2 deems necessary.

3 (c) DUTIES OF COMMISSION.—The Commission
4 shall—

5 (1) identify best parenting practices for parents
6 and caregivers of young children on topics including
7 but not limited to brain stimulation, developing
8 healthy attachments and social relationships, anger
9 management and conflict resolution, character devel-
10 opment, discipline, controlling access to television
11 and other entertainment including computers, fire-
12 arms safety, mental health, health care and nutrition
13 including breastfeeding, encouraging reading and
14 lifelong learning habits, and recognition and treat-
15 ment of developmental and behavioral problems;

16 (2) identify best parenting practices of adoles-
17 cents and pre-adolescents on topics including but not
18 limited to methods of addressing peer pressure with
19 respect to underage drinking, sexual relations, illegal
20 drug use, and other negative behavior; developing
21 healthy social and family relationships; exercising
22 discipline; controlling access to television and other
23 entertainment including computers, video games,
24 and movies; firearm safety; encouraging success in

1 school; and other issues of concern to parents of
2 adolescents;

3 (3) identify best parenting practices and re-
4 sources available for parents and caregivers of chil-
5 dren with special needs including fetal alcohol syn-
6 drome, fetal alcohol effect, mental illness, autism, re-
7 tardation, learning disabilities, behavioral disorders,
8 chronic illness, and physical disabilities; and

9 (4) review existing parenting support and edu-
10 cation programs and the data evaluating them and
11 make recommendations to the Secretary and the
12 Congress on which are most effective and should re-
13 ceive Federal support within 18 months of appoint-
14 ment.

15 (d) PUBLIC HEARINGS AND TESTIMONY.—The Com-
16 mission shall conduct four public hearings, shall solicit
17 and receive testimony from national experts and national
18 organizations, shall conduct a comprehensive review of
19 academic and other research literature, and shall seek in-
20 formation from the Governors on existing brain develop-
21 ment and parenting programs which have been most suc-
22 cessful.

23 (e) PUBLICATION OF MATERIALS.—If not otherwise
24 available, the Commission shall prepare materials which
25 may include written material, videotapes, CD's, and other

1 audio and visual material on best parenting practices and
2 shall make them available for distribution to parents, care-
3 givers, and others through State and local government
4 programs, hospitals, maternity centers, and other health
5 care providers, adoption agencies, schools, public housing
6 units, child care centers, and social service providers. If
7 such materials are already available, the Commission may
8 print, reproduce, and distribute such materials.

9 (f) REPORTING REQUIREMENT.—The Commission
10 shall prepare and submit a report of its findings and rec-
11 ommendations to the Secretary and the Congress no later
12 than 18 months after appointment.

13 (g) AUTHORIZATION OF FUNDS.—There is author-
14 ized to be appropriated in fiscal year 2000 such sums as
15 may be necessary to support the work of the Commission
16 and to produce and distribute the materials described in
17 subsection (e). Such sum shall remain available until ex-
18 pended. Any fund appropriated pursuant to this section
19 shall remain available until expended.

20 **SEC. 344. STATE AND LOCAL PARENTING SUPPORT AND**
21 **EDUCATION GRANT PROGRAM.**

22 (a) STATE ALLOTMENTS.—The Secretary shall make
23 allotments to eligible States to support parenting support
24 and training programs. Each State shall receive an
25 amount that bears the same relationship to the amount

1 appropriated as the total number of children in the State
2 bears to the total number of children in all States, but
3 no State shall receive less than one-half of one percent
4 of the state allocation. From the amounts provided to each
5 State with Indian or Alaska Native populations exceeding
6 two percent of its total statewide population, the Governor
7 shall set aside two percent for Indian tribes as that term
8 is defined in section 4(e) of the Indian Self-Determination
9 and Education Assistance Act (P.L. 93–638, as amended;
10 25 U.S.C. 450b(e)) which shall be distributed based on
11 the percentage of Indian children in each tribe except that
12 with respect to Alaska, the funds shall be distributed to
13 the nonprofit entities described in section 419(4)(B) of the
14 Social Security Act pursuant to section 103 of Public Law
15 104–193 (110 Stat. 2159, 2160; 42 U.S.C. 619(4)(B))
16 which shall be allocated based on the percentage of Alaska
17 Native children in each region.

18 (b) STATE PARENTING SUPPORT AND EDUCATION
19 COUNCIL.—To be eligible to receive Federal funding, the
20 Governor of each State shall appoint a State Parenting
21 Support and Education Council (hereinafter referred to as
22 the “Council”) which shall include parent representatives,
23 representatives of the State government, bipartisan rep-
24 resentation from the State legislature, representatives
25 from local communities, and interested children’s organi-

1 zations, except that the Governor may designate an exist-
2 ing entity that includes such groups. The Council shall
3 conduct a needs and resources assessment of parenting
4 support and education programs in the State to determine
5 where programs are lacking or inadequate and identify
6 what additional programs are needed and which programs
7 require additional resources. It shall consider the findings
8 and recommendations of the Parenting Commission in
9 making those determinations. Upon completion of the as-
10 sessment, the Council may consider grant applications
11 from the State to provide statewide programs, from local
12 communities including schools, and from nonprofit service
13 providers including faith based organizations.

14 (c) GRANTS.—Grants may be made for:

15 (1) Parenting support to promote early brain
16 development and childhood development and edu-
17 cation including—

18 (A) assistance to schools to offer classroom
19 instruction on brain stimulation, child develop-
20 ment, and early childhood education;

21 (B) distribution of materials developed by
22 the Commission or another entity that reflect
23 best parenting practices;

24 (C) development and distribution of refer-
25 ral information on programs and services avail-

1 able to children and families at the local level,
2 including eligibility criteria;

3 (D) voluntary hospital visits for
4 postpartum women and in-home visits for fami-
5 lies with infants, toddlers, or newly adopted
6 children to provide hands-on training and one-
7 on-one instruction on brain stimulation, child
8 development, and early childhood education;

9 (E) parenting education programs includ-
10 ing training with respect to the best parenting
11 practices identified in subsection (c).

12 (2) Parenting support for adolescents and
13 youth including funds for services and support for
14 parents and other caregivers of young people being
15 served by a range of education, social service, mental
16 health, health, runaway and homeless youth pro-
17 grams. Programs may include the Boys and Girls
18 Club, YMCA and YWCA, after school programs, 4-
19 H programs, or other community based organiza-
20 tions. Eligible activities may include parent-caregiver
21 support groups, peer support groups, parent edu-
22 cation classes, seminars or discussion groups on
23 problems facing adolescents, advocates and mentors
24 to help parents understand and work with schools,
25 the courts, and various treatment programs.

1 (3) Parenting support and education resource
2 centers including—

3 (A) development of parenting resource cen-
4 ters which may serve as a single point of con-
5 tact for the provision of comprehensive services
6 available to children and their families including
7 Federal, State, and local governmental and
8 nonprofit services available to children. Such
9 services may include child care, respite care, pe-
10 diatric care, child abuse prevention programs,
11 nutrition programs, parent training, infant and
12 child CPR and safety training programs, care-
13 giver training and education, and other related
14 programs;

15 (B) a national toll free anonymous parent
16 hotline with 24 hour a day consultation and ad-
17 vice including referral to local community based
18 services;

19 (C) respite care for parents with children
20 with special needs, single mothers, and at-risk
21 youth.

22 (d) REPORTING.—Each entity that receives a grant
23 under this section shall submit a report every 2 years to
24 the Council describing the program it has developed, the

1 number of parents and children served, and the success
2 of the program using specific performance measures.

3 (e) ADMINISTRATIVE COSTS.—Not more than 5 per-
4 cent of the amounts received by a State may be used to
5 pay for the administrative expenses of the Council in im-
6 plementing the grant program.

7 (f) SUPPLEMENT NOT SUPPLANT.—Funds appro-
8 priated pursuant to this section shall be used to supple-
9 ment and not supplant other Federal, State, and local
10 public funds expended for parenting support and edu-
11 cation programs.

12 (g) AUTHORIZATION OF FUNDS.—There is author-
13 ized to be appropriated such sums as are necessary for
14 fiscal year 2000 and subsequent fiscal years.

15 **SEC. 345. GRANTS TO ADDRESS THE PROBLEM OF VIO-**
16 **LENCE RELATED STRESS TO PARENTS AND**
17 **CHILDREN.**

18 (a) FINDINGS.—The Congress finds that a child's
19 brain is wired between the ages of 0–3. A child's ability
20 to learn, develop healthy family and social relationships,
21 resist peer pressure, and control violent impulses depends
22 on the quality and quantity of brain stimulation he re-
23 ceives. Research shows that children exposed to negative
24 brain stimulation in the form of physical and sexual abuse
25 and violence in the family or community causes the brain

1 to be miswired making it difficult for the child to be suc-
2 cessful in life. Intervention early in a child's life to correct
3 the miswiring is much more successful than adult rehabili-
4 tation efforts.

5 (b) IN GENERAL.—The Secretary shall award grants,
6 enter into contracts or cooperative agreements to public
7 and nonprofit private entities, as well as to Indian tribes,
8 Native Hawaiians, and Alaska Native nonprofit corpora-
9 tions to establish national and regional centers of excel-
10 lence on psychological trauma response and to identify the
11 best practices for treating psychiatric and behavioral dis-
12 orders resulting from children witnessing or experiencing
13 such stress.

14 (c) PRIORITIES.—In awarding grants, contracts or
15 cooperative agreements under subsection (a) related to the
16 identifying best practices for treating disorders associated
17 with psychological trauma, the Secretary shall give pri-
18 ority to programs that work with children, adolescents,
19 adults, and families who are survivors and witnesses of
20 child abuse, domestic, school, and community violence, and
21 disasters.

22 (d) GEOGRAPHICAL DISTRIBUTION.—The Secretary
23 shall ensure that grants, contracts, or cooperative agree-
24 ments under subsection (a) with respect to centers of ex-

1 cellence are distributed equitably among the regions of the
2 country and among urban and rural areas.

3 (e) EVALUATION.—The Secretary shall require that
4 each applicant for a grant, contract or cooperative agree-
5 ment under subsection (a) submit a plan as part of his
6 application for the rigorous evaluation of the activities
7 funded under the grant, contract or agreement, including
8 both process and outcomes evaluation, and the submission
9 of an evaluation at the end of the project period.

10 (f) DURATION OF AWARDS.—With respect to a grant,
11 contract or cooperative agreement under this section, the
12 period during which payments under such an award will
13 be made to the recipient may not be less than 3 years.
14 Such grants, contract or agreement may be renewed.

15 (g) REPORT.—Not later than 1 year after the date
16 of enactment of this section, the General Accounting Of-
17 fice shall prepare and submit to the Committee on Health,
18 Education, Labor, and Pensions of the Senate and the
19 Committee on Commerce of the House of Representatives
20 a report concerning whether individuals are covered for
21 post-traumatic stress disorders under public and private
22 health plans, and the course of treatment, if any, that is
23 covered.

24 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated such sums as are necessary

1 to carry out this section for fiscal year 2000 and subse-
2 quent fiscal years.

3 **TITLE IV—VOLUNTARY MEDIA**
4 **AGREEMENTS FOR CHIL-**
5 **DREN’S PROTECTION**
6 **Subtitle A—Children and the**
7 **Media**

8 **SEC. 401. SHORT TITLE.**

9 This subtitle may be cited as the “Children’s Protec-
10 tion Act of 1999”.

11 **SEC. 402. FINDINGS.**

12 Congress makes the following findings:

13 (1) Television is seen and heard in nearly every
14 United States home and is a uniquely pervasive
15 presence in the daily lives of Americans. The average
16 American home has 2.5 televisions, and a television
17 is turned on in the average American home 7 hours
18 every day.

19 (2) Television plays a particularly significant
20 role in the lives of children. Figures provided by
21 Nielsen Research show that children between the
22 ages of 2 years and 11 years spend an average of
23 21 hours in front of a television each week.

24 (3) Television has an enormous capability to in-
25 fluence perceptions, especially those of children, of

1 the values and behaviors that are common and ac-
2 ceptable in society.

3 (4) The influence of television is so great that
4 its images and messages often can be harmful to the
5 development of children. Social science research
6 amply documents a strong correlation between the
7 exposure of children to televised violence and a num-
8 ber of behavioral and psychological problems.

9 (5) Hundreds of studies have proven conclu-
10 sively that children who are consistently exposed to
11 violence on television have a higher tendency to ex-
12 hibit violent and aggressive behavior, both as chil-
13 dren and later in life.

14 (6) Such studies also show that repeated expo-
15 sure to violent programming causes children to be-
16 come desensitized to and more accepting of real-life
17 violence and to grow more fearful and less trusting
18 of their surroundings.

19 (7) A growing body of social science research
20 indicates that sexual content on television can also
21 have a significant influence on the attitudes and be-
22 haviors of young viewers. This research suggests
23 that heavy exposure to programming with strong
24 sexual content contributes to the early commence-
25 ment of sexual activity among teenagers.

1 (8) Members of the National Association of
2 Broadcasters (NAB) adhered for many years to a
3 comprehensive code of conduct that was based on an
4 understanding of the influence exerted by television
5 and on a widely held sense of responsibility for using
6 that influence carefully.

7 (9) This code of conduct, the Television Code of
8 the National Association of Broadcasters, articulated
9 this sense of responsibility as follows:

10 (A) “In selecting program subjects and
11 themes, great care must be exercised to be sure
12 that the treatment and presentation are made
13 in good faith and not for the purpose of sensa-
14 tionalism or to shock or exploit the audience or
15 appeal to prurient interests or morbid curi-
16 osity.”.

17 (B) “Broadcasters have a special responsi-
18 bility toward children. Programs designed pri-
19 marily for children should take into account the
20 range of interests and needs of children, from
21 instructional and cultural material to a wide va-
22 riety of entertainment material. In their total-
23 ity, programs should contribute to the sound,
24 balanced development of children to help them

1 achieve a sense of the world at large and in-
2 formed adjustments to their society.”.

3 (C) “Violence, physical, or psychological,
4 may only be projected in responsibly handled
5 contexts, not used exploitatively. Programs in-
6 volving violence present the consequences of it
7 to its victims and perpetrators. Presentation of
8 the details of violence should avoid the exces-
9 sive, the gratuitous and the instructional.”.

10 (D) “The presentation of marriage, family,
11 and similarly important human relationships,
12 and material with sexual connotations, shall not
13 be treated exploitatively or irresponsibly, but
14 with sensitivity.”.

15 (E) “Above and beyond the requirements
16 of the law, broadcasters must consider the fam-
17 ily atmosphere in which many of their programs
18 are viewed. There shall be no graphic portrayal
19 of sexual acts by sight or sound. The portrayal
20 of implied sexual acts must be essential to the
21 plot and presented in a responsible and tasteful
22 manner.”.

23 (10) The National Association of Broadcasters
24 abandoned the code of conduct in 1983 after three
25 provisions of the code restricting the sale of adver-

1 tising were challenged by the Department of Justice
2 on antitrust grounds and a Federal district court
3 issued a summary judgment against the National
4 Association of Broadcasters regarding one of the
5 provisions on those grounds. However, none of the
6 programming standards of the code were challenged.

7 (11) While the code of conduct was in effect, its
8 programming standards were never found to have
9 violated any antitrust law.

10 (12) Since the National Association of Broad-
11 casters abandoned the code of conduct, program-
12 ming standards on broadcast and cable television
13 have deteriorated dramatically.

14 (13) In the absence of effective programming
15 standards, public concern about the impact of tele-
16 vision on children, and on society as a whole, has
17 risen substantially. Polls routinely show that more
18 than 80 percent of Americans are worried by the in-
19 creasingly graphic nature of sex, violence, and vul-
20 garity on television and by the amount of program-
21 ming that openly sanctions or glorifies criminal,
22 antisocial, and degrading behavior.

23 (14) At the urging of Congress, the television
24 industry has taken some steps to respond to public
25 concerns about programming standards and content.

1 The broadcast television industry agreed in 1992 to
2 adopt a set of voluntary guidelines designed to “pro-
3 scribe gratuitous or excessive portrayals of violence”.
4 Shortly thereafter, both the broadcast and cable tele-
5 vision industries agreed to conduct independent
6 studies of the violent content in their programming
7 and make those reports public.

8 (15) In 1996, the television industry as a whole
9 made a commitment to develop a comprehensive rat-
10 ing system to label programming that may be harm-
11 ful or inappropriate for children. That system was
12 implemented at the beginning of 1999.

13 (16) Despite these efforts to respond to public
14 concern about the impact of television on children,
15 millions of Americans, especially parents with young
16 children, remain angry and frustrated at the sinking
17 standards of television programming, the reluctance
18 of the industry to police itself, and the harmful in-
19 fluence of television on the well-being of the children
20 and the values of the United States.

21 (17) The Department of Justice issued a ruling
22 in 1993 indicating that additional efforts by the tele-
23 vision industry to develop and implement voluntary
24 programming guidelines would not violate the anti-
25 trust laws. The ruling states that “such activities

1 may be likened to traditional standard setting efforts
2 that do not necessarily restrain competition and may
3 have significant procompetitive benefits Such
4 guidelines could serve to disseminate valuable infor-
5 mation on program content to both advertisers and
6 television viewers. Accurate information can enhance
7 the demand for, and increase the output of, an in-
8 dustry's products or services.”.

9 (18) The Children's Television Act of 1990
10 (Public Law 101–437) states that television broad-
11 casters in the United States have a clear obligation
12 to meet the educational and informational needs of
13 children.

14 (19) Several independent analyses have dem-
15 onstrated that the television broadcasters in the
16 United States have not fulfilled their obligations
17 under the Children's Television Act of 1990 and
18 have not noticeably expanded the amount of edu-
19 cational and informational programming directed at
20 young viewers since the enactment of that Act.

21 (20) The popularity of video and personal com-
22 puter (PC) games is growing steadily among chil-
23 dren. Although most popular video and personal
24 computer games are educational or harmless in na-
25 ture, many of the most popular are extremely vio-

1 lent. One recent study by Strategic Record Research
2 found that 64 percent of teenagers played video or
3 personal computer games on a regular basis. Other
4 surveys of children as young as elementary school
5 age found that almost half of them list violent com-
6 puter games among their favorites.

7 (21) Violent video games often present violence
8 in a glamorized light. Game players are often cast
9 in the role of shooter, with points scored for each
10 “kill”. Similarly, advertising for such games often
11 touts violent content as a selling point—the more
12 graphic and extreme, the better.

13 (22) As the popularity and graphic nature of
14 such video games grows, so do their potential to neg-
15 atively influence impressionable children.

16 (23) Music is another extremely pervasive and
17 popular form of entertainment. American children
18 and teenagers listen to music more than any other
19 demographic group. The Journal of American Medi-
20 cine reported that between the 7th and 12th grades
21 the average teenager listens to 10,500 hours of rock
22 or rap music, just slightly less than the entire num-
23 ber of hours spent in the classroom from kinder-
24 garten through high school.

1 (24) Teens are among the heaviest purchasers
2 of music, and are most likely to favor music genres
3 that depict, and often appear to glamorize violence.

4 (25) Music has a powerful ability to influence
5 perceptions, attitudes, and emotional state. The use
6 of music as therapy indicates its potential to in-
7 crease emotional, psychological, and physical health.
8 That influence can be used for ill as well.

9 **SEC. 403. PURPOSES; CONSTRUCTION.**

10 (a) PURPOSES.—The purposes of this subtitle are to
11 permit the entertainment industry—

12 (1) to work collaboratively to respond to grow-
13 ing public concern about television programming,
14 movies, video games, Internet content, and music
15 lyrics, and the harmful influence of such program-
16 ming, movies, games, content, and lyrics on children;

17 (2) to develop a set of voluntary programming
18 guidelines similar to those contained in the Tele-
19 vision Code of the National Association of Broad-
20 casters; and

21 (3) to implement the guidelines in a manner
22 that alleviates the negative impact of television pro-
23 gramming, movies, video games, Internet content,
24 and music lyrics on the development of children in
25 the United States and stimulates the development

1 and broadcast of educational and informational pro-
2 gramming for such children.

3 (b) CONSTRUCTION.—This subtitle may not be con-
4 strued as—

5 (1) providing the Federal Government with any
6 authority to restrict television programming, movies,
7 video games, Internet content, or music lyrics that
8 is in addition to the authority to restrict such pro-
9 gramming, movies, games, content, or lyrics under
10 law as of the date of the enactment of this Act; or

11 (2) approving any action of the Federal Govern-
12 ment to restrict such programming, movies, games,
13 content, or lyrics that is in addition to any actions
14 undertaken for that purpose by the Federal Govern-
15 ment under law as of such date.

16 **SEC. 404. EXEMPTION OF VOLUNTARY AGREEMENTS ON**
17 **GUIDELINES FOR CERTAIN ENTERTAINMENT**
18 **MATERIAL FROM APPLICABILITY OF ANTI-**
19 **TRUST LAWS.**

20 (a) EXEMPTION.—Subject to subsection (b), the anti-
21 trust laws shall not apply to any joint discussion, consider-
22 ation, review, action, or agreement by or among persons
23 in the entertainment industry for the purpose of devel-
24 oping and disseminating voluntary guidelines designed—

1 (1) to alleviate the negative impact of telecast
2 material, movies, video games, Internet content, and
3 music lyrics containing violence, sexual content,
4 criminal behavior, or other subjects that are not ap-
5 propriate for children; or

6 (2) to promote telecast material that is edu-
7 cational, informational, or otherwise beneficial to the
8 development of children.

9 (b) LIMITATION.—The exemption provided in sub-
10 section (a) shall not apply to any joint discussion, consid-
11 eration, review, action, or agreement which—

12 (1) results in a boycott of any person; or

13 (2) concerns the purchase or sale of advertising,
14 including (without limitation) restrictions on the
15 number of products that may be advertised in a
16 commercial, the number of times a program may be
17 interrupted for commercials, and the number of con-
18 secutive commercials permitted within each interrup-
19 tion.

20 **SEC. 405. EXEMPTION OF ACTIVITIES TO ENSURE COMPLI-**
21 **ANCE WITH RATINGS AND LABELING SYS-**
22 **TEMS FROM APPLICABILITY OF ANTITRUST**
23 **LAWS.**

24 (a) EXEMPTION FROM ANTITRUST LAWS.—

1 (1) IN GENERAL.—The antitrust laws shall not
2 apply to any joint discussion, consideration, review,
3 action, or agreement between or among persons in
4 the motion picture, recording, or video game indus-
5 try for the purpose of and limited to the develop-
6 ment or enforcement of voluntary guidelines, proce-
7 dures, and mechanisms designed to ensure compli-
8 ance by persons and entities described in paragraph
9 (2) with ratings and labeling systems to identify and
10 limit dissemination of sexual, violent, or other inde-
11 cent material to children.

12 (2) PERSONS AND ENTITIES DESCRIBED.—A
13 person or entity described in this paragraph is a per-
14 son or entity that is—

15 (A) engaged in the retail sales of motion
16 pictures, recordings, or video games; or

17 (B) a theater owner or operator, video
18 game arcade owner or operator, or other person
19 or entity that makes available the viewing, lis-
20 tening, or use of a motion picture, recording, or
21 video game to a member of the general public
22 for compensation.

23 (b) REPORT.—Not later than 12 months after the
24 date of the enactment of this Act, the Antitrust Division
25 of the Department of Justice, in conjunction with the Fed-

1 eral Trade Commission, shall submit to Congress a report
2 on—

3 (1) the extent to which the motion picture, re-
4 cording, and video game industry have developed or
5 enforced guidelines, procedures, or mechanisms to
6 ensure compliance by persons and entities described
7 in subsection (b)(2) with ratings or labeling systems
8 which identify and limit dissemination of sexual, vio-
9 lent, or other indecent material to children; and

10 (2) the extent to which Federal or State anti-
11 trust laws preclude those industries from developing
12 and enforcing the guidelines described in subsection
13 (b)(1).

14 **SEC. 406. DEFINITIONS.**

15 In this subtitle:

16 (1) **ANTITRUST LAWS.**—The term “antitrust
17 laws” has the meaning given such term in the first
18 section of the Clayton Act (15 U.S.C. 12) and in-
19 cludes section 5 of the Federal Trade Commission
20 Act (15 U.S.C. 45).

21 (2) **INTERNET.**—The term “Internet” means
22 the combination of computer facilities and electro-
23 magnetic transmission media, and related equipment
24 and software, comprising the interconnected world-
25 wide network of computer networks that employ the

1 Transmission Control Protocol/Internet Protocol or
2 any successor protocol to transmit information.

3 (3) MOVIES.—The term “movies” means mo-
4 tion pictures.

5 (4) PERSON IN THE ENTERTAINMENT INDUS-
6 TRY.—The term “person in the entertainment indus-
7 try” means a television network, any entity which
8 produces or distributes television programming (in-
9 cluding motion pictures), the National Cable Tele-
10 vision Association, the Association of Independent
11 Television Stations, Incorporated, the National Asso-
12 ciation of Broadcasters, the Motion Picture Associa-
13 tion of America, each of the affiliate organizations of
14 the television networks, the Interactive Digital Soft-
15 ware Association, any entity which produces or dis-
16 tributes video games, the Recording Industry Asso-
17 ciation of America, and any entity which produces or
18 distributes music, and includes any individual acting
19 on behalf of such person.

20 (5) TELECAST.—The term “telecast” means
21 any program broadcast by a television broadcast sta-
22 tion or transmitted by a cable television system.

Subtitle B—Other Matters

SEC. 411. STUDY OF MARKETING PRACTICES OF MOTION PICTURE, RECORDING, AND VIDEO/PERSONAL COMPUTER GAME INDUSTRIES.

(a) STUDY.—

(1) **IN GENERAL.**—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the motion picture, recording, and video/personal computer game industries.

(2) **ISSUES EXAMINED.**—In conducting the study under paragraph (1), the Commission and the Attorney General shall examine—

(A) the extent to which the motion picture, recording, and video/personal computer industries target the marketing of violent, sexually explicit, or other unsuitable material to minors, including whether such content is advertised or promoted in media outlets in which minors comprise a substantial percentage of the audience;

(B) the extent to which retail merchants, movie theaters, or others who engage in the sale or rental for a fee of products of the motion

1 picture, recording, and video/personal computer
2 industries—

3 (i) have policies to restrict the sale,
4 rental, or viewing to minors of music, mov-
5 ies, or video/personal computer games that
6 are deemed inappropriate for minors under
7 the applicable voluntary industry rating or
8 labeling systems; and

9 (ii) have procedures compliant with
10 such policies;

11 (C) whether and to what extent the motion
12 picture, recording, and video/personal computer
13 industries require, monitor, or encourage the
14 enforcement of their respective voluntary rating
15 or labeling systems by industry members, retail
16 merchants, movie theaters, or others who en-
17 gage in the sale or rental for a fee of the prod-
18 ucts of such industries;

19 (D) whether any of the marketing prac-
20 tices examined may violate Federal law; and

21 (E) whether and to what extent the motion
22 picture, recording, and video/personal computer
23 industries engage in actions to educate the pub-
24 lic on the existence, use, or efficacy of their vol-
25 untary rating or labeling systems.

1 (3) FACTORS FOR DETERMINATION.—In deter-
2 mining whether the products of the motion picture,
3 recording, or video/personal computer industries are
4 violent, sexually explicit, or otherwise unsuitable for
5 minors for the purposes of paragraph (2)(A), the
6 Commission and the Attorney General shall consider
7 the voluntary industry rating or labeling systems of
8 the industry concerned as in effect on the date of
9 the enactment of this Act.

10 (b) REPORT.—Not later than one year after the date
11 of the enactment of this Act, the Commission and the At-
12 torney General shall submit to Congress a report on the
13 study conducted under subsection (a).

14 (c) AUTHORITY.—For the purposes of the study con-
15 ducted under subsection (a), the Commission may use its
16 authority under section 6(b) of the Federal Trade Com-
17 mission Act to require the filing of reports or answers in
18 writing to specific questions, as well as to obtain informa-
19 tion, oral testimony, documentary material, or tangible
20 things.

1 **TITLE V—GENERAL FIREARM**
2 **PROVISIONS**

3 **SEC. 501. SPECIAL LICENSEES; SPECIAL REGISTRATIONS.**

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

7 “(35) GUN SHOW.—The term ‘gun show’ means
8 a gun show or event described in section 923(j).

9 “(36) SPECIAL LICENSE.—The term ‘special li-
10 cense’ means a license issued under section 923(m).

11 “(37) SPECIAL LICENSEE.—The term ‘special
12 licensee’ means a person to whom a special license
13 has been issued.

14 “(38) SPECIAL REGISTRANT.—The term ‘spe-
15 cial registrant’ means a person to whom a special
16 registration has been issued.

17 “(39) SPECIAL REGISTRATION.—The term ‘spe-
18 cial registration’ means a registration issued under
19 section 923(m).”.

20 (b) SPECIAL LICENSES; SPECIAL REGISTRATION.—
21 Section 923 of title 18, United States Code, is amended
22 by adding at the end the following:

23 “(m) SPECIAL LICENSES; SPECIAL REGISTRA-
24 TIONS.—

25 “(1) SPECIAL LICENSES.—

1 “(A) APPLICATION.—A person who—

2 “(i) is engaged in the business of
3 dealing in firearms by—

4 “(I) buying or selling firearms
5 solely or primarily at gun shows; or

6 “(II) buying or selling firearms
7 as part of a gunsmith or firearm re-
8 pair business or the conduct of other
9 activity that, absent this subsection,
10 would require a license under this
11 chapter; and

12 “(ii) desires to have access to the Na-
13 tional Instant Check System;
14 may submit to the Secretary an application for a
15 special license.

16 “(B) EFFECT OF PARAGRAPH.—Nothing
17 in this paragraph—

18 “(i) requires a license for conduct that
19 did not require a license before the date of
20 enactment of this subsection; or

21 “(ii) diminishes in any manner any
22 right to display, sell, or otherwise dispose
23 of firearms or ammunition, make repairs,
24 or engage in any other conduct or activity,
25 that was otherwise lawful to engage in

1 without a license before the date of enact-
2 ment of this subsection.

3 “(C) CONTENTS.—An application under
4 subparagraph (A) shall—

5 “(i) contain a certification by the ap-
6 plicant that—

7 “(I) the applicant meets the re-
8 quirements of subparagraphs (A)
9 through (D) of subsection (d)(1);

10 “(II)(aa) the applicant conducts
11 the firearm business primarily or sole-
12 ly at gun shows, and the applicant has
13 premises (or a designated portion of
14 premises) that may be inspected
15 under this chapter from which the ap-
16 plicant conducts business (or intends
17 to establish such premises) within a
18 reasonable period of time; or

19 “(bb) the applicant conducts the
20 firearm business from a premises (or
21 a designated portion of premises) of a
22 gunsmith or firearms repair business
23 (or intends to establish such premises
24 within a reasonable period of time);
25 and

1 “(III) the firearm business to be
2 conducted under the license—

3 “(aa) is not engaged in busi-
4 ness for regularly buying and
5 selling firearms from the appli-
6 cant’s premises;

7 “(bb) will be engaged in the
8 buying or selling of firearms
9 only—

10 “(AA) primarily or sole-
11 ly for a firearm business at
12 gun shows; or

13 “(BB) as part of a gun-
14 smith or firearm repair busi-
15 ness;

16 “(cc) shall be conducted in
17 accordance with all dealer record-
18 keeping required under this chap-
19 ter for a dealer; and

20 “(dd) shall be subject to in-
21 spection under this chapter, in-
22 cluding the special licensee’s (or
23 a designated portion of the prem-
24 ises), pursuant to the provisions

1 in this chapter applicable to deal-
2 ers;

3 “(ii) include a photograph and finger-
4 prints of the applicant; and

5 “(iii) be in such form as the Secretary
6 shall by regulation promulgate.

7 “(D) COMPLIANCE WITH STATE OR LOCAL
8 LAW.—

9 “(i) IN GENERAL.—An applicant
10 under subparagraph (A) shall not be re-
11 quired to certify or demonstrate that any
12 firearm business to be conducted from the
13 premises or elsewhere, to the extent per-
14 mitted under this subsection, is or will be
15 done in accordance with State or local law
16 regarding the carrying on of a general
17 business or commercial activity, including
18 compliance with zoning restrictions.

19 “(ii) DUTY TO COMPLY.—The
20 issuance of a special license does not re-
21 lieve an applicant or licensee, as a matter
22 of State or local law, from complying with
23 State or local law described in clause (i).

24 “(E) APPROVAL.—

1 “(i) IN GENERAL.—The Secretary
2 shall approve an application under sub-
3 paragraph (A) if the application meets the
4 requirements of subparagraph (D).

5 “(ii) ISSUANCE OF LICENSE.—On ap-
6 proval of the application and payment by
7 the applicant of a fee prescribed for deal-
8 ers under this section, the Secretary shall
9 issue to the applicant a license which, sub-
10 ject to the provisions of this chapter and
11 other applicable provisions of law, entitles
12 the licensee to conduct business during the
13 3-year period that begins on the date on
14 which the license is issued.

15 “(iii) TIMING.—

16 “(I) IN GENERAL.—The Sec-
17 retary shall approve or disapprove an
18 application under subparagraph (A)
19 not later than 60 days after the Sec-
20 retary receives the application.

21 “(II) FAILURE TO ACT.—If the
22 Secretary fails to approve or dis-
23 approve an application within the time
24 specified by subclause (I), the appli-
25 cant may bring an action under sec-

1 tion 1361 of title 28 to compel the
2 Secretary to act.

3 “(2) SPECIAL REGISTRANTS.—

4 “(A) IN GENERAL.—A person who is not
5 licensed under this chapter (other than a li-
6 censed collector) and who wishes to perform in-
7 stant background checks for the purposes of
8 meeting the requirements of section 922(t) at a
9 gun show may submit to the Secretary an appli-
10 cation for a special registration.

11 “(B) CONTENTS.—An application under
12 subparagraph (A) shall—

13 “(i) contain a certification by the ap-
14 plicant that—

15 “(I) the applicant meets the re-
16 quirements of subparagraphs (A)
17 through (D) of subsection (d)(1); and

18 “(II)(aa) any gun show at which
19 the applicant will conduct instant
20 checks under the special registration
21 will be a show that is not prohibited
22 by State or local law; and

23 “(bb) instant checks will be con-
24 ducted only at gun shows that are

1 conducted in accordance with Federal,
2 State, and local law;

3 “(ii) include a photograph and finger-
4 prints of the applicant; and

5 “(iii) be in such form as the Secretary
6 shall by regulation promulgate.

7 “(C) APPROVAL.—

8 “(i) IN GENERAL.—The Secretary
9 shall approve an application under sub-
10 paragraph (A) if the application meets the
11 requirements of subparagraph (B).

12 “(ii) ISSUANCE OF REGISTRATION.—
13 On approval of the application and pay-
14 ment by the applicant of a fee of \$100 for
15 3 years, and upon renewal of valid reg-
16 istration a fee of \$50 for 3 years, the Sec-
17 retary shall issue to the applicant a special
18 registration, and notify the Attorney Gen-
19 eral of the United States of the issuance of
20 the special registration.

21 “(iii) PERMITTED ACTIVITY.—Under
22 a special registration, a special registrant
23 may conduct instant check screening dur-
24 ing the 3-year period that begins with the
25 date on which the registration is issued.

1 “(D) TIMING.—

2 “(i) IN GENERAL.—The Secretary
3 shall approve or deny an application under
4 subparagraph (A) not later than 60 days
5 after the Secretary receives the application.

6 “(ii) FAILURE TO ACT.—If the Sec-
7 retary fails to approve or disapprove an
8 application under subparagraph (A) within
9 the time specified by clause (i), the appli-
10 cant may bring an action under section
11 1361 of title 28 to compel the Secretary to
12 act.

13 “(E) USE OF SPECIAL REGISTRANTS.—

14 “(i) IN GENERAL.—A person not li-
15 censed under this chapter who desires to
16 transfer a firearm at a gun show in the
17 person’s State of residence to another per-
18 son who is a resident of the same State,
19 may use (but shall not be required to use)
20 the services of a special registrant to deter-
21 mine the eligibility of the prospective
22 transferee to possess a firearm by having
23 the transferee provide the special reg-
24 istrant at the gun show, on a special and
25 limited-purpose form that the Secretary

1 shall prescribe for use by a special
2 registrant—

3 “(I) the name, age, address, and
4 other identifying information of the
5 prospective transferee (or, in the case
6 of a prospective transferee that is a
7 corporation or other business entity,
8 the identity and principal and local
9 places of business of the prospective
10 transferee); and

11 “(II) proof of verification of the
12 identity of the prospective transferee
13 as required by section 922(t)(1)(C).

14 “(ii) ACTION BY THE SPECIAL REG-
15 ISTRANT.—The special registrant shall—

16 “(I) make inquiry of the national
17 instant background check system (or
18 as the Attorney General shall arrange,
19 with the appropriate State point of
20 contact agency for each jurisdiction in
21 which the special registrant intends to
22 offer services) concerning the prospec-
23 tive transferee in accordance with the
24 established procedures for making
25 such inquiries;

1 “(II) receive the response from
2 the system;

3 “(III) indicate the response on
4 both a portion of the inquiry form for
5 the records of the special registrant
6 and on a separate form to be provided
7 to the prospective transferee;

8 “(IV) provide the response to the
9 transferor; and

10 “(V) follow the procedures estab-
11 lished by the Secretary and the Attor-
12 ney General for advising a person un-
13 dergoing an instant background check
14 on the meaning of a response, and
15 any appeal rights, if applicable.

16 “(iii) RECORDKEEPING.—A special
17 registrant shall—

18 “(I) keep all records or docu-
19 ments that the special registrant col-
20 lected pursuant to clause (ii) during
21 the gun show; and

22 “(II) transmit the records to the
23 Secretary when the special registra-
24 tion is no longer valid, expires, or is
25 revoked.

1 “(iv) NO OTHER REQUIREMENTS.—

2 Except for the requirements stated in this
 3 section, a special registrant is not subject
 4 to any of the requirements imposed on li-
 5 censees by this chapter, including those in
 6 section 922(t) and paragraphs (1)(A) and
 7 (3)(A) of subsection (g) with respect to the
 8 proposed transfer of a firearm.

9 “(3) NO CAUSE OF ACTION OR STANDARD OF
 10 CONDUCT.—

11 “(A) IN GENERAL.—Nothing in this
 12 subsection—

13 “(i) creates a cause of action against
 14 any special registrant or any other person,
 15 including the transferor, for any civil liabil-
 16 ity; or

17 “(ii) establishes any standard of care.

18 “(B) EVIDENCE.—Notwithstanding any
 19 other provision of law, except to give effect to
 20 the provisions of paragraph (3)(vi), evidence re-
 21 garding the use or nonuse by a transferor of
 22 the services of a special registrant under this
 23 paragraph shall not be admissible as evidence in
 24 any proceeding of any court, agency, board, or
 25 other entity for the purposes of establishing li-

1 ability based on a civil action brought on any
2 theory for harm caused by a product or by neg-
3 ligence.

4 “(4) IMMUNITY.—

5 “(A) DEFINITION.—In this paragraph:

6 “(i) IN GENERAL.—The term ‘quali-
7 fied civil liability action’ means a civil ac-
8 tion brought by any person against a per-
9 son described in subparagraph (B) for
10 damages resulting from the criminal or un-
11 lawful misuse of the firearm by the trans-
12 feree or a third party.

13 “(ii) EXCLUSIONS.—The term ‘quali-
14 fied civil liability action’ shall not include
15 an action—

16 “(B) IMMUNITY.—Notwithstanding any
17 other provision of law, a person who is—

18 “(i) a special registrant who performs
19 a background check in the manner pre-
20 scribed in this subsection at a gun show;

21 “(ii) a licensee or special licensee who
22 acquires a firearm at a gun show from a
23 nonlicensee, for transfer to another non-
24 licensee in attendance at the gun show, for
25 the purpose of effectuating a sale, trade, or

1 transfer between the 2 nonlicensees, all in
2 the manner prescribed for the acquisition
3 and disposition of a firearm under this
4 chapter; or

5 “(iii) a nonlicensee person disposing
6 of a firearm who uses the services of a per-
7 son described in clause (i) or (ii);

8 shall be entitled to immunity from civil liability
9 action as described in subparagraph (B).

10 “(C) PROSPECTIVE ACTIONS.—A qualified
11 civil liability action may not be brought in any
12 Federal or State court—

13 “(i) brought against a transferor con-
14 victed under section 922(h), or a com-
15 parable State felony law, by a person di-
16 rectly harmed by the transferee’s criminal
17 conduct, as defined in section 922(h); or

18 “(ii) brought against a transferor for
19 negligent entrustment or negligence per se.

20 “(D) DISMISSAL OF PENDING ACTIONS.—
21 A qualified civil liability action that is pending
22 on the date of enactment of this subsection
23 shall be dismissed immediately by the court.

24 “(5) REVOCATION.—A special license or special
25 registration shall be subject to revocation under pro-

1 cedures provided for revocation of licensees in this
 2 chapter.”.

3 (b) PENALTIES.—Section 924(a) of title 18, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

6 “(7) SPECIAL LICENSEES; SPECIAL REG-
 7 ISTRANTS.—Whoever knowingly violates section
 8 923(m)(1) shall be fined under this title, imprisoned
 9 not more than 5 years, or both.”.

10 **SEC. 502. CLARIFICATION OF AUTHORITY TO CONDUCT**
 11 **FIREARM TRANSACTIONS AT GUN SHOWS.**

12 Section 923 of title 18, United States Code, is
 13 amended by striking subsection (j) and inserting the fol-
 14 lowing:

15 “(j) GUN SHOWS.—

16 “(1) IN GENERAL.—A licensed importer, li-
 17 censed manufacturer, or licensed dealer may, under
 18 regulations promulgated by the Secretary, conduct
 19 business at a temporary location, other than the lo-
 20 cation specified on the license, described in para-
 21 graph (2).

22 “(2) TEMPORARY LOCATION.—

23 “(A) IN GENERAL.—A temporary location
 24 referred to in paragraph (1) is a location for a
 25 gun show, or for an event in the State specified

1 on the license, at which firearms, firearms ac-
2 cessories and related items may be bought, sold,
3 traded, and displayed, in accordance with Fed-
4 eral, State, and local laws.

5 “(B) LOCATIONS OUT OF STATE.—If the
6 location is not in the State specified on the li-
7 cense, a licensee may display any firearm, and
8 take orders for a firearm or effectuate the
9 transfer of a firearm, in accordance with this
10 chapter, including paragraph (3) of this sub-
11 section.

12 “(C) QUALIFIED GUN SHOWS OR
13 EVENTS.—A gun show or an event shall qualify
14 as a temporary location if—

15 “(i) the gun show or event is one
16 which is sponsored, for profit or not, by an
17 individual, national, State, or local organi-
18 zation, association, or other entity to foster
19 the collecting, competitive use, sporting
20 use, or any other legal use of firearms; and

21 “(ii) the gun show or event has 20
22 percent or more firearm exhibitors out of
23 all exhibitors.

24 “(D) FIREARM EXHIBITOR.—The term
25 ‘firearm exhibitor’ means an exhibitor who dis-

1 plays 1 or more firearms (as defined by section
2 921(a)(3)) and offers such firearms for sale or
3 trade at the gun show or event.

4 “(3) RECORDS.—Records of receipt and dis-
5 position of firearms transactions conducted at a
6 temporary location—

7 “(A) shall include the location of the sale
8 or other disposition;

9 “(B) shall be entered in the permanent
10 records of the licensee; and

11 “(C) shall be retained at the location
12 premises specified on the license.

13 “(4) VEHICLES.—Nothing in this subsection
14 authorizes a licensee to conduct business in or from
15 any motorized or towed vehicle.

16 “(5) NO SEPARATE FEE.—Notwithstanding
17 subsection (a), a separate fee shall not be required
18 of a licensee with respect to business conducted
19 under this subsection.

20 “(6) INSPECTIONS AND EXAMINATIONS.—

21 “(A) AT A TEMPORARY LOCATION.—Any
22 inspection or examination of inventory or
23 records under this chapter by the Secretary at
24 a temporary location shall be limited to inven-
25 tory consisting of, or records relating to, fire-

1 arms held or disposed at the temporary loca-
2 tion.

3 “(B) NO REQUIREMENT.—Nothing in this
4 subsection authorizes the Secretary to inspect
5 or examine the inventory or records of a li-
6 censed importer, licensed manufacturer, or li-
7 censed dealer at any location other than the lo-
8 cation specified on the license.

9 “(7) NO EFFECT ON OTHER RIGHTS.—Nothing
10 in this subsection diminishes in any manner any
11 right to display, sell, or otherwise dispose of firearms
12 or ammunition that is in effect before the date of
13 enactment of this subsection, including the right of
14 a licensee to conduct firearms transfers and business
15 away from their business premises with another li-
16 censee without regard to whether the location of the
17 business is in the State specified on the license of
18 either licensee.”.

19 **SEC. 503. “INSTANT CHECK” GUN TAX AND GUN OWNER PRI-**
20 **VACY.**

21 (a) PROHIBITION OF GUN TAX.—

22 (1) IN GENERAL.—Chapter 33 of title 28,
23 United States Code, is amended by adding at the
24 end the following:

1 **“§ 540B. Prohibition of background check fee**

2 “(a) IN GENERAL.—No officer, employee, or agent
3 of the United States, including a State or local officer or
4 employee acting on behalf of the United States, may
5 charge or collect any fee in connection with any back-
6 ground check required in connection with the transfer of
7 a firearm (as defined in section 921(a)(3) of title 18).

8 “(b) CIVIL REMEDIES.—Any person aggrieved by a
9 violation of this section may bring an action in United
10 States district court for actual damages, punitive dam-
11 ages, and such other remedies as the court may determine
12 to be appropriate, including a reasonable attorney’s fee.”.

13 (2) CONFORMING AMENDMENT.—The analysis
14 for chapter 33 of title 28, United States Code, is
15 amended by inserting after the item relating to sec-
16 tion 540A the following:

“540B. Prohibition of background check fee.”.

17 (b) PROTECTION OF GUN OWNER PRIVACY AND
18 OWNERSHIP RIGHTS.—

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

22 **“§ 931. Gun owner privacy and ownership rights**

23 “(a) IN GENERAL.—Notwithstanding any other pro-
24 vision of law, no department, agency, or instrumentality
25 of the United States or officer, employee, or agent of the

1 United States, including a State or local officer or em-
2 ployee acting on behalf of the United States shall—

3 “(1) perform any national instant criminal
4 background check on any person through the system
5 established under section 103 of the Brady Handgun
6 Violence Prevention Act (18 U.S.C. 922 note) (re-
7 ferred to in this section as the “system”) if the sys-
8 tem does not require and result in the immediate de-
9 struction of all information, in any form whatsoever
10 or through any medium, concerning the person if the
11 person is determined, through the use of the system,
12 not to be prohibited by subsection (g) or (n) of sec-
13 tion 922 or by State law from receiving a firearm;
14 or

15 “(2) continue to operate the system (including
16 requiring a background check before the transfer of
17 a firearm) unless—

18 “(A) the National Instant Check System
19 index complies with the requirements of section
20 552a(e)(5) of title 5, United States Code; and

21 “(B) does not invoke the exceptions under
22 subsection (j)(2) or paragraph (2) or (3) of
23 subsection (k) of section 552a of title 5, United
24 States Code, except if specifically identifiable
25 information is compiled for a particular law en-

1 enforcement investigation or specific criminal en-
2 forcement matter.

3 “(b) APPLICABILITY.—Subsection (a)(1) does not
4 apply to the retention or transfer of information relating
5 to—

6 “(1) any unique identification number provided
7 by the national instant criminal background check
8 system pursuant to section 922(t)(1)(B)(i) of title
9 18, United States Code; or

10 “(2) the date on which that number is provided.

11 “(c) CIVIL REMEDIES.—Any person aggrieved by a
12 violation of this section may bring an action in United
13 States district court for actual damages, punitive dam-
14 ages, and such other remedies as the court may determine
15 to be appropriate, including a reasonable attorney’s fee.”.

16 (2) CONFORMING AMENDMENT.—The analysis
17 for chapter 44 of title 18, United States Code, is
18 amended by adding at the end the following:

“931. Gun owner privacy and ownership rights.”.

19 (c) PROVISION RELATING TO PAWN AND OTHER
20 TRANSACTIONS.—

21 (1) REPEAL.—Section 655 of title VI of the
22 Treasury and General Governmental Appropriations
23 Act, 1999 (112 Stat. 2681–530) is repealed.

24 (2) RETURN OF FIREARM.—Section 922(t)(1)
25 of title 18, United States Code, is amended by in-

1 serting “(other than the return of a firearm to the
2 person from whom it was received)” before “to any
3 other person”.

4 **SEC. 504. EFFECTIVE DATE.**

5 (a) SECTIONS 501 AND 502.—The amendments made
6 by sections 501 and 502 shall take effect on the date that
7 is 90 days after the date of enactment of this Act.

8 (b) SECTION 503.—The amendments made by sec-
9 tion 503 take effect on the date of enactment of this Act,
10 except that the amendment made by subsection (a) of that
11 section takes effect on October 1, 1999.

12 **TITLE VI—RESTRICTING JUVENILE ACCESS TO CERTAIN**
13 **FIREARMS**
14

15 **SEC. 601. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.**

16 (a) JUVENILE WEAPONS PENALTIES.—Section
17 924(a) of title 18, United States Code, is amended—

18 (1) in paragraph (4) by striking “Whoever” at
19 the beginning of the first sentence, and inserting in
20 lieu thereof, “Except as provided in paragraph (6)
21 of this subsection, whoever”; and

22 (2) in paragraph (6), by amending it to read as
23 follows:

1 “(6)(A) A juvenile who violates section 922(x)
2 shall be fined under this title, imprisoned not more
3 than 1 year, or both, except—

4 “(i) a juvenile shall be sentenced to proba-
5 tion on appropriate conditions and shall not be
6 incarcerated unless the juvenile fails to comply
7 with a condition of probation, if—

8 “(I) the offense of which the juvenile
9 is charged is possession of a handgun, am-
10 munition, large capacity ammunition feed-
11 ing device or a semiautomatic assault
12 weapon in violation of section 922(x)(2);
13 and

14 “(II) the juvenile has not been con-
15 victed in any court of an offense (including
16 an offense under section 922(x) or a simi-
17 lar State law, but not including any other
18 offense consisting of conduct that if en-
19 gaged in by an adult would not constitute
20 an offense) or adjudicated as a juvenile de-
21 linquent for conduct that if engaged in by
22 an adult would constitute an offense; or

23 “(ii) a juvenile shall be fined under this
24 title, imprisoned not more than 20 years, or
25 both, if—

1 “(I) the offense of which the juvenile
2 is charged is possession of a handgun, am-
3 munition, large capacity ammunition feed-
4 ing device or a semiautomatic assault
5 weapon in violation of section 922(x)(2);
6 and

7 “(II) during the same course of con-
8 duct in violating section 922(x)(2), the ju-
9 venile violated section 922(q), with the in-
10 tent to carry or otherwise possess or dis-
11 charge or otherwise use the handgun, am-
12 munition, large capacity ammunition feed-
13 ing device or a semiautomatic assault
14 weapon in the commission of a violent fel-
15 ony.

16 “(B) A person other than a juvenile who know-
17 ingly violates section 922(x)—

18 “(i) shall be fined under this title, impris-
19 oned not more than 1 year, or both; and

20 “(ii) if the person sold, delivered, or other-
21 wise transferred a handgun, ammunition, large
22 capacity ammunition feeding device or a semi-
23 automatic assault weapon to a juvenile knowing
24 or having reasonable cause to know that the ju-
25 venile intended to carry or otherwise possess or

1 discharge or otherwise use the handgun, ammu-
2 nition, large capacity ammunition feeding device
3 or semiautomatic assault weapon in the com-
4 mission of a violent felony, shall be fined under
5 this title, imprisoned not more than 20 years,
6 or both.

7 “(C) For purposes of this paragraph a ‘violent
8 felony’ means conduct as described in section
9 924(e)(2)(B) of this title.

10 “(D) Except as otherwise provided in this chap-
11 ter, in any case in which a juvenile is prosecuted in
12 a district court of the United States, and the juve-
13 nile is subject to the penalties under clause (ii) of
14 paragraph (A), the juvenile shall be subject to the
15 same laws, rules, and proceedings regarding sen-
16 tencing (including the availability of probation, res-
17 titution, fines, forfeiture, imprisonment, and super-
18 vised release) that would be applicable in the case of
19 an adult. No juvenile sentenced to a term of impris-
20 onment shall be released from custody simply be-
21 cause the juvenile reaches the age of 18 years.”.

22 (b) UNLAWFUL WEAPONS TRANSFERS TO JUVE-
23 NILES.—Section 922(x) of title 18, United States Code,
24 is amended to read as follows:

1 “(x)(1) It shall be unlawful for a person to sell, de-
2 liver, or otherwise transfer to a person who the transferor
3 knows or has reasonable cause to believe is a juvenile—

4 “(A) a handgun;

5 “(B) ammunition that is suitable for use only
6 in a handgun;

7 “(C) a semiautomatic assault weapon; or

8 “(D) a large capacity ammunition feeding de-
9 vice.

10 “(2) It shall be unlawful for any person who is a juve-
11 nile to knowingly possess—

12 “(A) a handgun;

13 “(B) ammunition that is suitable for use only
14 in a handgun;

15 “(C) a semiautomatic assault weapon; or

16 “(D) a large capacity ammunition feeding de-
17 vice.

18 “(3) This subsection does not apply to—

19 “(A) a temporary transfer of a handgun, am-
20 munition, large capacity ammunition feeding device
21 or a semiautomatic assault weapon to a juvenile or
22 to the possession or use of a handgun, ammunition,
23 large capacity ammunition feeding device or a semi-
24 automatic assault weapon by a juvenile—

1 “(i) if the handgun, ammunition, large ca-
2 pacity ammunition feeding device or semiauto-
3 matic assault weapon are possessed and used by
4 the juvenile—

5 “(I) in the course of employment,

6 “(II) in the course of ranching or
7 farming related to activities at the resi-
8 dence of the juvenile (or on property used
9 for ranching or farming at which the juve-
10 nile, with the permission of the property
11 owner or lessee, is performing activities re-
12 lated to the operation of the farm or
13 ranch),

14 “(III) for target practice,

15 “(IV) for hunting, or

16 “(V) for a course of instruction in the
17 safe and lawful use of a firearm;

18 “(ii) clause (i) shall apply only if the juve-
19 nile’s possession and use of a handgun, ammu-
20 nition, large capacity ammunition feeding device
21 or a semiautomatic assault weapon under this
22 subparagraph are in accordance with State and
23 local law, and the following conditions are
24 met—

1 “(I) except when a parent or guardian
2 of the juvenile is in the immediate and su-
3 pervisory presence of the juvenile, the juve-
4 nile shall have in the juvenile’s possession
5 at all times when a handgun, ammunition,
6 large capacity ammunition feeding device
7 or semiautomatic assault weapon is in the
8 possession of the juvenile, the prior written
9 consent of the juvenile’s parent or guard-
10 ian who is not prohibited by Federal,
11 State, or local law from possessing a fire-
12 arm or ammunition; and

13 “(II) during transportation by the ju-
14 venile directly from the place of transfer to
15 a place at which an activity described in
16 clause (i) is to take place the firearm shall
17 be unloaded and in a locked container or
18 case, and during the transportation by the
19 juvenile of that firearm, directly from the
20 place at which such an activity took place
21 to the transferor, the firearm shall also be
22 unloaded and in a locked container or case;
23 or

24 “(III) with respect to employment,
25 ranching or farming activities as described

1 in clause (i), a juvenile may possess and
2 use a handgun, ammunition, large capacity
3 ammunition feeding device or a semiauto-
4 matic assault rifle with the prior written
5 approval of the juvenile's parent or legal
6 guardian, if such approval is on file with
7 the adult who is not prohibited by Federal,
8 State, or local law from possessing a fire-
9 arm or ammunition and that person is di-
10 recting the ranching or farming activities
11 of the juvenile;

12 “(B) a juvenile who is a member of the Armed
13 Forces of the United States or the National Guard
14 who possesses or is armed with a handgun, ammuni-
15 tion, large capacity ammunition feeding device or
16 semiautomatic assault weapon in the line of duty;

17 “(C) a transfer by inheritance of title (but not
18 possession) of a handgun, ammunition, large capac-
19 ity ammunition feeding device or a semiautomatic
20 assault weapon to a juvenile; or

21 “(D) the possession of a handgun, ammunition,
22 large capacity ammunition feeding device or a semi-
23 automatic assault weapon taken in lawful defense of
24 the juvenile or other persons in the residence of the

1 juvenile or a residence in which the juvenile is an in-
2 vited guest.

3 “(4) A handgun, ammunition, large capacity ammu-
4 nition feeding device or a semiautomatic assault weapon,
5 the possession of which is transferred to a juvenile in cir-
6 cumstances in which the transferor is not in violation of
7 this subsection, shall not be subject to permanent confisca-
8 tion by the Government if its possession by the juvenile
9 subsequently becomes unlawful because of the conduct of
10 the juvenile, but shall be returned to the lawful owner
11 when such handgun, ammunition, large capacity ammuni-
12 tion feeding device or semiautomatic assault weapon is no
13 longer required by the Government for the purposes of in-
14 vestigation or prosecution.

15 “(5) For purposes of this subsection, the term ‘juve-
16 nile’ means a person who is less than 18 years of age.

17 “(6)(A) In a prosecution of a violation of this sub-
18 section, the court shall require the presence of a juvenile
19 defendant’s parent or legal guardian at all proceedings.

20 “(B) The court may use the contempt power to en-
21 force subparagraph (A).

22 “(C) The court may excuse attendance of a parent
23 or legal guardian of a juvenile defendant at a proceeding
24 in a prosecution of a violation of this subsection for good
25 cause shown.

1 “(7) For purposes of this subsection only, the term
 2 ‘large capacity ammunition feeding device’ has the same
 3 meaning as in section 921(a)(31) of title 18 and includes
 4 similar devices manufactured before the effective date of
 5 the Violent Crime Control and Law Enforcement Act of
 6 1994.”.

7 **SEC. 602. EFFECTIVE DATE.**

8 This title and the amendments made by this title
 9 shall take effect 180 days after the date of enactment of
 10 this Act.

11 **TITLE VII—ASSAULT WEAPONS**

12 **SEC. 701. SHORT TITLE.**

13 This Act may be cited as the “Juvenile Assault
 14 Weapon Loophole Closure Act of 1999”.

15 **SEC. 702. BAN ON IMPORTING LARGE CAPACITY AMMUNI-**
 16 **TION FEEDING DEVICES.**

17 Section 922(w) of title 18, United States Code, is
 18 amended—

19 (1) in paragraph (1), by striking “(1) Except as
 20 provided in paragraph (2)” and inserting “(1)(A)
 21 Except as provided in subparagraph (B)”;

22 (2) in paragraph (2), by striking “(2) Para-
 23 graph (1)” and inserting “(B) Subparagraph (A)”;

24 (3) by inserting before paragraph (3) the fol-
 25 lowing new paragraph (2):

1 “(2) It shall be unlawful for any person to import
2 a large capacity ammunition feeding device.”; and

3 (4) in paragraph (4)—

4 (A) by striking “(1)” each place it appears
5 and inserting “(1)(A)”; and

6 (B) by striking “(2)” and inserting
7 “(1)(B)”.

8 **SEC. 703. DEFINITION OF LARGE CAPACITY AMMUNITION**
9 **FEEDING DEVICE.**

10 Section 921(a)(31) of title 18, United States Code,
11 is amended by striking “manufactured after the date of
12 enactment of the Violent Crime Control and Law Enforce-
13 ment Act of 1994”.

14 **SEC. 704. EFFECTIVE DATE.**

15 This title and the amendments made by this title ex-
16 cept sections 702 and 703 shall take effect 180 days after
17 the date of enactment of this Act.

18 **TITLE VIII—EFFECTIVE GUN**
19 **LAW ENFORCEMENT**
20 **Subtitle A—Criminal Use of**
21 **Firearms by Felons**

22 **SEC. 801. SHORT TITLE.**

23 This subtitle may be referred to as the “Criminal Use
24 of Firearms by Felons (CUFF) Act”.

1 **SEC. 802. FINDINGS.**

2 Congress finds the following:

3 (1) Tragedies such as those occurring recently
4 in the communities of Pearl, Mississippi, Paducah,
5 Kentucky, Jonesboro, Arkansas, Springfield, Or-
6 egon, and Littleton, Colorado are terrible reminders
7 of the vulnerability of innocent individuals to ran-
8 dom and senseless acts of criminal violence.

9 (2) The United States Congress has responded
10 to the problem of gun violence by passing numerous
11 criminal statutes and by supporting the development
12 of law enforcement programs designed both to pun-
13 ish the criminal misuse of weapons and also to deter
14 individuals from undertaking illegal acts.

15 (3) In 1988, the Administration initiated an in-
16 novative program known as Project Achilles. The
17 concept behind the initiative was that the illegal pos-
18 session of firearms was the Achilles heel or the area
19 of greatest vulnerability of criminals. By aggressively
20 prosecuting criminals with guns in Federal court,
21 the offenders were subject to stiffer penalties and
22 expedited prosecutions. The Achilles program was
23 particularly effective in removing the most violent
24 criminals from our communities.

25 (4) In 1991, the Administration expanded its
26 efforts to remove criminals with guns from our

1 streets with Project Triggerlock. Triggerlock contin-
2 ued the ideas formulated in the Achilles program
3 and committed the Department of Justice resources
4 to the prosecution effort. Under the program, every
5 United States Attorney was directed to form special
6 teams of Federal, State, and local investigators to
7 look for gang and drug cases that could be pros-
8 ecuted as Federal weapon violations. Congress ap-
9 propriated additional funds to allow a large number
10 of new law enforcement officers and Federal pros-
11 ecutors to target these gun and drug offenders. In
12 1992, approximately 7048 defendants were pros-
13 ecuted under this initiative.

14 (5) Since 1993, the number of “Project
15 Triggerlock” type gun prosecutions pursued by the
16 Department of Justice has fallen to approximately
17 3807 prosecutions in 1998. This is a decline of over
18 40 percent in Federal prosecutions of criminals with
19 guns.

20 (6) The threat of criminal prosecution in the
21 Federal criminal justice system works to deter crimi-
22 nal behavior because the Federal system is known
23 for speedier trials and longer prison sentences.

24 (7) The deterrent effect of Federal gun pros-
25 ecutions has been demonstrated recently by success-

1 ful programs, such as “Project Exile” in Richmond,
2 Virginia, which resulted in a 22 percent decrease in
3 violent crime since 1994.

4 (8) The Department of Justice’s failure to pros-
5 ecute the criminal use of guns under existing Fed-
6 eral law undermines the significant deterrent effect
7 that these laws are meant to produce.

8 (9) The Department of Justice already pos-
9 sesses a vast array of Federal criminal statutes that,
10 if used aggressively to prosecute wrongdoers, would
11 significantly reduce both the threat of, and the inci-
12 dence of, criminal gun violence.

13 (10) As an example, the Department of Justice
14 has the statutory authority in section 922(q) of title
15 18, United States Code, to prosecute individuals who
16 bring guns to school zones. Although the Adminis-
17 tration stated that over 6,000 students were expelled
18 last year for bringing guns to school, the Justice De-
19 partment reports prosecuting only 8 cases under sec-
20 tion 922(q) in 1998.

21 (11) The Department of Justice is also empow-
22 ered under section 922(x) of title 18, United States
23 Code, to prosecute adults who transfer handguns to
24 juveniles. In 1998, the Department of Justice re-

1 ports having prosecuted only 6 individuals under this
2 provision.

3 (12) The Department of Justice's utilization of
4 existing prosecutorial power is 1 of the most signifi-
5 cant steps that can be taken to reduce the number
6 of criminal acts involving guns, and represents a
7 better response to the problem of criminal violence
8 than the enactment of new, symbolic laws, which, if
9 current Departmental trends hold, would likely be
10 underutilized.

11 **SEC. 803. CRIMINAL USE OF FIREARMS BY FELONS PRO-**
12 **GRAM.**

13 (a) IN GENERAL.—Not later than 90 days after the
14 date of enactment of this Act, the Attorney General and
15 the Secretary of the Treasury shall establish in the juris-
16 dictions specified in subsection (d) a program that meets
17 the requirements of subsections (b) and (c). The program
18 shall be known as the “Criminal Use of Firearms by Fel-
19 ons (CUFF) Program”.

20 (b) PROGRAM ELEMENTS.—Each program estab-
21 lished under subsection (a) shall, for the jurisdiction
22 concerned—

23 (1) provide for coordination with State and
24 local law enforcement officials in the identification of
25 violations of Federal firearms laws;

1 (2) provide for the establishment of agreements
2 with State and local law enforcement officials for the
3 referral to the Bureau of Alcohol, Tobacco, and
4 Firearms and the United States Attorney for pros-
5 ecution of persons arrested for violations of section
6 922(a)(6), 922(g)(1), 922(g)(2), 922(g)(3), 922(j),
7 922(q), 922(k), or 924(c) of title 18, United States
8 Code, or section 5861(d) or 5861(h) of the Internal
9 Revenue Code of 1986, relating to firearms;

10 (3) require that the United States Attorney
11 designate not less than 1 Assistant United States
12 Attorney to prosecute violations of Federal firearms
13 laws;

14 (4) provide for the hiring of agents for the Bu-
15 reau of Alcohol, Tobacco, and Firearms to inves-
16 tigate violations of the provisions referred to in
17 paragraph (2) and section 922(a)(5) of title 18,
18 United States Code, relating to firearms; and

19 (5) ensure that each person referred to the
20 United States Attorney under paragraph (2) be
21 charged with a violation of the most serious Federal
22 firearm offense consistent with the act committed.

23 (c) PUBLIC EDUCATION CAMPAIGN.—As part of the
24 program for a jurisdiction, the United States Attorney
25 shall carry out, in cooperation with local civic, community,

1 law enforcement, and religious organizations, an extensive
2 media and public outreach campaign focused in high-crime
3 areas to—

4 (1) educate the public about the severity of pen-
5 alties for violations of Federal firearms laws; and

6 (2) encourage law-abiding citizens to report the
7 possession of illegal firearms to authorities.

8 (d) COVERED JURISDICTIONS.—The jurisdictions
9 specified in this subsection are the following 25 jurisdic-
10 tions:

11 (1) The 10 jurisdictions with a population equal
12 to or greater than 100,000 persons that had the
13 highest total number of violent crimes according to
14 the FBI uniform crime report for 1998.

15 (2) The 15 jurisdictions with such a population,
16 other than the jurisdictions covered by paragraph
17 (1), with the highest per capita rate of violent crime
18 according to the FBI uniform crime report for 1998.

19 **SEC. 804. ANNUAL REPORTS.**

20 Not later than 1 year after the date of enactment
21 of this Act, and annually thereafter, the Attorney General
22 shall submit to the Committees on the Judiciary of Senate
23 and House of Representatives a report containing the fol-
24 lowing information:

1 (1) The number of Assistant United States At-
2 torneys hired under the program under this subtitle
3 during the year preceding the year in which the re-
4 port is submitted in order to prosecute violations of
5 Federal firearms laws in Federal court.

6 (2) The number of individuals indicted for such
7 violations during that year by reason of the pro-
8 gram.

9 (3) The increase or decrease in the number of
10 individuals indicted for such violations during that
11 year by reason of the program when compared with
12 the year preceding that year.

13 (4) The number of individuals held without
14 bond in anticipation of prosecution by reason of the
15 program.

16 (5) To the extent information is available, the
17 average length of prison sentence of the individuals
18 convicted of violations of Federal firearms laws by
19 reason of the program.

20 **SEC. 805. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out the pro-
23 gram under section 803 \$50,000,000 for fiscal year 2000,
24 of which—

1 (1) \$40,000,000 shall be used for salaries and
2 expenses of Assistant United States Attorneys and
3 Bureau of Alcohol, Tobacco, and Firearms agents;
4 and

5 (2) \$10,000,000 shall be available for the public
6 relations campaign required by subsection (c) of that
7 section.

8 (b) USE OF FUNDS.—

9 (1) The Assistant United States Attorneys
10 hired using amounts appropriated pursuant to the
11 authorization of appropriations in subsection (a)
12 shall prosecute violations of Federal firearms laws in
13 accordance with section 803(b)(3).

14 (2) The Bureau of Alcohol, Tobacco, and Fire-
15 arms agents hired using amounts appropriated pur-
16 suant to the authorization of appropriations in sub-
17 section (a) shall, to the maximum extent practicable,
18 concentrate their investigations on violations of Fed-
19 eral firearms laws in accordance with section
20 803(b)(4).

21 (3) It is the sense of Congress that amounts
22 made available under this section for the public edu-
23 cation campaign required by section 803(c) should,
24 to the maximum extent practicable, be matched with
25 State or local funds or private donations.

1 (c) AUTHORIZATION OF ADDITIONAL APPROPRIA-
 2 TIONS.—In addition to amounts made available under sub-
 3 section (a), there is authorized to be appropriated to the
 4 Administrative Office of the United States Courts such
 5 sums as may be necessary to carry out this subtitle.

6 **Subtitle B—Apprehension and**
 7 **Treatment of Armed Violent**
 8 **Criminals**

9 **SEC. 811. APPREHENSION AND PROCEDURAL TREATMENT**
 10 **OF ARMED VIOLENT CRIMINALS.**

11 (a) PRETRIAL DETENTION FOR POSSESSION OF
 12 FIREARMS OR EXPLOSIVES BY CONVICTED FELONS.—
 13 Section 3156(a)(4) of title 18, United States Code, is
 14 amended—

15 (1) by striking “or” at the end of subparagraph
 16 (B);

17 (2) by striking “and” at the end of subpara-
 18 graph (C) and inserting “or”; and

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

20 “(D) an offense that is a violation of sec-
 21 tion 842(i) or 922(g) (relating to possession of
 22 explosives or firearms by convicted felons);
 23 and”.

1 (b) FIREARMS POSSESSION BY VIOLENT FELONS
 2 AND SERIOUS DRUG OFFENDERS.—Section 924(a)(2) of
 3 title 18, United States Code, is amended—

4 (1) by striking “Whoever” and inserting “(A)
 5 Except as provided in subparagraph (B), any person
 6 who”; and

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

8 “(B) Notwithstanding any other provision of law, the
 9 court shall not grant a probationary sentence to a person
 10 who has more than 1 previous conviction for a violent fel-
 11 ony or a serious drug offense, committed under different
 12 circumstances.”.

13 **Subtitle C—Youth Crime Gun** 14 **Interdiction**

15 **SEC. 821. YOUTH CRIME GUN INTERDICTION INITIATIVE.**

16 (a) IN GENERAL.—

17 (1) EXPANSION OF NUMBER OF CITIES.—The
 18 Secretary of the Treasury shall endeavor to expand
 19 the number of cities and counties directly partici-
 20 pating in the Youth Crime Gun Interdiction Initia-
 21 tive (in this section referred to as the “YCGII”) to
 22 75 cities or counties by October 1, 2000, to 150 cit-
 23 ies or counties by October 1, 2002, and to 250 cities
 24 or counties by October 1, 2003.

1 (2) SELECTION.—Cities and counties selected
2 for participation in the YCGII shall be selected by
3 the Secretary of the Treasury and in consultation
4 with Federal, State and local law enforcement offi-
5 cials.

6 (b) IDENTIFICATION OF INDIVIDUALS.—

7 (1) IN GENERAL.—The Secretary of the Treas-
8 ury shall, utilizing the information provided by the
9 YCGII, facilitate the identification and prosecution
10 of individuals illegally trafficking firearms to prohib-
11 ited individuals.

12 (2) SHARING OF INFORMATION.—The Secretary
13 of the Treasury shall share information derived from
14 the YCGII with State and local law enforcement
15 agencies through on-line computer access, as soon as
16 such capability is available.

17 (c) GRANT AWARDS.—

18 (1) IN GENERAL.—The Secretary of the Treas-
19 ury shall award grants (in the form of funds or
20 equipment) to States, cities, and counties for pur-
21 poses of assisting such entities in the tracing of fire-
22 arms and participation in the YCGII.

23 (2) USE OF GRANT FUNDS.—Grants made
24 under this part shall be used to—

1 (A) hire or assign additional personnel for
2 the gathering, submission and analysis of trac-
3 ing data submitted to the Bureau of Alcohol,
4 Tobacco and Firearms under the YCGII;

5 (B) hire additional law enforcement per-
6 sonnel for the purpose of identifying and arrest-
7 ing individuals illegally trafficking firearms; and

8 (C) purchase additional equipment, includ-
9 ing automatic data processing equipment and
10 computer software and hardware, for the timely
11 submission and analysis of tracing data.

12 **Subtitle D—Gun Prosecution Data**

13 **SEC. 831. COLLECTION OF GUN PROSECUTION DATA.**

14 (a) REPORT TO CONGRESS.—On February 1, 2000,
15 and on February 1 of each year thereafter, the Attorney
16 General shall submit to the Committees on the Judiciary
17 and on Appropriations of the Senate and the House of
18 Representatives a report of information gathered under
19 this section during the fiscal year that ended on Sep-
20 tember 30 of the preceding year.

21 (b) SUBJECT OF ANNUAL REPORT.—Not later than
22 90 days after the date of enactment of this Act, the Attor-
23 ney General shall require each component of the Depart-
24 ment of Justice, including each United States Attorney's
25 Office, to furnish for the purposes of the report described

1 in subsection (a), information relating to any case pre-
2 sented to the Department of Justice for review or prosecu-
3 tion, in which the objective facts of the case provide prob-
4 able cause to believe that there has been a violation of
5 section 922 of title 18, United States Code.

6 (c) ELEMENTS OF ANNUAL REPORT.—With respect
7 to each case described in subsection (b), the report sub-
8 mitted under subsection (a) shall include information
9 indicating—

10 (1) whether in any such case, a decision has
11 been made not to charge an individual with a viola-
12 tion of section 922 of title 18, United States Code,
13 or any other violation of Federal criminal law;

14 (2) in any case described in paragraph (1), the
15 reason for such failure to seek or obtain a charge
16 under section 922 of title 18, United States Code;

17 (3) whether in any case described in subsection
18 (b), an indictment, information, or other charge has
19 been brought against any person, or the matter is
20 pending;

21 (4) whether, in the case of an indictment, infor-
22 mation, or other charge described in paragraph (3),
23 the charging document contains a count or counts
24 alleging a violation of section 922 of title 18, United
25 States Code;

1 (5) in any case described in paragraph (4) in
2 which the charging document contains a count or
3 counts alleging a violation of section 922 of title 18,
4 United States Code, whether a plea agreement of
5 any kind has been entered into with such charged
6 individual;

7 (6) whether any plea agreement described in
8 paragraph (5) required that the individual plead
9 guilty, to enter a plea of nolo contendere, or other-
10 wise caused a court to enter a conviction against
11 that individual for a violation of section 922 of title
12 18, United States Code;

13 (7) in any case described in paragraph (6) in
14 which the plea agreement did not require that the
15 individual plead guilty, enter a plea of nolo
16 contendere, or otherwise cause a court to enter a
17 conviction against that individual for a violation of
18 section 922 of title 18, United States Code, identi-
19 fication of the charges to which that individual did
20 plead guilty, and the reason for the failure to seek
21 or obtain a conviction under that section;

22 (8) in the case of an indictment, information, or
23 other charge described in paragraph (3), in which
24 the charging document contains a count or counts
25 alleging a violation of section 922 of title 18, United

1 States Code, the result of any trial of such charges
 2 (guilty, not guilty, mistrial); and

3 (9) in the case of an indictment, information, or
 4 other charge described in paragraph (3), in which
 5 the charging document did not contain a count or
 6 counts alleging a violation of section 922 of title 18,
 7 United States Code, the nature of the other charges
 8 brought and the result of any trial of such other
 9 charges as have been brought (guilty, not guilty,
 10 mistrial).

11 **Subtitle E—Firearms Possession by** 12 **Violent Juvenile Offenders**

13 **SEC. 841. PROHIBITION ON FIREARMS POSSESSION BY VIO-** 14 **LENT JUVENILE OFFENDERS.**

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

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

18 (2) by redesignating subparagraphs (A) and
 19 (B) as clauses (i) and (ii), respectively;

20 (3) by inserting after subparagraph (A) the fol-
 21 lowing:

22 “(B) For purposes of subsections (d) and (g) of sec-
 23 tion 922, the term ‘act of violent juvenile delinquency’
 24 means an adjudication of delinquency in Federal or State
 25 court, based on a finding of the commission of an act by

1 a person prior to his or her eighteenth birthday that, if
2 committed by an adult, would be a serious or violent fel-
3 ony, as defined in section 3559(c)(2)(F)(i) had Federal
4 jurisdiction existed and been exercised (except that section
5 3559(c)(3)(A) shall not apply to this subparagraph).”;
6 and

7 (4) in the undesignated paragraph following
8 subparagraph (B) (as added by paragraph (3) of
9 this subsection), by striking “What constitutes” and
10 all that follows through “this chapter,” and inserting
11 the following:

12 “(C) What constitutes a conviction of such a crime
13 or an adjudication of an act of violent juvenile delinquency
14 shall be determined in accordance with the law of the ju-
15 risdiction in which the proceedings were held. Any State
16 conviction or adjudication of an act of violent juvenile de-
17 linquency that has been expunged or set aside, or for
18 which a person has been pardoned or has had civil rights
19 restored, by the jurisdiction in which the conviction or ad-
20 judication of an act of violent juvenile delinquency oc-
21 curred shall not be considered to be a conviction or adju-
22 dication of an act of violent juvenile delinquency for pur-
23 poses of this chapter.”.

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

1 (1) in subsection (d)—

2 (A) in paragraph (8), by striking “or” at
3 the end;

4 (B) in paragraph (9), by striking the pe-
5 riod at the end and inserting “; or”; and

6 (C) by inserting after paragraph (9) the
7 following:

8 “(10) has committed an act of violent juvenile
9 delinquency.”; and

10 (2) in subsection (g)—

11 (A) in paragraph (8), by striking “or” at
12 the end;

13 (B) in paragraph (9), by striking the
14 comma at the end and inserting “; or”; and

15 (C) by inserting after paragraph (9) the
16 following:

17 “(10) who has committed an act of violent juve-
18 nile delinquency,”.

19 (c) EFFECTIVE DATE OF ADJUDICATION PROVI-
20 SIONS.—The amendments made by this section shall only
21 apply to an adjudication of an act of violent juvenile delin-
22 quency that occurs after the date that is 30 days after
23 the date on which the Attorney General certifies to Con-
24 gress and separately notifies Federal firearms licensees,
25 through publication in the Federal Register by the Sec-

1 retary of the Treasury, that the records of such adjudica-
 2 tions are routinely available in the national instant crimi-
 3 nal background check system established under section
 4 103(b) of the Brady Handgun Violence Prevention Act.

5 **Subtitle F—Juvenile Access to** 6 **Certain Firearms**

7 **SEC. 851. PENALTIES FOR FIREARM VIOLATIONS INVOLV-** 8 **ING JUVENILES.**

9 (a) PENALTIES FOR FIREARM VIOLATIONS BY JUVE-
 10 NILES.—Section 924(a) of title 18, United States Code,
 11 is amended—

12 (1) in paragraph (4), by striking “Whoever”
 13 and inserting “Except as provided in paragraph (6),
 14 whoever”; and

15 (2) by striking paragraph (6) and inserting the
 16 following:

17 “(6) TRANSFER TO OR POSSESSION BY A JUVE-
 18 NILE.—

19 “(A) DEFINITIONS OF VIOLENT FELONY.—
 20 In this paragraph—

21 “(i) the term ‘juvenile’ has the meaning
 22 given the term in section 922(x); and

23 “(ii) the term ‘violent felony’ has the
 24 meaning given the term in subsection (e)(2)(B).

25 “(B) POSSESSION BY A JUVENILE.—

1 “(i) IN GENERAL.—Subject to clauses
2 (ii) and (iii), a juvenile who violates section
3 922(x) shall be fined under this title, im-
4 prisoned not more than 5 years, or both.

5 “(ii) PROBATION.—Unless clause (iii)
6 applies and unless a juvenile fails to com-
7 ply with a condition of probation, the juve-
8 nile may be sentenced to probation on ap-
9 propriate conditions if—

10 “(I) the offense with which the
11 juvenile is charged is possession of a
12 handgun, ammunition, or semiauto-
13 matic assault weapon in violation of
14 section 922(x)(2); and

15 “(II) the juvenile has not been
16 convicted in any court of an offense
17 (including an offense under section
18 922(x) or a similar State law, but not
19 including any other offense consisting
20 of conduct that if engaged in by an
21 adult would not constitute an offense)
22 or adjudicated as a juvenile delinquent
23 for conduct that if engaged in by an
24 adult would constitute an offense.

1 “(iii) SCHOOL ZONES.—A juvenile
2 shall be fined under this title, imprisoned
3 not more than 20 years, or both, if—

4 “(I) the offense of which the ju-
5 venile is charged is possession of a
6 handgun, ammunition, or semiauto-
7 matic assault weapon in violation of
8 section 922(x)(2); and

9 “(II) during the same course of
10 conduct in violating section 922(x)(2),
11 the juvenile violated section 922(q),
12 with the intent to carry or otherwise
13 possess or discharge or otherwise use
14 the handgun, ammunition, or semi-
15 automatic assault weapon in the com-
16 mission of a violent felony.

17 “(C) TRANSFER TO A JUVENILE.—A per-
18 son other than a juvenile who knowingly vio-
19 lates section 922(x)—

20 “(i) shall be fined under this title, im-
21 prisoned not less than 1 year and not more
22 than 5 years, or both; or

23 “(ii) if the person sold, delivered, or
24 otherwise transferred a handgun, ammuni-
25 tion, or semiautomatic assault weapon to a

1 juvenile knowing or having reasonable
2 cause to know that the juvenile intended to
3 carry or otherwise possess or discharge or
4 otherwise use the handgun, ammunition, or
5 semiautomatic assault weapon in the com-
6 mission of a violent felony, shall be fined
7 under this title and imprisoned not less
8 than 10 and not more than 20 years.

9 “(D) CASES IN UNITED STATES DISTRICT
10 COURT.—Except as otherwise provided in this
11 chapter, in any case in which a juvenile is pros-
12 ecuted in a district court of the United States,
13 and the juvenile is subject to the penalties
14 under subparagraph (B)(iii), the juvenile shall
15 be subject to the same laws, rules, and pro-
16 ceedings regarding sentencing (including the
17 availability of probation, restitution, fines, for-
18 feiture, imprisonment, and supervised release)
19 that would be applicable in the case of an adult.

20 “(E) NO RELEASE AT AGE 18.—No juve-
21 nile sentenced to a term of imprisonment shall
22 be released from custody solely for the reason
23 that the juvenile has reached the age of 18
24 years.”.

1 (b) UNLAWFUL WEAPONS TRANSFERS TO JUVE-
 2 NILES.—Section 922 of title 18, United States Code, is
 3 amended by striking subsection (x) and inserting the fol-
 4 lowing:

5 “(x) JUVENILES.—

6 “(1) DEFINITION OF JUVENILE.—In this sub-
 7 section, the term ‘juvenile’ means a person who is
 8 less than 18 years of age.

9 “(2) TRANSFER TO JUVENILES.—It shall be un-
 10 lawful for a person to sell, deliver, or otherwise
 11 transfer to a person who the transferor knows or has
 12 reasonable cause to believe is a juvenile—

13 “(A) a handgun;

14 “(B) ammunition that is suitable for use
 15 only in a handgun; or

16 “(C) a semiautomatic assault weapon.

17 “(3) POSSESSION BY A JUVENILE.—It shall be
 18 unlawful for any person who is a juvenile to know-
 19 ingly possess—

20 “(A) a handgun;

21 “(B) ammunition that is suitable for use
 22 only in a handgun; or

23 “(C) a semiautomatic assault weapon.

24 “(4) APPLICABILITY.—

1 “(A) IN GENERAL.—This subsection does
2 not apply to—

3 “(i) if the conditions stated in sub-
4 paragraph (B) are met, a temporary trans-
5 fer of a handgun, ammunition, or semi-
6 automatic assault weapon to a juvenile or
7 to the possession or use of a handgun, am-
8 munition, or semiautomatic assault weapon
9 by a juvenile if the handgun, ammunition,
10 or semiautomatic assault weapon is pos-
11 sessed and used by the juvenile—

12 “(I) in the course of employment;

13 “(II) in the course of ranching or
14 farming related to activities at the
15 residence of the juvenile (or on prop-
16 erty used for ranching or farming at
17 which the juvenile, with the permis-
18 sion of the property owner or lessee, is
19 performing activities related to the op-
20 eration of the farm or ranch);

21 “(III) for target practice;

22 “(IV) for hunting; or

23 “(V) for a course of instruction
24 in the safe and lawful use of a hand-
25 gun;

1 “(ii) a juvenile who is a member of
2 the Armed Forces of the United States or
3 the National Guard who possesses or is
4 armed with a handgun, ammunition, or
5 semiautomatic assault weapon in the line
6 of duty;

7 “(iii) a transfer by inheritance of title
8 (but not possession) of handgun, ammuni-
9 tion, or semiautomatic assault weapon to a
10 juvenile; or

11 “(iv) the possession of a handgun,
12 ammunition, or semiautomatic assault
13 weapon taken in lawful defense of the juve-
14 nile or other persons against an intruder
15 into the residence of the juvenile or a resi-
16 dence in which the juvenile is an invited
17 guest.

18 “(B) TEMPORARY TRANSFERS.—Clause (i)
19 shall apply if—

20 “(i) the juvenile’s possession and use
21 of a handgun, ammunition, or semiauto-
22 matic assault weapon under this paragraph
23 are in accordance with State and local law;
24 and

1 “(ii)(I)(aa) except when a parent or
2 guardian of the juvenile is in the imme-
3 diate and supervisory presence of the juve-
4 nile, the juvenile, at all times when a hand-
5 gun, ammunition, or semiautomatic assault
6 weapon is in the possession of the juvenile,
7 has in the juvenile’s possession the prior
8 written consent of the juvenile’s parent or
9 guardian who is not prohibited by Federal,
10 State, or local law from possessing a fire-
11 arm or ammunition; and

12 “(bb) during transportation by the ju-
13 venile directly from the place of transfer to
14 a place at which an activity described in
15 item (aa) is to take place, the firearm is
16 unloaded and in a locked container or case,
17 and during the transportation by the juve-
18 nile of the firearm, directly from the place
19 at which such an activity took place to the
20 transferor, the firearm is unloaded and in
21 a locked container or case; or

22 “(II) with respect to ranching or
23 farming activities as described in subpara-
24 graph (A)(i)(II)—

1 “(aa) a juvenile possesses and
2 uses a handgun, ammunition, or semi-
3 automatic assault weapon with the
4 prior written approval of the juvenile’s
5 parent or legal guardian;

6 “(bb) the approval is on file with
7 an adult who is not prohibited by
8 Federal, State, or local law from pos-
9 sessing a firearm or ammunition; and

10 “(cc) the adult is directing the
11 ranching or farming activities of the
12 juvenile.

13 “(5) INNOCENT TRANSFERORS.—A handgun,
14 ammunition, or semiautomatic assault weapon, the
15 possession of which is transferred to a juvenile in
16 circumstances in which the transferor is not in viola-
17 tion under this subsection, shall not be subject to
18 permanent confiscation by the Government if its
19 possession by the juvenile subsequently becomes un-
20 lawful because of the conduct of the juvenile, but
21 shall be returned to the lawful owner when the
22 handgun, ammunition, or semiautomatic assault
23 weapon is no longer required by the Government for
24 the purposes of investigation or prosecution.

1 “(6) ATTENDANCE BY PARENT OR LEGAL
2 GUARDIAN AS CRIMINAL PROCEEDINGS.—In a pros-
3 ecution of a violation of this subsection, the court—

4 “(A) shall require the presence of a juve-
5 nile defendant’s parent or legal guardian at all
6 proceedings;

7 “(B) may use the contempt power to en-
8 force subparagraph (A); and

9 “(C) may excuse attendance of a parent or
10 legal guardian of a juvenile defendant for good
11 cause.”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect 180 days after the date of
14 enactment of this Act.

15 **Subtitle G—General Firearm** 16 **Provisions**

17 **SEC. 861. NATIONAL INSTANT CRIMINAL BACKGROUND** 18 **CHECK SYSTEM IMPROVEMENTS.**

19 (a) EXPEDITED ACTION BY THE ATTORNEY GEN-
20 ERAL.—

21 (1) IN GENERAL.—The Attorney General shall
22 expedite—

23 (A) not later than 90 days after the date
24 of enactment of this section, a study of the fea-
25 sibility of developing—

1 “(i) a single fingerprint convicted of-
2 fender database in the Federal criminal
3 records system maintained by the Federal
4 Bureau of Investigation; and

5 (ii) procedures under which a licensed
6 firearm dealer may voluntarily transmit to
7 the National Instant Check System a sin-
8 gle digitalized fingerprint for prospective
9 firearms transferees;

10 (B) the provision of assistance to States,
11 under the Crime Identification Technology Act
12 of 1998 (112 Stat. 1871), in gaining access to
13 records in the National Instant Check System
14 disclosing the disposition of State criminal
15 cases; and

16 (C) development of a procedure for the col-
17 lection of data identifying persons that are pro-
18 hibited from possessing a firearm by section
19 922(g) of title 18, United States Code, includ-
20 ing persons adjudicated as a mental defective,
21 persons committed to a mental institution, and
22 persons subject to a domestic violence restrain-
23 ing order.

1 (2) CONSIDERATIONS.—In developing proce-
2 dures under paragraph (1), the Attorney General
3 shall consider the privacy needs of individuals.

4 (b) COMPATIBILITY OF BALLISTICS INFORMATION
5 SYSTEMS.—The Attorney General and the Secretary of
6 the Treasury shall ensure the integration and interoper-
7 ability of ballistics identification systems maintained by
8 the Federal Bureau of Investigation and the Bureau of
9 Alcohol, Tobacco, and Firearms through the National In-
10 tegrated Ballistics Information Network.

11 (c) FORENSIC LABORATORY INSPECTION.—The At-
12 torney General shall provide financial assistance to the
13 American Academy of Forensic Science Laboratory Ac-
14 creditation Board to be used to facilitate forensic labora-
15 tory inspection activities.

16 (d) RELIEF FROM DISABILITY DATABASE.—Section
17 925(c) of title 18, United States Code, is amended—

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

20 “(c) RELIEF FROM DISABILITIES.—

21 “(1) IN GENERAL.—A person”; and

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

23 “(2) DATABASE.—The Secretary shall establish
24 a database, accessible through the National Instant

1 Check System, identifying persons who have been
2 granted relief from disability under paragraph (1).”.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated for fiscal year 2000—

5 (1) to pay the costs of the Federal Bureau of
6 Investigation in operating the National Instant
7 Check System, \$68,000,000;

8 (2) for payments to States that act as points of
9 contact for access to the National Instant Check
10 System, \$40,000,000;

11 (3) to carry out subsection (a)(1), \$40,000,000;

12 (4) to carry out subsection (a)(3), \$25,000,000;

13 (5) to carry out subsection (b), \$1,150,000; and

14 (6) to carry out subsection (c), \$1,000,000.

15 (f) INCREASED AUTHORIZATION.—Section 102(e)(1)
16 of the Crime Identification Technology Act of 1998 (42
17 U.S.C. 14601(e)(1)) is amended by striking “this section”
18 and all that follows and inserting “this section—

19 “(A) \$250,000,000 for fiscal year 1999;

20 “(B) \$350,000,000 for each of fiscal years
21 2000 through 2003.”.

TITLE IX—ENHANCED PENALTIES

3 SEC. 901. STRAW PURCHASES.

4 (a) IN GENERAL.—Section 924(a) of title 18, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 “(7)(A) Notwithstanding paragraph (2), who-
8 ever knowingly violates section 922(a)(6) for the
9 purpose of selling, delivering, or otherwise transfer-
10 ring a firearm, knowing or having reasonable cause
11 to know that another person will carry or otherwise
12 possess or discharge or otherwise use the firearm in
13 the commission of a violent felony, shall be—

14 “(i) fined under this title, imprisoned not
15 more than 15 years, or both; or

16 “(ii) imprisoned not less than 10 and not
17 more than 20 years and fined under this title,
18 if the procurement is for a juvenile.

19 “(B) In this paragraph—

20 “(i) the term ‘juvenile’ has the meaning
21 given the term in section 922(x); and

22 “(ii) the term ‘violent felony’ has the
23 meaning given the term in subsection
24 (e)(2)(B).”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall take effect 180 days after the date of
3 enactment of this Act.

4 **SEC. 902. STOLEN FIREARMS.**

5 (a) IN GENERAL.—Section 924 of title 18, United
6 States Code, is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (2), by striking “(i),
9 (j),”; and

10 (B) by adding at the end the following:

11 “(8) Whoever knowingly violates subsection (i) or (j)
12 of section 922 shall be fined under this title, imprisoned
13 not more than 15 years, or both.”;

14 (2) in subsection (i)(1), by striking by striking
15 “10 years, or both” and inserting “15 years, or
16 both”; and

17 (3) in subsection (l), by striking “10 years, or
18 both” and inserting “15 years, or both”.

19 (b) SENTENCING COMMISSION.—The United States
20 Sentencing Commission shall amend the Federal sen-
21 tencing guidelines to reflect the amendments made by sub-
22 section (a).

1 **SEC. 903. INCREASE IN PENALTIES FOR CRIMES INVOLVING**
2 **FIREARMS.**

3 Section 924 of title 18, United States Code, is
4 amended—

5 (1) in subsection (c)(1)(A)—

6 (A) in clause (iii), by striking “10 years.”

7 and inserting “12 years; and”; and

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

9 “(iv) if the firearm is used to injure
10 another person, be sentenced to a term of
11 imprisonment of not less than 15 years.”;
12 and

13 (2) in subsection (h), by striking “imprisoned
14 not more than 10 years” and inserting “imprisoned
15 not less than 5 years and not more than 10 years”.

16 **SEC. 904. 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”
21 and inserting “3 years”; and

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

1 **SEC. 905. INCREASED PENALTY FOR DRUG TRAFFICKING IN**
2 **OR NEAR A SCHOOL OR OTHER PROTECTED**
3 **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”
7 and inserting “3 years”; and

8 (2) in subsection (b), by striking “three years”
9 each place that term appears and inserting “5
10 years”.

11 **TITLE X—CHILD HANDGUN**
12 **SAFETY**

13 **SEC. 1001. SHORT TITLE.**

14 This title may be cited as the “Safe Handgun Storage
15 and Child Handgun Safety Act of 1999”.

16 **SEC. 1002. PURPOSES.**

17 The purposes of this title are as follows:

18 (1) To promote the safe storage and use of
19 handguns by consumers.

20 (2) To prevent unauthorized persons from gain-
21 ing access to or use of a handgun, including children
22 who may not be in possession of a handgun, unless
23 it is under one of the circumstances provided for in
24 the Youth Handgun Safety Act.

25 (3) To avoid hindering industry from supplying
26 law abiding citizens firearms for all lawful purposes,

1 including hunting, self-defense, collecting and com-
2 petitive or recreational shooting.

3 **SEC. 1003. FIREARMS SAFETY.**

4 (a) UNLAWFUL ACTS.—

5 (1) MANDATORY TRANSFER OF SECURE GUN
6 STORAGE OR SAFETY DEVICE.—Section 922 of title
7 18, United States Code, is amended by inserting
8 after subsection (y) the following:

9 “(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), it shall be unlawful for any licensed man-
12 ufacturer, licensed importer, or licensed dealer to
13 sell, deliver, or transfer any handgun to any person
14 other than any person licensed under the provisions
15 of this chapter, unless the transferee is provided
16 with a secure gun storage or safety device, as de-
17 scribed in section 921(a)(35) of this chapter, for
18 that handgun.

19 “(2) EXCEPTIONS.—Paragraph (1) does not
20 apply to the—

21 “(A)(i) manufacture for, transfer to, or
22 possession by, the United States or a State or
23 a department or agency of the United States, or
24 a State or a department, agency, or political
25 subdivision of a State, of a handgun; or

1 “(ii) transfer to, or possession by, a
2 law enforcement officer employed by an en-
3 tity referred to in clause (i) of a handgun
4 for law enforcement purposes (whether on
5 or off duty); or

6 “(B) transfer to, or possession by, a rail
7 police officer employed by a rail carrier and cer-
8 tified or commissioned as a police officer under
9 the laws of a State of a handgun for purposes
10 of law enforcement (whether on or off duty);

11 “(C) transfer to any person of a handgun
12 listed as a curio or relic by the Secretary pursu-
13 ant to section 921(a)(13); or

14 “(D) transfer to any person of a handgun
15 for which a secure gun storage or safety device
16 is temporarily unavailable for the reasons de-
17 scribed in the exceptions stated in section
18 923(e): *Provided*, That the licensed manufac-
19 turer, licensed importer, or licensed dealer de-
20 livers to the transferee within 10 calendar days
21 from the date of the delivery of the handgun to
22 the transferee a secure gun storage or safety
23 device for the handgun.

24 “(3) LIABILITY FOR USE.—(A) Notwith-
25 standing any other provision of law, a person who

1 has lawful possession and control of a handgun, and
2 who uses a secure gun storage or safety device with
3 the handgun, shall be entitled to immunity from a
4 civil liability action as described in this paragraph.

5 “(B) PROSPECTIVE ACTIONS.—A qualified civil
6 liability action may not be brought in any Federal
7 or State court. The term ‘qualified civil liability ac-
8 tion’ means a civil action brought by any person
9 against a person described in subparagraph (A) for
10 damages resulting from the criminal or unlawful
11 misuse of the handgun by a third party, where—

12 “(i) the handgun was accessed by another
13 person who did not have the permission or au-
14 thorization of the person having lawful posses-
15 sion and control of the handgun to have access
16 to it; and

17 “(ii) at the time access was gained by the
18 person not so authorized, the handgun had been
19 made inoperable by use of a secure gun storage
20 or safety device.

21 A ‘qualified civil liability action’ shall not include an
22 action brought against the person having lawful pos-
23 session and control of the handgun for negligent en-
24 trustment or negligence per se.”.

1 (b) CIVIL PENALTIES.—Section 924 of title 18,
 2 United States Code, is amended—

3 (1) in subsection (a)(1), by striking “or (f)”
 4 and inserting “(f), or (p)”; and

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

6 “(p) PENALTIES RELATING TO SECURE GUN STOR-
 7 AGE OR SAFETY DEVICE.—

8 “(1) IN GENERAL.—

9 “(A) SUSPENSION OR REVOCATION OF LI-
 10 CENSE; CIVIL PENALTIES.—With respect to
 11 each violation of section 922(z)(1) by a licensed
 12 manufacturer, licensed importer, or licensed
 13 dealer, the Secretary may, after notice and op-
 14 portunity for hearing—

15 “(i) suspend for up to six months, or
 16 revoke, the license issued to the licensee
 17 under this chapter that was used to con-
 18 duct the firearms transfer; or

19 “(ii) subject the licensee to a civil
 20 penalty in an amount equal to not more
 21 than \$2,500.

22 “(B) REVIEW.—An action of the Secretary
 23 under this paragraph may be reviewed only as
 24 provided in section 923(f).

1 “(2) ADMINISTRATIVE REMEDIES.—The sus-
2 pension or revocation of a license or the imposition
3 of a civil penalty under paragraph (1) does not pre-
4 clude any administrative remedy that is otherwise
5 available to the Secretary.”.

6 (c) LIABILITY; EVIDENCE.—

7 (1) LIABILITY.—Nothing in this title shall
8 be construed to—

9 (A) create a cause of action against any
10 Federal firearms licensee or any other person
11 for any civil liability; or

12 (B) establish any standard of care.

13 (2) EVIDENCE.—Notwithstanding any other
14 provision of law, evidence regarding compliance or
15 noncompliance with the amendments made by this
16 title shall not be admissible as evidence in any pro-
17 ceeding of any court, agency, board, or other entity,
18 except with respect to an action to enforce para-
19 graphs (1) and (2) of section 922(z), or to give ef-
20 fect to paragraph (3) of section 922(z).

21 (3) RULE OF CONSTRUCTION.—Nothing in this
22 subsection shall be construed to bar a governmental
23 action to impose a penalty under section 924(p) of
24 title 18, United States Code, for a failure to comply
25 with section 922(z) of that title.

1 **SEC. 1004. EFFECTIVE DATE.**

2 This title and the amendments made by this title
3 shall take effect 180 days after the date of enactment of
4 this Act.

5 **TITLE XI—SCHOOL SAFETY AND**
6 **VIOLENCE PREVENTION**

7 **SEC. 1101. SCHOOL SAFETY AND VIOLENCE PREVENTION.**

8 Title XIV of the Elementary and Secondary Edu-
9 cation Act of 1965 (20 U.S.C. 8801 et seq.) is amended
10 by adding at the end the following:

11 **“PART I—SCHOOL SAFETY AND VIOLENCE**
12 **PREVENTION**

13 **“SEC. 14851. SCHOOL SAFETY AND VIOLENCE PREVENTION.**

14 “Notwithstanding any other provision of titles IV and
15 VI, funds made available under such titles may be used
16 for—

17 “(1) training, including in-service training, for
18 school personnel (including custodians and bus driv-
19 ers), with respect to—

20 “(A) identification of potential threats,
21 such as illegal weapons and explosive devices;

22 “(B) crisis preparedness and intervention
23 procedures; and

24 “(C) emergency response;

25 “(2) training for parents, teachers, school per-
26 sonnel and other interested members of the commu-

1 nity regarding the identification and responses to
2 early warning signs of troubled and violent youth;

3 “(3) innovative research-based delinquency and
4 violence prevention programs, including—

5 “(A) school anti-violence programs; and

6 “(B) mentoring programs;

7 “(4) comprehensive school security assessments;

8 “(5) purchase of school security equipment and
9 technologies, such as—

10 “(A) metal detectors;

11 “(B) electronic locks; and

12 “(C) surveillance cameras;

13 “(6) collaborative efforts with community-based
14 organizations, including faith-based organizations,
15 statewide consortia, and law enforcement agencies,
16 that have demonstrated expertise in providing effective,
17 research-based violence prevention and inter-
18 vention programs to school aged children;

19 “(7) providing assistance to States, local edu-
20 cational agencies, or schools to establish school uni-
21 form policies;

22 “(8) school resource officers, including commu-
23 nity policing officers; and

24 “(9) other innovative, local responses that are
25 consistent with reducing incidents of school violence

1 and improving the educational atmosphere of the
2 classroom.”.

3 **SEC. 1102. STUDY.**

4 (a) STUDY.—The Comptroller General shall carry out
5 a study regarding school safety issues, including
6 examining—

7 (1) incidents of school-based violence in the
8 United States;

9 (2) impediments to combating school-based vio-
10 lence, including local, state, and Federal education
11 and law enforcement impediments;

12 (3) promising initiatives for addressing school-
13 based violence;

14 (4) crisis preparedness of school personnel;

15 (5) preparedness of local, State, and Federal
16 law enforcement to address incidents of school-based
17 violence; and

18 (6) evaluating current school violence preven-
19 tion programs.

20 (b) REPORT.—The Comptroller General shall prepare
21 and submit to Congress a report regarding the results of
22 the study conducted under paragraph (1).

1 **SEC. 1103. SCHOOL UNIFORMS.**

2 Part E of title XIV of the Elementary and Secondary
3 Education Act of 1965 (20 U.S.C. 8891 et seq.) is amend-
4 ed by adding at the end the following:

5 **“SEC. 14515. SCHOOL UNIFORMS.**

6 “(a) CONSTRUCTION.—Nothing in this Act shall be
7 construed to prohibit any State, local educational agency,
8 or school from establishing a school uniform policy.

9 “(b) FUNDING.—Notwithstanding any other provi-
10 sion of law, funds provided under titles IV and VI may
11 be used for establishing a school uniform policy.”.

12 **SEC. 1104. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.**

13 Part F of title XIV of the Elementary and Secondary
14 Education Act of 1965 (20 U.S.C. 8921 et seq.) is amend-
15 ed by adding after section 14603 (20 U.S.C. 8923) the
16 following:

17 **“SEC. 14604. TRANSFER OF SCHOOL DISCIPLINARY**
18 **RECORDS.**

19 “(a) NONAPPLICATION OF PROVISIONS.—The provi-
20 sions of this section shall not apply to any disciplinary
21 records transferred from a private, parochial, or other
22 nonpublic school, person, institution, or other entity, that
23 provides education below the college level.

24 “(b) DISCIPLINARY RECORDS.—Not later than 2
25 years after the date of enactment of the Violent and Re-
26 peat Juvenile Offender Accountability and Rehabilitation

1 Act of 1999, each State receiving Federal funds under this
2 Act shall provide an assurance to the Secretary that the
3 State has a procedure in place to facilitate the transfer
4 of disciplinary records by local educational agencies to any
5 private or public elementary school or secondary school for
6 any student who is enrolled or seeks, intends, or is in-
7 structed to enroll, full-time or part-time, in the school.

8 **SEC. 1105. SCHOOL VIOLENCE RESEARCH.**

9 The Attorney General shall establish at the National
10 Center for Rural Law Enforcement in Little Rock, Arkan-
11 sas, a research center that shall serve as a resource center
12 or clearinghouse for school violence research. The research
13 center shall conduct, compile, and publish school violence
14 research and otherwise conduct activities related to school
15 violence research, including—

16 (1) the collection, categorization, and analysis
17 of data from students, schools, communities, par-
18 ents, law enforcement agencies, medical providers,
19 and others for use in efforts to improve school secu-
20 rity and otherwise prevent school violence;

21 (2) the identification and development of strate-
22 gies to prevent school violence; and

23 (3) the development and implementation of cur-
24 ricula designed to assist local educational agencies

1 and law enforcement agencies in the prevention of or
2 response to school violence.

3 **SEC. 1106. NATIONAL CHARACTER ACHIEVEMENT AWARD.**

4 (a) PRESENTATION AUTHORIZED.—The President is
5 authorized to award to individuals under the age of 18,
6 on behalf of the Congress, a National Character Achieve-
7 ment Award, consisting of medal of appropriate design,
8 with ribbons and appurtenances, honoring those individ-
9 uals for distinguishing themselves as a model of good char-
10 acter.

11 (b) DESIGN AND STRIKING.—For the purposes of the
12 award referred to in subsection (a), the Secretary of the
13 Treasury shall design and strike a medal with suitable em-
14 blems, devices, and inscriptions, to be determined by the
15 Secretary.

16 (c) ELIGIBILITY.—

17 (1) IN GENERAL.—The President pro tempore
18 of the Senate and the Speaker of the House of Rep-
19 resentatives shall establish procedures for processing
20 recommendations to be forwarded to the President
21 for awarding National Character Achievement
22 Award under subsection (a).

23 (2) RECOMMENDATIONS BY SCHOOL PRIN-
24 CIPALS.—At a minimum, the recommendations re-
25 ferred to in paragraph (1) shall contain the endorse-

1 ment of the principal (or equivalent official) of the
2 school in which the individual under the age of 18
3 is enrolled.

4 **SEC. 1107. NATIONAL COMMISSION ON CHARACTER DEVELOP-**
5 **OPMENT.**

6 (a) ESTABLISHMENT.—There is established a com-
7 mission to be known as the National Commission on Char-
8 acter Development (referred to in this section as the
9 “Commission”).

10 (b) MEMBERSHIP.—

11 (1) APPOINTING AUTHORITY.—The Commission
12 shall consist of 36 members, of whom—

13 (A) 12 shall be appointed by the President;

14 (B) 12 shall be appointed by the Speaker
15 of the House of Representatives; and

16 (C) 12 shall be appointed by the President
17 pro tempore of the Senate, on the recommenda-
18 tion of the majority and minority leaders of the
19 Senate.

20 (2) COMPOSITION.—The President, the Speaker
21 of the House of Representatives, and the President
22 pro tempore of the Senate shall each appoint as
23 members of the Commission—

24 (A) 1 parent;

25 (B) 1 student;

1 (C) 2 representatives of the entertainment
2 industry (including the segments of the indus-
3 try relating to audio, video, and multimedia en-
4 tertainment);

5 (D) 2 members of the clergy;

6 (E) 2 representatives of the information or
7 technology industry;

8 (F) 1 local law enforcement official;

9 (G) 2 individuals who have engaged in aca-
10 demic research with respect to the impact of
11 cultural influences on child development and ju-
12 venile crime; and

13 (H) 1 representative of a grassroots orga-
14 nization engaged in community and child inter-
15 vention programs.

16 (3) PERIOD OF APPOINTMENT.—Members shall
17 be appointed for the life of the Commission. Any va-
18 cancy in the Commission shall not affect its powers,
19 but shall be filled in the same manner as the origi-
20 nal appointment.

21 (c) DUTIES OF THE COMMISSION.—

22 (1) STUDY.—The Commission shall study and
23 make recommendations with respect to the impact of
24 current cultural influences (as of the date of the
25 study) on the process of developing and instilling the

1 key aspects of character, which include trust-
2 worthiness, honesty, integrity, an ability to keep
3 promises, loyalty, respect, responsibility, fairness, a
4 caring nature, and good citizenship.

5 (2) REPORTS.—

6 (A) INTERIM REPORTS.—The Commission
7 shall submit to the President and Congress
8 such interim reports relating to the study as
9 the Commission considers to be appropriate.

10 (B) FINAL REPORT.—Not later than 2
11 years after the date of the enactment of this
12 Act, the Commission shall submit a final report
13 to the President and Congress that shall con-
14 tain a detailed statement of the findings and
15 conclusions of the Commission resulting from
16 the study, together with recommendations for
17 such legislation and administrative actions as
18 the Commission considers to be appropriate.

19 (d) CHAIRPERSON.—The Commission shall select a
20 Chairperson from among the members of the Commission.

21 (e) POWERS OF THE COMMISSION.—

22 (1) HEARINGS.—The Commission may hold
23 such hearings, sit and act at such times and places,
24 take such testimony, and receive such evidence as

1 the Commission considers advisable to carry out the
2 purposes of this Act.

3 (2) INFORMATION FROM FEDERAL AGENCIES.—

4 The Commission may secure directly from any Fed-
5 eral department or agency such information as the
6 Commission considers necessary to carry out the
7 provisions of this Act. Upon request of the Chair-
8 man of the Commission, the head of such depart-
9 ment or agency shall furnish such information to the
10 Commission.

11 (3) POSTAL SERVICES.—The Commission may
12 use the United States mails in the same manner and
13 under the same conditions as other departments and
14 agencies of the Federal Government.

15 (4) GIFTS.—The Commission may accept, use,
16 and dispose of gifts or donations of services or prop-
17 erty.

18 (f) COMMISSION PERSONNEL MATTERS.—

19 (1) TRAVEL EXPENSES.—The members of the
20 Commission shall not receive compensation for the
21 performance of services for the Commission, but
22 shall be allowed travel expenses, including per diem
23 in lieu of subsistence, at rates authorized for em-
24 ployees of agencies under subchapter I of chapter 57
25 of title 5, United States Code, while away from their

1 homes or regular places of business in the perform-
2 ance of services for the Commission.

3 (2) DETAIL OF GOVERNMENT EMPLOYEES.—

4 Any Federal Government employee may be detailed
5 to the Commission without reimbursement, and the
6 detail shall be without interruption or loss of civil
7 service status or privilege.

8 (g) PERMANENT COMMISSION.—Section 14 of the
9 Federal Advisory Committee Act (5 U.S.C. App.) shall not
10 apply to the Commission.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section
13 such sums as may be necessary for each of fiscal years
14 2000 and 2001.

15 **SEC. 1108. JUVENILE ACCESS TO TREATMENT.**

16 (a) COORDINATED JUVENILE SERVICES GRANTS.—
17 Title II of the Juvenile Justice and Delinquency Preven-
18 tion Act of 1974 (42 U.S.C. 5611 et seq.) is amended by
19 inserting after section 205 the following:

20 **“SEC. 205A. COORDINATED JUVENILE SERVICES GRANTS.**

21 “(a) IN GENERAL.—The Attorney General, in con-
22 sultation with the Secretary of Health and Human Serv-
23 ices, working in conjunction with the Center for Substance
24 Abuse of the Substance Abuse and Mental Health Services
25 Administration, may make grants to a consortium within

1 a State of State or local juvenile justice agencies or State
2 or local substance abuse and mental health agencies, and
3 child service agencies to coordinate the delivery of services
4 to children among these agencies. Any public agency may
5 serve as the lead entity for the consortium.

6 “(b) USE OF FUNDS.—A consortium described in
7 subsection (a) that receives a grant under this section
8 shall use the grant for the establishment and implementa-
9 tion of programs that address the service needs of adoles-
10 cents with substance abuse or mental health treatment
11 problems, including those who come into contact with the
12 justice system by requiring the following:

13 “(1) Collaboration across child serving systems,
14 including juvenile justice agencies, relevant public
15 and private substance abuse and mental health
16 treatment providers, and State or local educational
17 entities and welfare agencies.

18 “(2) Appropriate screening and assessment of
19 juveniles.

20 “(3) Individual treatment plans.

21 “(4) Significant involvement of juvenile judges
22 where appropriate.

23 “(c) APPLICATION FOR COORDINATED JUVENILE
24 SERVICES GRANT.—

1 “(1) IN GENERAL.—A consortium described in
2 subsection (a) desiring to receive a grant under this
3 section shall submit an application containing such
4 information as the Administrator may prescribe.

5 “(2) CONTENTS.—In addition to guidelines es-
6 tablished by the Administrator, each application sub-
7 mitted under paragraph (1) shall provide—

8 “(A) certification that there has been ap-
9 propriate consultation with all affected agencies
10 and that there will be appropriate coordination
11 with all affected agencies in the implementation
12 of the program;

13 “(B) for the regular evaluation of the pro-
14 gram funded by the grant and describe the
15 methodology that will be used in evaluating the
16 program;

17 “(C) assurances that the proposed pro-
18 gram or activity will not supplant similar pro-
19 grams and activities currently available in the
20 community; and

21 “(D) specify plans for obtaining necessary
22 support and continuing the proposed program
23 following the conclusion of Federal support.

1 “(3) FEDERAL SHARE.—The Federal share of a
2 grant under this section shall not exceed 75 percent
3 of the cost of the program.

4 “(d) REPORT.—Each recipient of a grant under this
5 section during a fiscal year shall submit to the Attorney
6 General a report regarding the effectiveness of programs
7 established with the grant on the date specified by the At-
8 torney General.

9 “(e) FUNDING.—Grants under this section shall be
10 considered an allowable use under section 205(a) and sub-
11 title B.”.

12 **SEC. 1109. BACKGROUND CHECKS.**

13 Section 5(9) of the National Child Protection Act of
14 1993 (42 U.S.C. 5119c(9)) is amended—

15 (1) in subparagraph (A)(i), by inserting “(in-
16 cluding an individual who is employed by a school in
17 any capacity, including as a child care provider, a
18 teacher, or another member of school personnel)”
19 before the semicolon; and

20 (2) in subparagraph (B)(i), by inserting “(in-
21 cluding an individual who seeks to be employed by
22 a school in any capacity, including as a child care
23 provider, a teacher, or another member of school
24 personnel)” before the semicolon.

1 **SEC. 1110. DRUG TESTS.**

2 (a) SHORT TITLE.—This section may be cited as the
3 “School Violence Prevention Act”.

4 (b) AMENDMENT.—Section 4116(b) of the Elemen-
5 tary and Secondary Education Act of 1965 (20 U.S.C.
6 7116(b)) is amended—

7 (1) in paragraph (9), by striking “and” after
8 the semicolon;

9 (2) by redesignating paragraph (10) as para-
10 graph (11); and

11 (3) by inserting after paragraph (9) the fol-
12 lowing:

13 “(10) consistent with the fourth amendment to
14 the Constitution of the United States, testing a stu-
15 dent for illegal drug use, including at the request of
16 or with the consent of a parent or legal guardian of
17 the student, if the local educational agency elects to
18 so test; and”.

19 **SEC. 1111. SENSE OF THE SENATE.**

20 It is the sense of the Senate that States receiving
21 Federal elementary and secondary education funding
22 should require local educational agencies to conduct, for
23 each of their employees (regardless of when hired) and
24 prospective employees, a nationwide background check for
25 the purpose of determining whether the employee has been
26 convicted of a crime that bears upon his fitness to have

1 responsibility for the safety or well-being of children, to
2 serve in the particular capacity in which he is (or is to
3 be) employed, or otherwise to be employed at all thereby.

4 **TITLE XII—TEACHER LIABILITY** 5 **PROTECTION ACT**

6 **SEC. 1201. SHORT TITLE.**

7 This title may be cited as the “Teacher Liability Pro-
8 tection Act of 1999”.

9 **SEC. 1202. FINDINGS AND PURPOSE.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) The ability of teachers, principals and other
13 school professionals to teach, inspire and shape the
14 intellect of our Nation’s elementary and secondary
15 school students is deterred and hindered by frivolous
16 lawsuits and litigation.

17 (2) Each year more and more teachers, prin-
18 cipals and other school professionals face lawsuits
19 for actions undertaken as part of their duties to pro-
20 vide millions of school children quality educational
21 opportunities.

22 (3) Too many teachers, principals and other
23 school professionals face increasingly severe and ran-
24 dom acts of violence in the classroom and in schools.

1 (4) Providing teachers, principals and other
2 school professionals a safe and secure environment is
3 an important part of the effort to improve and ex-
4 pand educational opportunities.

5 (5) Clarifying and limiting the liability of teach-
6 ers, principals and other school professionals who
7 undertake reasonable actions to maintain order, dis-
8 cipline and an appropriate educational environment
9 is an appropriate subject of Federal legislation
10 because—

11 (A) the national scope of the problems cre-
12 ated by the legitimate fears of teachers, prin-
13 cipals and other school professionals about friv-
14 olous, arbitrary or capricious lawsuits against
15 teachers; and

16 (B) millions of children and their families
17 across the Nation depend on teachers, prin-
18 cipals and other school professionals for the in-
19 tellectual development of the children.

20 (b) PURPOSE.—The purpose of this title is to provide
21 teachers, principals and other school professionals the
22 tools they need to undertake reasonable actions to main-
23 tain order, discipline and an appropriate educational envi-
24 ronment.

1 **SEC. 1203. PREEMPTION AND ELECTION OF STATE NON-**
2 **APPLICABILITY.**

3 (a) PREEMPTION.—This title preempts the laws of
4 any State to the extent that such laws are inconsistent
5 with this title, except that this title shall not preempt any
6 State law that provides additional protection from liability
7 relating to teachers.

8 (b) ELECTION OF STATE REGARDING NONAPPLICA-
9 BILITY.—This title shall not apply to any civil action in
10 a State court against a teacher in which all parties are
11 citizens of the State if such State enacts a statute in ac-
12 cordance with State requirements for enacting
13 legislation—

- 14 (1) citing the authority of this subsection;
- 15 (2) declaring the election of such State that this
16 title shall not apply, as of a date certain, to such
17 civil action in the State; and
- 18 (3) containing no other provisions.

19 **SEC. 1204. LIMITATION ON LIABILITY FOR TEACHERS.**

20 (a) LIABILITY PROTECTION FOR TEACHERS.—Ex-
21 cept as provided in subsections (b) and (d), no teacher
22 in a school shall be liable for harm caused by an act or
23 omission of the teacher on behalf of the school if—

- 24 (1) the teacher was acting within the scope of
25 the teacher's employment or responsibilities related
26 to providing educational services;

1 (2) the actions of the teacher were carried out
 2 in conformity with local, state, or federal laws, rules
 3 or regulations in furtherance of efforts to control,
 4 discipline, expel, or suspend a student or maintain
 5 order or control in the classroom or school;

6 (3) if appropriate or required, the teacher was
 7 properly licensed, certified, or authorized by the ap-
 8 propriate authorities for the activities or practice in
 9 the State in which the harm occurred, where the ac-
 10 tivities were or practice was undertaken within the
 11 scope of the teacher's responsibilities;

12 (4) the harm was not caused by willful or crimi-
 13 nal misconduct, gross negligence, reckless mis-
 14 conduct, or a conscious, flagrant indifference to the
 15 rights or safety of the individual harmed by the
 16 teacher; and

17 (5) the harm was not caused by the teacher op-
 18 erating a motor vehicle, vessel, aircraft, or other ve-
 19 hicle for which the State requires the operator or the
 20 owner of the vehicle, craft, or vessel to—

21 (A) possess an operator's license; or

22 (B) maintain insurance.

23 (b) CONCERNING RESPONSIBILITY OF TEACHERS TO
 24 SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in
 25 this section shall be construed to affect any civil action

1 brought by any school or any governmental entity against
2 any teacher of such school.

3 (c) NO EFFECT ON LIABILITY OF SCHOOL OR GOV-
4 ERNMENTAL ENTITY.—Nothing in this section shall be
5 construed to affect the liability of any school or govern-
6 mental entity with respect to harm caused to any person.

7 (d) EXCEPTIONS TO TEACHER LIABILITY PROTEC-
8 TION.—If the laws of a State limit teacher liability subject
9 to one or more of the following conditions, such conditions
10 shall not be construed as inconsistent with this section:

11 (1) A State law that requires a school or gov-
12 ernmental entity to adhere to risk management pro-
13 cedures, including mandatory training of teachers.

14 (2) A State law that makes the school or gov-
15 ernmental entity liable for the acts or omissions of
16 its teachers to the same extent as an employer is lia-
17 ble for the acts or omissions of its employees.

18 (3) A State law that makes a limitation of li-
19 ability inapplicable if the civil action was brought by
20 an officer of a State or local government pursuant
21 to State or local law.

22 (e) LIMITATION ON PUNITIVE DAMAGES BASED ON
23 THE ACTIONS OF TEACHERS.—

24 (1) GENERAL RULE.—Punitive damages may
25 not be awarded against a teacher in an action

1 brought for harm based on the action of a teacher
2 acting within the scope of the teacher's responsibil-
3 ities to a school or governmental entity unless the
4 claimant establishes by clear and convincing evidence
5 that the harm was proximately caused by an action
6 of such teacher which constitutes willful or criminal
7 misconduct, or a conscious, flagrant indifference to
8 the rights or safety of the individual harmed.

9 (2) CONSTRUCTION.—Paragraph (1) does not
10 create a cause of action for punitive damages and
11 does not preempt or supersede any Federal or State
12 law to the extent that such law would further limit
13 the award of punitive damages.

14 (f) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

15 (1) IN GENERAL.—The limitations on the liabil-
16 ity of a teacher under this title shall not apply to
17 any misconduct that—

18 (A) constitutes a crime of violence (as that
19 term is defined in section 16 of title 18, United
20 States Code) or act of international terrorism
21 (as that term is defined in section 2331 of title
22 18, United States Code) for which the defend-
23 ant has been convicted in any court;

1 (B) involves a sexual offense, as defined by
 2 applicable State law, for which the defendant
 3 has been convicted in any court;

4 (C) involves misconduct for which the de-
 5 fendant has been found to have violated a Fed-
 6 eral or State civil rights law; or

7 (D) where the defendant was under the in-
 8 fluence (as determined pursuant to applicable
 9 State law) of intoxicating alcohol or any drug at
 10 the time of the misconduct.

11 (2) RULE OF CONSTRUCTION.—Nothing in this
 12 subsection shall be construed to effect subsection
 13 (a)(3) or (e).

14 **SEC. 1205. LIABILITY FOR NONECONOMIC LOSS.**

15 (a) GENERAL RULE.—In any civil action against a
 16 teacher, based on an action of a teacher acting within the
 17 scope of the teacher's responsibilities to a school or gov-
 18 ernmental entity, the liability of the teacher for non-
 19 economic loss shall be determined in accordance with sub-
 20 section (b).

21 (b) AMOUNT OF LIABILITY.—

22 (1) IN GENERAL.—Each defendant who is a
 23 teacher, shall be liable only for the amount of non-
 24 economic loss allocated to that defendant in direct
 25 proportion to the percentage of responsibility of that

1 defendant (determined in accordance with paragraph
2 (2)) for the harm to the claimant with respect to
3 which that defendant is liable. The court shall
4 render a separate judgment against each defendant
5 in an amount determined pursuant to the preceding
6 sentence.

7 (2) PERCENTAGE OF RESPONSIBILITY.—For
8 purposes of determining the amount of noneconomic
9 loss allocated to a defendant who is a teacher under
10 this section, the trier of fact shall determine the per-
11 centage of responsibility of that defendant for the
12 claimant’s harm.

13 **SEC. 1206. DEFINITIONS.**

14 For purposes of this title:

15 (1) ECONOMIC LOSS.—The term “economic
16 loss” means any pecuniary loss resulting from harm
17 (including the loss of earnings or other benefits re-
18 lated to employment, medical expense loss, replace-
19 ment services loss, loss due to death, burial costs,
20 and loss of business or employment opportunities) to
21 the extent recovery for such loss is allowed under ap-
22 plicable State law.

23 (2) HARM.—The term “harm” includes phys-
24 ical, nonphysical, economic, and noneconomic losses.

1 (3) NONECONOMIC LOSSES.—The term “non-
2 economic losses” means losses for physical and emo-
3 tional pain, suffering, inconvenience, physical im-
4 pairment, mental anguish, disfigurement, loss of en-
5 joyment of life, loss of society and companionship,
6 loss of consortium (other than loss of domestic serv-
7 ice), hedonic damages, injury to reputation and all
8 other nonpecuniary losses of any kind or nature.

9 (4) SCHOOL.—The term “school” means a pub-
10 lic or private kindergarten, a public or private ele-
11 mentary school or secondary school (as defined in
12 section 14101 of the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 8801)), or a
14 home school.

15 (5) STATE.—The term “State” means each of
16 the several States of the United States, the District
17 of Columbia, the Commonwealth of Puerto Rico, the
18 United States Virgin Islands, Guam, American
19 Samoa, the Commonwealth of the Northern Mariana
20 Islands, any other territory or possession of the
21 United States, or any political subdivision of any
22 such State, territory, or possession.

23 (6) TEACHER.—The term “teacher” means a
24 teacher, instructor, principal, administrator, or other
25 educational professional, that works in a school.

1 **SEC. 1207. EFFECTIVE DATE.**

2 (a) IN GENERAL.—This title shall take effect 90 days
3 after the date of enactment of this Act.

4 (b) APPLICATION.—This title applies to any claim for
5 harm caused by an act or omission of a teacher where
6 that claim is filed on or after the effective date of this
7 Act, without regard to whether the harm that is the sub-
8 ject of the claim or the conduct that caused the harm oc-
9 curred before such effective date.

10 **TITLE XIII—VIOLENCE PREVEN-**
11 **TION TRAINING FOR EARLY**
12 **CHILDHOOD EDUCATORS**

13 **SEC. 1301. SHORT TITLE.**

14 This title may be cited as the “Violence Prevention
15 Training for Early Childhood Educators Act”.

16 **SEC. 1302. PURPOSE.**

17 The purpose of this title is to provide grants to insti-
18 tutions that carry out early childhood education training
19 programs to enable the institutions to include violence pre-
20 vention training as part of the preparation of individuals
21 pursuing careers in early childhood development and edu-
22 cation.

23 **SEC. 1303. FINDINGS.**

24 Congress makes the following findings:

25 (1) Aggressive behavior in early childhood is the
26 single best predictor of aggression in later life.

1 (2) Aggressive and defiant behavior predictive
2 of later delinquency is increasing among our Na-
3 tion's youngest children. Without prevention efforts,
4 higher percentages of juveniles are likely to become
5 violent juvenile offenders.

6 (3) Research has demonstrated that aggression
7 is primarily a learned behavior that develops through
8 observation, imitation, and direct experience. There-
9 fore, children who experience violence as victims or
10 as witnesses are at increased risk of becoming vio-
11 lent themselves.

12 (4) In a study at a Boston city hospital, 1 out
13 of every 10 children seen in the primary care clinic
14 had witnessed a shooting or a stabbing before the
15 age of 6, with 50 percent of the children witnessing
16 in the home and 50 percent of the children wit-
17 nessing in the streets.

18 (5) A study in New York found that children
19 who had been victims of violence within their fami-
20 lies were 24 percent more likely to report violent be-
21 havior as adolescents, and adolescents who had
22 grown up in families where partner violence occurred
23 were 21 percent more likely to report violent delin-
24 quency than individuals not exposed to violence.

1 (6) Aggression can become well-learned and dif-
 2 ficult to change by the time a child reaches adoles-
 3 cence. Early childhood offers a critical period for
 4 overcoming risk for violent behavior and providing
 5 support for prosocial behavior.

6 (7) Violence prevention programs for very
 7 young children yield economic benefits. By providing
 8 health and stability to the individual child and the
 9 child's family, the programs may reduce expendi-
 10 tures for medical care, special education, and in-
 11 volvement with the judicial system.

12 (8) Primary prevention can be effective. When
 13 preschool teachers teach young children inter-
 14 personal problem-solving skills and other forms of
 15 conflict resolution, children are less likely to dem-
 16 onstrate problem behaviors.

17 (9) There is evidence that family support pro-
 18 grams in families with children from birth through
 19 5 years of age are effective in preventing delin-
 20 quency.

21 **SEC. 1304. DEFINITIONS.**

22 In this title:

23 (1) **AT-RISK CHILD.**—The term “at-risk child”
 24 means a child who has been affected by violence

1 through direct exposure to child abuse, other domes-
2 tic violence, or violence in the community.

3 (2) EARLY CHILDHOOD EDUCATION TRAINING
4 PROGRAM.—The term “early childhood education
5 training program” means a program that—

6 (A)(i) trains individuals to work with
7 young children in early child development pro-
8 grams or elementary schools; or

9 (ii) provides professional development to
10 individuals working in early child development
11 programs or elementary schools;

12 (B) provides training to become an early
13 childhood education teacher, an elementary
14 school teacher, a school counselor, or a child
15 care provider; and

16 (C) leads to a bachelor’s degree or an asso-
17 ciate’s degree, a certificate for working with
18 young children (such as a Child Development
19 Associate’s degree or an equivalent credential),
20 or, in the case of an individual with such a de-
21 gree, certificate, or credential, provides profes-
22 sional development.

23 (3) ELEMENTARY SCHOOL.—The term “elemen-
24 tary school” has the meaning given the term in sec-

1 tion 14101 of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 8801).

3 (4) VIOLENCE PREVENTION.—The term “vio-
4 lence prevention” means—

5 (A) preventing violent behavior in children;

6 (B) identifying and preventing violent be-
7 havior in at-risk children; or

8 (C) identifying and ameliorating violent be-
9 havior in children who act out violently.

10 **SEC. 1305. PROGRAM AUTHORIZED.**

11 (a) GRANT AUTHORITY.—The Secretary of Edu-
12 cation is authorized to award grants to institutions that
13 carry out early childhood education training programs and
14 have applications approved under section 1306 to enable
15 the institutions to provide violence prevention training as
16 part of the early childhood education training program.

17 (b) AMOUNT.—The Secretary of Education shall
18 award a grant under this title in an amount that is not
19 less than \$500,000 and not more than \$1,000,000.

20 (c) DURATION.—The Secretary of Education shall
21 award a grant under this title for a period of not less than
22 3 years and not more than 5 years.

23 **SEC. 1306. APPLICATION.**

24 (a) APPLICATION REQUIRED.—Each institution de-
25 siring a grant under this title shall submit to the Secretary

1 of Education an application at such time, in such manner,
2 and accompanied by such information as the Secretary of
3 Education may require.

4 (b) CONTENTS.—Each application shall—

5 (1) describe the violence prevention training ac-
6 tivities and services for which assistance is sought;

7 (2) contain a comprehensive plan for the activi-
8 ties and services, including a description of—

9 (A) the goals of the violence prevention
10 training program;

11 (B) the curriculum and training that will
12 prepare students for careers which are de-
13 scribed in the plan;

14 (C) the recruitment, retention, and train-
15 ing of students;

16 (D) the methods used to help students find
17 employment in their fields;

18 (E) the methods for assessing the success
19 of the violence prevention training program;
20 and

21 (F) the sources of financial aid for quali-
22 fied students;

23 (3) contain an assurance that the institution
24 has the capacity to implement the plan; and

1 (4) contain an assurance that the plan was de-
2 veloped in consultation with agencies and organiza-
3 tions that will assist the institution in carrying out
4 the plan.

5 **SEC. 1307. SELECTION PRIORITIES.**

6 The Secretary of Education shall give priority to
7 awarding grants to institutions carrying out violence pre-
8 vention programs that include 1 or more of the following
9 components:

10 (1) Preparation to engage in family support
11 (such as parent education, service referral, and lit-
12 eracy training).

13 (2) Preparation to engage in community out-
14 reach or collaboration with other services in the com-
15 munity.

16 (3) Preparation to use conflict resolution train-
17 ing with children.

18 (4) Preparation to work in economically dis-
19 advantaged communities.

20 (5) Recruitment of economically disadvantaged
21 students.

22 (6) Carrying out programs of demonstrated ef-
23 fectiveness in the type of training for which assist-
24 ance is sought, including programs funded under

1 section 596 of the Higher Education Act of 1965 (as
2 such section was in effect prior to October 7, 1998).

3 **SEC. 1308. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to carry out
5 this title \$15,000,000 for each of the fiscal years 2000
6 through 2004.

7 **TITLE XIV—PREVENTING JUVENILE DELINQUENCY**
8 **THROUGH CHARACTER EDUCATION**

11 **SEC. 1401. PURPOSE.**

12 The purpose of this title is to support the work of
13 community-based organizations, local educational agen-
14 cies, and schools in providing children and youth with al-
15 ternatives to delinquency through strong school-based and
16 after school programs that—

- 17 (1) are organized around character education;
18 (2) reduce delinquency, school discipline prob-
19 lems, and truancy; and
20 (3) improve student achievement, overall school
21 performance, and youths' positive involvement in
22 their community.

23 **SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—There are authorized to be
25 appropriated—

1 (1) \$15,000,000 for fiscal year 2000, and such
2 sums as may be necessary for each of the 4 suc-
3 ceeding fiscal years, to carry out school-based pro-
4 grams under section 1403; and

5 (2) \$10,000,000 for fiscal year 2000, and such
6 sums as may be necessary for each of the 4 suc-
7 ceeding fiscal years, to carry out the after school
8 programs under section 1404.

9 (b) SOURCE OF FUNDING.—Amounts authorized to
10 be appropriated pursuant to this section may be derived
11 from the Violent Crime Reduction Trust Fund.

12 **SEC. 1403. SCHOOL-BASED PROGRAMS.**

13 (a) IN GENERAL.—The Secretary, in consultation
14 with the Attorney General, is authorized to award grants
15 to schools, or local educational agencies that enter into
16 a partnership with a school, to support the development
17 of character education programs in the schools in order
18 to—

19 (1) reduce delinquency, school discipline prob-
20 lems, and truancy; and

21 (2) improve student achievement, overall school
22 performance, and youths' positive involvement in
23 their community.

24 (b) APPLICATIONS.—Each school or local educational
25 agency desiring a grant under this section shall submit

1 an application to the Secretary at such time and in such
2 manner as the Secretary may require.

3 (1) CONTENTS.—Each application shall
4 include—

5 (A) a description of the community to be
6 served and the needs that will be met with the
7 program in that community;

8 (B) a description of how the program will
9 reach youth at-risk of delinquency;

10 (C) a description of the activities to be as-
11 sisted, including—

12 (i) how parents, teachers, students,
13 and other members of the community will
14 be involved in the design and implementa-
15 tion of the program;

16 (ii) the character education program
17 to be implemented, including methods of
18 teacher training and parent education that
19 will be used or developed; and

20 (iii) how the program will coordinate
21 activities assisted under this section with
22 other youth serving activities in the larger
23 community;

24 (D) a description of the goals of the pro-
25 gram;

1 (E) a description of how progress toward
2 the goals, and toward meeting the purposes of
3 this title, will be measured; and

4 (F) an assurance that the school or local
5 educational agency will provide the Secretary
6 with information regarding the program and
7 the effectiveness of the program.

8 **SEC. 1404. AFTER SCHOOL PROGRAMS.**

9 (a) IN GENERAL.—The Secretary, in consultation
10 with the Attorney General, is authorized to award grants
11 to community-based organizations to enable the organiza-
12 tions to provide youth with alternative activities, in the
13 after school or out of school hours, that include a strong
14 character education component.

15 (b) ELIGIBLE COMMUNITY-BASED ORGANIZA-
16 TIONS.—The Secretary only shall award a grant under
17 this section to a community-based organization that has
18 a demonstrated capacity to provide after school or out of
19 school programs to youth, including youth serving organi-
20 zations, businesses, and other community groups.

21 (c) APPLICATIONS.—Each community-based organi-
22 zation desiring a grant under this section shall submit an
23 application to the Secretary at such time and in such man-
24 ner as the Secretary may require. Each application shall
25 include—

1 (1) a description of the community to be served
2 and the needs that will be met with the program in
3 that community;

4 (2) a description of how the program will iden-
5 tify and recruit at-risk youth for participation in the
6 program, and will provide continuing support for
7 their participation;

8 (3) a description of the activities to be assisted,
9 including—

10 (A) how parents, students, and other mem-
11 bers of the community will be involved in the
12 design and implementation of the program;

13 (B) how character education will be incor-
14 porated into the program; and

15 (C) how the program will coordinate activi-
16 ties assisted under this section with activities of
17 schools and other community-based organiza-
18 tions;

19 (4) a description of the goals of the program;

20 (5) a description of how progress toward the
21 goals, and toward meeting the purposes of this title,
22 will be measured; and

23 (6) an assurance that the community-based or-
24 ganization will provide the Secretary with informa-

1 tion regarding the program and the effectiveness of
2 the program.

3 **SEC. 1405. GENERAL PROVISIONS.**

4 (a) DURATION.—Each grant under this title shall be
5 awarded for a period of not to exceed 5 years.

6 (b) PLANNING.—A school, local educational agency
7 or community-based organization may use grant funds
8 provided under this title for not more than 1 year for the
9 planning and design of the program to be assisted.

10 (c) SELECTION OF GRANTEES.—

11 (1) CRITERIA.—The Secretary, in consultation
12 with the Attorney General, shall select, through a
13 peer review process, community-based organizations,
14 schools, and local educational agencies to receive
15 grants under this title on the basis of the quality of
16 the applications submitted and taking into consider-
17 ation such factors as—

18 (A) the quality of the activities to be as-
19 sisted;

20 (B) the extent to which the program fos-
21 ters in youth the elements of character and
22 reaches youth at-risk of delinquency;

23 (C) the quality of the plan for measuring
24 and assessing the success of the program;

1 (D) the likelihood the goals of the program
2 will be realistically achieved;

3 (E) the experience of the applicant in pro-
4 viding similar services; and

5 (F) the coordination of the program with
6 larger community efforts in character edu-
7 cation.

8 (2) DIVERSITY OF PROJECTS.—The Secretary
9 shall approve applications under this title in a man-
10 ner that ensures, to the extent practicable, that pro-
11 grams assisted under this title serve different areas
12 of the United States, including urban, suburban and
13 rural areas, and serve at-risk populations.

14 (d) USE OF FUNDS.—Grant funds under this title
15 shall be used to support the work of community-based or-
16 ganizations, schools, or local educational agencies in pro-
17 viding children and youth with alternatives to delinquency
18 through strong school-based, after school, or out of school
19 programs that—

20 (1) are organized around character education;

21 (2) reduce delinquency, school discipline prob-
22 lems, and truancy; and

23 (3) improve student achievement, overall school
24 performance, and youths' positive involvement in
25 their community.

1 (d) DEFINITIONS.—

2 (1) IN GENERAL.—The terms used in this Act
3 have the meanings given the terms in section 14101
4 of the Elementary and Secondary Education Act of
5 1965 (20 U.S.C. 8801).

6 (2) CHARACTER EDUCATION.—The term “char-
7 acter education” means an organized educational
8 program that works to reinforce core elements of
9 character, including caring, civic virtue and citizen-
10 ship, justice and fairness, respect, responsibility, and
11 trustworthiness.

12 (3) SECRETARY.—The term “Secretary” means
13 the Secretary of Education.

14 **TITLE XV—VIOLENT OFFENDER**
15 **DNA IDENTIFICATION ACT OF**
16 **1999**

17 **SEC. 1501. SHORT TITLE.**

18 This title may be cited as the “Violent Offender DNA
19 Identification Act of 1999”.

20 **SEC. 1502. ELIMINATION OF CONVICTED OFFENDER DNA**
21 **BACKLOG.**

22 (a) DEVELOPMENT OF PLAN.—

23 (1) IN GENERAL.—Not later than 45 days after
24 the date of enactment of this Act, the Director of
25 the Federal Bureau of Investigation, in coordination

1 with the Assistant Attorney General of the Office of
2 Justice Programs at the Department of Justice, and
3 after consultation with representatives of State and
4 local forensic laboratories, shall develop a voluntary
5 plan to assist State and local forensic laboratories in
6 performing DNA analyses of DNA samples collected
7 from convicted offenders.

8 (2) OBJECTIVE.—The objective of the plan de-
9 veloped under paragraph (1) shall be to effectively
10 eliminate the backlog of convicted offender DNA
11 samples awaiting analysis in State or local forensic
12 laboratory storage, including samples that need to be
13 reanalyzed using upgraded methods, in an efficient,
14 expeditious manner that will provide for their entry
15 into the Combined DNA Indexing System (CODIS).

16 (b) PLAN CONDITIONS.—The plan developed under
17 subsection (a) shall—

18 (1) require that each laboratory performing
19 DNA analyses satisfy quality assurance standards
20 and utilize state-of-the-art testing methods, as set
21 forth by the Director of the Federal Bureau of In-
22 vestigation, in coordination with the Assistant Attor-
23 ney General of the Office of Justice Programs of the
24 Department of Justice; and

1 (2) require that each DNA sample collected and
2 analyzed be accessible only—

3 (A) to criminal justice agencies for law en-
4 forcement identification purposes;

5 (B) in judicial proceedings, if otherwise ad-
6 missible pursuant to applicable statutes or
7 rules;

8 (C) for criminal defense purposes, to a de-
9 fendant, who shall have access to samples and
10 analyses performed in connection with the case
11 in which such defendant is charged; or

12 (D) if personally identifiable information is
13 removed, for a population statistics database,
14 for identification research and protocol develop-
15 ment purposes, or for quality control purposes.

16 (c) IMPLEMENTATION OF PLAN.—Subject to the
17 availability of appropriations under subsection (d), the Di-
18 rector of the Federal Bureau of Investigation, in coordina-
19 tion with the Assistant Attorney General of the Office of
20 Justice Programs at the Department of Justice, shall im-
21 plement the plan developed pursuant to subsection (a)
22 with State and local forensic laboratories that elect to par-
23 ticipate.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the Department of

1 Justice to carry out this section \$15,000,000 for each of
2 fiscal years 2000 and 2001.

3 **SEC. 1503. DNA IDENTIFICATION OF FEDERAL, DISTRICT OF**
4 **COLUMBIA, AND MILITARY VIOLENT OFFEND-**
5 **ERS.**

6 (a) EXPANSION OF DNA IDENTIFICATION INDEX.—
7 Section 811(a)(2) of the Antiterrorism and Effective
8 Death Penalty Act of 1996 (28 U.S.C. 531 note) is
9 amended to read as follows:

10 “(2) the Director of the Federal Bureau of In-
11 vestigation shall expand the combined DNA Identi-
12 fication System (CODIS) to include information on
13 DNA identification records and analyses related to
14 criminal offenses and acts of juvenile delinquency
15 under Federal law, the Uniform Code of Military
16 Justice, and the District of Columbia Code, in ac-
17 cordance with section 210304 of the Violent Crime
18 Control and Law Enforcement Act of 1994 (42
19 U.S.C. 14132).”.

20 (b) INDEX TO FACILITATE LAW ENFORCEMENT EX-
21 CHANGE OF DNA IDENTIFICATION INFORMATION.—Sec-
22 tion 210304 of the Violent Crime Control and Law En-
23 forcement Act of 1994 (42 U.S.C. 14132) is amended—

24 (1) in subsection (a)(1), by striking “persons
25 convicted of crimes” and inserting “individuals con-

1 victed of criminal offenses or adjudicated delinquent
 2 for acts of juvenile delinquency, including qualifying
 3 offenses (as defined in subsection (d)(1))”;

4 (2) in subsection (b)(2), by striking “, at reg-
 5 ular intervals of not to exceed 180 days,” and insert-
 6 ing “semiannual”; and

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

8 “(d) INCLUSION OF DNA INFORMATION RELATING
 9 TO VIOLENT OFFENDERS.—

10 “(1) DEFINITIONS.—In this subsection—

11 “(A) the term ‘crime of violence’ has the
 12 meaning given such term in section 924(c)(3) of
 13 title 18, United States Code; and

14 “(B) the term ‘qualifying offense’ means a
 15 criminal offense or act of juvenile delinquency
 16 included on the list established by the Director
 17 of the Federal Bureau of Investigation under
 18 paragraph (2)(A)(i).

19 “(2) REGULATIONS.—

20 “(A) IN GENERAL.—Not later than 90
 21 days after the date of enactment of this sub-
 22 section, and at the discretion of the Director
 23 thereafter, the Director of the Federal Bureau
 24 of Investigation, in consultation with the Direc-
 25 tor of the Bureau of Prisons, the Director of

1 the Court Services and Offender Supervision
2 Agency for the District of Columbia or the
3 Trustee appointed under section 11232(a) of
4 the Balanced Budget Act of 1997 (as appro-
5 priate), and the Chief of Police of the Metro-
6 politan Police Department of the District of Co-
7 lumbia, shall by regulation establish—

8 “(i) a list of qualifying offenses; and

9 “(ii) standards and procedures for—

10 “(I) the analysis of DNA samples
11 collected from individuals convicted of
12 or adjudicated delinquent for a quali-
13 fying offense;

14 “(II) the inclusion in the index
15 established by this section of the DNA
16 identification records and DNA anal-
17 yses relating to the DNA samples de-
18 scribed in subclause (I); and

19 “(III) with respect to juveniles,
20 the expungement of DNA identifica-
21 tion records and DNA analyses de-
22 scribed in subclause (II) from the
23 index established by this section in
24 any circumstance in which the under-

1 lying adjudication for the qualifying
2 offense has been expunged.

3 “(B) OFFENSES INCLUDED.—The list es-
4 tablished under subparagraph (A)(i) shall
5 include—

6 “(i) each criminal offense or act of ju-
7 venile delinquency under Federal law
8 that—

9 “(I) constitutes a crime of vio-
10 lence; or

11 “(II) in the case of an act of ju-
12 venile delinquency, would, if com-
13 mitted by an adult, constitute a crime
14 of violence;

15 “(ii) each criminal offense under the
16 District of Columbia Code that constitutes
17 a crime of violence; and

18 “(iii) any other felony offense under
19 Federal law or the District of Columbia
20 Code, as determined by the Director of the
21 Federal Bureau of Investigation.

22 “(3) FEDERAL OFFENDERS.—

23 “(A) COLLECTION OF SAMPLES FROM FED-
24 ERAL PRISONERS.—

1 “(i) IN GENERAL.—Beginning 180
2 days after the date of enactment of this
3 subsection, the Director of the Bureau of
4 Prisons shall collect a DNA sample from
5 each individual in the custody of the Bu-
6 reau of Prisons who, before or after this
7 subsection takes effect, has been convicted
8 of or adjudicated delinquent for a quali-
9 fying offense.

10 “(ii) TIME AND MANNER.—The Direc-
11 tor of the Bureau of Prisons shall specify
12 the time and manner of collection of DNA
13 samples under this subparagraph.

14 “(B) COLLECTION OF SAMPLES FROM
15 FEDERAL OFFENDERS ON SUPERVISED RE-
16 LEASE, PAROLE, OR PROBATION.—

17 “(i) IN GENERAL.—Beginning 180
18 days after the date of enactment of this
19 subsection, the agency responsible for the
20 supervision under Federal law of an indi-
21 vidual on supervised release, parole, or pro-
22 bation (other than an individual described
23 in paragraph (4)(B)(i)) shall collect a
24 DNA sample from each individual who has,
25 before or after this subsection takes effect,

1 been convicted of or adjudicated delinquent
2 for a qualifying offense.

3 “(ii) TIME AND MANNER.—The Direc-
4 tor of the Administrative Office of the
5 United States Courts shall specify the time
6 and manner of collection of DNA samples
7 under this subparagraph.

8 “(4) DISTRICT OF COLUMBIA OFFENDERS.—

9 “(A) OFFENDERS IN CUSTODY OF DIS-
10 TRICT OF COLUMBIA.—

11 “(i) IN GENERAL.—The Government
12 of the District of Columbia may—

13 “(I) identify 1 or more categories
14 of individuals who are in the custody
15 of, or under supervision by, the Dis-
16 trict of Columbia, from whom DNA
17 samples should be collected; and

18 “(II) collect a DNA sample from
19 each individual in any category identi-
20 fied under clause (i).

21 “(ii) DEFINITION.—In this subpara-
22 graph, the term ‘individuals in the custody
23 of, or under supervision by, the District of
24 Columbia’—

1 “(I) includes any individual in
2 the custody of, or under supervision
3 by, any agency of the Government of
4 the District of Columbia; and

5 “(II) does not include an indi-
6 vidual who is under the supervision of
7 the Director of the Court Services and
8 Offender Supervision Agency for the
9 District of Columbia or the Trustee
10 appointed under section 11232(a) of
11 the Balanced Budget Act of 1997.

12 “(B) OFFENDERS ON SUPERVISED RE-
13 LEASE, PROBATION, OR PAROLE.—

14 “(i) IN GENERAL.—Beginning 180
15 days after the date of enactment of this
16 subsection, the Director of the Court Serv-
17 ices and Offender Supervision Agency for
18 the District of Columbia, or the Trustee
19 appointed under section 11232(a) of the
20 Balanced Budget Act of 1997, as appro-
21 priate, shall collect a DNA sample from
22 each individual under the supervision of
23 the Agency or Trustee, respectively, who is
24 on supervised release, parole, or probation
25 and who has, before or after this sub-

1 section takes effect, been convicted of or
2 adjudicated delinquent for a qualifying of-
3 fense.

4 “(ii) TIME AND MANNER.—The Direc-
5 tor or the Trustee, as appropriate, shall
6 specify the time and manner of collection
7 of DNA samples under this subparagraph.

8 “(5) WAIVER; COLLECTION PROCEDURES.—
9 Notwithstanding any other provision of this sub-
10 section, a person or agency responsible for the col-
11 lection of DNA samples under this subsection may—

12 “(A) waive the collection of a DNA sample
13 from an individual under this subsection if an-
14 other person or agency has collected such a
15 sample from the individual under this sub-
16 section or subsection (e); and

17 “(B) use or authorize the use of such
18 means as are necessary to restrain and collect
19 a DNA sample from an individual who refuses
20 to cooperate in the collection of the sample.

21 “(e) INCLUSION OF DNA INFORMATION RELATING
22 TO VIOLENT MILITARY OFFENDERS.—

23 “(1) IN GENERAL.—Not later than 120 days
24 after the date of enactment of this subsection, the

1 Secretary of Defense shall prescribe regulations
2 that—

3 “(A) specify categories of conduct punish-
4 able under the Uniform Code of Military Jus-
5 tice (referred to in this subsection as ‘qualifying
6 military offenses’) that are comparable to quali-
7 fying offenses (as defined in subsection (d)(1));
8 and

9 “(B) set forth standards and procedures
10 for—

11 “(i) the analysis of DNA samples col-
12 lected from individuals convicted of a
13 qualifying military offense; and

14 “(ii) the inclusion in the index estab-
15 lished by this section of the DNA identi-
16 fication records and DNA analyses relating
17 to the DNA samples described in clause
18 (i).

19 “(2) COLLECTION OF SAMPLES.—

20 “(A) IN GENERAL.—Beginning 180 days
21 after the date of enactment of this subsection,
22 the Secretary of Defense shall collect a DNA
23 sample from each individual under the jurisdic-
24 tion of the Secretary of a military department
25 who has, before or after this subsection takes

1 effect, been convicted of a qualifying military
2 offense.

3 “(B) TIME AND MANNER.—The Secretary
4 of Defense shall specify the time and manner of
5 collection of DNA samples under this para-
6 graph.

7 “(3) WAIVER; COLLECTION PROCEDURES.—
8 Notwithstanding any other provision of this sub-
9 section, the Secretary of Defense may—

10 “(A) waive the collection of a DNA sample
11 from an individual under this subsection if an-
12 other person or agency has collected or will col-
13 lect such a sample from the individual under
14 subsection (d); and

15 “(B) use or authorize the use of such
16 means as are necessary to restrain and collect
17 a DNA sample from an individual who refuses
18 to cooperate in the collection of the sample.

19 “(f) CRIMINAL PENALTY.—

20 “(1) IN GENERAL.—An individual from whom
21 the collection of a DNA sample is required or au-
22 thorized pursuant to subsection (d) who fails to co-
23 operate in the collection of that sample shall be—

24 “(A) guilty of a class A misdemeanor; and

1 “(B) punished in accordance with title 18,
2 United States Code.

3 “(2) MILITARY OFFENDERS.—An individual
4 from whom the collection of a DNA sample is re-
5 quired or authorized pursuant to subsection (e) who
6 fails to cooperate in the collection of that sample
7 may be punished as a court martial may direct as
8 a violation of the Uniform Code of Military Justice.

9 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated—

11 “(1) to the Department of Justice to carry out
12 subsection (d) of this section (including to reimburse
13 the Federal judiciary for any reasonable costs in-
14 curred in implementing such subsection, as deter-
15 mined by the Attorney General) and section 3(d) of
16 the Violent Offender DNA Identification Act of
17 1999—

18 “(A) \$6,600,000 for fiscal year 2000; and

19 “(B) such sums as may be necessary for
20 each of fiscal years 2001 through 2004;

21 “(2) to the Court Services and Offender Super-
22 vision Agency for the District of Columbia or the
23 Trustee appointed under section 11232(a) of the
24 Balanced Budget Act of 1997 (as appropriate), such

1 sums as may be necessary for each of fiscal years
2 2000 through 2004; and

3 “(3) to the Department of Defense to carry out
4 subsection (e)—

5 “(A) \$600,000 for fiscal year 2000; and

6 “(B) \$300,000 for each of fiscal years
7 2001 through 2004.”.

8 (c) CONDITIONS OF RELEASE.—

9 (1) CONDITIONS OF PROBATION.—Section
10 3563(a) of title 18, United States Code, is
11 amended—

12 (A) in paragraph (7), by striking “and” at
13 the end;

14 (B) in paragraph (8), by striking the pe-
15 riod at the end and inserting “; and”; and

16 (C) by inserting after paragraph (8) the
17 following:

18 “(9) that the defendant cooperate in the collec-
19 tion of a DNA sample from the defendant if the col-
20 lection of such a sample is required or authorized
21 pursuant to section 210304 of the Violent Crime
22 Control and Law Enforcement Act of 1994 (42
23 U.S.C. 14132).”.

24 (2) CONDITIONS OF SUPERVISED RELEASE.—

25 Section 3583(d) of title 18, United States Code, is

1 amended by inserting before “The court shall also
2 order” the following: “The court shall order, as an
3 explicit condition of supervised release, that the de-
4 fendant cooperate in the collection of a DNA sample
5 from the defendant, if the collection of such a sam-
6 ple is required or authorized pursuant to section
7 210304 of the Violent Crime Control and Law En-
8 forcement Act of 1994 (42 U.S.C. 14132).”.

9 (3) CONDITIONS OF RELEASE GENERALLY.—If
10 the collection of a DNA sample from an individual
11 on probation, parole, or supervised release pursuant
12 to a conviction or adjudication of delinquency under
13 the law of any jurisdiction (including an individual
14 on parole pursuant to chapter 311 of title 18,
15 United States Code, as in effect on October 30,
16 1997) is required or authorized pursuant to section
17 210304 of the Violent Crime Control and Law En-
18 forcement Act of 1994 (42 U.S.C. 14132), and the
19 sample has not otherwise been collected, the indi-
20 vidual shall cooperate in the collection of a DNA
21 sample as a condition of that probation, parole, or
22 supervised release.

23 (d) REPORT AND EVALUATION.—Not later than 1
24 year after the date of enactment of this Act, the Attorney
25 General, acting through the Assistant Attorney General

1 for the Office of Justice Programs of the Department of
2 Justice and the Director of the Federal Bureau of Inves-
3 tigation, shall—

4 (1) conduct an evaluation to—

5 (A) identify criminal offenses, including of-
6 fenses other than qualifying offenses (as defined
7 in section 210304(d)(1) of the Violent Crime
8 Control and Law Enforcement Act of 1994 (42
9 U.S.C. 14132(d)(1)), as added by this section)
10 that, if serving as a basis for the mandatory
11 collection of a DNA sample under section
12 210304 of the Violent Crime Control and Law
13 Enforcement Act of 1994 (42 U.S.C. 14132) or
14 under State law, are likely to yield DNA
15 matches, and the relative degree of such likeli-
16 hood with respect to each such offense; and

17 (B) determine the number of investigations
18 aided (including the number of suspects
19 cleared), and the rates of prosecution and con-
20 viction of suspects identified through DNA
21 matching; and

22 (2) submit to Congress a report describing the
23 results of the evaluation under paragraph (1).

24 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) DRUG CONTROL AND SYSTEM IMPROVE-
 2 MENT GRANTS.—Section 503(a)(12)(C) of title I of
 3 the Omnibus Crime Control and Safe Streets Act of
 4 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by
 5 striking “, at regular intervals of not to exceed 180
 6 days,” and inserting “semiannual”.

7 (2) DNA IDENTIFICATION GRANTS.—Section
 8 2403(3) of title I of the Omnibus Crime Control and
 9 Safe Streets Act of 1968 (42 U.S.C. 3796kk–2(3))
 10 is amended by striking “, at regular intervals not ex-
 11 ceeding 180 days,” and inserting “semiannual”.

12 (3) FEDERAL BUREAU OF INVESTIGATION.—
 13 Section 210305(a)(1)(A) of the Violent Crime Con-
 14 trol and Law Enforcement Act of 1994 (42 U.S.C.
 15 14133(a)(1)(A)) is amended by striking “, at reg-
 16 ular intervals of not to exceed 180 days,” and insert-
 17 ing “semiannual”.

18 **TITLE XVI—MISCELLANEOUS** 19 **PROVISIONS**

20 **Subtitle A—General Provisions**

21 **SEC. 1601. PROHIBITION ON FIREARMS POSSESSION BY** 22 **VIOLENT JUVENILE OFFENDERS.**

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

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

1 (2) by redesignating subparagraphs (A) and
2 (B) as clauses (i) and (ii), respectively;

3 (3) by inserting after subparagraph (A) the fol-
4 lowing:

5 “(B) For purposes of subsections (d) and (g) of sec-
6 tion 922, the term ‘act of violent juvenile delinquency’
7 means an adjudication of delinquency in Federal or State
8 court, based on a finding of the commission of an act by
9 a person prior to his or her eighteenth birthday that, if
10 committed by an adult, would be a serious or violent fel-
11 ony, as defined in section 3559(c)(2)(F)(i) had Federal
12 jurisdiction existed and been exercised (except that section
13 3559(c)(3) shall not apply to this subparagraph).”; and

14 (4) in the undesignated paragraph following
15 subparagraph (B) (as added by paragraph (3) of
16 this subsection), by striking “What constitutes” and
17 all that follows through “this chapter,” and inserting
18 the following:

19 “(C) What constitutes a conviction of such a crime
20 or an adjudication of an act of violent juvenile delinquency
21 shall be determined in accordance with the law of the ju-
22 risdiction in which the proceedings were held. Any State
23 conviction or adjudication of an act of violent juvenile de-
24 linquency that has been expunged or set aside, or for
25 which a person has been pardoned or has had civil rights

1 restored, by the jurisdiction in which the conviction or ad-
 2 judication of an act of violent juvenile delinquency oc-
 3 curred shall not be considered to be a conviction or adju-
 4 dication of an act of violent juvenile delinquency for pur-
 5 poses of this chapter,”.

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

8 (1) in subsection (d)—

9 (A) in paragraph (8), by striking “or” at
 10 the end;

11 (B) in paragraph (9), by striking the pe-
 12 riod at the end and inserting “; or”; and

13 (C) by inserting after paragraph (9) the
 14 following:

15 “(10) has committed an act of violent juvenile
 16 delinquency.”; and

17 (2) in subsection (g)—

18 (A) in paragraph (8), by striking “or” at
 19 the end;

20 (B) in paragraph (9), by striking the
 21 comma at the end and inserting “; or”; and

22 (C) by inserting after paragraph (9) the
 23 following:

24 “(10) who has committed an act of violent juve-
 25 nile delinquency,”.

1 (c) EFFECTIVE DATE OF ADJUDICATION PROVI-
2 SIONS.—The amendments made by this section shall only
3 apply to an adjudication of an act of violent juvenile delin-
4 quency that occurs after the date that is 30 days after
5 the date on which the Attorney General certifies to Con-
6 gress and separately notifies Federal firearms licensees,
7 through publication in the Federal Register by the Sec-
8 retary of the Treasury, that the records of such adjudica-
9 tions are routinely available in the national instant crimi-
10 nal background check system established under section
11 103(b) of the Brady Handgun Violence Prevention Act.

12 **SEC. 1602. SAFE STUDENTS.**

13 (a) SHORT TITLE.—This section may be cited as the
14 “Safe Students Act.”

15 (b) PURPOSE.—It is the purpose of this section to
16 maximize local flexibility in responding to the threat of
17 juvenile violence through the implementation of effective
18 school violence prevention and safety programs.

19 (c) PROGRAM AUTHORIZED.—The Attorney General
20 shall, subject to the availability of appropriations, award
21 grants to local education agencies and to law enforcement
22 agencies to assist in the planning, establishing, operating,
23 coordinating and evaluating of school violence prevention
24 and school safety programs.

25 (d) APPLICATION REQUIREMENTS.—

1 (1) IN GENERAL.—To be eligible to receive a
2 grant under subsection (c), an entity shall—

3 (A) be a local education agency or a law
4 enforcement agency; and

5 (B) prepare and submit to the Attorney
6 General an application at such time, in such
7 manner and containing such information as the
8 Attorney General may require, including—

9 (i) a detailed explanation of the in-
10 tended uses of funds provided under the
11 grant; and

12 (ii) a written assurance that the
13 schools to be served under the grant will
14 have a zero tolerance policy in effect for
15 drugs, alcohol, weapons, truancy and juve-
16 nile crime on school campuses.

17 (2) PRIORITY.—The Attorney General shall give
18 priority in awarding grants under this section to ap-
19 plications that have been submitted jointly by a local
20 education agency and a law enforcement agency.

21 (e) ALLOWABLE USES OF FUNDS.—Amounts re-
22 ceived under a grant under this section shall be used for
23 innovative, local responses, consistent with the purposes
24 of this Act, which may include—

1 (1) training, including in-service training, for
2 school personnel, custodians and bus drivers in—

3 (A) the identification of potential threats
4 (such as illegal weapons and explosive devices);

5 (B) crisis preparedness and intervention
6 procedures; and

7 (C) emergency response;

8 (2) training of interested parents, teachers and
9 other school and law enforcement personnel in the
10 identification and responses to early warning signs
11 of troubled and violent youth;

12 (3) innovative research-based delinquency and
13 violence prevention programs, including mentoring
14 programs;

15 (4) comprehensive school security assessments;

16 (5) the purchase of school security equipment
17 and technologies such as metal detectors, electronic
18 locks, surveillance cameras;

19 (6) collaborative efforts with law enforcement
20 agencies, community-based organizations (including
21 faith-based organizations) that have demonstrated
22 expertise in providing effective, research-based vio-
23 lence prevention and intervention programs to school
24 age children;

1 (7) providing assistance to families in need for
2 the purpose of purchasing required school uniforms;

3 (8) school resource officers, including commu-
4 nity police officers; and

5 (9) community policing in and around schools.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out this section,
8 \$200,000,000 for fiscal year 2000, and such sums as may
9 be necessary for each of fiscal years 2001 through 2004.

10 (g) REPORT TO CONGRESS.—Not later than 2 years
11 after the date of enactment of this section, and every 2
12 years thereafter, the Attorney General shall prepare and
13 submit to the appropriate committees of Congress a report
14 concerning the manner in which grantees have used
15 amounts received under a grant under this section.

16 **SEC. 1603. STUDY OF MARKETING PRACTICES OF THE FIRE-**
17 **ARMS INDUSTRY.**

18 (a) IN GENERAL.—The Federal Trade Commission
19 and the Attorney General shall jointly conduct a study of
20 the marketing practices of the firearms industry, with re-
21 spect to children.

22 (b) ISSUES EXAMINED.—In conducting the study
23 under subsection (a), the Commission and the Attorney
24 General shall examine the extent to which the firearms
25 industry advertises and promotes its products to juveniles,

1 including in media outlets in which minors comprise a sub-
2 stantial percentage of the audience.

3 (c) REPORT.—Not later than one year after the date
4 of the enactment of this Act, the Commission and the At-
5 torney General shall submit to Congress a report on the
6 study conducted under subsection (a).

7 **SEC. 1604. PROVISION OF INTERNET FILTERING OR**
8 **SCREENING SOFTWARE BY CERTAIN INTER-**
9 **NET SERVICE PROVIDERS.**

10 (a) REQUIREMENT TO PROVIDE.—Each Internet
11 service provider shall at the time of entering an agreement
12 with a residential customer for the provision of Internet
13 access services, provide to such customer, either at no fee
14 or at a fee not in excess of the amount specified in sub-
15 section (c), computer software or other filtering or block-
16 ing system that allows the customer to prevent the access
17 of minors to material on the Internet.

18 (b) SURVEYS OF PROVISION OF SOFTWARE OR SYS-
19 TEMS.—

20 (1) SURVEYS.—The Office of Juvenile Justice
21 and Delinquency Prevention of the Department of
22 Justice and the Federal Trade Commission shall
23 jointly conduct surveys of the extent to which Inter-
24 net service providers are providing computer soft-

1 ware or systems described in subsection (a) to their
2 subscribers.

3 (2) FREQUENCY.—The surveys required by
4 paragraph (1) shall be completed as follows:

5 (A) One shall be completed not later than
6 one year after the date of the enactment of this
7 Act.

8 (B) One shall be completed not later than
9 two years after that date.

10 (C) One shall be completed not later than
11 three years after that date.

12 (c) FEES.—The fee, if any, charged and collected by
13 an Internet service provider for providing computer soft-
14 ware or a system described in subsection (a) to a residen-
15 tial customer shall not exceed the amount equal to the cost
16 of the provider in providing the software or system to the
17 subscriber, including the cost of the software or system
18 and of any license required with respect to the software
19 or system.

20 (d) APPLICABILITY.—The requirement described in
21 subsection (a) shall become effective only if—

22 (1) 1 year after the date of the enactment of
23 this Act, the Office and the Commission determine
24 as a result of the survey completed by the deadline
25 in subsection (b)(2)(A) that less than 75 percent of

1 the total number of residential subscribers of Inter-
2 net service providers as of such deadline are pro-
3 vided computer software or systems described in
4 subsection (a) by such providers;

5 (2) 2 years after the date of the enactment of
6 this Act, the Office and the Commission determine
7 as a result of the survey completed by the deadline
8 in subsection (b)(2)(B) that less than 85 percent of
9 the total number of residential subscribers of Inter-
10 net service providers as of such deadline are pro-
11 vided such software or systems by such providers; or

12 (3) 3 years after the date of the enactment of
13 this Act, if the Office and the Commission determine
14 as a result of the survey completed by the deadline
15 in subsection (b)(2)(C) that less than 100 percent of
16 the total number of residential subscribers of Inter-
17 net service providers as of such deadline are pro-
18 vided such software or systems by such providers.

19 (e) INTERNET SERVICE PROVIDER DEFINED.—In
20 this section, the term “Internet service provider” means
21 a service provider as defined in section 512(k)(1)(A) of
22 title 17, United States Code, which has more than 50,000
23 subscribers.

1 **SEC. 1605. APPLICATION OF SECTION 923 (j) AND (m).**

2 Notwithstanding any other provision of this Act, sec-
3 tion 923 of title 18, United States Code, as amended by
4 this Act, shall be applied by amending in subsections (j)
5 and (m) the following:

6 (1) In subsection (j) amend—

7 (A) paragraph (2) (A), (B) and (C) to read
8 as follows:

9 “(A) IN GENERAL.—A temporary location
10 referred to in paragraph (1) is a location for a
11 gun show, or event in the State specified on the
12 license, at which firearms, firearms accessories
13 and related items may be bought, sold, traded,
14 and displayed, in accordance with Federal,
15 State, and local laws.

16 “(B) LOCATIONS OUT OF STATE.—If the
17 location is not in the State specified on the li-
18 cense, a licensee may display any firearm, and
19 take orders for a firearm or effectuate the
20 transfer of a firearm, in accordance with this
21 chapter, including paragraph (7) of this sub-
22 section.

23 “(C) QUALIFIED GUN SHOWS OR
24 EVENTS.—A gun show or an event shall qualify
25 as a temporary location if—

1 “(i) the gun show or event is one
2 which is sponsored, for profit or not, by an
3 individual, national, State, or local organi-
4 zation, association, or other entity to foster
5 the collecting, competitive use, sporting
6 use, or any other legal use of firearms; and

7 “(ii) the gun show or event has—

8 “(I) 20 percent or more firearm
9 exhibitors out of all exhibitors; or

10 “(II) 10 or more firearms exhibi-
11 tors.”.

12 (B) paragraph (3)(C) to read as follows:

13 “(C) shall be retained at the premises
14 specified on the license.”; and

15 (C) paragraph (7) to read as follows:

16 “(7) NO EFFECT ON OTHER RIGHTS.—Nothing
17 in this subsection diminishes in any manner any
18 right to display, sell, or otherwise dispose of firearms
19 or ammunition that is in effect before the date of
20 enactment of the Firearms Owners’ Protection Act,
21 including the right of a licensee to conduct firearms
22 transfers and business away from their business
23 premises with another licensee without regard to
24 whether the location of the business is in the State
25 specified on the license of either licensee.”.

1 (2) In subsection (m), amend—

2 (A) paragraph (2)(E)(i) to read as follows:

3 “(i) IN GENERAL.—A person not li-
4 censed under this section who desires to
5 transfer a firearm at a gun show in his
6 State of residence to another person who is
7 a resident of the same State, and not li-
8 censed under this section, shall only make
9 such a transfer through a licensee who can
10 conduct an instant background check at
11 the gun show, or directly to the prospective
12 transferee if an instant background check
13 is first conducted by a special registrant at
14 the gun show on the prospective transferee.
15 For any instant background check con-
16 ducted at a gun show, the time period stat-
17 ed in section 922(t)(1)(B)(ii) of this chap-
18 ter shall be 24 hours in a calendar day
19 since the licensee contacted the system. If
20 the services of a special registrant are used
21 to determine the firearms eligibility of the
22 prospective transferee to possesses a fire-
23 arm, the transferee shall provide the spe-
24 cial registrant at the gun show, on a spe-
25 cial and limited-purpose form that the Sec-

1 retary shall prescribe for use by a special
2 registrant—

3 “(I) the name, age, address, and
4 other identifying information of the
5 prospective transferee (or, in the case
6 of a prospective transferee that is a
7 corporation or other business entity,
8 the identity and principal and local
9 places of business of the prospective
10 transferee); and

11 “(II) proof of verification of the
12 identity of the prospective transferee
13 as required by section 922(t)(1)(C).”;
14 and

15 (B) paragraph (4) to read as follows:

16 “(4) IMMUNITY.—

17 “(A) DEFINITION.—In this paragraph:

18 “(i) IN GENERAL.—The term ‘quali-
19 fied civil liability action’ means a civil ac-
20 tion brought by any person against a per-
21 son described in subparagraph (B) for
22 damages resulting from the criminal or un-
23 lawful misuse of the firearm by the trans-
24 feree or a third party.

1 “(ii) EXCLUSIONS.—The term ‘quali-
2 fied civil liability action’ shall not include
3 an action—

4 “(I) brought against a transferor
5 convicted under section 924(h), or a
6 comparable State felony law, by a per-
7 son directly harmed by the trans-
8 feree’s criminal conduct, as defined in
9 section 924(h); or

10 “(II) brought against a trans-
11 feror for negligent entrustment or
12 negligence per se.

13 “(B) IMMUNITY.—Notwithstanding any
14 other provision of law, a person who is—

15 “(i) a special registrant who performs
16 a background check in the manner pre-
17 scribed in this subsection at a gun show;

18 “(ii) a licensee or special licensee who
19 acquires a firearm at a gun show from a
20 nonlicensee, for transfer to another non-
21 licensee in attendance at the gun show, for
22 the purpose of effectuating a sale, trade, or
23 transfer between the 2 nonlicensees, all in
24 the manner prescribed for the acquisition

1 and disposition of a firearm under this
2 chapter; or

3 “(iii) a nonlicensee person disposing
4 of a firearm who uses the services of a per-
5 son described in clause (i) or (ii);

6 shall be entitled to immunity from civil liability
7 action as described in subparagraphs (C) and
8 (D).

9 “(C) PROSPECTIVE ACTIONS.—A qualified
10 civil liability action may not be brought in any
11 Federal or State court.

12 “(D) DISMISSAL OF PENDING ACTIONS.—
13 A qualified civil liability action that is pending
14 on the date of enactment of this subsection
15 shall be dismissed immediately by the court.”.

16 **SEC. 1606. CONSTITUTIONALITY OF MEMORIAL SERVICES**
17 **AND MEMORIALS AT PUBLIC SCHOOLS.**

18 (a) FINDINGS.—The Congress of the United States
19 finds that the saying of a prayer, the reading of a scrip-
20 ture, or the performance of religious music as part of a
21 memorial service that is held on the campus of a public
22 school in order to honor the memory of any person slain
23 on that campus does not violate the First Amendment to
24 the Constitution of the United States, and that the design
25 and construction of any memorial that is placed on the

1 campus of a public school in order to honor the memory
 2 of any person slain on that campus a part of which in-
 3 cludes religious symbols, motifs, or sayings does not vio-
 4 late the First Amendment to the Constitution of the
 5 United States.

6 (b) LAWSUITS.—In any lawsuit claiming that the
 7 type of memorial or memorial service described in sub-
 8 section (a) violates the Constitution of the United
 9 States—

10 (1) each party shall pay its own attorney’s fees
 11 and costs, notwithstanding any other provision of
 12 law, and

13 (2) the Attorney General of the United States
 14 is authorized to provide legal assistance to the school
 15 district or other governmental entity that is defend-
 16 ing the legality of such memorial service.

17 **SEC. 1607. TWENTY-FIRST AMENDMENT ENFORCEMENT.**

18 (a) SHIPMENT OF INTOXICATING LIQUOR INTO
 19 STATE IN VIOLATION OF STATE LAW.—The Act entitled
 20 “An Act divesting intoxicating liquors of their interstate
 21 character in certain cases”, approved March 1, 1913
 22 (commonly known as the “Webb-Kenyon Act”) (27 U.S.C.
 23 122) is amended by adding at the end the following:

1 **“SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT**
2 **COURT.**

3 “(a) DEFINITIONS.—In this section—

4 “(1) the term ‘attorney general’ means the at-
5 torney general or other chief law enforcement officer
6 of a State, or the designee thereof;

7 “(2) the term ‘intoxicating liquor’ means any
8 spirituous, vinous, malted, fermented, or other in-
9 toxicating liquor of any kind;

10 “(3) the term ‘person’ means any individual
11 and any partnership, corporation, company, firm, so-
12 ciety, association, joint stock company, trust, or
13 other entity capable of holding a legal or beneficial
14 interest in property, but does not include a State or
15 agency thereof; and

16 “(4) the term ‘State’ means any State of the
17 United States, the District of Columbia, the Com-
18 monwealth of Puerto Rico, or any territory or pos-
19 session of the United States.

20 “(b) ACTION BY STATE ATTORNEY GENERAL.—If
21 the attorney general of a State has reasonable cause to
22 believe that a person is engaged in, is about to engage
23 in, or has engaged in, any act that would constitute a vio-
24 lation of a State law regulating the importation or trans-
25 portation of any intoxicating liquor, the attorney general
26 may bring a civil action in accordance with this section

1 for injunctive relief (including a preliminary or permanent
 2 injunction or other order) against the person, as the attor-
 3 ney general determines to be necessary to—

4 “(1) restrain the person from engaging, or con-
 5 tinuing to engage, in the violation; and

6 “(2) enforce compliance with the State law.

7 “(c) FEDERAL JURISDICTION.—

8 “(1) IN GENERAL.—The district courts of the
 9 United States shall have jurisdiction over any action
 10 brought under this section.

11 “(2) VENUE.—An action under this section
 12 may be brought only in accordance with section
 13 1391 of title 28, United States Code.

14 “(d) REQUIREMENTS FOR INJUNCTIONS AND OR-
 15 DERS.—

16 “(1) IN GENERAL.—In any action brought
 17 under this section, upon a proper showing by the at-
 18 torney general of the State, the court shall issue a
 19 preliminary or permanent injunction or other order
 20 without requiring the posting of a bond.

21 “(2) NOTICE.—No preliminary or permanent
 22 injunction or other order may be issued under para-
 23 graph (1) without notice to the adverse party.

1 “(3) FORM AND SCOPE OF ORDER.—Any pre-
2 liminary or permanent injunction or other order en-
3 tered in an action brought under this section shall—

4 “(A) set forth the reasons for the issuance
5 of the order;

6 “(B) be specific in terms;

7 “(C) describe in reasonable detail, and not
8 by reference to the complaint or other docu-
9 ment, the act or acts to be restrained; and

10 “(D) be binding only upon—

11 “(i) the parties to the action and the
12 officers, agents, employees, and attorneys
13 of those parties; and

14 “(ii) persons in active cooperation or
15 participation with the parties to the action
16 who receive actual notice of the order by
17 personal service or otherwise.

18 “(e) CONSOLIDATION OF HEARING WITH TRIAL ON
19 MERITS.—

20 “(1) IN GENERAL.—Before or after the com-
21 mencement of a hearing on an application for a pre-
22 liminary or permanent injunction or other order
23 under this section, the court may order the trial of
24 the action on the merits to be advanced and consoli-
25 dated with the hearing on the application.

1 “(2) ADMISSIBILITY OF EVIDENCE.—If the
 2 court does not order the consolidation of a trial on
 3 the merits with a hearing on an application de-
 4 scribed in paragraph (1), any evidence received upon
 5 an application for a preliminary or permanent in-
 6 junction or other order that would be admissible at
 7 the trial on the merits shall become part of the
 8 record of the trial and shall not be required to be
 9 received again at the trial.

10 “(f) NO RIGHT TO TRIAL BY JURY.—An action
 11 brought under this section shall be tried before the court.

12 “(g) ADDITIONAL REMEDIES.—

13 “(1) IN GENERAL.—A remedy under this sec-
 14 tion is in addition to any other remedies provided by
 15 law.

16 “(2) STATE COURT PROCEEDINGS.—Nothing in
 17 this section may be construed to prohibit an author-
 18 ized State official from proceeding in State court on
 19 the basis of an alleged violation of any State law.”.

20 **SEC. 1608. INTERSTATE SHIPMENT AND DELIVERY OF IN-**
 21 **TOXICATING LIQUORS.**

22 Chapter 59 of title 18, United States Code, is
 23 amended—

24 (1) in section 1263—

1 (A) by inserting “a label on the shipping
 2 container that clearly and prominently identifies
 3 the contents as alcoholic beverages, and a”
 4 after “accompanied by”; and

5 (B) by inserting “and requiring upon deliv-
 6 ery the signature of a person who has attained
 7 the age for the lawful purchase of intoxicating
 8 liquor in the State in which the delivery is
 9 made,” after “contained therein,”; and

10 (2) in section 1264, by inserting “or to any per-
 11 son other than a person who has attained the age
 12 for the lawful purchase of intoxicating liquor in the
 13 State in which the delivery is made,” after “con-
 14 signee,”.

15 **SEC. 1609. DISCLAIMER ON MATERIALS PRODUCED, PRO-**
 16 **CURED OR DISTRIBUTED FROM FUNDING AU-**
 17 **THORIZED BY THIS ACT.**

18 (a) All materials produced, procured, or distributed,
 19 in whole or in part, as a result of Federal funding author-
 20 ized under this Act for expenditure by Federal, State or
 21 local governmental recipients or other nongovernmental
 22 entities shall have printed thereon the following language:
 23 “This material has been printed, procured or distrib-
 24 uted, in whole or in part, at the expense of the Fed-
 25 eral Government. Any person who objects to the ac-

1 curacy of the material, to the completeness of the
2 material, or to the representations made within the
3 material, including objections related to this mate-
4 rial's characterization of religious beliefs, are encour-
5 aged to direct their comments to the office of the
6 Attorney General of the United States.”.

7 (b) All materials produced, procured, or distributed
8 using funds authorized under this Act shall have printed
9 thereon, in addition to the language contained in para-
10 graph (a), a complete address for an office designated by
11 the Attorney General to receive comments from members
12 of the public.

13 (c) The office designated under paragraph (b) by the
14 Attorney General to receive comments shall, every six
15 months, prepare an accurate summary of all comments re-
16 ceived by the office. This summary shall include details
17 about the number of comments received and the specific
18 nature of the concerns raised within the comments, and
19 shall be provided to the Chairmen of the Senate and
20 House Judiciary Committees, the Senate and House Edu-
21 cation Committees, the Majority and Minority Leaders of
22 the Senate, and the Speaker and Minority Leader of the
23 House of Representatives. Further, the comments received
24 shall be retained by the office and shall be made available
25 to any member of the general public upon request.

1 **SEC. 1610. AIMEE'S LAW.**

2 (a) **SHORT TITLE.**—This section may be cited as
3 “Aimee’s Law”.

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

5 (1) **DANGEROUS SEXUAL OFFENSE.**—The term
6 “dangerous sexual offense” means sexual abuse or
7 sexually explicit conduct committed by an individual
8 who has attained the age of 18 years against an in-
9 dividual who has not attained the age of 14 years.

10 (2) **MURDER.**—The term “murder” has the
11 meaning given the term under applicable State law.

12 (3) **RAPE.**—The term “rape” has the meaning
13 given the term under applicable State law.

14 (4) **SEXUAL ABUSE.**—The term “sexual abuse”
15 has the meaning given the term under applicable
16 State law.

17 (5) **SEXUALLY EXPLICIT CONDUCT.**—The term
18 “sexually explicit conduct” has the meaning given
19 the term under applicable State law.

20 (c) **REIMBURSEMENT TO STATES FOR CRIMES COM-**
21 **MITTED BY CERTAIN RELEASED FELONS.**—

22 (1) **PENALTY.**—

23 (A) **SINGLE STATE.**—In any case in which
24 a State convicts an individual of murder, rape,
25 or a dangerous sexual offense, who has a prior
26 conviction for any 1 of those offenses in a State

1 described in subparagraph (C), the Attorney
2 General shall transfer an amount equal to the
3 costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that
4 convicted the individual of the prior offense, to
5 the State account that collects Federal law enforcement assistance funds of the State that
6 convicted that individual of the subsequent offense.
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12 (B) MULTIPLE STATES.—In any case in
13 which a State convicts an individual of murder,
14 rape, or a dangerous sexual offense, who has a
15 prior conviction for any 1 or more of those offenses in more than 1 other State described in
16 subparagraph (C), the Attorney General shall
17 transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that
18 individual, from Federal law enforcement assistance funds that have been allocated to but not
19 distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement as-
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1 sistance funds of the State that convicted that
2 individual of the subsequent offense.

3 (C) STATE DESCRIBED.—A State is de-
4 scribed in this subparagraph if—

5 (i) the State has not adopted Federal
6 truth-in-sentencing guidelines under sec-
7 tion 20104 of the Violent Crime Control
8 and Law Enforcement Act of 1994 (42
9 U.S.C. 13704);

10 (ii) the average term of imprisonment
11 imposed by the State on individuals con-
12 victed of the offense for which the indi-
13 vidual described in subparagraph (A) or
14 (B), as applicable, was convicted by the
15 State is less than 10 percent above the av-
16 erage term of imprisonment imposed for
17 that offense in all States; or

18 (iii) with respect to the individual de-
19 scribed in subparagraph (A) or (B), as ap-
20 plicable, the individual had served less
21 than 85 percent of the term of imprison-
22 ment to which that individual was sen-
23 tenced for the prior offense.

24 (2) STATE APPLICATIONS.—In order to receive
25 an amount transferred under paragraph (1), the

1 chief executive of a State shall submit to the Attor-
2 ney General an application, in such form and con-
3 taining such information as the Attorney General
4 may reasonably require, which shall include a certifi-
5 cation that the State has convicted an individual of
6 murder, rape, or a dangerous sexual offense, who
7 has a prior conviction for 1 of those offenses in an-
8 other State.

9 (3) SOURCE OF FUNDS.—Any amount trans-
10 ferred under paragraph (1) shall be derived by re-
11 ducing the amount of Federal law enforcement as-
12 sistance funds received by the State that convicted
13 such individual of the prior offense before the dis-
14 tribution of the funds to the State. The Attorney
15 General, in consultation with the chief executive of
16 the State that convicted such individual of the prior
17 offense, shall establish a payment schedule.

18 (4) CONSTRUCTION.—Nothing in this sub-
19 section may be construed to diminish or otherwise
20 affect any court ordered restitution.

21 (5) EXCEPTION.—This subsection does not
22 apply if the individual convicted of murder, rape, or
23 a dangerous sexual offense has been released from
24 prison upon the reversal of a conviction for an of-
25 fense described in paragraph (1) and subsequently

1 been convicted for an offense described in paragraph
2 (1).

3 (d) COLLECTION OF RECIDIVISM DATA.—

4 (1) IN GENERAL.—Beginning with calendar
5 year 1999, and each calendar year thereafter, the
6 Attorney General shall collect and maintain informa-
7 tion relating to, with respect to each State—

8 (A) the number of convictions during that
9 calendar year for murder, rape, and any sex of-
10 fense in the State in which, at the time of the
11 offense, the victim had not attained the age of
12 14 years and the offender had attained the age
13 of 18 years; and

14 (B) the number of convictions described in
15 subparagraph (A) that constitute second or
16 subsequent convictions of the defendant of an
17 offense described in that subparagraph.

18 (2) REPORT.—Not later than March 1, 2000,
19 and on March 1 of each year thereafter, the Attor-
20 ney General shall submit to Congress a report,
21 which shall include—

22 (A) the information collected under para-
23 graph (1) with respect to each State during the
24 preceding calendar year; and

1 (B) the percentage of cases in each State
2 in which an individual convicted of an offense
3 described in paragraph (1)(A) was previously
4 convicted of another such offense in another
5 State during the preceding calendar year.

6 **SEC. 1611. DRUG TESTS AND LOCKER INSPECTIONS.**

7 (a) SHORT TITLE.—This section may be cited as the
8 “School Violence Prevention Act”.

9 (b) AMENDMENT.—Section 4116(b) of the Elemen-
10 tary and Secondary Education Act of 1965 (20 U.S.C.
11 7116(b)) is amended—

12 (1) in paragraph (9), by striking “and” after
13 the semicolon;

14 (2) by redesignating paragraph (10) as para-
15 graph (11); and

16 (3) by inserting after paragraph (9) the fol-
17 lowing:

18 “(10) consistent with the fourth amendment to
19 the Constitution of the United States, testing a stu-
20 dent for illegal drug use or inspecting a student’s
21 locker for guns, explosives, other weapons, or illegal
22 drugs, including at the request of or with the con-
23 sent of a parent or legal guardian of the student, if
24 the local educational agency elects to so test or in-
25 spect; and”.

1 **SEC. 1612. WAIVER FOR LOCAL MATCH REQUIREMENT**
2 **UNDER COMMUNITY POLICING PROGRAM.**

3 Section 1701(i) of the Omnibus Crime Control and
4 Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amend-
5 ed by adding at the end of the first sentence the following:

6 “The Attorney General shall waive the requirement
7 under this subsection of a non-Federal contribution
8 to the costs of a program, project, or activity that
9 hires law enforcement officers for placement in pub-
10 lic schools by a jurisdiction that demonstrates finan-
11 cial need or hardship.”.

12 **SEC. 1613. CARJACKING OFFENSES.**

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

16 **SEC. 1614. SPECIAL FORFEITURE OF COLLATERAL PROFITS**
17 **OF CRIME.**

18 Section 3681 of title 18, United States Code, is
19 amended by striking subsection (a) and inserting the fol-
20 lowing:

21 “(a) IN GENERAL.—

22 “(1) FORFEITURE OF PROCEEDS.—Upon the
23 motion of the United States attorney made at any
24 time after conviction of a defendant for an offense
25 described in paragraph (2), and after notice to any
26 interested party, the court shall order the defendant

1 to forfeit all or any part of proceeds received or to
2 be received by the defendant, or a transferee of the
3 defendant, from a contract relating to the transfer
4 of a right or interest of the defendant in any prop-
5 erty described in paragraph (3), if the court deter-
6 mines that—

7 “(A) the interests of justice or an order of
8 restitution under this title so require;

9 “(B) the proceeds (or part thereof) to be
10 forfeited reflect the enhanced value of the prop-
11 erty attributable to the offense; and

12 “(C) with respect to a defendant convicted
13 of an offense against a State—

14 “(i) the property at issue, or the pro-
15 ceeds to be forfeited, have travelled in
16 interstate or foreign commerce or were de-
17 rived through the use of an instrumentality
18 of interstate or foreign commerce; and

19 “(ii) the attorney general of the State
20 has declined to initiate a forfeiture action
21 with respect to the proceeds to be forfeited.

22 “(2) OFFENSES DESCRIBED.—An offense is de-
23 scribed in this paragraph if it is—

24 “(A) an offense under section 794 of this
25 title;

1 “(B) a felony offense against the United
2 States or any State; or

3 “(C) a misdemeanor offense against the
4 United States or any State resulting in physical
5 harm to any individual.

6 “(3) PROPERTY DESCRIBED.—Property is de-
7 scribed in this paragraph if it is any property, tan-
8 gible or intangible, including any—

9 “(A) evidence of the offense;

10 “(B) instrument of the offense, including
11 any vehicle used in the commission of the of-
12 fense;

13 “(C) real estate where the offense was
14 committed;

15 “(D) document relating to the offense;

16 “(E) photograph or audio or video record-
17 ing relating to the offense;

18 “(F) clothing, jewelry, furniture, or other
19 personal property relating to the offense;

20 “(G) movie, book, newspaper, magazine,
21 radio or television production, or live entertain-
22 ment of any kind depicting the offense or other-
23 wise relating to the offense;

1 “(H) expression of the thoughts, opinions,
2 or emotions of the defendant regarding the of-
3 fense; or

4 “(I) other property relating to the of-
5 fense.”.

6 **SEC. 1615. CALLER IDENTIFICATION SERVICES TO ELEMEN-**
7 **TARY AND SECONDARY SCHOOLS AS PART OF**
8 **UNIVERSAL SERVICE OBLIGATION.**

9 (a) CLARIFICATION.—Section 254(h)(1)(B) of the
10 Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is
11 amended by inserting after “under subsection (c)(3),” the
12 following: “including caller identification services with re-
13 spect to elementary and secondary schools,”.

14 (b) OUTREACH.—The Federal Communications Com-
15 mission shall take appropriate actions to notify elementary
16 and secondary schools throughout the United States of—

17 (1) the availability of caller identification serv-
18 ices as part of the services that are within the defini-
19 tion of universal service under section 254(h)(1)(B)
20 of the Communications Act of 1934; and

21 (2) the procedures to be used by such schools
22 in applying for such services under that section.

23 **SEC. 1616. PARENT LEADERSHIP MODEL.**

24 (a) IN GENERAL.—The Administrator of the Office
25 of Juvenile Crime Control and Prevention is authorized

1 to make a grant to a national organization to provide
2 training, technical assistance, best practice strategies, pro-
3 gram materials and other necessary support for a mutual
4 support, parental leadership model proven to prevent child
5 abuse and juvenile delinquency.

6 (b) AUTHORIZATION.—There are authorized to be ap-
7 propriated out of the Violent Crime Trust Fund,
8 \$3,000,000.

9 **SEC. 1617. NATIONAL MEDIA CAMPAIGN AGAINST VIO-**
10 **LENCE.**

11 There is authorized to be appropriated to the Na-
12 tional Crime Prevention Council not to exceed
13 \$25,000,000, to be expended without fiscal-year limita-
14 tion, for a 2-year national media campaign, to be con-
15 ducted in consultation with national, statewide or commu-
16 nity based youth organizations, Boys and Girls Clubs of
17 America, and to be targeted to parents (and other care-
18 givers) and to youth, to reduce and prevent violent crimi-
19 nal behavior by young Americans: *Provided*, That none of
20 such funds may be used—(1) to propose, influence, favor,
21 or oppose any change in any statute, rule, regulation, trea-
22 ty, or other provision of law; (2) for any partisan political
23 purpose; (3) to feature any elected officials, persons seek-
24 ing elected office, cabinet-level officials, or Federal offi-
25 cials employed pursuant to Schedule C of title 5, Code

1 of Federal Regulations, section 213; or (4) in any way
2 that otherwise would violate section 1913 of title 18 of
3 the United States Code: *Provided further*, That, for pur-
4 poses hereof, “violent criminal behavior by young Ameri-
5 cans” means behavior, by minors residing in the United
6 States (or in any jurisdiction under the sovereign jurisdic-
7 tion thereof), that both is illegal under Federal, State, or
8 local law, and involves acts or threats of physical violence,
9 physical injury, or physical harm: *Provided further*, That
10 not to exceed 10 percent of the funds appropriated pursu-
11 ant to this authorization shall be used to commission an
12 objective accounting, from a licensed and certified public
13 accountant, using generally-accepted accounting prin-
14 ciples, of the funds appropriated pursuant to this author-
15 ization and of any other funds or in-kind donations spent
16 or used in the campaign, and an objective evaluation both
17 of the impact and cost-effectiveness of the campaign and
18 of the campaign-related activities of the Council and the
19 Clubs, which accounting and evaluation shall be submitted
20 by the Council to the Committees on Appropriations and
21 the Judiciary of each House of Congress by not later than
22 9 months after the conclusion of the campaign.

1 **SEC. 1618. VICTIMS OF TERRORISM.**

2 (a) IN GENERAL.—Section 1404B of the Victims of
3 Crime Act of 1984 (42 U.S.C. 10603b) is amended to read
4 as follows:

5 **“SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS**
6 **OF TERRORISM OR MASS VIOLENCE.**

7 “(a) DEFINITIONS.—In this section—

8 “(1) the term ‘eligible crime victim compensa-
9 tion program’ means a program that meets the re-
10 quirements of section 1402(b);

11 “(2) the term ‘eligible crime victim assistance
12 program’ means a program that meets the require-
13 ments of section 1404(b);

14 “(3) the term ‘public agency’ includes any Fed-
15 eral, State, or local government or nonprofit organi-
16 zation; and

17 “(4) the term ‘victim’—

18 “(A) means an individual who is citizen or
19 employee of the United States, and who is in-
20 jured or killed as a result of a terrorist act or
21 mass violence, whether occurring within or out-
22 side the United States; and

23 “(B) includes, in the case of an individual
24 described in subparagraph (A) who is deceased,
25 the family members of the individual.

1 “(b) GRANTS AUTHORIZED.—The Director may
2 make grants, as provided in either section 1402(d)(4)(B)
3 or 1404—

4 “(1) to States, which shall be used for eligible
5 crime victim compensation programs and eligible
6 crime victim assistance programs for the benefit of
7 victims; and

8 “(2) to victim service organizations, and public
9 agencies that provide emergency or ongoing assist-
10 ance to victims of crime, which shall be used to pro-
11 vide, for the benefit of victims—

12 “(A) emergency relief (including compensa-
13 tion, assistance, and crisis response) and other
14 related victim services; and

15 “(B) training and technical assistance for
16 victim service providers.

17 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion may be construed to supplant any compensation avail-
19 able under title VIII of the Omnibus Diplomatic Security
20 and Antiterrorism Act of 1986.”.

21 (b) APPLICABILITY.—The amendment made by this
22 section applies to any terrorist act or mass violence occur-
23 ring on or after December 20, 1988, with respect to which
24 an investigation or prosecution was ongoing after April 24,
25 1996.

1 **SEC. 1619. TRUTH-IN-SENTENCING INCENTIVE GRANTS.**

2 (a) **QUALIFICATION DATE.**—Section 20104 of the
3 Violent Crime Control and Law Enforcement Act of 1994
4 (42 U.S.C. 13704(a)(3)) is amended by striking “on April
5 26, 1996” and inserting “on or after April 26, 1996.”

6 (b) **MINIMUM AMOUNT.**—Section 20106 of the Vio-
7 lent Crime Control and Law Enforcement Act of 1994 (42
8 U.S.C. 13706) is amended by striking subsection (b) and
9 inserting the following:

10 “(b) **FORMULA ALLOCATION.**—The amount made
11 available to carry out this section for any fiscal year under
12 section 20104 shall be allocated as follows:

13 “(1) .75 percent shall be allocated to each State
14 that meets the requirements of section 20104, except
15 that the United States Virgin Islands, America
16 Samoa, Guam, and the Northern Mariana Islands
17 each shall be allocated 0.05 percent; and

18 “(2) The amount remaining after the applica-
19 tion of paragraph (1) shall be allocated to each
20 State that meets the requirements of section 20104
21 in the ratio that the average annual number of part
22 1 violent crimes reported by that State to the Fed-
23 eral Bureau of Investigation for the 3 years pre-
24 ceding the year in which the determination is made
25 bears to the average annual number of part 1 violent
26 crimes reported by States that meet the require-

1 ments of section 20104 to the Federal Bureau of In-
2 vestigation for the 3 years preceding the year in
3 which the determination is made, except that a State
4 may not receive more than 25 percent of the total
5 amount available for such grants.”.

6 **SEC. 1620. APPLICATION OF PROVISION RELATING TO A**
7 **SENTENCE OF DEATH FOR AN ACT OF ANI-**
8 **MAL ENTERPRISE TERRORISM.**

9 Section 3591 of title 18, United States Code (relating
10 to circumstances under which a defendant may be sen-
11 tenced to death), shall apply to sentencing for a violation
12 of section 43 of title 18, United States Code, as amended
13 by this Act to include the death penalty as a possible pun-
14 ishment.

15 **SEC. 1621. PROHIBITIONS RELATING TO EXPLOSIVE MATE-**
16 **RIALS.**

17 (a) PROHIBITION OF SALE, DELIVERY, OR TRANS-
18 FER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVID-
19 UALS.—Section 842 of title 18, United States Code, is
20 amended by striking subsection (d) and inserting the fol-
21 lowing:

22 “(d) PROHIBITION OF SALE, DELIVERY, OR TRANS-
23 FER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVID-
24 UALS.—It shall be unlawful for any licensee to knowingly

1 sell, deliver, or transfer any explosive materials to any in-
2 dividual who—

3 “(1) is less than 21 years of age;

4 “(2) is under indictment for, or has been con-
5 victed in any court of, a crime punishable by impris-
6 onment for a term exceeding 1 year;

7 “(3) is a fugitive from justice;

8 “(4) is an unlawful user of or addicted to any
9 controlled substance (as defined in section 102 of
10 the Controlled Substances Act (21 U.S.C. 802));

11 “(5) has been adjudicated as a mental defective
12 or has been committed to any mental institution;

13 “(6) being an alien—

14 “(A) is illegally or unlawfully in the United
15 States; or

16 “(B) except as provided in section 845(d),
17 has been admitted to the United States under
18 a nonimmigrant visa (as that term is defined in
19 section 101(a)(26) of the Immigration and Na-
20 tionality Act (8 U.S.C. 1101(a)(26));

21 “(7) has been discharged from the Armed
22 Forces under dishonorable conditions;

23 “(8) having been a citizen of the United States,
24 has renounced his citizenship;

1 “(9) is subject to a court order that restrains
2 such person from harassing, stalking, or threatening
3 an intimate partner of such person or child of such
4 intimate partner or person, or engaging in other
5 conduct that would place an intimate partner in rea-
6 sonable fear of bodily injury to the partner or child,
7 except that this paragraph shall only apply to a
8 court order that—

9 “(A) was issued after a hearing of which
10 such person received actual notice, and at which
11 such person had the opportunity to participate;
12 and

13 “(B)(i) includes a finding that such person
14 represents a credible threat to the physical safe-
15 ty of such intimate partner or child; and

16 “(ii) by its terms explicitly prohibits the
17 use, attempted use, or threatened use of phys-
18 ical force against such intimate partner or child
19 that would reasonably be expected to cause bod-
20 ily injury; or

21 “(10) has been convicted in any court of a mis-
22 demeanor crime of domestic violence.”.

23 (b) PROHIBITION ON SHIPPING, TRANSPORTING,
24 POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN
25 INDIVIDUALS.—Section 842 of title 18, United States

1 Code, is amended by striking subsection (i) and inserting
2 the following:

3 “(i) PROHIBITION ON SHIPPING, TRANSPORTING,
4 POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN
5 INDIVIDUALS.—It shall be unlawful for any person to ship
6 or transport in interstate or foreign commerce, or possess,
7 in or affecting commerce, any explosive, or to receive any
8 explosive that has been shipped or transported in inter-
9 state or foreign commerce, if that person—

10 “(1) is less than 21 years of age;

11 “(2) has been convicted in any court, of a crime
12 punishable by imprisonment for a term exceeding 1
13 year;

14 “(3) is a fugitive from justice;

15 “(4) is an unlawful user of or addicted to any
16 controlled substance (as defined in section 102 of
17 the Controlled Substances Act (21 U.S.C. 802));

18 “(5) has been adjudicated as a mental defective
19 or who has been committed to a mental institution;

20 “(6) being an alien—

21 “(A) is illegally or unlawfully in the United
22 States; or

23 “(B) except as provided in section 845(d),
24 has been admitted to the United States under
25 a nonimmigrant visa (as that term is defined in

1 section 101(a)(26) of the Immigration and Na-
2 tionality Act (8 U.S.C. 1101(a)(26));

3 “(7) has been discharged from the Armed
4 Forces under dishonorable conditions;

5 “(8) having been a citizen of the United States,
6 has renounced his citizenship; or

7 “(9) is subject to a court order that—

8 “(A) was issued after a hearing of which
9 such person received actual notice, and at which
10 such person had an opportunity to participate;

11 “(B) restrains such person from harassing,
12 stalking, or threatening an intimate partner of
13 such person or child of such intimate partner or
14 person, or engaging in other conduct that would
15 place an intimate partner in reasonable fear of
16 bodily injury to the partner or child; and

17 “(C)(i) includes a finding that such person
18 represents a credible threat to the physical safe-
19 ty of such intimate partner or child; and

20 “(ii) by its terms explicitly prohibits the
21 use, attempted use, or threatened use of phys-
22 ical force against such intimate partner or child
23 that would reasonably be expected to cause bod-
24 ily injury; or

1 “(10) has been convicted in any court of a mis-
2 demeanor crime of domestic violence.”.

3 (c) EXCEPTIONS AND WAIVER FOR CERTAIN INDI-
4 VIDUALS.—Section 845 of title 18, United States Code,
5 is amended by adding at the end the following:

6 “(d) EXCEPTIONS AND WAIVER FOR CERTAIN INDI-
7 VIDUALS.—

8 “(1) DEFINITIONS.—In this subsection—

9 “(A) the term ‘alien’ has the same mean-
10 ing as in section 101(a)(3) of the Immigration
11 and Nationality Act (8 U.S.C. 1101(a)(3)); and

12 “(B) the term ‘nonimmigrant visa’ has the
13 same meaning as in section 101(a)(26) of the
14 Immigration and Nationality Act (8 U.S.C.
15 1101(a)(26)).

16 “(2) EXCEPTIONS.—Subsections (d)(5)(B) and
17 (i)(5)(B) of section 842 do not apply to any alien
18 who has been lawfully admitted to the United States
19 pursuant to a nonimmigrant visa, if that alien is—

20 “(A) admitted to the United States for
21 lawful hunting or sporting purposes;

22 “(B) a foreign military personnel on offi-
23 cial assignment to the United States;

1 “(C) an official of a foreign government or
2 a distinguished foreign visitor who has been so
3 designated by the Department of State; or

4 “(D) a foreign law enforcement officer of
5 a friendly foreign government entering the
6 United States on official law enforcement busi-
7 ness.

8 “(3) WAIVER.—

9 “(A) IN GENERAL.—Any individual who
10 has been admitted to the United States under
11 a nonimmigrant visa and who is not described
12 in paragraph (2), may receive a waiver from the
13 applicability of subsection (d)(5)(B) or (i)(5)(B)
14 of section 842, if—

15 “(i) the individual submits to the At-
16 torney General a petition that meets the
17 requirements of subparagraph (B); and

18 “(ii) the Attorney General approves
19 the petition.

20 “(B) PETITIONS.—Each petition under
21 subparagraph (A)(i) shall—

22 “(i) demonstrate that the petitioner
23 has resided in the United States for a con-
24 tinuous period of not less than 180 days

before the date on which the petition is submitted under this paragraph; and

“(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (i) of section 842, as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (i) of section 842, as applicable.”.

SEC. 1622. DISTRICT JUDGES FOR DISTRICTS IN THE STATES OF ARIZONA, FLORIDA, AND NEVADA.

(a) **SHORT TITLE.**—This section may be cited as the “Emergency Federal Judgeship Act of 1999”.

(b) **IN GENERAL.**—The President shall appoint, by and with the advice and consent of the Senate—

(1) 3 additional district judges for the district of Arizona;

(2) 4 additional district judges for the middle district of Florida; and

(3) 2 additional district judges for the district of Nevada.

(c) **TABLES.**—In order that the table contained in section 133 of title 28, United States Code, will reflect

1 the changes in the total number of permanent district
 2 judgeships authorized as a result of subsection (a) of this
 3 section—

4 (1) the item relating to Arizona in such table
 5 is amended to read as follows:

“Arizona 11”;

6 (2) the item relating to Florida in such table is
 7 amended to read as follows:

“Florida:

Northern	4
Middle	15
Southern	16”;

8 and

9 (3) the item relating to Nevada in such table is
 10 amended to read as follows:

“Nevada 6”.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated such sums as may be
 13 necessary to carry out the provisions of this section, in-
 14 cluding such sums as may be necessary to provide appro-
 15 priate space and facilities for the judicial positions created
 16 by this section.

17 **SEC. 1623. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH**
 18 **ON YOUTH VIOLENCE.**

19 (a) NIH RESEARCH.—The National Institutes of
 20 Health, acting through the Office of Behavioral and Social
 21 Sciences Research, shall carry out a coordinated, multi-

1 year course of behavioral and social science research on
2 the causes and prevention of youth violence.

3 (b) NATURE OF RESEARCH.—Funds made available
4 to the National Institutes of Health pursuant to this sec-
5 tion shall be utilized to conduct, support, coordinate, and
6 disseminate basic and applied behavioral and social science
7 research with respect to youth violence, including research
8 on 1 or more of the following subjects:

9 (1) The etiology of youth violence.

10 (2) Risk factors for youth violence.

11 (3) Childhood precursors to antisocial violent
12 behavior.

13 (4) The role of peer pressure in inciting youth
14 violence.

15 (5) The processes by which children develop
16 patterns of thought and behavior, including beliefs
17 about the value of human life.

18 (6) Science-based strategies for preventing
19 youth violence, including school and community-
20 based programs.

21 (7) Other subjects that the Director of the Of-
22 fice of Behavioral and Social Sciences Research
23 deems appropriate.

24 (c) ROLE OF THE OFFICE OF BEHAVIORAL AND SO-
25 CIAL SCIENCES RESEARCH.—Pursuant to this section and

1 section 404A of the Public Health Service Act (42 U.S.C.
2 283c), the Director of the Office of Behavioral and Social
3 Sciences Research shall—

4 (1) coordinate research on youth violence con-
5 ducted or supported by the agencies of the National
6 Institutes of Health;

7 (2) identify youth violence research projects
8 that should be conducted or supported by the re-
9 search institutes, and develop such projects in co-
10 operation with such institutes and in consultation
11 with State and Federal law enforcement agencies;

12 (3) take steps to further cooperation and col-
13 laboration between the National Institutes of Health
14 and the Centers for Disease Control and Prevention,
15 the Substance Abuse and Mental Health Services
16 Administration, the agencies of the Department of
17 Justice, and other governmental and nongovern-
18 mental agencies with respect to youth violence re-
19 search conducted or supported by such agencies;

20 (4) establish a clearinghouse for information
21 about youth violence research conducted by govern-
22 mental and nongovernmental entities; and

23 (5) periodically report to Congress on the state
24 of youth violence research and make recommenda-
25 tions to Congress regarding such research.

1 (d) FUNDING.—There is authorized to be appro-
2 priated, \$5,000,000 for each of fiscal years 2000 through
3 2004 to carry out this section. If amount are not sepa-
4 rately appropriated to carry out this section, the Director
5 of the National Institutes of Health shall carry out this
6 section using funds appropriated generally to the National
7 Institutes of Health, except that funds expended for under
8 this section shall supplement and not supplant existing
9 funding for behavioral research activities at the National
10 Institutes of Health.

11 **SEC. 1624. SENSE OF THE SENATE REGARDING MENTORING**
12 **PROGRAMS.**

13 (a) FINDINGS.—The Senate finds that—

14 (1) the well-being of all people of the United
15 States is preserved and enhanced when young people
16 are given the guidance they need to live healthy and
17 productive lives;

18 (2) adult mentors can play an important role in
19 ensuring that young people become healthy, produc-
20 tive, successful members of society;

21 (3) at-risk young people with mentors are 46
22 percent less likely to begin using illegal drugs than
23 at-risk young people without mentors;

1 (4) at-risk young people with mentors are 27
2 percent less likely to begin using alcohol than at-risk
3 young people without mentors;

4 (5) at-risk young people with mentors are 53
5 percent less likely to skip school than at-risk young
6 people without mentors;

7 (6) at-risk young people with mentors are 33
8 percent less likely to hit someone than at-risk young
9 people without mentors;

10 (7) 73 percent of students with mentors report
11 that their mentors helped raise their goals and ex-
12 pectations; and

13 (8) there are many employees of the Federal
14 Government who would like to serve as youth or
15 family mentors but are unable to leave their jobs to
16 participate in mentoring programs.

17 (b) SENSE OF THE SENATE.—It is the sense of the
18 Senate that the President should issue an Executive Order
19 allowing all employees of the Federal Government to use
20 a maximum of 1 hour each week of excused absence or
21 administrative leave to serve as mentors in youth or family
22 mentoring programs.

23 **SEC. 1625. FAMILIES AND SCHOOLS TOGETHER PROGRAM.**

24 (a) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Office of Ju-
3 venile Justice and Delinquency in the Department of
4 Justice.

5 (2) FAST PROGRAM.—The term “FAST pro-
6 gram” means a program that addresses the urgent
7 social problems of youth violence and chronic juve-
8 nile delinquency by building and enhancing juveniles’
9 relationships with their families, peers, teachers,
10 school staff, and other members of the community
11 by bringing together parents, schools, and commu-
12 nities to help—

13 (A) at-risk children identified by their
14 teachers to succeed;

15 (B) enhance the functioning of families
16 with at-risk children;

17 (C) prevent alcohol and other drug abuse
18 in the family; and

19 (D) reduce the stress that their families
20 experience from daily life.

21 (b) AUTHORIZATION.—In consultation with the At-
22 torney General, the Secretary of Education, and the Sec-
23 retary of the Department of Health and Human Services,
24 the Administrator shall carry out a Family and Schools
25 Together program to promote FAST programs.

1 (c) REGULATIONS.—Not later than 60 days after the
 2 date of enactment of this Act, the Administrator, in con-
 3 sultation with the Attorney General, the Secretary of Edu-
 4 cation, and the Secretary of the Department of Health
 5 and Human Services shall develop regulations governing
 6 the distribution of the funds for FAST programs.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) IN GENERAL.—There is authorized to be
 9 appropriated to carry out this section \$9,000,000 for
 10 each of the fiscal years 2000 through 2004.

11 (2) ALLOCATION.—Of amounts appropriated
 12 under paragraph (1)—

13 (A) 83.33 percent shall be available for the
 14 implementation of local FAST programs; and

15 (B) 16.67 percent shall be available for re-
 16 search and evaluation of FAST programs.

17 **SEC. 1626. AMENDMENTS RELATING TO VIOLENT CRIME IN**
 18 **INDIAN COUNTRY AND AREAS OF EXCLUSIVE**
 19 **FEDERAL JURISDICTION.**

20 (a) ASSAULTS WITH MARITIME AND TERRITORIAL
 21 JURISDICTION.—Section 113(a)(3) of title 18, United
 22 States Code, is amended by striking “with intent to do
 23 bodily harm, and”.

1 (b) OFFENSES COMMITTED WITHIN INDIAN COUN-
2 TRY.—Section 1153 of title 18, United States Code, is
3 amended—

4 (1) in subsection (a), by inserting “an offense
5 for which the maximum statutory term of imprison-
6 ment under section 1363 is greater than 5 years,”
7 after “a felony under chapter 109A,”; and

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

9 “(c) Nothing in this section shall limit the inherent
10 power of an Indian tribe to exercise criminal jurisdiction
11 over any Indian with respect to any offense committed
12 within Indian country, subject to the limitations on pun-
13 ishment under section 202(7) of the Civil Rights Act of
14 1968 (25 U.S.C. 1302(7)).”.

15 (c) RACKETEERING ACTIVITY.—Section 1961(1)(A)
16 of title 18, United States Code, is amended by inserting
17 “(or would have been so chargeable except that the act
18 or threat was committed in Indian country, as defined in
19 section 1151, or in any other area of exclusive Federal
20 jurisdiction)” after “chargeable under State law”.

21 (d) MANSLAUGHTER WITHIN THE SPECIAL MARI-
22 TIME AND TERRITORIAL JURISDICTION OF THE UNITED
23 STATES.—Section 1112(b) of title 18, United States Code,
24 is amended by striking “ten years” and inserting “20
25 years”.

1 (e) EMBEZZLEMENT AND THEFT FROM INDIAN
2 TRIBAL ORGANIZATIONS.—The second undesignated
3 paragraph of section 1163 of title 18, United States Code,
4 is amended by striking “so embezzled,” and inserting
5 “embezzled,”.

6 **SEC. 1627. FEDERAL JUDICIARY PROTECTION ACT OF 1999.**

7 (a) SHORT TITLE.—This section may be cited as the
8 “Federal Judiciary Protection Act of 1999”.

9 (b) ASSAULTING, RESISTING, OR IMPEDING CERTAIN
10 OFFICERS OR EMPLOYEES.—Section 111 of title 18,
11 United States Code, is amended—

12 (1) in subsection (a), by striking “three” and
13 inserting “8”; and

14 (2) in subsection (b), by striking “ten” and in-
15 serting “20”.

16 (c) INFLUENCING, IMPEDING, OR RETALIATING
17 AGAINST A FEDERAL OFFICIAL BY THREATENING OR IN-
18 JURING A FAMILY MEMBER.—Section 115(b)(4) of title
19 18, United States Code, is amended—

20 (1) by striking “five” and inserting “10”; and

21 (2) by striking “three” and inserting “6”.

22 (d) MAILING THREATENING COMMUNICATIONS.—
23 Section 876 of title 18, United States Code, is amended—

1 (1) by designating the first 4 undesignated
2 paragraphs as subsections (a) through (d), respec-
3 tively;

4 (2) in subsection (c), as so designated, by add-
5 ing at the end the following: “If such a communica-
6 tion is addressed to a United States judge, a Fed-
7 eral law enforcement officer, or an official who is
8 covered by section 1114, the individual shall be fined
9 under this title, imprisoned not more than 10 years,
10 or both.”; and

11 (3) in subsection (d), as so designated, by add-
12 ing at the end the following: “If such a communica-
13 tion is addressed to a United States judge, a Fed-
14 eral law enforcement officer, or an official who is
15 covered by section 1114, the individual shall be fined
16 under this title, imprisoned not more than 10 years,
17 or both.”.

18 (e) AMENDMENT OF THE SENTENCING GUIDELINES
19 FOR ASSAULTS AND THREATS AGAINST FEDERAL
20 JUDGES AND CERTAIN OTHER FEDERAL OFFICIALS AND
21 EMPLOYEES.—

22 (1) IN GENERAL.—Pursuant to its authority
23 under section 994 of title 28, United States Code,
24 the United States Sentencing Commission shall re-
25 view and amend the Federal sentencing guidelines

1 and the policy statements of the Commission, if ap-
2 propriate, to provide an appropriate sentencing en-
3 hancement for offenses involving influencing, as-
4 saulting, resisting, impeding, retaliating against, or
5 threatening a Federal judge, magistrate judge, or
6 any other official described in section 111 or 115 of
7 title 18, United States Code.

8 (2) FACTORS FOR CONSIDERATION.—In car-
9 rying out this section, the United States Sentencing
10 Commission shall consider, with respect to each of-
11 fense described in paragraph (1)—

12 (A) any expression of congressional intent
13 regarding the appropriate penalties for the of-
14 fense;

15 (B) the range of conduct covered by the of-
16 fense;

17 (C) the existing sentences for the offense;

18 (D) the extent to which sentencing en-
19 hancements within the Federal sentencing
20 guidelines and the court's authority to impose a
21 sentence in excess of the applicable guideline
22 range are adequate to ensure punishment at or
23 near the maximum penalty for the most egre-
24 gious conduct covered by the offense;

1 (E) the extent to which Federal sentencing
 2 guideline sentences for the offense have been
 3 constrained by statutory maximum penalties;

4 (F) the extent to which Federal sentencing
 5 guidelines for the offense adequately achieve the
 6 purposes of sentencing as set forth in section
 7 3553(a)(2) of title 18, United States Code;

8 (G) the relationship of Federal sentencing
 9 guidelines for the offense to the Federal sen-
 10 tencing guidelines for other offenses of com-
 11 parable seriousness; and

12 (H) any other factors that the Commission
 13 considers to be appropriate.

14 **SEC. 1628. LOCAL ENFORCEMENT OF LOCAL ALCOHOL PRO-**
 15 **HIBITIONS THAT REDUCE JUVENILE CRIME**
 16 **IN REMOTE ALASKA VILLAGES.**

17 (a) CONGRESSIONAL FINDINGS.—The Congress finds
 18 the following:

19 (1) Villages in remote areas of Alaska lack local
 20 law enforcement due to the absence of a tax base to
 21 support such services and to small populations that
 22 do not secure sufficient funds under existing State
 23 and Federal grant program formulas.

24 (2) State troopers are often unable to respond
 25 to reports of violence in remote villages if there is

1 inclement weather, and often only respond in re-
2 ported felony cases.

3 (3) Studies conclude that alcohol consumption
4 is strongly linked to the commission of violent crimes
5 in remote Alaska villages and that youth are particu-
6 larly susceptible to developing chronic criminal be-
7 haviors associated with alcohol in the absence of
8 early intervention.

9 (4) Many remote villages have sought to limit
10 the introduction of alcohol into their communities as
11 a means of early intervention and to reduce criminal
12 conduct among juveniles.

13 (5) In many remote villages, there is no person
14 with the authority to enforce these local alcohol re-
15 strictions in a manner consistent with judicial
16 standards of due process required under the State
17 and Federal constitutions.

18 (6) Remote Alaska villages are experiencing a
19 marked increase in births and the number of juve-
20 niles residing in villages is expected to increase dra-
21 matically in the next 5 years.

22 (7) Adoption of alcohol prohibitions by voters in
23 remote villages represents a community-based effort
24 to reduce juvenile crime, but this local policy choice
25 requires local law enforcement to be effective.

1 (b) GRANT OF FEDERAL FUNDS.—(1) The Attorney
2 General is authorized to provide to the State of Alaska
3 funds for State law enforcement, judicial infrastructure
4 and other costs necessary in remote villages to implement
5 the prohibitions on the sale, importation and possession
6 of alcohol adopted pursuant to State local option statutes.

7 (2) Funds provided to the State of Alaska under this
8 section shall be in addition to and shall not disqualify the
9 State, local governments, or Indian tribes (as that term
10 is defined in section 4(e) of the Indian Self-Determination
11 and Education Assistance Act (P.L. 93–638, as amended;
12 25 U.S.C. 450b(e) (1998)) from Federal funds available
13 under other authority.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) IN GENERAL.—There are authorized to be
16 appropriated to carry out this section—

17 (A) \$15,000,000 for fiscal year 2000;

18 (B) \$17,000,000 for fiscal year 2001;

19 (C) \$18,000,000 for fiscal year 2002.

20 (2) SOURCE OF SUMS.—Amounts authorized to
21 be appropriated under this subsection may be de-
22 rived from the Violent Crime Reduction Trust Fund.

1 **SEC. 1629. RULE OF CONSTRUCTION.**

2 Nothing in this Act may be construed to create, ex-
3 pand or diminish or in any way affect the jurisdiction of
4 an Indian tribe in the State of Alaska.

5 **SEC. 1630. BOUNTY HUNTER ACCOUNTABILITY AND QUAL-**
6 **ITY ASSISTANCE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) bounty hunters, also known as bail enforce-
9 ment officers or recovery agents, provide law en-
10 forcement officers and the courts with valuable as-
11 sistance in recovering fugitives from justice;

12 (2) regardless of the differences in their duties,
13 skills, and responsibilities, the public has had dif-
14 ficulty in discerning the difference between law en-
15 forcement officers and bounty hunters;

16 (3) the availability of bail as an alternative to
17 the pretrial detention or unsecured release of crimi-
18 nal defendants is important to the effective func-
19 tioning of the criminal justice system;

20 (4) the safe and timely return to custody of fu-
21 gitives who violate bail contracts is an important
22 matter of public safety, as is the return of any other
23 fugitive from justice;

24 (5) bail bond agents are widely regulated by the
25 States, whereas bounty hunters are largely unregu-
26 lated;

1 (6) the public safety requires the employment of
2 qualified, well-trained bounty hunters; and

3 (7) in the course of their duties, bounty hunters
4 often move in and affect interstate commerce.

5 (b) DEFINITIONS.—In this section—

6 (1) the term “bail bond agent” means any re-
7 tail seller of a bond to secure the release of a crimi-
8 nal defendant pending judicial proceedings, unless
9 such person also is self-employed to obtain the recov-
10 ery of any fugitive from justice who has been re-
11 leased on bail;

12 (2) the term “bounty hunter”—

13 (A) means any person whose services are
14 engaged, either as an independent contractor or
15 as an employee of a bounty hunter employer, to
16 obtain the recovery of any fugitive from justice
17 who has been released on bail; and

18 (B) does not include any—

19 (i) law enforcement officer acting
20 under color of law;

21 (ii) attorney, accountant, or other pro-
22 fessional licensed under applicable State
23 law;

24 (iii) employee whose duties are pri-
25 marily internal audit or credit functions;

1 (iv) person while engaged in the per-
2 formance of official duties as a member of
3 the Armed Forces on active duty (as de-
4 fined in section 101(d)(1) of title 10,
5 United States Code); or

6 (v) bail bond agent;

7 (3) the term “bounty hunter employer”—

8 (A) means any person that—

9 (i) employs 1 or more bounty hunters;

10 or

11 (ii) provides, as an independent con-
12 tractor, for consideration, the services of 1
13 or more bounty hunters (which may in-
14 clude the services of that person); and

15 (B) does not include any bail bond agent;

16 and

17 (4) the term “law enforcement officer” means
18 a public officer or employee authorized under appli-
19 cable Federal or State law to conduct or engage in
20 the prevention, investigation, prosecution, or adju-
21 dication of criminal offenses, including any public of-
22 ficer or employee engaged in corrections, parole, or
23 probation functions, or the recovery of any fugitive
24 from justice.

25 (c) MODEL GUIDELINES.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Attorney
3 General shall develop model guidelines for the State
4 control and regulation of persons employed or apply-
5 ing for employment as bounty hunters. In developing
6 such guidelines, the Attorney General shall consult
7 with organizations representing—

8 (A) State and local law enforcement offi-
9 cers;

10 (B) State and local prosecutors;

11 (C) the criminal defense bar;

12 (D) bail bond agents;

13 (E) bounty hunters; and

14 (F) corporate sureties.

15 (2) RECOMMENDATIONS.—The guidelines devel-
16 oped under paragraph (1) shall include recommenda-
17 tions of the Attorney General regarding whether—

18 (A) a person seeking employment as a
19 bounty hunter should—

20 (i) be required to submit to a finger-
21 print-based criminal background check
22 prior to entering into the performance of
23 duties pursuant to employment as a boun-
24 ty hunter; or

1 (ii) not be allowed to obtain such em-
2 ployment if that person has been convicted
3 of a felony offense under Federal or State
4 law;

5 (B) bounty hunters and bounty hunter em-
6 ployers should be required to obtain adequate
7 liability insurance for actions taken in the
8 course of performing duties pursuant to em-
9 ployment as a bounty hunter; and

10 (C) State laws should provide—

11 (i) for the prohibition on bounty hunt-
12 ers entering any private dwelling, unless
13 the bounty hunter first knocks on the front
14 door and announces the presence of 1 or
15 more bounty hunters; and

16 (ii) the official recognition of bounty
17 hunters from other States.

18 (3) EFFECT ON BAIL.—The guidelines pub-
19 lished under paragraph (1) shall include an analysis
20 of the estimated effect, if any, of the adoption of the
21 guidelines by the States on—

22 (A) the cost and availability of bail; and

23 (B) the bail bond agent industry.

24 (4) NO REGULATORY AUTHORITY.—Nothing in
25 this subsection may be construed to authorize the

1 promulgation of any Federal regulation relating to
2 bounty hunters, bounty hunter employers, or bail
3 bond agents.

4 (5) PUBLICATION OF GUIDELINES.—The Attor-
5 ney General shall publish model guidelines developed
6 pursuant to paragraph (1) in the Federal Register.

7 **SEC. 1631. ASSISTANCE FOR UNINCORPORATED NEIGHBOR-**
8 **HOOD WATCH PROGRAMS.**

9 (a) IN GENERAL.—Section 1701(d) of title I of the
10 Omnibus Crime Control and Safe Streets Act of 1968 (42
11 U.S.C. 3796dd(d)) is amended—

12 (1) in paragraph (10), by striking “and” at the
13 end;

14 (2) in paragraph (11), by striking the period at
15 the end and inserting “; and”; and

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

17 “(12) provide assistance to unincorporated
18 neighborhood watch organizations approved by the
19 appropriate local police or sheriff’s department, in
20 an amount equal to not more than \$1,950 per orga-
21 nization, for the purchase of citizen band radios,
22 street signs, magnetic signs, flashlights, and other
23 equipment relating to neighborhood watch patrols.”.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
25 1001(a)(11) of title I of the Omnibus Crime Control and

1 Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is
2 amended—

3 (1) in subparagraph (A), by striking clause (vi)
4 and inserting the following:

5 “(vi) \$282,625,000 for fiscal year 2000.”; and

6 (2) in subparagraph (B) by inserting after
7 “(B)” the following: “Of amounts made available to
8 carry out part Q in each fiscal year \$14,625,000
9 shall be used to carry out section 1701(d)(12).”.

10 **SEC. 1632. FINDINGS AND SENSE OF CONGRESS.**

11 (a) FINDINGS.—Congress makes the following
12 findings—

13 (1) The Nation’s highest priority should be to
14 ensure that children begin school ready to learn.

15 (2) New scientific research shows that the elec-
16 trical activity of brain cells actually changes the
17 physical structure of the brain itself and that with-
18 out a stimulating environment, a baby’s brain will
19 suffer. At birth, a baby’s brain contains
20 100,000,000,000 neurons, roughly as many nerve
21 cells as there are stars in the Milky Way, but the
22 wiring pattern between these neurons develops over
23 time. Children who play very little or are rarely
24 touched develop brains that are 20 to 30 percent
25 smaller than normal for their age.

1 (3) This scientific research also conclusively
2 demonstrates that enhancing children's physical, so-
3 cial, emotional, and intellectual development will re-
4 sult in tremendous benefits for children, families,
5 and the Nation.

6 (4) Since more than 50 percent of the mothers
7 of children under the age of 3 now work outside of
8 the home, society must change to provide new sup-
9 ports so young children receive the attention and
10 care that they need.

11 (5) There are 12,000,000 children under the
12 age of 3 in the United States today and 1 in 4 lives
13 in poverty.

14 (6) Compared with most other industrialized
15 countries, the United States has a higher infant
16 mortality rate, a higher proportion of low-birth
17 weight babies, and a smaller proportion of babies
18 immunized against childhood diseases.

19 (7) National and local studies have found a
20 strong link between—

21 (A) lack of early intervention for children;

22 and

23 (B) increased violence and crime among
24 youth.

1 (8) The United States will spend more than
2 \$35,000,000,000 over the next 5 years on Federal
3 programs for at-risk or delinquent youth and child
4 welfare programs, which address crisis situations
5 that frequently could have been avoided or made
6 much less severe through good early intervention for
7 children.

8 (9) Many local communities across the country
9 have developed successful early childhood efforts and
10 with additional resources could expand and enhance
11 opportunities for young children.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that Federal funding for early childhood develop-
14 ment collaboratives should be a priority in the Federal
15 budget for fiscal year 2000 and subsequent fiscal years.

16 **SEC. 1633. PROHIBITION ON PROMOTING VIOLENCE ON**
17 **FEDERAL PROPERTY.**

18 (a) GENERAL RULE.—A Federal department or
19 agency that—

20 (1) considers a request from an individual or
21 entity for the use of any property, facility, equip-
22 ment, or personnel of the department or agency, or
23 for any other cooperation from the department or
24 agency, to film a motion picture or television produc-
25 tion for commercial purposes; and

1 (2) makes a determination as to whether grant-
2 ing a request described in paragraph (1) is con-
3 sistent with—

4 (A) United States policy;

5 (B) the mission or interest of the depart-
6 ment or agency; or

7 (C) the public interest;

8 shall not grant such a request without considering whether
9 such motion picture or television production glorifies or
10 endorses wanton and gratuitous violence.

11 (b) EXCEPTION.—Subsection (a) shall not apply to—

12 (1) any bona fide newsreel or news television
13 production; or

14 (2) any public service announcement.

15 **SEC. 1634. PROVISIONS RELATING TO PAWN SHOPS AND**
16 **SPECIAL LICENSEES.**

17 (a) Notwithstanding any other provision of this Act,
18 the repeal heretofore effected by paragraph (1) and the
19 amendment heretofore effected by paragraph (2) of sub-
20 section (c) with the heading “Provision Related to Pawn
21 and Other Transactions” of section 503 of title V with
22 the heading “General Firearm Provisions” shall be null
23 and void.

24 (b) Notwithstanding any other provision of this Act,
25 section 923(m)(1), of title 18, United States Code, as

1 heretofore provided, is amended by adding at the end the
2 following subparagraph:

3 “(F) COMPLIANCE.—Except as to the
4 State and local planning and zoning require-
5 ments for a licensed premises as provided in
6 subparagraph (D), a special licensee shall be
7 subject to all of the provisions of this chapter
8 applicable to dealers, including, but not limited
9 to, the performance of an instant background
10 check.”.

11 **SEC. 1635. EXTENSION OF BRADY BACKGROUND CHECKS**
12 **TO GUN SHOWS.**

13 (a) FINDINGS.—Congress finds that—

14 (1) more than 4,400 traditional gun shows are
15 held annually across the United States, attracting
16 thousands of attendees per show and hundreds of
17 Federal firearms licensees and nonlicensed firearms
18 sellers;

19 (2) traditional gun shows, as well as flea mar-
20 kets and other organized events, at which a large
21 number of firearms are offered for sale by Federal
22 firearms licensees and nonlicensed firearms sellers,
23 form a significant part of the national firearms mar-
24 ket;

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

5 (4) in fact, even before a firearm is exhibited or
6 offered for sale or exchange at a gun show, flea mar-
7 ket, or other organized event, the gun, its component
8 parts, ammunition, and the raw materials from
9 which it is manufactured have moved in interstate
10 commerce;

11 (5) gun shows, flea markets, and other orga-
12 nized events at which firearms are exhibited or of-
13 fered for sale or exchange, provide a convenient and
14 centralized commercial location at which firearms
15 may be bought and sold anonymously, often without
16 background checks and without records that enable
17 gun tracing;

18 (6) at gun shows, flea markets, and other orga-
19 nized events at which guns are exhibited or offered
20 for sale or exchange, criminals and other prohibited
21 persons obtain guns without background checks and
22 frequently use guns that cannot be traced to later
23 commit crimes;

24 (7) many persons who buy and sell firearms at
25 gun shows, flea markets, and other organized events

1 cross State lines to attend these events and engage
2 in the interstate transportation of firearms obtained
3 at these events;

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

7 (9) firearms associated with gun shows have
8 been transferred illegally to residents of another
9 State by Federal firearms licensees and nonlicensed
10 firearms sellers, and have been involved in subse-
11 quent crimes including drug offenses, crimes of vio-
12 lence, property crimes, and illegal possession of fire-
13 arms by felons and other prohibited persons; and

14 (10) Congress has the power, under the inter-
15 state commerce clause and other provisions of the
16 Constitution of the United States, to ensure, by en-
17 actment of this Act, that criminals and other prohib-
18 ited persons do not obtain firearms at gun shows,
19 flea markets, and other organized events.

20 (b) DEFINITIONS.—Section 921(a) of title 18, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

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

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

6 “(B) at which—

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

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

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

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

16 “(37) GUN SHOW VENDOR.—The term ‘gun show
17 vendor’ means any person who exhibits, sells, offers for
18 sale, transfers, or exchanges 1 or more firearms at a gun
19 show, regardless of whether or not the person arranges
20 with the gun show promoter for a fixed location from
21 which to exhibit, sell, offer for sale, transfer, or exchange
22 1 or more firearms.”

23 (c) REGULATION OF FIREARMS TRANSFERS AT GUN
24 SHOWS.—

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

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

5 “(a) REGISTRATION OF GUN SHOW PROMOTERS.—

6 It shall be unlawful for any person to organize, plan, pro-
7 mote, or operate a gun show unless that person—

8 “(1) registers with the Secretary in accordance
9 with regulations promulgated by the Secretary; and

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

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

15 “(1) before commencement of the gun show,
16 verifies the identity of each gun show vendor partici-
17 pating in the gun show by examining a valid identi-
18 fication document (as defined in section 1028(d)(1))
19 of the vendor containing a photograph of the vendor;

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

22 “(A) a ledger with identifying information
23 concerning the vendor; and

1 “(B) a notice advising the vendor of the
2 obligations of the vendor under this chapter;
3 and

4 “(3) notifies each person who attends the gun
5 show of the requirements of this chapter, in accord-
6 ance with such regulations as the Secretary shall
7 prescribe; and

8 “(4) maintains a copy of the records described
9 in paragraphs (1) and (2) at the permanent place of
10 business of the gun show promoter for such period
11 of time and in such form as the Secretary shall re-
12 quire by regulation.

13 “(c) RESPONSIBILITIES OF TRANSFERORS OTHER
14 THAN LICENSEES.—

15 “(1) IN GENERAL.—If any part of a firearm
16 transaction takes place at a gun show, it shall be
17 unlawful for any person who is not licensed under
18 this chapter to transfer a firearm to another person
19 who is not licensed under this chapter, unless the
20 firearm is transferred through a licensed importer,
21 licensed manufacturer, or licensed dealer in accord-
22 ance with subsection (e).

23 “(2) CRIMINAL BACKGROUND CHECKS.—A per-
24 son who is subject to the requirement of paragraph
25 (1)—

1 “(A) shall not transfer the firearm to the
2 transferee until the licensed importer, licensed
3 manufacturer, or licensed dealer through which
4 the transfer is made under subsection (e)
5 makes the notification described in subsection
6 (e)(3)(A); and

7 “(B) notwithstanding subparagraph (A),
8 shall not transfer the firearm to the transferee
9 if the licensed importer, licensed manufacturer,
10 or licensed dealer through which the transfer is
11 made under subsection (e) makes the notifica-
12 tion described in subsection (e)(3)(B).

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

17 “(d) RESPONSIBILITIES OF TRANSFEREES OTHER
18 THAN LICENSEES.—

19 “(1) IN GENERAL.—If any part of a firearm
20 transaction takes place at a gun show, it shall be
21 unlawful for any person who is not licensed under
22 this chapter to receive a firearm from another per-
23 son who is not licensed under this chapter, unless
24 the firearm is transferred through a licensed im-

1 porter, licensed manufacturer, or licensed dealer in
2 accordance with subsection (e).

3 “(2) CRIMINAL BACKGROUND CHECKS.—A per-
4 son who is subject to the requirement of paragraph
5 (1)—

6 “(A) shall not receive the firearm from the
7 transferor until the licensed importer, licensed
8 manufacturer, or licensed dealer through which
9 the transfer is made under subsection (e)
10 makes the notification described in subsection
11 (e)(3)(A); and

12 “(B) notwithstanding subparagraph (A),
13 shall not receive the firearm from the transferor
14 if the licensed importer, licensed manufacturer,
15 or licensed dealer through which the transfer is
16 made under subsection (e) makes the notifica-
17 tion described in subsection (e)(3)(B).

18 “(e) RESPONSIBILITIES OF LICENSEES.—A licensed
19 importer, licensed manufacturer, or licensed dealer who
20 agrees to assist a person who is not licensed under this
21 chapter in carrying out the responsibilities of that person
22 under subsection (c) or (d) with respect to the transfer
23 of a firearm shall—

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

4 “(2) record the transfer on a form specified by
5 the Secretary;

6 “(3) comply with section 922(t) as if transfer-
7 ring the firearm from the inventory of the licensed
8 importer, licensed manufacturer, or licensed dealer
9 to the designated transferee (although a licensed im-
10 porter, licensed manufacturer, or licensed dealer
11 complying with this subsection shall not be required
12 to comply again with the requirements of section
13 922(t) in delivering the firearm to the nonlicensed
14 transferor), and notify the nonlicensed transferor
15 and the nonlicensed transferee—

16 “(A) of such compliance; and

17 “(B) if the transfer is subject to the re-
18 quirements of section 922(t)(1), of any receipt
19 by the licensed importer, licensed manufacturer,
20 or licensed dealer of a notification from the na-
21 tional instant criminal background check sys-
22 tem that the transfer would violate section 922
23 or would violate State law;

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

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

6 “(B) shall not include the name of or other
7 identifying information relating to any person
8 involved in the transfer who is not licensed
9 under this chapter;

10 “(5) if the licensed importer, licensed manufac-
11 turer, or licensed dealer assists a person other than
12 a licensee in transferring, at 1 time or during any
13 5 consecutive business days, 2 or more pistols or re-
14 volvers, or any combination of pistols and revolvers
15 totaling 2 or more, to the same nonlicensed person,
16 in addition to the reports required under paragraph
17 (4), prepare a report of the multiple transfers, which
18 report shall be—

19 “(A) prepared on a form specified by the
20 Secretary; and

21 “(B) not later than the close of business
22 on the date on which the transfer occurs, for-
23 warded to—

24 “(i) the office specified on the form
25 described in subparagraph (A); and

1 “(ii) the appropriate State law en-
2 forcement agency of the jurisdiction in
3 which the transfer occurs; and

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

7 “(f) RECORDS OF LICENSEE TRANSFERS.—If any
8 part of a firearm transaction takes place at a gun show,
9 each licensed importer, licensed manufacturer, and li-
10 censed dealer who transfers 1 or more firearms to a person
11 who is not licensed under this chapter shall, not later than
12 10 days after the date on which the transfer occurs, sub-
13 mit to the Secretary a report of the transfer, which
14 report—

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

17 “(2) shall not include the name of or other
18 identifying information relating to the transferee;
19 and

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

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

24 “(1) includes the offer for sale, sale, transfer,
25 or exchange of a firearm; and

1 “(2) does not include the mere exhibition of a
2 firearm.”.

3 (2) PENALTIES.—Section 924(a) of title 18,
4 United States Code, is amended by adding at the
5 end the following:

6 “(7)(A) Whoever knowingly violates section 931(a)
7 shall be fined under this title, imprisoned not more than
8 5 years, or both.

9 “(B) Whoever knowingly violates subsection (b) or (c)
10 of section 931, shall be—

11 “(i) fined under this title, imprisoned not more
12 than 2 years, or both; and

13 “(ii) in the case of a second or subsequent con-
14 viction, such person shall be fined under this title,
15 imprisoned not more than 5 years, or both.

16 “(C) Whoever willfully violates section 931(d), shall
17 be—

18 “(i) fined under this title, imprisoned not more
19 than 2 years, or both; and

20 “(ii) in the case of a second or subsequent con-
21 viction, such person shall be fined under this title,
22 imprisoned not more than 5 years, or both.

23 “(D) Whoever knowingly violates subsection (e) or (f)
24 of section 931 shall be fined under this title, imprisoned
25 not more than 5 years, or both.

1 “(E) In addition to any other penalties imposed
 2 under this paragraph, the Secretary may, with respect to
 3 any person who knowingly violates any provision of section
 4 931—

5 “(i) if the person is registered pursuant to sec-
 6 tion 931(a), after notice and opportunity for a hear-
 7 ing, suspend for not more than 6 months or revoke
 8 the registration of that person under section 931(a);
 9 and

10 “(ii) impose a civil fine in an amount equal to
 11 not more than \$10,000.”.

12 (3) TECHNICAL AND CONFORMING AMEND-
 13 MENTS.—Chapter 44 of title 18, United States
 14 Code, is amended—

15 (A) in the chapter analysis, by adding at
 16 the end the following:

“931. Regulation of firearms transfers at gun shows.”;

17 and

18 (B) in the first sentence of section 923(j),
 19 by striking “a gun show or event” and inserting
 20 “an event”; and

21 (d) INSPECTION AUTHORITY.—Section 923(g)(1) is
 22 amended by adding at the end the following:

23 “(E) Notwithstanding subparagraph (B), the Sec-
 24 retary may enter during business hours the place of busi-
 25 ness of any gun show promoter and any place where a

1 gun show is held for the purposes of examining the records
2 required by sections 923 and 931 and the inventory of
3 licensees conducting business at the gun show. Such entry
4 and examination shall be conducted for the purposes of
5 determining compliance with this chapter by gun show
6 promoters and licensees conducting business at the gun
7 show and shall not require a showing of reasonable cause
8 or a warrant.”.

9 (e) INCREASED PENALTIES FOR SERIOUS RECORD-
10 KEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3)
11 of title 18, United States Code, is amended to read as
12 follows:

13 “(3)(A) Except as provided in subparagraph (B), any
14 licensed dealer, licensed importer, licensed manufacturer,
15 or licensed collector who knowingly makes any false state-
16 ment or representation with respect to the information re-
17 quired by this chapter to be kept in the records of a person
18 licensed under this chapter, or violates section 922(m)
19 shall be fined under this title, imprisoned not more than
20 1 year, or both.

21 “(B) If the violation described in subparagraph (A)
22 is in relation to an offense—

23 “(i) under paragraph (1) or (3) of section
24 922(b), such person shall be fined under this title,
25 imprisoned not more than 5 years, or both; or

1 “(ii) under subsection (a)(6) or (d) of section
2 922, such person shall be fined under this title, im-
3 prisoned not more than 10 years, or both.”.

4 (f) INCREASED PENALTIES FOR VIOLATIONS OF
5 CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

6 (1) PENALTIES.—Section 924 of title 18,
7 United States Code, is amended—

8 (A) in paragraph (5), by striking “sub-
9 section (s) or (t) of section 922” and inserting
10 “section 922(s)”; and

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

12 “(8) Whoever knowingly violates section 922(t) shall
13 be fined under this title, imprisoned not more than 5
14 years, or both.”.

15 (2) ELIMINATION OF CERTAIN ELEMENTS OF
16 OFFENSE.—Section 922(t)(5) of title 18, United
17 States Code, is amended by striking “and, at the
18 time” and all that follows through “State law”.

19 (g) GUN OWNER PRIVACY AND PREVENTION OF
20 FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section
21 922(t)(2)(C) of title 18, United States Code, is amended
22 by inserting before the period at the end the following:
23 “, as soon as possible, consistent with the responsibility
24 of the Attorney General under section 103(h) of the Brady
25 Handgun Violence Prevention Act to ensure the privacy

1 and security of the system and to prevent system fraud
 2 and abuse, but in no event later than 90 days after the
 3 date on which the licensee first contacts the system with
 4 respect to the transfer”.

5 (h) EFFECTIVE DATE.—This section (other than sub-
 6 section (i)) and the amendments made by this section shall
 7 take effect 180 days after the date of enactment of this
 8 Act.

9 (i) INAPPLICABILITY OF OTHER PROVISIONS.—Not-
 10 withstanding any other provision of this Act, the provi-
 11 sions of the title headed “**GENERAL FIREARM**
 12 **PROVISIONS**” (as added by the amendment of Mr.
 13 Craig number 332) and the provisions of the section head-
 14 ed “**APPLICATION OF SECTION 923 (j) AND**
 15 **(m)**” (as added by the amendment of Mr. Hatch number
 16 344) shall be null and void.

17 **SEC. 1636. APPROPRIATE INTERVENTIONS AND SERVICES;**
 18 **CLARIFICATION OF FEDERAL LAW.**

19 (a) APPROPRIATE INTERVENTIONS AND SERVICES.—
 20 School personnel shall ensure that immediate appropriate
 21 interventions and services, including mental health inter-
 22 ventions and services, are provided to a child removed
 23 from school for any act of violence, including carrying or
 24 possessing a weapon to or at a school, on school premises,

1 or to or at a school function under the jurisdiction of a
2 State or local educational agency, in order to—

3 (1) to ensure that our Nation's schools and
4 communities are safe; and

5 (2) maximize the likelihood that such child shall
6 not engage in such behaviors, or such behaviors do
7 not reoccur.

8 (b) CLARIFICATION OF FEDERAL LAW.—Nothing in
9 Federal law shall be construed—

10 (1) to prohibit an agency from reporting a
11 crime committed by a child, including a child with
12 a disability, to appropriate authorities; or

13 (2) to prevent State law enforcement and judi-
14 cial authorities from exercising their responsibilities
15 with regard to the application of Federal and State
16 law to a crime committed by a child, including a
17 child with a disability.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) AUTHORIZATION.—There are authorized to
20 be appropriated to pay the costs of the interventions
21 and services described in subsection (a) such sums
22 as may be necessary for each of the fiscal years
23 2000 through 2004.

1 (2) DISTRIBUTION.—The Secretary of Edu-
2 cation shall provide for the distribution of the funds
3 made available under paragraph (1)—

4 (A) to States for a fiscal year in the same
5 manner as the Secretary makes allotments to
6 States under section 4011(b) of the Elementary
7 and Secondary Education Act of 1965 (20
8 U.S.C. 7111(b)) for the fiscal year; and

9 (B) to local educational agencies for a fis-
10 cal year in the same manner as funds are dis-
11 tributed to local educational agencies under sec-
12 tion 4113(d)(2) of the Elementary and Sec-
13 ondary Education Act of 1965 (20 U.S.C.
14 7113(d)(2)) for the fiscal year.

15 **SEC. 1637. SAFE SCHOOLS.**

16 (a) AMENDMENTS.—Part F of title XIV of the Ele-
17 mentary and Secondary Education Act of 1965 (20 U.S.C.
18 8921 et seq.) is amended as follows:

19 (1) SHORT TITLE.—Section 14601(a) is amend-
20 ed by replacing “Gun-Free” with “Safe”, and
21 “1994” with “1999”.

22 (2) REQUIREMENTS.—Section 14601(b)(1) is
23 amended by inserting after “determined” the fol-
24 lowing: “to be in possession of felonious quantities
25 of an illegal drug, on school property under the ju-

1 jurisdiction of, or in a vehicle operated by an employee
 2 or agent of, a local educational agency in that State,
 3 or”.

4 (3) DEFINITIONS.—Section 14601(b)(4) is
 5 amended by replacing “Definition” with “Defini-
 6 tions” in the catchline, by replacing “section” in the
 7 matter under the catchline with “part”, by redesign-
 8 ating the matter under the catchline after the
 9 comma as subparagraph (A), by replacing the period
 10 with a semicolon, and by adding new subparagraphs
 11 (B), (C), and (D) as follows:

12 “(B) the term ‘illegal drug’ means a con-
 13 trolled substance, as defined in section 102(6)
 14 of the Controlled Substances Act (21 U.S.C.
 15 802(6)), the possession of which is unlawful
 16 under the Act (21 U.S.C. 801 et seq.) or under
 17 the Controlled Substances Import and Export
 18 Act (21 U.S.C. 951 et seq.), but does not mean
 19 a controlled substance used pursuant to a valid
 20 prescription or as authorized by law; and

21 “(C) the term ‘illegal drug paraphernalia’
 22 means drug paraphernalia, as defined in section
 23 422(d) of the Controlled Substances Act (21
 24 U.S.C. 863(d)), except that the first sentence of
 25 that section shall be applied by inserting ‘or

1 under the Controlled Substances Import and
2 Export Act (21 U.S.C. 951 et seq.)’, before the
3 period.

4 “(D) the term ‘felonious quantities of an
5 illegal drug’ means any quantity of an illegal
6 drug—

7 “(i) possession of which quantity
8 would, under Federal, State, or local law,
9 either constitute a felony or indicate an in-
10 tent to distribute; or

11 “(ii) that is possessed with an intent
12 to distribute.”.

13 (4) REPORT TO STATE.—Section
14 14601(d)(2)(C) is amended by inserting “illegal
15 drugs or” before “weapons”.

16 (5) REPEALER.—Section 14601 is amend-
17 ed by striking subsection (f).

18 (6) POLICY REGARDING CRIMINAL JUSTICE
19 SYSTEM REFERRAL.—Section 14602(a) is
20 amended by replacing “served by” with “under
21 the jurisdiction of”, and by inserting after
22 “who” the following: “is in possession of an ille-
23 gal drug, or illegal drug paraphernalia, on
24 school property under the jurisdiction of, or in

1 a vehicle operated by an employee or agent of,
2 such agency, or who”.

3 (7) DATA AND POLICY DISSEMINATION
4 UNDER IDEA.—Section 14603 is amended by
5 inserting “current” before “policy”, by striking
6 “in effect on October 20, 1994”, by striking all
7 the matter after “schools” and inserting a pe-
8 riod thereafter, and by inserting before “engag-
9 ing” the following: “possessing illegal drugs, or
10 illegal drug paraphernalia, on school property,
11 or in vehicles operated by employees or agents
12 of, schools or local educational agencies, or”.

13 (b) COMPLIANCE DATE; REPORTING.—(1) States
14 shall have 2 years from the date of enactment of this Act
15 to comply with the requirements established in the amend-
16 ments made by subsection (a).

17 (2) Not later than 3 years after the date of enactment
18 of this Act, the Secretary of Education shall submit to
19 Congress a report on any State that is not in compliance
20 with the requirements of this part.

21 (3) Not later than 2 years after the date of enactment
22 of this Act, the Secretary of Education shall submit to
23 Congress a report analyzing the strengths and weaknesses
24 of approaches regarding the disciplining of children with
25 disabilities.

1 **SEC. 1638. SCHOOL COUNSELING.**

2 Section 10102 of the Elementary and Secondary
3 Education Act of 1965 (20 U.S.C. 8002) is amended to
4 read as follows:

5 **“SEC. 10102. ELEMENTARY SCHOOL AND SECONDARY**
6 **SCHOOL COUNSELING DEMONSTRATION.**

7 “(a) COUNSELING DEMONSTRATION.—

8 “(1) IN GENERAL.—The Secretary may award
9 grants under this section to local educational agen-
10 cies to enable the local educational agencies to estab-
11 lish or expand elementary school counseling pro-
12 grams.

13 “(2) PRIORITY.—In awarding grants under this
14 section, the Secretary shall give special consideration
15 to applications describing programs that—

16 “(A) demonstrate the greatest need for
17 new or additional counseling services among the
18 children in the schools served by the applicant;

19 “(B) propose the most promising and inno-
20 vative approaches for initiating or expanding
21 school counseling; and

22 “(C) show the greatest potential for rep-
23 lication and dissemination.

24 “(3) EQUITABLE DISTRIBUTION.—In awarding
25 grants under this section, the Secretary shall ensure
26 an equitable geographic distribution among the re-

1 regions of the United States and among urban, subur-
2 ban, and rural areas.

3 “(4) DURATION.—A grant under this section
4 shall be awarded for a period not to exceed three
5 years.

6 “(5) MAXIMUM GRANT.—A grant under this
7 section shall not exceed \$400,000 for any fiscal year.

8 “(b) APPLICATIONS.—

9 “(1) IN GENERAL.—Each local educational
10 agency desiring a grant under this section shall sub-
11 mit an application to the Secretary at such time, in
12 such manner, and accompanied by such information
13 as the Secretary may reasonably require.

14 “(2) CONTENTS.—Each application for a grant
15 under this section shall—

16 “(A) describe the school population to be
17 targeted by the program, the particular per-
18 sonal, social, emotional, educational, and career
19 development needs of such population, and the
20 current school counseling resources available for
21 meeting such needs;

22 “(B) describe the activities, services, and
23 training to be provided by the program and the
24 specific approaches to be used to meet the
25 needs described in subparagraph (A);

1 “(C) describe the methods to be used to
2 evaluate the outcomes and effectiveness of the
3 program;

4 “(D) describe the collaborative efforts to
5 be undertaken with institutions of higher edu-
6 cation, businesses, labor organizations, commu-
7 nity groups, social service agencies, and other
8 public or private entities to enhance the pro-
9 gram and promote school-linked services inte-
10 gration;

11 “(E) describe collaborative efforts with in-
12 stitutions of higher education which specifically
13 seek to enhance or improve graduate programs
14 specializing in the preparation of school coun-
15 selors, school psychologists, and school social
16 workers;

17 “(F) document that the applicant has the
18 personnel qualified to develop, implement, and
19 administer the program;

20 “(G) describe how any diverse cultural
21 populations, if applicable, would be served
22 through the program;

23 “(H) assure that the funds made available
24 under this part for any fiscal year will be used
25 to supplement and, to the extent practicable, in-

crease the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

“(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

“(c) USE OF FUNDS.—

“(1) IN GENERAL.—Grant funds under this section shall be used to initiate or expand school counseling programs that comply with the requirements in paragraph (2).

“(2) PROGRAM REQUIREMENTS.—Each program assisted under this section shall—

“(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

“(B) use a developmental, preventive approach to counseling;

1 “(C) increase the range, availability, quan-
2 tity, and quality of counseling services in the el-
3 ementary schools of the local educational agen-
4 cy;

5 “(D) expand counseling services only
6 through qualified school counselors, school psy-
7 chologists, and school social workers;

8 “(E) use innovative approaches to increase
9 children’s understanding of peer and family re-
10 lationships, work and self, decisionmaking, or
11 academic and career planning, or to improve so-
12 cial functioning;

13 “(F) provide counseling services that are
14 well-balanced among classroom group and small
15 group counseling, individual counseling, and
16 consultation with parents, teachers, administra-
17 tors, and other pupil services personnel;

18 “(G) include inservice training for school
19 counselors, school social workers, school psy-
20 chologists, other pupil services personnel, teach-
21 ers, and instructional staff;

22 “(H) involve parents of participating stu-
23 dents in the design, implementation, and eval-
24 uation of a counseling program;

1 “(I) involve collaborative efforts with insti-
2 tutions of higher education, businesses, labor
3 organizations, community groups, social service
4 agencies, or other public or private entities to
5 enhance the program and promote school-linked
6 services integration;

7 “(J) evaluate annually the effectiveness
8 and outcomes of the counseling services and ac-
9 tivities assisted under this section;

10 “(K) ensure a team approach to school
11 counseling by maintaining a ratio in the ele-
12 mentary schools of the local educational agency
13 that does not exceed 1 school counselor to 250
14 students, 1 school social worker to 800 stu-
15 dents, and 1 school psychologist to 1,000 stu-
16 dents; and

17 “(L) ensure that school counselors, school
18 psychologists, or school social workers paid
19 from funds made available under this section
20 spend at least 85 percent of their total
21 worktime at the school in activities directly re-
22 lated to the counseling process and not more
23 than 15 percent of such time on administrative
24 tasks that are associated with the counseling
25 program.

1 “(3) REPORT.—The Secretary shall issue a re-
2 port evaluating the programs assisted pursuant to
3 each grant under this subsection at the end of each
4 grant period in accordance with section 14701, but
5 in no case later than January 30, 2003.

6 “(4) DISSEMINATION.—The Secretary shall
7 make the programs assisted under this section avail-
8 able for dissemination, either through the National
9 Diffusion Network or other appropriate means.

10 “(5) LIMIT ON ADMINISTRATION.—Not more
11 than five percent of the amounts made available
12 under this section in any fiscal year shall be used for
13 administrative costs to carry out this section.

14 “(d) DEFINITIONS.—For purposes of this section—

15 “(1) the term ‘school counselor’ means an indi-
16 vidual who has documented competence in coun-
17 seling children and adolescents in a school setting
18 and who—

19 “(A) possesses State licensure or certifi-
20 cation granted by an independent professional
21 regulatory authority;

22 “(B) in the absence of such State licensure
23 or certification, possesses national certification
24 in school counseling or a specialty of counseling

1 granted by an independent professional organi-
2 zation; or

3 “(C) holds a minimum of a master’s de-
4 gree in school counseling from a program ac-
5 credited by the Council for Accreditation of
6 Counseling and Related Educational Programs
7 or the equivalent;

8 “(2) the term ‘school psychologist’ means an in-
9 dividual who—

10 “(A) possesses a minimum of 60 graduate
11 semester hours in school psychology from an in-
12 stitution of higher education and has completed
13 1,200 clock hours in a supervised school psy-
14 chology internship, of which 600 hours shall be
15 in the school setting;

16 “(B) possesses State licensure or certifi-
17 cation in the State in which the individual
18 works; or

19 “(C) in the absence of such State licensure
20 or certification, possesses national certification
21 by the National School Psychology Certification
22 Board;

23 “(3) the term ‘school social worker’ means an
24 individual who holds a master’s degree in social
25 work and is licensed or certified by the State in

1 which services are provided or holds a school social
2 work specialist credential; and

3 “(4) the term ‘supervisor’ means an individual
4 who has the equivalent number of years of profes-
5 sional experience in such individual’s respective dis-
6 cipline as is required of teaching experience for the
7 supervisor or administrative credential in the State
8 of such individual.

9 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section
11 \$15,000,000 for fiscal year 2000 and such sums as may
12 be necessary for each of the 4 succeeding fiscal years.”.

13 **SEC. 1639. CRIMINAL PROHIBITION ON DISTRIBUTION OF**
14 **CERTAIN INFORMATION RELATING TO EX-**
15 **PLOSIVES, DESTRUCTIVE DEVICES, AND**
16 **WEAPONS OF MASS DESTRUCTION.**

17 (a) UNLAWFUL CONDUCT.—Section 842 of title 18,
18 United States Code, is amended by adding at the end the
19 following:

20 “(p) DISTRIBUTION OF INFORMATION RELATING TO
21 EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF
22 MASS DESTRUCTION.—

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

24 “(A) The term ‘destructive device’ has the
25 same meaning as in section 921(a)(4).

1 “(B) The term ‘explosive’ has the same
2 meaning as in section 844(j).

3 “(C) The term ‘weapon of mass destruc-
4 tion’ has the same meaning as in section
5 2332a(c)(2).

6 “(2) PROHIBITION.—It shall be unlawful for
7 any person—

8 “(A) to teach or demonstrate the making
9 or use of an explosive, a destructive device, or
10 a weapon of mass destruction, or to distribute
11 by any means information pertaining to, in
12 whole or in part, the manufacture or use of an
13 explosive, destructive device, or weapon of mass
14 destruction, with the intent that the teaching,
15 demonstration, or information be used for, or in
16 furtherance of, an activity that constitutes a
17 Federal crime of violence; or

18 “(B) to teach or demonstrate to any per-
19 son the making or use of an explosive, a de-
20 structive device, or a weapon of mass destruc-
21 tion, or to distribute to any person, by any
22 means, information pertaining to, in whole or in
23 part, the manufacture or use of an explosive,
24 destructive device, or weapon of mass destruc-
25 tion, knowing that such person intends to use

1 the teaching, demonstration, or information for,
 2 or in furtherance of, an activity that constitutes
 3 a Federal crime of violence.”.

4 (b) PENALTIES.—Section 844 of title 18, United
 5 States Code, is amended—

6 (1) in subsection (a), by striking “person who
 7 violates any of subsections” and inserting the fol-
 8 lowing: “person who—

9 “(1) violates any of subsections”;

10 (2) by striking the period at the end and insert-
 11 ing “; and”;

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

13 “(2) violates subsection (p)(2) of section 842,
 14 shall be fined under this title, imprisoned not more
 15 than 20 years, or both.”; and

16 (4) in subsection (j), by striking “and (i)” and
 17 inserting “(i), and (p)”.

18 **Subtitle B—James Guelff Body**

19 **Armor Act**

20 **SEC. 1641. SHORT TITLE.**

21 This subtitle may be cited as the “James Guelff Body
 22 Armor Act of 1999”.

23 **SEC. 1642. FINDINGS.**

24 Congress finds that—

1 (1) nationally, police officers and ordinary citi-
2 zens are facing increased danger as criminals use
3 more deadly weaponry, body armor, and other so-
4 phisticated assault gear;

5 (2) crime at the local level is exacerbated by the
6 interstate movement of body armor and other as-
7 sault gear;

8 (3) there is a traffic in body armor moving in
9 or otherwise affecting interstate commerce, and ex-
10 isting Federal controls over such traffic do not ade-
11 quately enable the States to control this traffic with-
12 in their own borders through the exercise of their
13 police power;

14 (4) recent incidents, such as the murder of San
15 Francisco Police Officer James Guelff by an assail-
16 ant wearing 2 layers of body armor and a 1997
17 bank shoot out in north Hollywood, California, be-
18 tween police and 2 heavily armed suspects outfitted
19 in body armor, demonstrate the serious threat to
20 community safety posed by criminals who wear body
21 armor during the commission of a violent crime;

22 (5) of the approximately 1,200 officers killed in
23 the line of duty since 1980, more than 30 percent
24 could have been saved by body armor, and the risk

1 of dying from gunfire is 14 times higher for an offi-
2 cer without a bulletproof vest;

3 (6) the Department of Justice has estimated
4 that 25 percent of State and local police are not
5 issued body armor;

6 (7) the Federal Government is well-equipped to
7 grant local police departments access to body armor
8 that is no longer needed by Federal agencies; and

9 (8) Congress has the power, under the inter-
10 state commerce clause and other provisions of the
11 Constitution of the United States, to enact legisla-
12 tion to regulate interstate commerce that affects the
13 integrity and safety of our communities.

14 **SEC. 1643. DEFINITIONS.**

15 In this subtitle:

16 (1) **BODY ARMOR.**—The term “body armor”
17 means any product sold or offered for sale, in inter-
18 state or foreign commerce, as personal protective
19 body covering intended to protect against gunfire,
20 regardless of whether the product is to be worn
21 alone or is sold as a complement to another product
22 or garment.

23 (2) **LAW ENFORCEMENT AGENCY.**—The term
24 “law enforcement agency” means an agency of the
25 United States, a State, or a political subdivision of

1 a State, authorized by law or by a government agen-
2 cy to engage in or supervise the prevention, detec-
3 tion, investigation, or prosecution of any violation of
4 criminal law.

5 (3) LAW ENFORCEMENT OFFICER.—The term
6 “law enforcement officer” means any officer, agent,
7 or employee of the United States, a State, or a polit-
8 ical subdivision of a State, authorized by law or by
9 a government agency to engage in or supervise the
10 prevention, detection, investigation, or prosecution of
11 any violation of criminal law.

12 **SEC. 1644. AMENDMENT OF SENTENCING GUIDELINES**
13 **WITH RESPECT TO BODY ARMOR.**

14 (a) SENTENCING ENHANCEMENT.—The United
15 States Sentencing Commission shall amend the Federal
16 sentencing guidelines to provide an appropriate sentencing
17 enhancement, increasing the offense level not less than 2
18 levels, for any offense in which the defendant used body
19 armor.

20 (b) APPLICABILITY.—No amendment made to the
21 Federal Sentencing Guidelines pursuant to this section
22 shall apply if the Federal offense in which the body armor
23 is used constitutes a violation of, attempted violation of,
24 or conspiracy to violate the civil rights of any person by

1 a law enforcement officer acting under color of the author-
 2 ity of such law enforcement officer.

3 **SEC. 1645. PROHIBITION OF PURCHASE, USE, OR POSSES-**
 4 **SION OF BODY ARMOR BY VIOLENT FELONS.**

5 (a) DEFINITION OF BODY ARMOR.—Section 921 of
 6 title 18, United States Code, is amended by adding at the
 7 end the following:

8 “(35) The term ‘body armor’ means any prod-
 9 uct sold or offered for sale, in interstate or foreign
 10 commerce, as personal protective body covering in-
 11 tended to protect against gunfire, regardless of
 12 whether the product is to be worn alone or is sold
 13 as a complement to another product or garment.”.

14 (b) PROHIBITION.—

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

18 **“§ 931. Prohibition on purchase, ownership, or pos-**
 19 **session of body armor by violent felons**

20 “(a) IN GENERAL.—Except as provided in subsection
 21 (b), it shall be unlawful for a person to purchase, own,
 22 or possess body armor, if that person has been convicted
 23 of a felony that is—

24 “(1) a crime of violence (as defined in section
 25 16); or

1 “(2) an offense under State law that would con-
 2 stitute a crime of violence under paragraph (1) if it
 3 occurred within the special maritime and territorial
 4 jurisdiction of the United States.

5 “(b) AFFIRMATIVE DEFENSE.—

6 “(1) IN GENERAL.—It shall be an affirmative
 7 defense under this section that—

8 “(A) the defendant obtained prior written
 9 certification from his or her employer that the
 10 defendant’s purchase, use, or possession of body
 11 armor was necessary for the safe performance
 12 of lawful business activity; and

13 “(B) the use and possession by the defend-
 14 ant were limited to the course of such perform-
 15 ance.

16 “(2) EMPLOYER.—In this subsection, the term
 17 ‘employer’ means any other individual employed by
 18 the defendant’s business that supervises defendant’s
 19 activity. If that defendant has no supervisor, prior
 20 written certification is acceptable from any other
 21 employee of the business.”.

22 “(2) CLERICAL AMENDMENT.—The analysis for
 23 chapter 44 of title 18, United States Code, is
 24 amended by adding at the end the following:

“931. Prohibition on purchase, ownership, or possession of body armor by vio-
 lent felons.”.

1 (c) PENALTIES.—Section 924(a) of title 18, United
 2 States Code, is amended by adding at the end the fol-
 3 lowing:

4 “(7) Whoever knowingly violates section 931 shall be
 5 fined under this title, imprisoned not more than 3 years,
 6 or both.”.

7 **SEC. 1646. DONATION OF FEDERAL SURPLUS BODY ARMOR**
 8 **TO STATE AND LOCAL LAW ENFORCEMENT**
 9 **AGENCIES.**

10 (a) DEFINITIONS.—In this section, the terms “Fed-
 11 eral agency” and “surplus property” have the meanings
 12 given such terms under section 3 of the Federal Property
 13 and Administrative Services Act of 1949 (40 U.S.C. 472).

14 (b) DONATION OF BODY ARMOR.—Notwithstanding
 15 section 203 of the Federal Property and Administrative
 16 Services Act of 1949 (40 U.S.C. 484), the head of a Fed-
 17 eral agency may donate body armor directly to any State
 18 or local law enforcement agency, if such body armor is—

19 (1) in serviceable condition; and

20 (2) surplus property.

21 (c) NOTICE TO ADMINISTRATOR.—The head of a
 22 Federal agency who donates body armor under this section
 23 shall submit to the Administrator of General Services a
 24 written notice identifying the amount of body armor do-

1 nated and each State or local law enforcement agency that
2 received the body armor.

3 (d) DONATION BY CERTAIN OFFICERS.—

4 (1) DEPARTMENT OF JUSTICE.—In the admin-
5 istration of this section with respect to the Depart-
6 ment of Justice, in addition to any other officer of
7 the Department of Justice designated by the Attor-
8 ney General, the following officers may act as the
9 head of a Federal agency:

10 (A) The Administrator of the Drug En-
11 forcement Administration.

12 (B) The Director of the Federal Bureau of
13 Investigation.

14 (C) The Commissioner of the Immigration
15 and Naturalization Service.

16 (D) The Director of the United States
17 Marshals Service.

18 (2) DEPARTMENT OF THE TREASURY.—In the
19 administration of this section with respect to the De-
20 partment of the Treasury, in addition to any other
21 officer of the Department of the Treasury des-
22 ignated by the Secretary of the Treasury, the fol-
23 lowing officers may act as the head of a Federal
24 agency:

1 (A) The Director of the Bureau of Alcohol,
2 Tobacco, and Firearms.

3 (B) The Commissioner of Customs.

4 (C) The Director of the United States Se-
5 cret Service.

6 **SEC. 1647. ADDITIONAL FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) Officer Dale Claxton of the Cortez, Colo-
9 rado, Police Department was shot and killed by bul-
10 lets that passed through the windshield of his police
11 car after he stopped a stolen truck, and his life may
12 have been saved if his police car had been equipped
13 with bullet resistant equipment;

14 (2) the number of law enforcement officers who
15 are killed in the line of duty would significantly de-
16 crease if every law enforcement officer in the United
17 States had access to additional bullet resistant
18 equipment;

19 (3) according to studies, between 1985 and
20 1994, 709 law enforcement officers in the United
21 States were feloniously killed in the line of duty;

22 (4) the Federal Bureau of Investigation esti-
23 mates that the risk of fatality to law enforcement of-
24 ficers while not wearing bullet resistant equipment,

1 such as an armor vest, is 14 times higher than for
2 officers wearing an armor vest;

3 (5) according to studies, between 1985 and
4 1994, bullet-resistant materials helped save the lives
5 of more than 2,000 law enforcement officers in the
6 United States; and

7 (6) the Executive Committee for Indian Coun-
8 try Law Enforcement Improvements reports that
9 violent crime in Indian country has risen sharply de-
10 spite a decrease in the national crime rate, and has
11 concluded that there is a “public safety crisis in In-
12 dian country”.

13 (b) PURPOSE.—The purpose of this chapter is to save
14 lives of law enforcement officers by helping State, local,
15 and tribal law enforcement agencies provide officers with
16 bullet resistant equipment and video cameras.

17 **SEC. 1648. MATCHING GRANT PROGRAMS FOR LAW EN-**
18 **FORCEMENT BULLET RESISTANT EQUIP-**
19 **MENT AND FOR VIDEO CAMERAS.**

20 (a) IN GENERAL.—Part Y of title I of the Omnibus
21 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
22 3796ll et seq.) is amended—

23 (1) by striking the part designation and part
24 heading and inserting the following:

1 **“PART Y—MATCHING GRANT PROGRAMS**
2 **FOR LAW ENFORCEMENT**

3 **“Subpart A—Grant Program For Armor**
4 **Vests”;**

5 (2) by striking “this part” each place it appears
6 and inserting “this subpart”; and

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

8 **“Subpart B—Grant Program For Bullet**
9 **Resistant Equipment**

10 **“SEC. 2511. PROGRAM AUTHORIZED.**

11 “(a) IN GENERAL.—The Director of the Bureau of
12 Justice Assistance is authorized to make grants to
13 States, units of local government, and Indian tribes to
14 purchase bullet resistant equipment for use by State,
15 local, and tribal law enforcement officers.

16 “(b) USES OF FUNDS.—Grants awarded under this
17 section shall be—

18 “(1) distributed directly to the State, unit of
19 local government, or Indian tribe; and

20 “(2) used for the purchase of bullet resistant
21 equipment for law enforcement officers in the juris-
22 diction of the grantee.

23 “(c) PREFERENTIAL CONSIDERATION.—In awarding
24 grants under this subpart, the Director of the Bureau of

1 Justice Assistance may give preferential consideration, if
2 feasible, to an application from a jurisdiction that—

3 “(1) has the greatest need for bullet resistant
4 equipment based on the percentage of law enforce-
5 ment officers in the department who do not have ac-
6 cess to a vest;

7 “(2) has a violent crime rate at or above the
8 national average as determined by the Federal Bu-
9 reau of Investigation; or

10 “(3) has not received a block grant under the
11 Local Law Enforcement Block Grant program de-
12 scribed under the heading ‘Violent Crime Reduction
13 Programs, State and Local Law Enforcement As-
14 sistance’ of the Departments of Commerce, Justice,
15 and State, the Judiciary, and Related Agencies Ap-
16 propriations Act, 1998 (Public Law 105–119).

17 “(d) MINIMUM AMOUNT.—Unless all eligible applica-
18 tions submitted by any State or unit of local government
19 within such State for a grant under this section have been
20 funded, such State, together with grantees within the
21 State (other than Indian tribes), shall be allocated in each
22 fiscal year under this section not less than 0.25 percent
23 of the total amount appropriated in the fiscal year for
24 grants pursuant to this section except that the United
25 States Virgin Islands, American Samoa, Guam, and the

1 Northern Mariana Islands shall each be allocated 0.10
2 percent.

3 “(e) MAXIMUM AMOUNT.—A qualifying State, unit of
4 local government, or Indian tribe may not receive more
5 than 5 percent of the total amount appropriated in each
6 fiscal year for grants under this section, except that a
7 State, together with the grantees within the State may not
8 receive more than 20 percent of the total amount appro-
9 priated in each fiscal year for grants under this section.

10 “(f) MATCHING FUNDS.—The portion of the costs of
11 a program provided by a grant under subsection (a) may
12 not exceed 50 percent. Any funds appropriated by Con-
13 gress for the activities of any agency of an Indian tribal
14 government or the Bureau of Indian Affairs performing
15 law enforcement functions on any Indian lands may be
16 used to provide the non-Federal share of a matching re-
17 quirement funded under this subsection.

18 “(g) ALLOCATION OF FUNDS.—At least half of the
19 funds available under this subpart shall be awarded to
20 units of local government with fewer than 100,000 resi-
21 dents.

22 **“SEC. 2512. APPLICATIONS.**

23 “(a) IN GENERAL.—To request a grant under this
24 subpart, the chief executive of a State, unit of local gov-
25 ernment, or Indian tribe shall submit an application to

1 the Director of the Bureau of Justice Assistance in such
2 form and containing such information as the Director may
3 reasonably require.

4 “(b) REGULATIONS.—Not later than 90 days after
5 the date of the enactment of this subpart, the Director
6 of the Bureau of Justice Assistance shall promulgate regu-
7 lations to implement this section (including the informa-
8 tion that must be included and the requirements that the
9 States, units of local government, and Indian tribes must
10 meet) in submitting the applications required under this
11 section.

12 “(c) ELIGIBILITY.—A unit of local government that
13 receives funding under the Local Law Enforcement Block
14 Grant program (described under the heading ‘Violent
15 Crime Reduction Programs, State and Local Law En-
16 forcement Assistance’ of the Departments of Commerce,
17 Justice, and State, the Judiciary, and Related Agencies
18 Appropriations Act, 1998 (Public Law 104–119)) during
19 a fiscal year in which it submits an application under this
20 subpart shall not be eligible for a grant under this subpart
21 unless the chief executive officer of such unit of local gov-
22 ernment certifies and provides an explanation to the Di-
23 rector that the unit of local government considered or will
24 consider using funding received under the block grant pro-
25 gram for any or all of the costs relating to the purchase

1 of bullet resistant equipment, but did not, or does not ex-
2 pect to use such funds for such purpose.

3 **“SEC. 2513. DEFINITIONS.**

4 “In this subpart—

5 “(1) the term ‘equipment’ means windshield
6 glass, car panels, shields, and protective gear;

7 “(2) the term ‘State’ means each of the 50
8 States, the District of Columbia, the Commonwealth
9 of Puerto Rico, the United States Virgin Islands,
10 American Samoa, Guam, and the Northern Mariana
11 Islands;

12 “(3) the term ‘unit of local government’ means
13 a county, municipality, town, township, village, par-
14 ish, borough, or other unit of general government
15 below the State level;

16 (4) the term ‘Indian tribe’ has the same mean-
17 ing as in section 4(e) of the Indian Self-Determina-
18 tion and Education Assistance Act (25 U.S.C.
19 450b(e)); and

20 “(5) the term ‘law enforcement officer’ means
21 any officer, agent, or employee of a State, unit of
22 local government, or Indian tribe authorized by law
23 or by a government agency to engage in or supervise
24 the prevention, detection, or investigation of any vio-

1 lation of criminal law, or authorized by law to super-
2 vise sentenced criminal offenders.

3 **“Subpart C—Grant Program For Video**
4 **Cameras**

5 **“SEC. 2521. PROGRAM AUTHORIZED.**

6 “(a) IN GENERAL.—The Director of the Bureau of
7 Justice Assistance is authorized to make grants to States,
8 units of local government, and Indian tribes to purchase
9 video cameras for use by State, local, and tribal law en-
10 forcement agencies in law enforcement vehicles.

11 “(b) USES OF FUNDS.—Grants awarded under this
12 section shall be—

13 “(1) distributed directly to the State, unit of
14 local government, or Indian tribe; and

15 “(2) used for the purchase of video cameras for
16 law enforcement vehicles in the jurisdiction of the
17 grantee.

18 “(c) PREFERENTIAL CONSIDERATION.—In awarding
19 grants under this subpart, the Director of the Bureau of
20 Justice Assistance may give preferential consideration, if
21 feasible, to an application from a jurisdiction that—

22 “(1) has the greatest need for video cameras,
23 based on the percentage of law enforcement officers
24 in the department do not have access to a law en-
25 forcement vehicle equipped with a video camera;

1 “(2) has a violent crime rate at or above the
2 national average as determined by the Federal Bu-
3 reau of Investigation; or

4 “(3) has not received a block grant under the
5 Local Law Enforcement Block Grant program de-
6 scribed under the heading ‘Violent Crime Reduction
7 Programs, State and Local Law Enforcement As-
8 sistance’ of the Departments of Commerce, Justice,
9 and State, the Judiciary, and Related Agencies Ap-
10 propriations Act, 1998 (Public Law 105–119).

11 “(d) MINIMUM AMOUNT.—Unless all eligible applica-
12 tions submitted by any State or unit of local government
13 within such State for a grant under this section have been
14 funded, such State, together with grantees within the
15 State (other than Indian tribes), shall be allocated in each
16 fiscal year under this section not less than 0.25 percent
17 of the total amount appropriated in the fiscal year for
18 grants pursuant to this section, except that the United
19 States Virgin Islands, American Samoa, Guam, and the
20 Northern Mariana Islands shall each be allocated 0.10
21 percent.

22 “(e) MAXIMUM AMOUNT.—A qualifying State, unit of
23 local government, or Indian tribe may not receive more
24 than 5 percent of the total amount appropriated in each
25 fiscal year for grants under this section, except that a

1 State, together with the grantees within the State may not
2 receive more than 20 percent of the total amount appro-
3 priated in each fiscal year for grants under this section.

4 “(f) MATCHING FUNDS.—The portion of the costs of
5 a program provided by a grant under subsection (a) may
6 not exceed 50 percent. Any funds appropriated by Con-
7 gress for the activities of any agency of an Indian tribal
8 government or the Bureau of Indian Affairs performing
9 law enforcement functions on any Indian lands may be
10 used to provide the non-Federal share of a matching re-
11 quirement funded under this subsection.

12 “(g) ALLOCATION OF FUNDS.—At least half of the
13 funds available under this subpart shall be awarded to
14 units of local government with fewer than 100,000 resi-
15 dents.

16 **“SEC. 2522. APPLICATIONS.**

17 “(a) IN GENERAL.—To request a grant under this
18 subpart, the chief executive of a State, unit of local gov-
19 ernment, or Indian tribe shall submit an application to
20 the Director of the Bureau of Justice Assistance in such
21 form and containing such information as the Director may
22 reasonably require.

23 “(b) REGULATIONS.—Not later than 90 days after
24 the date of the enactment of this subpart, the Director
25 of the Bureau of Justice Assistance shall promulgate regu-

1 lations to implement this section (including the informa-
2 tion that must be included and the requirements that the
3 States, units of local government, and Indian tribes must
4 meet) in submitting the applications required under this
5 section.

6 “(c) ELIGIBILITY.—A unit of local government that
7 receives funding under the Local Law Enforcement Block
8 Grant program (described under the heading ‘Violent
9 Crime Reduction Programs, State and Local Law En-
10 forcement Assistance’ of the Departments of Commerce,
11 Justice, and State, the Judiciary, and Related Agencies
12 Appropriations Act, 1998 (Public Law 105–119)) during
13 a fiscal year in which it submits an application under this
14 subpart shall not be eligible for a grant under this subpart
15 unless the chief executive officer of such unit of local gov-
16 ernment certifies and provides an explanation to the Di-
17 rector that the unit of local government considered or will
18 consider using funding received under the block grant pro-
19 gram for any or all of the costs relating to the purchase
20 of video cameras, but did not, or does not expect to use
21 such funds for such purpose.

22 **“SEC. 2523. DEFINITIONS.**

23 “In this subpart—

24 “(1) the term ‘Indian tribe’ has the same mean-
25 ing as in section 4(e) of the Indian Self-Determina-

1 tion and Education Assistance Act (25 U.S.C.
2 450b(e));

3 “(2) the term ‘law enforcement officer’ means
4 any officer, agent, or employee of a State, unit of
5 local government, or Indian tribe authorized by law
6 or by a government agency to engage in or supervise
7 the prevention, detection, or investigation of any vio-
8 lation of criminal law, or authorized by law to super-
9 vise sentenced criminal offenders;

10 “(3) the term ‘State’ means each of the 50
11 States, the District of Columbia, the Commonwealth
12 of Puerto Rico, the United States Virgin Islands,
13 American Samoa, Guam, and the Northern Mariana
14 Islands; and

15 “(4) the term ‘unit of local government’ means
16 a county, municipality, town, township, village, par-
17 ish, borough, or other unit of general government
18 below the State level.”.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
20 1001(a) of the Omnibus Crime Control and Safe Streets
21 Act of 1968 (42 U.S.C. 3793(a)) is amended by striking
22 paragraph (23) and inserting the following:

23 “(23) There are authorized to be appropriated to
24 carry out part Y—

1 “(A) \$25,000,000 for each of fiscal years 2000
2 through 2002 for grants under subpart A of that
3 part;

4 “(B) \$40,000,000 for each of fiscal years 2000
5 through 2002 for grants under subpart B of that
6 part; and

7 “(C) \$25,000,000 for each of fiscal years 2000
8 through 2002 for grants under subpart C of that
9 part.”.

10 (c) CLERICAL AMENDMENTS.—The table of contents
11 of title I of the Omnibus Crime Control and Safe Streets
12 Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

13 (1) by striking the item relating to the part
14 heading of part Y and inserting the following:

“PART Y—MATCHING GRANTS PROGRAMS FOR LAW ENFORCEMENT

“SUBPART A—GRANT PROGRAM FOR ARMOR VESTS”; AND

15 (2) by adding at the end of the matter relating
16 to part Y the following:

“SUBPART B—GRANT PROGRAM FOR BULLET RESISTANT EQUIPMENT

“2511. Program authorized.

“2512. Applications.

“2513. Definitions.

“SUBPART C—GRANT PROGRAM FOR VIDEO CAMERAS

“2521. Program authorized.

“2522. Applications.

“2523. Definitions.”.

17 **SEC. 1649. SENSE OF CONGRESS.**

18 In the case of any equipment or products that may
19 be authorized to be purchased with financial assistance

1 provided using funds appropriated or otherwise made
2 available under subpart B or C of part Y of title I of the
3 Omnibus Crime Control and Safe Streets Act of 1968, as
4 added by this chapter, it is the sense of the Congress that
5 entities receiving the assistance should, in expending the
6 assistance, purchase only American-made equipment and
7 products.

8 **SEC. 1650. TECHNOLOGY DEVELOPMENT.**

9 Section 202 of the Omnibus Crime Control and Safe
10 Streets Act of 1968 (42 U.S.C. 3722) is amended by add-
11 ing at the end the following:

12 “(e) BULLET RESISTANT TECHNOLOGY DEVELOP-
13 MENT.—

14 “(1) IN GENERAL.—The Institute is authorized
15 to—

16 “(A) conduct research and otherwise work
17 to develop new bullet resistant technologies (i.e.,
18 acrylic, polymers, aluminized material, and
19 transparent ceramics) for use in police equip-
20 ment (including windshield glass, car panels,
21 shields, and protective gear);

22 “(B) inventory bullet resistant technologies
23 used in the private sector, in surplus military
24 property, and by foreign countries;

1 “(C) promulgate relevant standards for,
 2 and conduct technical and operational testing
 3 and evaluation of, bullet resistant technology
 4 and equipment, and otherwise facilitate the use
 5 of that technology in police equipment.

6 “(2) PRIORITY.—In carrying out this sub-
 7 section, the Institute shall give priority in testing
 8 and engineering surveys to law enforcement partner-
 9 ships developed in coordination with High Intensity
 10 Drug Trafficking Areas.

11 “(3) AUTHORIZATION OF APPROPRIATIONS.—
 12 There is authorized to be appropriated to carry out
 13 this subsection \$3,000,000 for fiscal years 2000
 14 through 2002.”.

15 **SEC. 1651. MATCHING GRANT PROGRAM FOR LAW EN-**
 16 **FORCEMENT ARMOR VESTS.**

17 Section 2501(f) of the Omnibus Crime Control and
 18 Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is
 19 amended—

20 (1) by striking “The portion” and inserting the
 21 following:

22 “(1) IN GENERAL.—Subject to paragraph (2),
 23 the portion”; and

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

1 “(2) WAIVER.—The Director may waive, in
 2 whole or in part, the requirement of paragraph (1)
 3 in the case of fiscal hardship, as determined by the
 4 Director.”.

5 **Subtitle C—Animal Enterprise**
 6 **Terrorism and Ecoterrorism**

7 **SEC. 1652. ENHANCEMENT OF PENALTIES FOR ANIMAL EN-**
 8 **TERPRISE TERRORISM.**

9 Section 43 of title 18, United States Code, is
 10 amended—

11 (1) in subsection (a)—

12 (A), by striking “under this title” and in-
 13 serting “consistent with this title or double the
 14 amount of damages, whichever is greater,”; and

15 (B) by striking “one year” and inserting
 16 “five years”; and

17 (2) in subsection (b)—

18 (A) by redesignating paragraph (2) as
 19 paragraph (3);

20 (B) by inserting after paragraph (1) the
 21 following new paragraph (2):

22 “(2) EXPLOSIVES OR ARSON.—Who-
 23 ever in the course of a violation of sub-
 24 section (a) maliciously damages or de-
 25 stroys, or attempts to damage or destroy,

1 by means of fire or an explosive, any build-
2 ing, vehicle, or other real or personal prop-
3 erty used by the animal enterprise shall be
4 imprisoned for not less than 5 years and
5 not more than 20 years, fined under this
6 title, or both.”; and

7 (C) in paragraph (3), as so redesignated,
8 by striking “under this title and” and all that
9 follows through the period and inserting “under
10 this title, imprisoned for life or for any term of
11 years, or sentenced to death.”.

12 **SEC. 1653. NATIONAL ANIMAL TERRORISM AND**
13 **ECOTERRORISM INCIDENT CLEARINGHOUSE.**

14 (a) IN GENERAL.—The Director shall establish and
15 maintain a national clearinghouse for information on inci-
16 dents of crime and terrorism—

17 (1) committed against or directed at any animal
18 enterprise;

19 (2) committed against or directed at any com-
20 mercial activity because of the perceived impact or
21 effect of such commercial activity on the environ-
22 ment; or

23 (3) committed against or directed at any person
24 because of such person’s perceived connection with

1 or support of any enterprise or activity described in
2 paragraph (1) or (2).

3 (b) CLEARINGHOUSE.—The clearinghouse established
4 under subsection (a) shall—

5 (1) accept, collect, and maintain information on
6 incidents described in subsection (a) that is sub-
7 mitted to the clearinghouse by Federal, State, and
8 local law enforcement agencies, by law enforcement
9 agencies of foreign countries, and by victims of such
10 incidents;

11 (2) collate and index such information for pur-
12 poses of cross-referencing; and

13 (3) upon request from a Federal, State, or local
14 law enforcement agency, or from a law enforcement
15 agency of a foreign country, provide such informa-
16 tion to assist in the investigation of an incident de-
17 scribed in subsection (a).

18 (c) SCOPE OF INFORMATION.—The information
19 maintained by the clearinghouse for each incident shall,
20 to the extent practicable, include—

21 (1) the date, time, and place of the incident;

22 (2) details of the incident;

23 (3) any available information on suspects or
24 perpetrators of the incident; and

25 (4) any other relevant information.

1 (d) DESIGN OF CLEARINGHOUSE.—The clearing-
2 house shall be designed for maximum ease of use by par-
3 ticipating law enforcement agencies.

4 (e) PUBLICITY.—The Director shall publicize the ex-
5 istence of the clearinghouse to law enforcement agencies
6 by appropriate means.

7 (f) RESOURCES.—In establishing and maintaining
8 the clearinghouse, the Director may—

9 (1) through the Attorney General, utilize the re-
10 sources of any other department or agency of the
11 Federal Government; and

12 (2) accept assistance and information from pri-
13 vate organizations or individuals.

14 (g) COORDINATION.—The Director shall carry out
15 the Director's responsibilities under this section in co-
16 operation with the Director of the Bureau of Alcohol, To-
17 bacco, and Firearms.

18 (h) DEFINITIONS.—In this section:

19 (1) The term “animal enterprise” has the same
20 meaning as in section 43 of title 18, United States
21 Code.

22 (2) The term “Director” means the Director of
23 the Federal Bureau of Investigation.

24 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
25 hereby authorized to be appropriated for fiscal years 2000,

1 2001, 2002, 2003, and 2004 such sums as are necessary
2 to carry out this section.

3 **Subtitle D—Jail-Based Substance**
4 **Abuse**

5 **SEC. 1654. JAIL-BASED SUBSTANCE ABUSE TREATMENT**
6 **PROGRAMS.**

7 (a) USE OF RESIDENTIAL SUBSTANCE ABUSE
8 TREATMENT GRANTS TO PROVIDE AFTERCARE SERV-
9 ICES.—Section 1901 of part S of the Omnibus Crime Con-
10 trol and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1)
11 is amended by adding at the end the following:

12 “(f) USE OF GRANT AMOUNTS FOR NONRESIDEN-
13 TIAL AFTERCARE SERVICES.—A State may use amounts
14 received under this part to provide nonresidential sub-
15 stance abuse treatment aftercare services for inmates or
16 former inmates that meet the requirements of subsection
17 (c), if the chief executive officer of the State certifies to
18 the Attorney General that the State is providing, and will
19 continue to provide, an adequate level of residential treat-
20 ment services.”.

21 (b) JAIL-BASED SUBSTANCE ABUSE TREATMENT.—
22 Part S of title I of the Omnibus Crime Control and Safe
23 Streets Act of 1968 (42 U.S.C. 3796ff et seq.) is amended
24 by adding at the end the following:

1 **“SEC. 1906. JAIL-BASED SUBSTANCE ABUSE TREATMENT.**

2 “(a) DEFINITIONS.—In this section—

3 “(1) the term ‘jail-based substance abuse treat-
4 ment program’ means a course of individual and
5 group activities, lasting for a period of not less than
6 3 months, in an area of a correctional facility set
7 apart from the general population of the correctional
8 facility, if those activities are—

9 “(A) directed at the substance abuse prob-
10 lems of prisoners; and

11 “(B) intended to develop the cognitive, be-
12 havioral, social, vocational, and other skills of
13 prisoners in order to address the substance
14 abuse and related problems of prisoners; and

15 “(2) the term ‘local correctional facility’ means
16 any correctional facility operated by a unit of local
17 government.

18 “(b) AUTHORIZATION.—

19 “(1) IN GENERAL.—Not less than 10 percent of
20 the total amount made available to a State under
21 section 1904(a) for any fiscal year may be used by
22 the State to make grants to local correctional facili-
23 ties in the State for the purpose of assisting jail-
24 based substance abuse treatment programs estab-
25 lished by those local correctional facilities.

1 “(2) FEDERAL SHARE.—The Federal share of a
2 grant made by a State under this section to a local
3 correctional facility may not exceed 75 percent of
4 the total cost of the jail-based substance abuse treat-
5 ment program described in the application submitted
6 under subsection (c) for the fiscal year for which the
7 program receives assistance under this section.

8 “(c) APPLICATIONS.—

9 “(1) IN GENERAL.—To be eligible to receive a
10 grant from a State under this section for a jail-
11 based substance abuse treatment program, the chief
12 executive of a local correctional facility shall submit
13 to the State, in such form and containing such infor-
14 mation as the State may reasonably require, an ap-
15 plication that meets the requirements of paragraph
16 (2).

17 “(2) APPLICATION REQUIREMENTS.—Each ap-
18 plication submitted under paragraph (1) shall
19 include—

20 “(A) with respect to the jail-based sub-
21 stance abuse treatment program for which as-
22 sistance is sought, a description of the program
23 and a written certification that—

24 “(i) the program has been in effect
25 for not less than 2 consecutive years before

1 the date on which the application is sub-
2 mitted; and

3 “(ii) the local correctional facility
4 will—

5 “(I) coordinate the design and
6 implementation of the program be-
7 tween local correctional facility rep-
8 resentatives and the appropriate State
9 and local alcohol and substance abuse
10 agencies;

11 “(II) implement (or continue to
12 require) urinalysis or other proven re-
13 liable forms of substance abuse test-
14 ing of individuals participating in the
15 program, including the testing of indi-
16 viduals released from the jail-based
17 substance abuse treatment program
18 who remain in the custody of the local
19 correctional facility; and

20 “(III) carry out the program in
21 accordance with guidelines, which
22 shall be established by the State, in
23 order to guarantee each participant in
24 the program access to consistent, con-
25 tinual care if transferred to a dif-

1 ferent local correctional facility within
2 the State;

3 “(B) written assurances that Federal
4 funds received by the local correctional facility
5 from the State under this section will be used
6 to supplement, and not to supplant, non-Fed-
7 eral funds that would otherwise be available for
8 jail-based substance abuse treatment programs
9 assisted with amounts made available to the
10 local correctional facility under this section; and

11 “(C) a description of the manner in which
12 amounts received by the local correctional facil-
13 ity from the State under this section will be co-
14 ordinated with Federal assistance for substance
15 abuse treatment and aftercare services provided
16 to the local correctional facility by the Sub-
17 stance Abuse and Mental Health Services Ad-
18 ministration of the Department of Health and
19 Human Services.

20 “(d) REVIEW OF APPLICATIONS.—

21 “(1) IN GENERAL.—Upon receipt of an applica-
22 tion under subsection (c), the State shall—

23 “(A) review the application to ensure that
24 the application, and the jail-based residential
25 substance abuse treatment program for which a

1 grant under this section is sought, meet the re-
2 quirements of this section; and

3 “(B) if so, make an affirmative finding in
4 writing that the jail-based substance abuse
5 treatment program for which assistance is
6 sought meets the requirements of this section.

7 “(2) APPROVAL.—Based on the review con-
8 ducted under paragraph (1), not later than 90 days
9 after the date on which an application is submitted
10 under subsection (c), the State shall—

11 “(A) approve the application, disapprove
12 the application, or request a continued evalua-
13 tion of the application for an additional period
14 of 90 days; and

15 “(B) notify the applicant of the action
16 taken under subparagraph (A) and, with re-
17 spect to any denial of an application under sub-
18 paragraph (A), afford the applicant an oppor-
19 tunity for reconsideration.

20 “(3) ELIGIBILITY FOR PREFERENCE WITH
21 AFTERCARE COMPONENT.—

22 “(A) IN GENERAL.—In making grants
23 under this section, a State shall give preference
24 to applications from local correctional facilities
25 that ensure that each participant in the jail-

1 based substance abuse treatment program for
2 which a grant under this section is sought, is
3 required to participate in an aftercare services
4 program that meets the requirements of sub-
5 paragraph (B), for a period of not less than 1
6 year following the earlier of—

7 “(i) the date on which the participant
8 completes the jail-based substance abuse
9 treatment program; or

10 “(ii) the date on which the participant
11 is released from the correctional facility at
12 the end of the participant’s sentence or is
13 released on parole.

14 “(B) **AFTERCARE SERVICES PROGRAM RE-**
15 **QUIREMENTS.**—For purposes of subparagraph
16 (A), an aftercare services program meets the re-
17 quirements of this paragraph if the program—

18 “(i) in selecting individuals for par-
19 ticipation in the program, gives priority to
20 individuals who have completed a jail-based
21 substance abuse treatment program;

22 “(ii) requires each participant in the
23 program to submit to periodic substance
24 abuse testing; and

1 “(iii) involves the coordination be-
2 tween the jail-based substance abuse treat-
3 ment program and other human service
4 and rehabilitation programs that may as-
5 sist in the rehabilitation of program par-
6 ticipants, such as—

7 “(I) educational and job training
8 programs;

9 “(II) parole supervision pro-
10 grams;

11 “(III) half-way house programs;
12 and

13 “(IV) participation in self-help
14 and peer group programs; and

15 “(iv) assists in placing jail-based sub-
16 stance abuse treatment program partici-
17 pants with appropriate community sub-
18 stance abuse treatment facilities upon re-
19 lease from the correctional facility at the
20 end of a sentence or on parole.

21 “(e) COORDINATION AND CONSULTATION.—

22 “(1) COORDINATION.—Each State that makes
23 1 or more grants under this section in any fiscal
24 year shall, to the maximum extent practicable, im-
25 plement a statewide communications network with

1 the capacity to track the participants in jail-based
2 substance abuse treatment programs established by
3 local correctional facilities in the State as those par-
4 ticipants move between local correctional facilities
5 within the State.

6 “(2) CONSULTATION.—Each State described in
7 paragraph (1) shall consult with the Attorney Gen-
8 eral and the Secretary of Health and Human Serv-
9 ices to ensure that each jail-based substance abuse
10 treatment program assisted with a grant made by
11 the State under this section incorporates applicable
12 components of comprehensive approaches, including
13 relapse prevention and aftercare services.

14 “(f) USE OF GRANT AMOUNTS.—

15 “(1) IN GENERAL.—Each local correctional fa-
16 cility that receives a grant under this section shall
17 use the grant amount solely for the purpose of car-
18 rying out the jail-based substance abuse treatment
19 program described in the application submitted
20 under subsection (c).

21 “(2) ADMINISTRATION.—Each local correctional
22 facility that receives a grant under this section shall
23 carry out all activities relating to the administration
24 of the grant amount, including reviewing the manner
25 in which the amount is expended, processing, moni-

1 toring the progress of the program assisted, finan-
2 cial reporting, technical assistance, grant adjust-
3 ments, accounting, auditing, and fund disbursement.

4 “(3) RESTRICTION.—A local correctional facil-
5 ity may not use any amount of a grant under this
6 section for land acquisition or a construction project.

7 “(g) REPORTING REQUIREMENT; PERFORMANCE RE-
8 VIEW.—

9 “(1) REPORTING REQUIREMENT.—Not later
10 than March 1 of each year, each local correctional
11 facility that receives a grant under this section shall
12 submit to the Attorney General, through the State,
13 a description and evaluation of the jail-based sub-
14 stance abuse treatment program carried out by the
15 local correctional facility with the grant amount, in
16 such form and containing such information as the
17 Attorney General may reasonably require.

18 “(2) PERFORMANCE REVIEW.—The Attorney
19 General shall conduct an annual review of each jail-
20 based substance abuse treatment program assisted
21 under this section, in order to verify the compliance
22 of local correctional facilities with the requirements
23 of this section.

1 “(h) NO EFFECT ON STATE ALLOCATION.—Nothing
 2 in this section shall be construed to affect the allocation
 3 of amounts to States under section 1904(a).”.

4 (c) TECHNICAL AMENDMENT.—The table of contents
 5 for title I of the Omnibus Crime Control and Safe Streets
 6 Act of 1968 (42 U.S.C. 3711 et seq.) is amended, in the
 7 matter relating to part S, by adding at the end the fol-
 8 lowing:

“1906. Jail-based substance abuse treatment.”.

9 **Subtitle E—Safe School Security**

10 **SEC. 1655. SHORT TITLE.**

11 This subtitle may be cited as the “Safe School Secu-
 12 rity Act of 1999”.

13 **SEC. 1656. ESTABLISHMENT OF SCHOOL SECURITY TECH-** 14 **NOLOGY CENTER.**

15 (a) SCHOOL SECURITY TECHNOLOGY CENTER.—

16 (1) ESTABLISHMENT.—The Attorney General,
 17 the Secretary of Education, and the Secretary of
 18 Energy shall enter into an agreement for the estab-
 19 lishment at the Sandia National Laboratories, in
 20 partnership with the National Law Enforcement and
 21 Corrections Technology Center—Southeast and the
 22 National Center for Rural Law Enforcement, of a
 23 center to be known as the “School Security Tech-
 24 nology Center”. The School Security Technology

1 Center shall be administered by the Attorney Gen-
 2 eral.

3 (2) FUNCTIONS.—The School Security Tech-
 4 nology Center shall be a resource to local edu-
 5 cational agencies for school security assessments, se-
 6 curity technology development, technology avail-
 7 ability and implementation, and technical assistance
 8 relating to improving school security. The School Se-
 9 curity Technology Center shall also conduct and
 10 publish research on school violence, coalesce data
 11 from victim groups, and monitor and report on
 12 schools that implement school security strategies.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
 14 authorized to be appropriated to carry out this section—

15 (1) \$3,700,000 for fiscal year 2000;

16 (2) \$3,800,000 for fiscal year 2001; and

17 (3) \$3,900,000 for fiscal year 2002.

18 **SEC. 1657. GRANTS FOR LOCAL SCHOOL SECURITY PRO-**
 19 **GRAMS.**

20 Subpart 1 of part A of title IV of the Elementary
 21 and Secondary Education Act of 1965 (20 U.S.C. 7111
 22 et seq.) is amended by adding at the end the following:

23 **“SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.**

24 **“(a) IN GENERAL.—**

1 “(1) GRANTS AUTHORIZED.—From amounts
2 appropriated under subsection (c), the Secretary
3 shall award grants on a competitive basis to local
4 educational agencies to enable the agencies to ac-
5 quire security technology for, or carry out activities
6 related to improving security at, the middle and sec-
7 ondary schools served by the agencies, including ob-
8 taining school security assessments, and technical
9 assistance, for the development of a comprehensive
10 school security plan from the School Security Tech-
11 nology Center.

12 “(2) APPLICATION.—To be eligible to receive a
13 grant under this section, a local educational agency
14 shall submit to the Secretary an application in such
15 form and containing such information as the Sec-
16 retary may require, including information relating to
17 the security needs of the agency.

18 “(3) PRIORITY.—In awarding grants under this
19 section, the Secretary shall give priority to local edu-
20 cational agencies that demonstrate the highest secu-
21 rity needs, as reported by the agency in the applica-
22 tion submitted under paragraph (2).

23 “(b) APPLICABILITY.—The provisions of this part
24 (other than this section) shall not apply to this section.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$10,000,000 for each of fiscal years 2000, 2001, and
4 2002.”.

5 **SEC. 1658. SAFE AND SECURE SCHOOL ADVISORY REPORT.**

6 Not later than 1 year after the date of enactment
7 of this Act, the Attorney General, in consultation with the
8 Secretary of Education and the Secretary of Energy, or
9 their designees, shall—

10 (1) develop a proposal to further improve school
11 security; and

12 (2) submit that proposal to Congress.

13 **Subtitle F—Internet Prohibitions**

14 **SEC. 1661. SHORT TITLE.**

15 This subtitle may be cited as the “Internet Firearms
16 and Explosives Advertising Act of 1999”.

17 **SEC. 1662. FINDINGS; PURPOSE.**

18 Congress finds the following:

19 (1) Citizens have an individual right, under the
20 Second Amendment to the United States Constitu-
21 tion, to keep and bear arms. The Gun Control Act
22 of 1968 and the Firearms Owners Protection Act of
23 1986 specifically state that it is not the intent of
24 Congress to frustrate the free exercise of that right
25 in enacting Federal legislation. The free exercise of

1 that right includes law abiding firearms owners buy-
2 ing, selling, trading, and collecting guns in accord-
3 ance with Federal, State, and local laws for what-
4 ever lawful use they deem desirable.

5 (2) The Internet is a powerful information me-
6 dium, which has and continues to be an excellent
7 tool to educate citizens on the training, education
8 and safety programs available to use firearms safely
9 and responsibly. It has, and should continue to de-
10 velop, as a 21st century tool for “e-commerce” and
11 marketing many products, including firearms and
12 sporting goods. Many web sites related to these top-
13 ics are sponsored in large part by the sporting fire-
14 arms and hunting community.

15 (3) It is the intent of Congress that this legisla-
16 tion be applied where the Internet is being exploited
17 to violate the applicable explosives and firearms laws
18 of the United States.

19 **SEC. 1663. PROHIBITIONS ON USES OF THE INTERNET.**

20 (a) In General.—Chapter 44 of title 18, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

23 **“§ 931. Criminal firearms and explosives solicitations**

24 “(a)(1) IN GENERAL.—Any person who, in a cir-
25 cumstance described in paragraph (2), knowingly makes,

1 prints, or publishes, or causes to be made, printed, or pub-
2 lished, any notice or advertisement seeking or offering to
3 receive, exchange, buy, sell, produce, distribute, or
4 transfer—

5 “(A) a firearm knowing that such transaction,
6 if carried out as noticed or advertised, would violate
7 subsection (a), (d), (g), or (x) of section 922 of this
8 chapter, or

9 “(B) explosive materials knowing that such
10 transaction, if carried out as noticed or advertised,
11 would violate subsection (a), (d), and (i) of section
12 842 of this title,

13 shall be punished as provided under subsection (b).

14 “(2) The circumstance referred to in paragraph (1)
15 is that—

16 “(A) such person knows or has reason to know
17 that such notice or advertisement will be transported
18 in interstate or foreign commerce by computer; or

19 “(B) such notice or advertisement is trans-
20 ported in interstate or foreign commerce by com-
21 puter.

22 “(b) PENALTIES.—Any individual who violates, or at-
23 tempts or conspires to violate, this section shall be fined
24 under this title or imprisoned not more than 1 year, and
25 both, but if such person has one prior conviction under

1 this section, or under the laws of any State relating to
 2 the same offense, such person shall be fined under this
 3 title and imprisoned for not more than 5 years, but if such
 4 person has 2 or more prior convictions under this section,
 5 or under the laws of any State relating to the same of-
 6 fense, such person shall be fined under this title and im-
 7 prisoned not less than 10 years nor more than 20 years.
 8 Any organization that violates, or attempts or conspires
 9 to violate, this section shall be fined under this title. Who-
 10 ever, in the course of an offense under this section, en-
 11 gages in conduct that results in the death of a juvenile,
 12 herein defined as an individual who has not yet attained
 13 the age of 18 years, shall be punished by death, or impris-
 14 oned for any term of years or for life.

15 “(c) DEFENSES.—It is an affirmative defense against
 16 any proceeding involving this section if the proponent
 17 proves by a preponderance of the evidence that—

18 “(1) the advertisement or notice came from—

19 “(A) a web site, notice or advertisement
 20 operated or created by a person licensed—

21 “(i) as a manufacturer, importer, or
 22 dealer under section 923 of this chapter; or

23 “(ii) under chapter 40 of this title;

24 and

1 “(B) the site, advertisement or notice, ad-
2 vised the person at least once prior to the offer-
3 ing of the product, material or information to
4 the person that sales or transfers of the product
5 or information will be made in accord with Fed-
6 eral, State and local law applicable to the buyer
7 or transferee, and such notice includes, in the
8 case of firearms or ammunition, additional in-
9 formation that firearms transfers will only be
10 made through a licensee, and that firearms and
11 ammunition transfers are prohibited to felons,
12 fugitives, juveniles and other persons under the
13 Gun Control Act of 1968 prohibited from re-
14 ceiving or possessing firearms or ammunition;
15 or

16 “(2) the advertisement or notice came from—

17 “(A) a web site, notice or advertisement is
18 operated or created by a person not licensed as
19 stated in paragraph (1); and

20 “(B) the site, advertisement or notice, ad-
21 vised the person at least once prior to the offer-
22 ing of the product, material or information to
23 the person that the sales or transfers of the
24 product or information—

1 “(i) will be made in accord with Fed-
2 eral, State and local law applicable to the
3 buyer or transferee, and such notice in-
4 cludes, in the case of firearms or ammuni-
5 tion, that firearms and ammunition trans-
6 fers are prohibited to felons, fugitives, ju-
7 veniles and other persons under the Gun
8 Control Act of 1968 prohibited from re-
9 ceiving or possessing firearms or ammuni-
10 tion; and

11 “(ii) as a term or condition for post-
12 ing or listing the firearm for sale or ex-
13 change on the web site for a prospective
14 transferor, the web site, advertisement or
15 notice requires that, in the event of any
16 agreement to sell or exchange the firearm
17 pursuant to that posting or listing, the
18 firearm be transferred to that person for
19 disposition through a Federal firearms li-
20 censee, where the Gun Control Act of 1968
21 requires the transfer to be made through a
22 Federal firearms licensee.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—

24 The analysis for chapter 44 of title 18, United States

1 Code, is amended by inserting after the item relating to
2 section 930 the following:

“931. Criminal firearms and explosives solicitations.”.

3 **SEC. 1664. EFFECTIVE DATE.**

4 The amendments made by sections 1661–1663 shall
5 take effect beginning on the date that is 180 days after
6 the enactment of this Act.

7 **Subtitle G—Partnerships for High-**
8 **Risk Youth**

9 **SEC. 1671. SHORT TITLE.**

10 This subtitle may be cited as the “Partnerships for
11 High-Risk Youth Act”.

12 **SEC. 1672. FINDINGS.**

13 Congress finds that—

14 (1) violent juvenile crime rates have been in-
15 creasing in United States schools, causing many
16 high-profile deaths of young, innocent school chil-
17 dren;

18 (2) in 1994, there were 2,700,000 arrests of
19 persons under age 18 (a third of whom were under
20 age 15), up from 1,700,000 in 1991;

21 (3) while crime is generally down in many
22 urban and suburban areas, crime committed by teen-
23 agers has spiked sharply over the past few years;

24 (4) there is no single solution, or panacea, to
25 the problem of rising juvenile crime;

1 (5) there will soon be over 34,000,000 teen-
2 agers in the United States, which is 26 percent high-
3 er than the number of such teenagers in 1990 and
4 the largest number of teenagers in the United States
5 to date;

6 (6) in order to ensure the safety of youth in the
7 United States, the Nation should begin to explore
8 innovative methods of curbing the rise in violent
9 crime in United States schools, such as use of faith-
10 based and grassroots initiatives; and

11 (7)(A) a strong partnership among law enforce-
12 ment, local government, juvenile and family courts,
13 schools, businesses, charitable organizations, fami-
14 lies, and the religious community can create a com-
15 munity environment that supports the youth of the
16 Nation and reduces the occurrence of juvenile crime;
17 and

18 (B) the development of character and strong
19 moral values will—

20 (i) greatly decrease the likelihood that
21 youth will fall victim to the temptations of
22 crime; and

23 (ii) improve the lives and future prospects
24 of high-risk youth and their communities.

1 **SEC. 1673. PURPOSES.**

2 The purposes of this subtitle are as follows:

3 (1) To establish a national demonstration
4 project to promote learning about successful youth
5 interventions, with programs carried out by institu-
6 tions that can identify and employ effective ap-
7 proaches for improving the lives and future pros-
8 pects of high-risk youth and their communities.

9 (2) To document best practices for conducting
10 successful interventions for high-risk youth, based
11 on the results of local initiatives.

12 (3) To produce lessons and data from the oper-
13 ating experience from those local initiatives that
14 will—

15 (A) provide information to improve policy
16 in the public and private sectors; and

17 (B) promote the operational effectiveness
18 of other local initiatives throughout the United
19 States.

20 **SEC. 1674. ESTABLISHMENT OF DEMONSTRATION PROJECT.**

21 (a) IN GENERAL.—The Attorney General shall estab-
22 lish and carry out a demonstration project. In carrying
23 out the demonstration project, the Attorney General shall,
24 subject to the availability of appropriations, award a grant
25 to Public-Private Ventures, Inc. to enable Public-Private
26 Ventures, Inc. to award grants to eligible partnerships to

1 pay for the Federal share of the cost of carrying out col-
2 laborative intervention programs for high-risk youth, de-
3 scribed in section 1676, in the following 12 cities:

- 4 (1) Boston, Massachusetts.
- 5 (2) New York, New York.
- 6 (3) Philadelphia, Pennsylvania.
- 7 (4) Pittsburgh, Pennsylvania.
- 8 (5) Detroit, Michigan.
- 9 (6) Denver, Colorado.
- 10 (7) Seattle, Washington.
- 11 (8) Cleveland, Ohio.
- 12 (9) San Francisco, California.
- 13 (10) Austin, Texas.
- 14 (11) Memphis, Tennessee.
- 15 (12) Indianapolis, Indiana.

16 (b) FEDERAL SHARE.—

17 (1) IN GENERAL.—The Federal share of the
18 cost described in subsection (a) shall be 70 percent.

19 (2) NON-FEDERAL SHARE.—The non-Federal
20 share of the cost may be provided in cash.

21 **SEC. 1675. ELIGIBILITY.**

22 (a) IN GENERAL.—To be eligible to receive a grant
23 under section 1674, a partnership—

24 (1) shall submit an application to Public-Pri-
25 vate Ventures Inc. at such time, in such manner,

1 and containing such information as Public-Private
2 Ventures, Inc. may require;

3 (2) shall enter into a memorandum of under-
4 standing with Public-Private Ventures, Inc.; and

5 (3)(A) shall be a collaborative entity that in-
6 cludes representatives of local government, juvenile
7 detention service providers, local law enforcement,
8 probation officers, youth street workers, and local
9 educational agencies, and religious institutions that
10 have resident-to-membership percentages of at least
11 40 percent; and

12 (B) shall serve a city referred to in section
13 1674(a).

14 (b) SELECTION CRITERIA.—In making grants under
15 section 1674, Public-Private Ventures, Inc. shall
16 consider—

17 (1) the ability of a partnership to design and
18 implement a local intervention program for high-risk
19 youth;

20 (2) the past experience of the partnership, and
21 key participating individuals, in intervention pro-
22 grams for youth and similar community activities;
23 and

24 (3) the experience of the partnership in working
25 with other community-based organizations.

1 **SEC. 1676. USES OF FUNDS.**

2 (a) PROGRAMS.—

3 (1) CORE FEATURES.—An eligible partnership
4 that receives a grant under section 1674 shall use
5 the funds made available through the grant to carry
6 out an intervention program with the following core
7 features:

8 (A) TARGET GROUP.—The program will
9 target a group of youth (including young
10 adults) who—

11 (i) are at high risk of—

12 (I) leading lives that are unpro-
13 ductive and negative;

14 (II) not being self-sufficient; and

15 (III) becoming incarcerated; and

16 (ii) are likely to cause pain and loss to
17 other individuals and their communities.

18 (B) VOLUNTEERS AND MENTORS.—The
19 program will make significant use of volunteers
20 and mentors.

21 (C) LONG-TERM INVOLVEMENT.—The pro-
22 gram will feature activities that promote long-
23 term involvement in the lives of the youth (in-
24 cluding young adults).

25 (2) PERMISSIBLE SERVICES.—The partnership,
26 in carrying out the program, may use funds made

1 available through the grant to provide, directly or
2 through referrals, comprehensive support services to
3 the youth (including young adults).

4 (b) EVALUATION AND RELATED ACTIVITIES.—Using
5 funds made available through its grant under section
6 1674, Public-Private Ventures, Inc. shall—

7 (1) prepare and implement an evaluation design
8 for evaluating the programs that receive grants
9 under section 1674;

10 (2) conduct a quarterly evaluation of the per-
11 formance and progress of the programs;

12 (3) organize and conduct national and regional
13 conferences to promote peer learning about the oper-
14 ational experiences from the programs;

15 (4) provide technical assistance to the partner-
16 ships carrying out the programs, based on the quar-
17 terly evaluations; and

18 (5) prepare and submit to the Attorney General
19 a report that describes the activities of the partner-
20 ships and the results of the evaluations.

21 (c) LIMITATION.—Not more than 20 percent of the
22 funds appropriated under section 1677 for a fiscal year
23 may be used—

24 (1) to provide comprehensive support services
25 under subsection (a)(2);

1 (2) to carry out activities under subsection (b);
2 and
3 (3) to pay for the administrative costs of Pub-
4 lic-Private Ventures, Inc., related to carrying out
5 this subtitle.

6 **SEC. 1677. AUTHORIZATION OF APPROPRIATIONS.**

7 There is authorized to be appropriated to carry out
8 this subtitle \$4,000,000 for each of the fiscal years 2000
9 through 2004.

10 **Subtitle H—National Youth Crime**
11 **Prevention**

12 **SEC. 1681. SHORT TITLE.**

13 This subtitle may be cited as the “National Youth
14 Crime Prevention Demonstration Act”.

15 **SEC. 1682. PURPOSES.**

16 The purposes of this subtitle are as follows:

17 (1) To establish a demonstration project that
18 establishes violence-free zones that would involve
19 successful youth intervention models in partnership
20 with law enforcement, local housing authorities, pri-
21 vate foundations, and other public and private part-
22 ners.

23 (2) To document best practices based on suc-
24 cessful grassroots interventions in cities, including
25 Washington, District of Columbia; Boston, Massa-

1 chusetts; Hartford, Connecticut; and other cities to
 2 develop methodologies for widespread replication.

3 (3) To increase the efforts of the Department
 4 of Justice, the Department of Housing and Urban
 5 Development, and other agencies in supporting effective
 6 neighborhood mediating approaches.

7 **SEC. 1683. ESTABLISHMENT OF NATIONAL YOUTH CRIME**
 8 **PREVENTION DEMONSTRATION PROJECT.**

9 The Attorney General shall establish and carry out
 10 a demonstration project. In carrying out the demonstra-
 11 tion project, the Attorney General shall, subject to the
 12 availability of appropriations, award a grant to the Na-
 13 tional Center for Neighborhood Enterprise (referred to in
 14 this subtitle as the “National Center”) to enable the Na-
 15 tional Center to award grants to grassroots entities in the
 16 following 8 cities:

- 17 (1) Washington, District of Columbia.
- 18 (2) Detroit, Michigan.
- 19 (3) Hartford, Connecticut.
- 20 (4) Indianapolis, Indiana.
- 21 (5) Chicago (and surrounding metropolitan
 22 area), Illinois.
- 23 (6) San Antonio, Texas.
- 24 (7) Dallas, Texas.
- 25 (8) Los Angeles, California.

1 **SEC. 1684. ELIGIBILITY.**

2 (a) IN GENERAL.—To be eligible to receive a grant
3 under this subtitle, a grassroots entity referred to in sec-
4 tion 1683 shall submit an application to the National Cen-
5 ter to fund intervention models that establish violence-free
6 zones.

7 (b) SELECTION CRITERIA.—In awarding grants
8 under this subtitle, the National Center shall consider—

9 (1) the track record of a grassroots entity and
10 key participating individuals in youth group medi-
11 ation and crime prevention;

12 (2) the engagement and participation of a
13 grassroots entity with other local organizations; and

14 (3) the ability of a grassroots entity to enter
15 into partnerships with local housing authorities, law
16 enforcement agencies, and other public entities.

17 **SEC. 1685. USES OF FUNDS.**

18 (a) IN GENERAL.—Funds received under this subtitle
19 may be used for youth mediation, youth mentoring, life
20 skills training, job creation and entrepreneurship, organi-
21 zational development and training, development of long-
22 term intervention plans, collaboration with law enforce-
23 ment, comprehensive support services and local agency
24 partnerships, and activities to further community objec-
25 tives in reducing youth crime and violence.

1 (b) GUIDELINES.—The National Center will identify
2 local lead grassroots entities in each designated city.

3 (c) TECHNICAL ASSISTANCE.—The National Center,
4 in cooperation with the Attorney General, shall also pro-
5 vide technical assistance for startup projects in other cit-
6 ies.

7 **SEC. 1686. REPORTS.**

8 The National Center shall submit a report to the At-
9 torney General evaluating the effectiveness of grassroots
10 agencies and other public entities involved in the dem-
11 onstration project.

12 **SEC. 1687. DEFINITIONS.**

13 In this subtitle:

14 (1) GRASSROOTS ENTITY.—The term “grass-
15 roots entity” means a not-for-profit community or-
16 ganization with demonstrated effectiveness in medi-
17 ating and addressing youth violence by empowering
18 at-risk youth to become agents of peace and commu-
19 nity restoration.

20 (2) NATIONAL CENTER FOR NEIGHBORHOOD
21 ENTERPRISE.—The term “National Center for
22 Neighborhood Enterprise” means a not-for-profit or-
23 ganization incorporated in the District of Columbia.

1 **SEC. 1688. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated to carry out this subtitle—

4 (1) \$5,000,000 for fiscal year 2000;

5 (2) \$5,000,000 for fiscal year 2001;

6 (3) \$5,000,000 for fiscal year 2002;

7 (4) \$5,000,000 for fiscal year 2003; and

8 (5) \$5,000,000 for fiscal year 2004.

9 (b) RESERVATION.—The National Center for Neigh-
10 borhood Enterprise may use not more than 20 percent of
11 the amounts appropriated pursuant to subsection (a) in
12 any fiscal year for administrative costs, technical assist-
13 ance and training, comprehensive support services, and
14 evaluation of participating grassroots organizations.

15 **Subtitle I—National Youth**
16 **Violence Commission**

17 **SEC. 1691. SHORT TITLE.**

18 This subtitle may be cited as the “National Youth
19 Violence Commission Act”.

20 **SEC. 1692. NATIONAL YOUTH VIOLENCE COMMISSION.**

21 (a) ESTABLISHMENT OF COMMISSION.—There is es-
22 tablished a commission to be known as the National Youth
23 Violence Commission (hereinafter referred to in this sub-
24 title as the “Commission”). The Commission shall—

25 (1) be composed of 16 members appointed in
26 accordance with subsection (b); and

1 (2) conduct its business in accordance with the
2 provisions of this subtitle.

3 (b) MEMBERSHIP.—

4 (1) PERSONS ELIGIBLE.—Except for those
5 members who hold the offices described under para-
6 graph (2)(A), and those members appointed under
7 paragraph (2) (C)(ii) and (D)(iv), the members of
8 the Commission shall be individuals who have exper-
9 tise, by both experience and training, in matters to
10 be studied by the Commission under section 1693.
11 The members of the Commission shall be well-known
12 and respected among their peers in their respective
13 fields of expertise.

14 (2) APPOINTMENTS.—The members of the
15 Commission shall be appointed for the life of the
16 Commission as follows:

17 (A) Four shall be appointed by the Presi-
18 dent of the United States, including—

19 (i) the Surgeon General of the United
20 States;

21 (ii) the Attorney General of the
22 United States;

23 (iii) the Secretary of the Department
24 of Health and Human Services; and

1 (iv) the Secretary of the Department
2 of Education.

3 (B) Four shall be appointed by the Speak-
4 er of the House of Representatives, including—

5 (i) 1 member who meets the criteria
6 for eligibility in paragraph (1) in the field
7 of law enforcement or crime enforcement;

8 (ii) 1 member who meets the criteria
9 for eligibility in paragraph (1) in the field
10 of school administration, teaching, or coun-
11 seling;

12 (iii) 1 member who meets the criteria
13 for eligibility in paragraph (1) in the field
14 of parenting and family studies; and

15 (iv) 1 member who meets the criteria
16 for eligibility in paragraph (1) in the field
17 of child or adolescent psychology.

18 (C) Two shall be appointed by the Minority
19 Leader of the House of Representatives,
20 including—

21 (i) 1 member who meets the criteria
22 for eligibility in paragraph (1) in the field
23 of law enforcement or crime enforcement;
24 and

1 (ii) 1 member who is a recognized re-
2 ligious leader.

3 (D) Four shall be appointed by the Major-
4 ity Leader of the Senate, including—

5 (i) 1 member who meets the criteria
6 for eligibility in paragraph (1) in the field
7 of law enforcement or crime enforcement;

8 (ii) 1 member who meets the criteria
9 for eligibility in paragraph (1) in the field
10 of school administration, teaching, or coun-
11 seling;

12 (iii) 1 member who meets the criteria
13 for eligibility in paragraph (1) in the social
14 sciences; and

15 (iv) 1 member who is a recognized re-
16 ligious leader.

17 (E) Two shall be appointed by the Minor-
18 ity Leader of the Senate, including—

19 (i) 1 member who meets the criteria
20 for eligibility in paragraph (1) in the field
21 of school administration, teaching, or coun-
22 seling; and

23 (ii) 1 member who meets the criteria
24 for eligibility in paragraph (1) in the field
25 of parenting and family studies.

1 (3) COMPLETION OF APPOINTMENTS; VACAN-
2 CIES.—Not later than 30 days after the date of en-
3 actment of this Act, the appointing authorities under
4 paragraph (2) shall each make their respective ap-
5 pointments. Any vacancy that occurs during the life
6 of the Commission shall not affect the powers of the
7 Commission, and shall be filled in the same manner
8 as the original appointment not later than 30 days
9 after the vacancy occurs.

10 (4) OPERATION OF THE COMMISSION.—

11 (A) CHAIRMANSHIP.—The appointing au-
12 thorities under paragraph (2) shall jointly des-
13 ignate 1 member as the Chairman of the Com-
14 mission. In the event of a disagreement among
15 the appointing authorities, the Chairman shall
16 be determined by a majority vote of the ap-
17 pointing authorities. The determination of
18 which member shall be Chairman shall be made
19 not later than 15 days after the appointment of
20 the last member of the Commission, but in no
21 case later than 45 days after the date of enact-
22 ment of this Act.

23 (B) MEETINGS.—The Commission shall
24 meet at the call of the Chairman. The initial

1 meeting of the Commission shall be conducted
2 not later than 30 days after the later of—

3 (i) the date of the appointment of the
4 last member of the Commission; or

5 (ii) the date on which appropriated
6 funds are available for the Commission.

7 (C) QUORUM; VOTING; RULES.—A majority
8 of the members of the Commission shall con-
9 stitute a quorum to conduct business, but the
10 Commission may establish a lesser quorum for
11 conducting hearings scheduled by the Commis-
12 sion. Each member of the Commission shall
13 have 1 vote, and the vote of each member shall
14 be accorded the same weight. The Commission
15 may establish by majority vote any other rules
16 for the conduct of the Commission’s business, if
17 such rules are not inconsistent with this subtitle
18 or other applicable law.

19 **SEC. 1693. DUTIES OF THE COMMISSION.**

20 (a) STUDY.—

21 (1) IN GENERAL.—It shall be the duty of the
22 Commission to conduct a comprehensive factual
23 study of incidents of youth violence to determine the
24 root causes of such violence.

1 (2) MATTERS TO BE STUDIED.—In determining
2 the root causes of incidents of youth violence, the
3 Commission shall study any matter that the Com-
4 mission determines relevant to meeting the require-
5 ments of paragraph (1), including at a minimum—

6 (A) the level of involvement and awareness
7 of teachers and school administrators in the
8 lives of their students and any impact of such
9 involvement and awareness on incidents of
10 youth violence;

11 (B) trends in family relationships, the level
12 of involvement and awareness of parents in the
13 lives of their children, and any impact of such
14 relationships, involvement, and awareness on in-
15 cidents of youth violence;

16 (C) the alienation of youth from their
17 schools, families, and peer groups, and any im-
18 pact of such alienation on incidents of youth vi-
19 olence;

20 (D) the availability of firearms to youth,
21 including any illegal means by which youth ac-
22 quire such firearms, and any impact of such
23 availability on incidents of youth violence;

24 (E) any impact upon incidents of youth vi-
25 olence of the failure to execute existing laws de-

1 signed to restrict youth access to certain fire-
2 arms, and the illegal purchase, possession, or
3 transfer of certain firearms;

4 (F) the effect upon youth of depictions of
5 violence in the media and any impact of such
6 depictions on incidents of youth violence; and

7 (G) the availability to youth of information
8 regarding the construction of weapons, includ-
9 ing explosive devices, and any impact of such
10 information on incidents of youth violence.

11 (3) TESTIMONY OF PARENTS AND STUDENTS.—

12 In determining the root causes of incidents of youth
13 violence, the Commission shall, pursuant to section
14 1694(a), take the testimony of parents and students
15 to learn and memorialize their views and experiences
16 regarding incidents of youth violence.

17 (b) RECOMMENDATIONS.—Based on the findings of
18 the study required under subsection (a), the Commission
19 shall make recommendations to the President and Con-
20 gress to address the causes of youth violence and reduce
21 incidents of youth violence. If the Surgeon General issues
22 any report on media and violence, the Commission shall
23 consider the findings and conclusions of such report in
24 making recommendations under this subsection.

25 (c) REPORT.—

1 (1) IN GENERAL.—Not later than 1 year after
 2 the date on which the Commission first meets, the
 3 Commission shall submit to the President and Con-
 4 gress a comprehensive report of the Commission’s
 5 findings and conclusions, together with the rec-
 6 ommendations of the Commission.

7 (2) SUMMARIES.—The report under this sub-
 8 section shall include a summary of—

9 (A) the reports submitted to the Commis-
 10 sion by any entity under contract for research
 11 under section 1694(e); and

12 (B) any other material relied on by the
 13 Commission in the preparation of the Commis-
 14 sion’s report.

15 **SEC. 1694. POWERS OF THE COMMISSION.**

16 (a) HEARINGS.—

17 (1) IN GENERAL.—The Commission may hold
 18 such hearings, sit and act at such times and places,
 19 administer such oaths, take such testimony, and re-
 20 ceive such evidence as the Commission considers ad-
 21 visable to carry out its duties under section 1693.

22 (2) WITNESS EXPENSES.—Witnesses requested
 23 to appear before the Commission shall be paid the
 24 same fees as are paid to witnesses under section
 25 1821 of title 28, United States Code.

1 (b) SUBPOENAS.—

2 (1) IN GENERAL.—If a person fails to supply
3 information requested by the Commission, the Com-
4 mission may by majority vote request the Attorney
5 General of the United States to require by subpoena
6 the production of any written or recorded informa-
7 tion, document, report, answer, record, account,
8 paper, computer file, or other data or documentary
9 evidence necessary to carry out the Commission's
10 duties under section 1693. The Commission shall
11 transmit to the Attorney General a confidential,
12 written request for the issuance of any such sub-
13 poena. The Attorney General shall issue the re-
14 quested subpoena if the request is reasonable and
15 consistent with the Commission's duties under sec-
16 tion 1693. A subpoena under this paragraph may re-
17 quire the production of materials from any place
18 within the United States.

19 (2) INTERROGATORIES.—The Commission may,
20 with respect only to information necessary to under-
21 stand any materials obtained through a subpoena
22 under paragraph (1), request the Attorney General
23 to issue a subpoena requiring the person producing
24 such materials to answer, either through a sworn
25 deposition or through written answers provided

1 under oath (at the election of the person upon whom
2 the subpoena is served), to interrogatories from the
3 Commission regarding such information. The Attor-
4 ney General shall issue the requested subpoena if the
5 request is reasonable and consistent with the Com-
6 mission's duties under section 1693. A complete re-
7 cording or transcription shall be made of any deposi-
8 tion made under this paragraph.

9 (3) CERTIFICATION.—Each person who submits
10 materials or information to the Attorney General
11 pursuant to a subpoena issued under paragraph (1)
12 or (2) shall certify to the Attorney General the au-
13 thenticity and completeness of all materials or infor-
14 mation submitted. The provisions of section 1001 of
15 title 18, United States Code, shall apply to any false
16 statements made with respect to the certification re-
17 quired under this paragraph.

18 (4) TREATMENT OF SUBPOENAS.—Any sub-
19 poena issued by the Attorney General under para-
20 graph (1) or (2) shall comply with the requirements
21 for subpoenas issued by a United States district
22 court under the Federal Rules of Civil Procedure.

23 (5) FAILURE TO OBEY A SUBPOENA.—If a per-
24 son refuses to obey a subpoena issued by the Attor-
25 ney General under paragraph (1) or (2), the Attor-

1 ney General may apply to a United States district
2 court for an order requiring that person to comply
3 with such subpoena. The application may be made
4 within the judicial district in which that person is
5 found, resides, or transacts business. Any failure to
6 obey the order of the court may be punished by the
7 court as civil contempt.

8 (c) INFORMATION FROM FEDERAL AGENCIES.—The
9 Commission may secure directly from any Federal depart-
10 ment or agency such information as the Commission con-
11 siders necessary to carry out its duties under section 1693.
12 Upon the request of the Commission, the head of such
13 department or agency may furnish such information to the
14 Commission.

15 (d) INFORMATION TO BE KEPT CONFIDENTIAL.—

16 (1) IN GENERAL.—The Commission shall be
17 considered an agency of the Federal Government for
18 purposes of section 1905 of title 18, United States
19 Code, and any individual employed by any individual
20 or entity under contract with the Commission under
21 subsection (e) shall be considered an employee of the
22 Commission for the purposes of section 1905 of title
23 18, United States Code.

24 (2) DISCLOSURE.—Information obtained by the
25 Commission or the Attorney General under this Act

1 and shared with the Commission, other than infor-
2 mation available to the public, shall not be disclosed
3 to any person in any manner, except—

4 (A) to Commission employees or employees
5 of any individual or entity under contract to the
6 Commission under subsection (e) for the pur-
7 pose of receiving, reviewing, or processing such
8 information;

9 (B) upon court order; or

10 (C) when publicly released by the Commis-
11 sion in an aggregate or summary form that
12 does not directly or indirectly disclose—

13 (i) the identity of any person or busi-
14 ness entity; or

15 (ii) any information which could not
16 be released under section 1905 of title 18,
17 United States Code.

18 (e) CONTRACTING FOR RESEARCH.—The Commis-
19 sion may enter into contracts with any entity for research
20 necessary to carry out the Commission's duties under sec-
21 tion 1693.

22 **SEC. 1695. COMMISSION PERSONNEL MATTERS.**

23 (a) COMPENSATION OF MEMBERS.—Each member of
24 the Commission who is not an officer or employee of the
25 Federal Government shall be compensated at a rate equal

1 to the daily equivalent of the annual rate of basic pay pre-
2 scribed for level IV of the Executive Schedule under sec-
3 tion 5315 of title 5, United States Code, for each day (in-
4 cluding travel time) during which such member is engaged
5 in the performance of the duties of the Commission. All
6 members of the Commission who are officers or employees
7 of the United States shall serve without compensation in
8 addition to that received for their services as officers or
9 employees of the United States.

10 (b) TRAVEL EXPENSES.—The members of the Com-
11 mission shall be allowed travel expenses, including per
12 diem in lieu of subsistence, at rates authorized for employ-
13 ees of agencies under subchapter I of chapter 57 of title
14 5, United States Code, while away from their homes or
15 regular places of business in the performance of service
16 for the Commission.

17 (c) STAFF.—

18 (1) IN GENERAL.—The Chairman of the Com-
19 mission may, without regard to the civil service laws
20 and regulations, appoint and terminate an executive
21 director and such other additional personnel as may
22 be necessary to enable the Commission to perform
23 its duties. The employment and termination of an
24 executive director shall be subject to confirmation by
25 a majority of the members of the Commission.

1 (2) COMPENSATION.—The executive director
2 shall be compensated at a rate not to exceed the rate
3 payable for level V of the Executive Schedule under
4 section 5316 of title 5, United States Code. The
5 Chairman may fix the compensation of other per-
6 sonnel without regard to the provisions of chapter
7 51 and subchapter III of chapter 53 of title 5,
8 United States Code, relating to classification of posi-
9 tions and General Schedule pay rates, except that
10 the rate of pay for such personnel may not exceed
11 the rate payable for level V of the Executive Sched-
12 ule under section 5316 of such title.

13 (3) DETAIL OF GOVERNMENT EMPLOYEES.—
14 Any Federal Government employee, with the ap-
15 proval of the head of the appropriate Federal agen-
16 cy, may be detailed to the Commission without reim-
17 bursement, and such detail shall be without inter-
18 ruption or loss of civil service status, benefits, or
19 privilege.

20 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-
21 TENT SERVICES.—The Chairman of the Commission may
22 procure temporary and intermittent services under section
23 3109(b) of title 5, United States Code, at rates for individ-
24 uals not to exceed the daily equivalent of the annual rate

1 of basic pay prescribed for level V of the Executive Sched-
 2 ule under section 5316 of such title.

3 **SEC. 1696. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to the Com-
 5 mission and any agency of the Federal Government assist-
 6 ing the Commission in carrying out its duties under this
 7 subtitle such sums as may be necessary to carry out the
 8 purposes of this subtitle. Any sums appropriated shall re-
 9 main available, without fiscal year limitation, until ex-
 10 pended.

11 **SEC. 1697. TERMINATION OF THE COMMISSION.**

12 The Commission shall terminate 30 days after the
 13 Commission submits the report under section 1693(c).

14 **Subtitle J—School Safety**

15 **SEC. 1698. SHORT TITLE.**

16 This subtitle may be cited as the “School Safety Act
 17 of 1999”.

18 **SEC. 1699. AMENDMENTS TO THE INDIVIDUALS WITH DIS-**

19 **ABILITIES EDUCATION ACT.**

20 (a) PLACEMENT IN ALTERNATIVE EDUCATIONAL
 21 SETTING.—Section 615(k) of the Individuals with Disabil-
 22 ities Education Act (20 U.S.C. 1415(k)) is amended—

23 (1) in paragraph (1)(A)(ii)(I), by inserting
 24 “(other than a gun or firearm)” after “weapon”;

1 (2) by redesignating paragraph (10) as para-
2 graph (11); and

3 (3) by inserting after paragraph (9) the fol-
4 lowing new section:

5 “(10) DISCIPLINE WITH REGARD TO GUNS OR
6 FIREARMS.—

7 “(A) AUTHORITY OF SCHOOL PERSONNEL
8 WITH RESPECT TO GUNS OR FIREARMS.—

9 “(i) Notwithstanding any other provi-
10 sion of this Act, school personnel may dis-
11 cipline (including expel or suspend) a child
12 with a disability who carries or possesses a
13 gun or firearm to or at a school, on school
14 premises, or to or at a school function,
15 under the jurisdiction of a State or a local
16 educational agency, in the same manner in
17 which such personnel may discipline a child
18 without a disability.

19 “(ii) Nothing in clause (i) shall be
20 construed to prevent a child with a dis-
21 ability who is disciplined pursuant to the
22 authority provided under clause (i) from
23 asserting a defense that the carrying or
24 possession of the gun or firearm was unin-
25 tentional or innocent.

1 “(B) FREE APPROPRIATE PUBLIC EDU-
2 CATION.—

3 “(i) CEASING TO PROVIDE EDU-
4 CATION.—Notwithstanding section
5 612(a)(1)(A), a child expelled or suspended
6 under subparagraph (A) shall not be enti-
7 tled to continued educational services, in-
8 cluding a free appropriate public edu-
9 cation, under this title, during the term of
10 such expulsion or suspension, if the State
11 in which the local educational agency re-
12 sponsible for providing educational services
13 to such child does not require a child with-
14 out a disability to receive educational serv-
15 ices after being expelled or suspended.

16 “(ii) PROVIDING EDUCATION.—Not-
17 withstanding clause (i), the local edu-
18 cational agency responsible for providing
19 educational services to a child with a dis-
20 ability who is expelled or suspended under
21 subparagraph (A) may choose to continue
22 to provide educational services to such
23 child. If the local educational agency so
24 chooses to continue to provide the
25 services—

1 “(I) nothing in this title shall re-
2 quire the local educational agency to
3 provide such child with a free appro-
4 priate public education, or any par-
5 ticular level of service; and

6 “(II) the location where the local
7 educational agency provides the serv-
8 ices shall be left to the discretion of
9 the local educational agency.

10 “(C) RELATIONSHIP TO OTHER REQUIRE-
11 MENTS.—

12 “(i) PLAN REQUIREMENTS.—No agen-
13 cy shall be considered to be in violation of
14 section 612 or 613 because the agency has
15 provided discipline, services, or assistance
16 in accordance with this paragraph.

17 “(ii) PROCEDURE.—Actions taken
18 pursuant to this paragraph shall not be
19 subject to the provisions of this section,
20 other than this paragraph.

21 “(D) FIREARM.—The term ‘firearm’ has
22 the meaning given the term under section 921
23 of title 18, United States Code.”.

24 (b) CONFORMING AMENDMENT.—Section 615(f)(1)
25 of the Individuals with Disabilities Education Act (20

- 1 U.S.C. 1415(f)(1)) is amended by striking “Whenever”
- 2 and inserting the following: “Except as provided in section
- 3 615(k)(10), whenever”.

Passed the Senate May 20, 1999.

Attest:

Secretary.

106TH CONGRESS
1ST SESSION

S. 254

AN ACT

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

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