

110TH CONGRESS  
1ST SESSION

# H. R. 1692

To fight criminal gangs.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2007

Mr. PALLONE introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and Labor and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To fight criminal gangs.

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

### 3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Fighting Gangs and Empowering Youth Act of 2007”.

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

Sec. 1. Short title and table of contents.

#### TITLE I—PREVENTION AND ECONOMIC EMPOWERMENT

##### Subtitle A—Prevention

Sec. 101. Reauthorization of certain after-school programs.

- Sec. 102. Reauthorization of Safe and Drug-Free Schools and Communities Act.
- Sec. 103. Public and assisted housing gang elimination.
- Sec. 104. Demonstration grants to encourage creative approaches to gang activity and after-school programs.
- Sec. 105. Strategic community planning program.
- Sec. 106. Reauthorization of the Gang Resistance Education and Training Projects Program and increased funding for the National Youth Gang Survey.

#### Subtitle B—Recidivism Reduction and Reentry Assistance

- Sec. 111. Reauthorization of adult and juvenile offender State and local reentry demonstration projects.
- Sec. 112. Children of incarcerated parents and families.
- Sec. 113. Encouragement of employment of former prisoners.
- Sec. 114. National Resource Center for Children and Families of the Incarcerated.
- Sec. 115. Use of violent offender truth-in-sentencing grant funding for demonstration project activities.
- Sec. 116. Grants to study parole or post-incarceration supervision violations and revocations.
- Sec. 117. Improvement of the residential substance abuse treatment for State prisoners program.
- Sec. 118. Residential drug abuse program in Federal prisons.
- Sec. 119. Removal of limitation on amount of funds available for corrections education programs under the Adult Education and Family Literacy Act.
- Sec. 120. Mentoring grants to nonprofit organizations.
- Sec. 121. Clarification of authority to place prisoner in community corrections.
- Sec. 122. Grants to States for improved workplace and community transition training for incarcerated youth offenders.
- Sec. 123. Improved reentry procedures for Federal prisoners.

#### Subtitle C—Economic Empowerment

- Sec. 131. Reauthorization of Learn and Serve America.
- Sec. 132. Job Corps.
- Sec. 133. Workforce Investment Act youth activities.
- Sec. 134. Expansion and reauthorization of the mentoring initiative for system involved youth.

### TITLE II—SUPPRESSION AND COMMUNITY ANTI-GANG INITIATIVES

#### Subtitle A—Gang Activity Policing Program

- Sec. 201. Authority to make gang activity policing grants.
- Sec. 202. Eligible activities.
- Sec. 203. Preferential consideration of applications for certain grants.
- Sec. 204. Use of components.
- Sec. 205. Minimum amount.
- Sec. 206. Matching funds.
- Sec. 207. Authorization of appropriations.

#### Subtitle B—High-Intensity Interstate Gang Activity Areas

Sec. 211. Designation of and assistance for “high-intensity” interstate gang activity areas.

#### Subtitle C—Additional Funding

Sec. 221. Additional resources needed by the Federal Bureau of Investigation to investigate and prosecute violent criminal street gangs.

Sec. 222. Grants to prosecutors and law enforcement to combat violent crime and to protect witnesses and victims of crimes.

Sec. 223. Enhancement of Project Safe Neighborhoods initiative to improve enforcement of criminal laws against violent gangs.

Sec. 224. Providing additional forensic examiners.

### TITLE III—PUNISHMENT AND IMPROVED CRIME DATA

#### Subtitle A—Gang Crimes

Sec. 301. Criminal street gangs.

Sec. 302. Solicitation or recruitment of persons and violent crimes in furtherance or in aid of criminal street gangs.

Sec. 303. Interstate and foreign travel or transportation in aid of racketeering enterprises and criminal street gangs.

Sec. 304. Amendments relating to violent crime in areas of exclusive Federal jurisdiction.

Sec. 305. Increased penalties for use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.

Sec. 306. Increased penalties for violent crimes in aid of racketeering activity.

Sec. 307. Violent crimes committed during and in relation to a drug trafficking crime.

Sec. 308. Statute of limitations for violent crime.

Sec. 309. Predicate crimes for authorization of interception of wire, oral, and electronic communications.

Sec. 310. Clarification to hearsay exception for forfeiture by wrongdoing.

Sec. 311. Clarification of venue for retaliation against a witness.

Sec. 312. Amendment of sentencing guidelines relating to certain gang and violent crimes.

Sec. 313. Study on expanding Federal authority for juvenile offenders.

#### Subtitle B—Firearms Offenses

Sec. 321. Expansion of rebuttable presumption against release of persons charged with firearms offenses.

Sec. 322. Increased penalties for use of firearm in crime of violence or drug trafficking crime.

Sec. 323. Possession of firearms by dangerous felons.

#### Subtitle C—Crime Data

Sec. 331. Standardization of crime reporting and investigation.

Sec. 332. Consolidating and standardizing gang-related crime data.

# **TITLE I—PREVENTION AND ECONOMIC EMPOWERMENT**

## **Subtitle A—Prevention**

### **SEC. 101. REAUTHORIZATION OF CERTAIN AFTER-SCHOOL PROGRAMS.**

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

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

“There is authorized to be appropriated \$2,750,000,000 for each of fiscal years 2008 and 2009.”.

(b) CAROL M. WHITE PHYSICAL EDUCATION PROGRAM.—Section 5401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241) is amended—

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

(2) by adding at the end the following:

“(b) PHYSICAL EDUCATION.—In addition to the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated \$100,000,000 for each of fiscal years 2008 and 2009 to carry out subpart 10.”.

(c) FEDERAL TRIO PROGRAMS.—Section 402A(f) of the Higher Education Act of 1965 (20 U.S.C. 1070a–

1 11(f)) is amended by striking “\$700,000,000 for fiscal  
 2 year 1999, and such sums as may be necessary for each  
 3 of the 4 succeeding fiscal years” and inserting  
 4 “\$1,000,000,000 for fiscal year 2008 and such sums as  
 5 may be necessary for each of the 5 succeeding fiscal  
 6 years”.

7 (d) GEARUP.—Section 404H of the Higher Edu-  
 8 cation Act of 1965 (20 U.S.C. 1070a–28) is amended by  
 9 striking “\$200,000,000 for fiscal year 1999 and such  
 10 sums as may be necessary for each of the 4 succeeding  
 11 fiscal years” and inserting “\$350,000,000 for fiscal year  
 12 2008 and such sums as may be necessary for each of the  
 13 5 succeeding fiscal years”.

14 **SEC. 102. REAUTHORIZATION OF SAFE AND DRUG-FREE**  
 15 **SCHOOLS AND COMMUNITIES ACT.**

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

19 (1) in paragraph (1), by striking  
 20 “\$650,000,000 for fiscal year 2002” and inserting  
 21 “\$700,000,000 for fiscal year 2008”; and

22 (2) in paragraph (2), by striking “such sums  
 23 for fiscal year 2002, and” and inserting  
 24 “\$400,000,000 for fiscal year 2008”.

1 (b) NATIONAL COORDINATOR INITIATIVE.—Section  
2 4125 of the Elementary and Secondary Education Act of  
3 1965 (20 U.S.C. 7135(a)) is amended—

4 (1) in subsection (a)—

5 (A) by striking “From funds made avail-  
6 able to carry out this subpart under section  
7 4003(2), the Secretary may provide” and in-  
8 serting “From amounts made available to carry  
9 out this subpart under section 4003(2) for each  
10 fiscal year, the Secretary shall reserve not less  
11 than \$40,000,000 to provide”; and

12 (B) by inserting “, gang prevention,” after  
13 “drug prevention”; and

14 (2) in subsection (b)—

15 (A) in the first sentence—

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

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

20 (B) in the second sentence, by inserting “,  
21 gang,” after “analyzing assessments of drug”.

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

1 (1) in the matter preceding subparagraph (A)  
 2 of paragraph (1), by striking “The Secretary may  
 3 award grants from funds made available to carry out  
 4 this subpart under section 4003(2)” and inserting  
 5 “From amounts made available to carry out this  
 6 subpart under section 4003(2) for each fiscal year,  
 7 the Secretary shall reserve not less than  
 8 \$50,000,000 to award grants”;

9 (2) in paragraph (5)(B)(i), by inserting “ele-  
 10 mentary school and middle school” after “serves”;  
 11 and

12 (3) in paragraph (5)(C)(ii)(IV), by striking  
 13 “4th” and inserting “kindergarten”.

14 (d) ANTI-GANG DISCRETIONARY GRANTS.—Subpart  
 15 2 of part A of title IV of the Elementary and Secondary  
 16 Education Act of 1965 (20 U.S.C. 7131 et seq.) is amend-  
 17 ed by adding at the end the following:

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

19 “(a) AUTHORITY TO MAKE GRANTS.—From  
 20 amounts made available to carry out this subpart under  
 21 section 4003(2) for each fiscal year, the Secretary shall  
 22 reserve not less than \$50,000,000 to award grants, on a  
 23 competitive basis, to nonprofit organizations to enable the  
 24 nonprofit organizations to establish programs to assist a

1 public elementary school or middle school in providing an  
 2 innovative approach—

3 “(1) to combat gang activity in the school and  
 4 the community surrounding the school; and

5 “(2) to heighten awareness of, and provide tools  
 6 to reduce, gang violence in the school and the com-  
 7 munity surrounding the school.

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

13 “(c) PRIORITY CONSIDERATION.—In awarding  
 14 grants under this section, the Secretary shall give priority  
 15 consideration to applications describing programs that  
 16 target youth living in a community with a crime level  
 17 above the average crime level of the State in which the  
 18 community is located.”.

19 **SEC. 103. PUBLIC AND ASSISTED HOUSING GANG ELIMI-**  
 20 **NATION.**

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



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

3     **“SEC. 5401. SHORT TITLE.**

4             “‘This subtitle may be cited as the ‘Public and As-  
5     sisted Housing Gang Elimination Act of 2007’.

6     **“SEC. 5402. AUTHORITY TO MAKE GRANTS.**

7             “‘The Secretary of Housing and Urban Development,  
8     in accordance with the provisions of this subtitle, may  
9     make grants to public housing agencies (including any In-  
10    dian tribe or other recipient under the Native American  
11    Housing Assistance and Self-Determination Act of 1996)  
12    and private, for-profit and nonprofit owners of federally  
13    assisted low-income housing for use in eliminating gang-  
14    related crime.

15    **“SEC. 5403. ELIGIBLE ACTIVITIES.**

16             “‘Grants under this subtitle may be used in public  
17    housing or other federally assisted low-income housing  
18    projects for—

19                 “(1) the employment of security personnel;

20                 “(2) reimbursement of local law enforcement  
21    agencies for additional security and protective serv-  
22    ices;

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

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

1           “(A) to investigate gang-related crime on  
2           or about the real property comprising any pub-  
3           lic or other federally assisted low-income hous-  
4           ing project; and

5           “(B) to provide evidence relating to such  
6           crime in any administrative or judicial pro-  
7           ceeding;

8           “(5) the provision of training, communications  
9           equipment, and other related equipment for use by  
10          voluntary tenant patrols acting in cooperation with  
11          local law enforcement officials;

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

16          “(7) providing funding to nonprofit public hous-  
17          ing resident management corporations and resident  
18          councils to develop security and gang prevention pro-  
19          grams involving site residents.

20   **“SEC. 5404. APPLICATIONS.**

21          “(a) REQUIRED SUBMISSION.—

22               “(1) IN GENERAL.—To receive a grant under  
23          this subtitle, a public housing agency or an owner of  
24          federally assisted low-income housing shall submit  
25          an application to the Secretary, at such time, in

1 such manner, and accompanied by such additional  
2 information as the Secretary may reasonably re-  
3 quire.

4 “(2) REQUIRED INCLUSIONS.—Any application  
5 submitted under paragraph (1) shall include a plan  
6 for addressing the problem of gang-related crime on  
7 the premises of the housing administered or owned  
8 by the applicant for which the application is being  
9 submitted.

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

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

16 “(2) the quality of the plan of the applicant to  
17 address the crime problem in the public or federally  
18 assisted low-income housing project or projects pro-  
19 posed for assistance, including the extent to which  
20 the plan includes initiatives that can be sustained  
21 over a period of several years;

22 “(3) the capability of the applicant to carry out  
23 the plan; and

24 “(4) the extent to which tenants, the local gov-  
25 ernment, and the local community support and par-

1       ticipate in the design and implementation of the ac-  
2       tivities proposed to be funded under the application.

3       “(c) **FEDERALLY ASSISTED LOW-INCOME HOUS-**  
4 **ING.**—In addition to the selection criteria described in  
5 subsection (b), the Secretary may establish other criteria  
6 for the evaluation of applications submitted by owners of  
7 federally assisted low-income housing, except that such ad-  
8 ditional criteria shall be designed only to reflect—

9               “(1) relevant differences between the financial  
10       resources and other characteristics of public housing  
11       authorities and owners of federally assisted low-in-  
12       come housing; or

13              “(2) relevant differences between the problem  
14       of gang-related crime in public housing and the  
15       problem of gang-related crime in federally assisted  
16       low-income housing.

17       “(d) **HIGH-INTENSITY INTERSTATE GANG ACTIVITY**  
18 **AREAS.**—In evaluating the extent of the gang-related  
19 crime problem pursuant to subsection (b), the Secretary  
20 may consider whether housing projects proposed for as-  
21 sistance are located in a high-intensity interstate gang ac-  
22 tivity area designated under section 211 of the Fighting  
23 Gangs and Empowering Youth Act of 2007.

1 **“SEC. 5405. DEFINITIONS.**

2 “For the purposes of this subtitle, the following defi-  
3 nitions shall apply:

4 “(1) SECRETARY.—The term ‘Secretary’ means  
5 the Secretary of Housing and Urban Development.

6 “(2) FEDERALLY ASSISTED LOW-INCOME HOUS-  
7 ING.—The term ‘federally assisted low-income hous-  
8 ing’ means housing assisted under—

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

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

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

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

17 **“SEC. 5406. IMPLEMENTATION.**

18 “The Secretary shall issue regulations to implement  
19 this subtitle within 180 days after the date of enactment  
20 of this subtitle.

21 **“SEC. 5407. REPORTS.**

22 “The Secretary shall require any recipient of a grant  
23 under this subtitle to provide periodic reports that include  
24 the obligation and expenditure of grant funds, the  
25 progress made by the grantee in implementing the plan  
26 described in section 5404(a), and any change in the inci-

1 dence of gang-related crime in projects assisted under this  
2 subtitle.

3 **“SEC. 5408. MONITORING.**

4 “The Secretary shall audit and monitor the programs  
5 funded under this subtitle to ensure that assistance pro-  
6 vided under this subtitle is administered in accordance  
7 with the provisions of this subtitle.

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

9 “(a) IN GENERAL.—There is authorized to be appro-  
10 priated to carry out this subtitle \$200,000,000 for each  
11 of the fiscal years 2008 through 2012. Any amount appro-  
12 priated under this section shall remain available until ex-  
13 pended.

14 “(b) SET-ASIDE FOR ASSISTED HOUSING.—Of any  
15 amount made available in any fiscal year to carry out this  
16 subtitle, not more than 6.25 percent of such amount shall  
17 be available for grants for federally assisted low-income  
18 housing.”.

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

“Subtitle H—Public and Assisted Housing Drug Elimination

“Sec. 5401. Short title.

“Sec. 5402. Authority to make grants.

“Sec. 5403. Eligible activities.

“Sec. 5404. Applications.

“Sec. 5405. Definitions.

“Sec. 5406. Implementation.

“Sec. 5407 Reports.

“Sec. 5408. Monitoring.

“Sec. 5409. Authorization of appropriations.”.

1 **SEC. 104. DEMONSTRATION GRANTS TO ENCOURAGE CRE-**  
 2 **ATIVE APPROACHES TO GANG ACTIVITY AND**  
 3 **AFTER-SCHOOL PROGRAMS.**

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

9 (b) CERTAIN APPROACHES.—Approaches under sub-  
 10 section (a) may include the following:

11 (1) Encouraging teen-driven approaches to  
 12 gang activity prevention.

13 (2) Educating parents to recognize signs of  
 14 problems and potential gang involvement in their  
 15 children.

16 (3) Teaching parents the importance of a nur-  
 17 turing family and home environment to keep chil-  
 18 dren out of gangs.

19 (4) Facilitating communication between parents  
 20 and children, especially programs that have been  
 21 evaluated and proven effective.

22 (c) MATCHING FUNDS.—

23 (1) IN GENERAL.—The Attorney General may  
 24 make a grant under this section only if the entity re-

ceiving the grant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward the cost of activities to be performed with that grant in an amount that is not less than 25 percent of such costs.

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including facilities, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(d) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—The Attorney General shall establish criteria for the evaluation of projects involving innovative approaches under subsection (a).

(2) GRANTEES.—A grant may be made under such subsection only if the entity involved—

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

(B) agrees to submit to the Attorney General reports describing the results of the evalua-



1           tions, as the Attorney General determines to be  
2           appropriate; and

3           (C) submits to the Attorney General, in  
4           the application under subsection (e), a plan for  
5           conducting the evaluations.

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

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

23       (g) AUTHORIZATION OF APPROPRIATIONS.—For the  
24  purpose of carrying out this section, there are authorized

1 to be appropriated \$5,000,000 for each of the fiscal years  
2 2008 through 2012.

3 **SEC. 105. STRATEGIC COMMUNITY PLANNING PROGRAM.**

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

7 **“Subtitle G—Strategic Community**  
8 **Planning Program**

9 **“SEC. 30701. GRANT AUTHORITY.**

10 “(a) GRANTS.—

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

16 “(A) fail to successfully complete sec-  
17 ondary school;

18 “(B) have entered the juvenile justice sys-  
19 tem; or

20 “(C) are at risk of failing to successfully  
21 complete secondary school or entering the juve-  
22 nile justice system.

23 “(2) GRANT AMOUNT.—A grant awarded to an  
24 eligible local entity under this subtitle shall be for  
25 not less than \$250,000 for a fiscal year. Amounts

1       made available through such a grant shall remain  
2       available until expended.

3       “(b) PROGRAM REQUIREMENTS.—

4               “(1) PROGRAMS.—An eligible local entity that  
5       receives funds under this subtitle shall develop or ex-  
6       pand community programs in eligible communities  
7       that are designed to target at-risk youths and juve-  
8       nile offenders through prevention, early intervention,  
9       and graduated sanctions.

10              “(2) OPTIONAL ACTIVITIES.—An eligible local  
11       entity that receives funds under this subtitle may de-  
12       velop a variety of programs to serve the comprehen-  
13       sive needs of at-risk youth and juvenile offenders, in-  
14       cluding—

15                      “(A) homework assistance and after-school  
16                      programs, including educational, social, and  
17                      athletic activities;

18                      “(B) mentoring programs;

19                      “(C) family counseling; and

20                      “(D) parental training programs.

21       “(c) ELIGIBLE COMMUNITY IDENTIFICATION.—The  
22       Attorney General shall establish by regulation the criteria  
23       necessary to qualify as an eligible community, which shall  
24       include criteria with respect to significant poverty and sig-  
25       nificant violent crime.

1 **“SEC. 30702. APPLICATIONS.**

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

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

9 “(1) contain a comprehensive plan for the pro-  
10 gram that is designed to improve the academic and  
11 social development of at-risk youths and juvenile of-  
12 fenders in the eligible community, which—

13 “(A) identifies an eligible community to be  
14 assisted;

15 “(B) describes the community planning  
16 process to be used by the local entity that in-  
17 cludes—

18 “(i) parents and family members;

19 “(ii) local school officials;

20 “(iii) teachers employed at schools  
21 within the eligible community;

22 “(iv) local public officials;

23 “(v) law enforcement officers and offi-  
24 cials;

25 “(vi) clergy and faith-based organiza-  
26 tions;

1 “(vii) public housing authorities;

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

4 “(ix) public and private nonprofit or-  
5 ganizations that provide education, child  
6 protective services, or other human services  
7 to low-income, at-risk youth and juvenile  
8 offenders, and their families; and

9 “(C) develops a concentrated strategy for  
10 implementation of the community planning  
11 process developed under subparagraph (B) that  
12 targets clusters of at-risk youth and juvenile of-  
13 fenders in the eligible community;

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

16 “(A) community leaders;

17 “(B) a school district;

18 “(C) local officials; and

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

21 “(3) provide an assurance that the local entity  
22 will use grant funds received under this subsection  
23 to implement the program requirements listed in  
24 section 30701(b);

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

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

8           “(6) provide an assurance that the local entity  
9           will maintain separate accounting records for the  
10          program.

11          “(c) PRIORITY.—In awarding grants under this sub-  
12          title, the Attorney General shall give priority to eligible  
13          local entities that identify under subsection (b)(1)(A) an  
14          eligible community that, when compared to other eligible  
15          communities, has a greater need than such other eligible  
16          communities for assistance under this subtitle, as deter-  
17          mined by the Attorney General based on the criteria estab-  
18          lished under section 30701(c).

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

1 **“SEC. 30703. DEFINITIONS.**

2 “For purposes of this subtitle—

3 “(1) the term ‘local entity’ means—

4 “(A) a local educational agency; or

5 “(B) a community-based organization, as  
6 defined in section 9101 of the Elementary and  
7 Secondary Education Act of 1965 (20 U.S.C.  
8 7801); and

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

12 **“SEC. 30704. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated for grants  
14 under this subtitle—

15 “(1) \$10,000,000 for fiscal year 2008;

16 “(2) \$11,000,000 for fiscal year 2009;

17 “(3) \$12,000,000 for fiscal year 2010;

18 “(4) \$13,000,000 for fiscal year 2011; and

19 “(5) \$14,000,000 for fiscal year 2012.”.

20 **SEC. 106. REAUTHORIZATION OF THE GANG RESISTANCE**  
21 **EDUCATION AND TRAINING PROJECTS PRO-**  
22 **GRAM AND INCREASED FUNDING FOR THE**  
23 **NATIONAL YOUTH GANG SURVEY.**

24 Section 32401 of the Violent Crime Control and Law  
25 Enforcement Act of 1994 (42 U.S.C. 13921) is amend-  
26 ed—

1 (1) in subsection (b)—

2 (A) by inserting “and” at the end of para-  
3 graph (2); and

4 (B) by striking paragraphs (3) through (5)  
5 and inserting the following:

6 “(3) \$21,000,000 for each of the fiscal years  
7 2008 through 2012.”; and

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

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

14 **Subtitle B—Recidivism Reduction**  
15 **and Reentry Assistance**

16 **SEC. 111. REAUTHORIZATION OF ADULT AND JUVENILE OF-**  
17 **FENDER STATE AND LOCAL REENTRY DEM-**  
18 **ONSTRATION PROJECTS.**

19 (a) GRANT AUTHORIZATION.—Section 2976(a) of the  
20 Omnibus Crime Control and Safe Streets Act of 1968 (42  
21 U.S.C. 3797w(a)) is amended by striking “States, Terri-  
22 tories” and all that follows through the period at the end  
23 and inserting “States, local governments, territories, or  
24 Indian tribes, or any combination thereof, in partnership  
25 with stakeholders, service providers, and nonprofit organi-



1 zations, for purpose of establishing adult and juvenile of-  
2 fender reentry demonstration projects.”.

3 (b) ADULT AND JUVENILE OFFENDER DEMONSTRA-  
4 TION PROJECTS AUTHORIZED.—Section 2976(b) of the  
5 Omnibus Crime Control and Safe Streets Act of 1968 (42  
6 U.S.C. 3797w(b)) is amended by striking paragraphs (1)  
7 through (4) and inserting the following:

8 “(1) establishing or improving the system or  
9 systems under which—

10 “(A) the correctional agency of the State  
11 or local government develops and carries out  
12 plans to facilitate the reentry into the commu-  
13 nity of each offender in State or local custody;

14 “(B) the supervision and services provided  
15 to offenders in State or local custody are co-  
16 ordinated with the supervision and services pro-  
17 vided to offenders after reentry into the com-  
18 munity;

19 “(C) the efforts of various public and pri-  
20 vate entities to provide supervision and services  
21 to offenders, and to family members of such of-  
22 fenders, after offenders reenter the community  
23 are coordinated; and

24 “(D) offenders awaiting reentry into the  
25 community are provided with documents useful

1 in achieving a successful transition from prison,  
2 jail, or detention (such as identification papers,  
3 referrals to services, medical prescriptions, job  
4 training certificates, apprenticeship papers, and  
5 information on obtaining public assistance);

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

9 “(3) enabling prison or jail mentors of offend-  
10 ers to remain in contact with those offenders (in-  
11 cluding through the use of such technology as  
12 videoconferencing) during incarceration and after re-  
13 entry into the community, and encouraging the in-  
14 volvement of prison or jail mentors in the reentry  
15 process;

16 “(4) providing structured post-release housing  
17 and transitional housing (including group homes for  
18 recovering substance abusers) through which offend-  
19 ers are provided supervision and services imme-  
20 diately following reentry into the community;

21 “(5) assisting offenders in securing permanent  
22 housing upon release or following a stay in transi-  
23 tional housing;

24 “(6) providing continuity of health services (in-  
25 cluding screening, assessment, and aftercare for

1        mental health services, substance abuse treatment  
2        and aftercare, and treatment for contagious dis-  
3        eases) to offenders in custody and after reentry into  
4        the community;

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

13           “(8) facilitating collaboration among corrections  
14       and community corrections, technical schools, com-  
15       munity colleges, and the workforce development and  
16       employment service sectors—

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

21           “(B) to facilitate the creation of job oppor-  
22       tunities for offenders released from prison or  
23       jail, including transitional jobs and time-limited  
24       subsidized work experience (as appropriate);

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

9           “(D) to address barriers to employment  
10          (such as licensing), that are not directly con-  
11          nected to the crime committed, and to provide  
12          case management services as necessary to pre-  
13          pare offenders for jobs that offer the potential  
14          for advancement and growth; and

15          “(E) to address the risks that offenders re-  
16          entering the community present to the commu-  
17          nity;

18          “(9) assessing the literacy and educational  
19          needs of offenders in custody and identifying and  
20          providing services appropriate to meet those needs,  
21          including follow-up assessments and long-term serv-  
22          ices;

23          “(10) systems under which family members of  
24          offenders are involved in facilitating the successful  
25          reentry of those offenders into the community, in-

1 including removing obstacles to the maintenance of  
2 family relationships while the offender is in custody,  
3 strengthening the family's capacity to function as a  
4 stable living situation during reentry (as appropriate), and involving family members in the planning and implementation of the reentry process;

7 “(11) programs under which victims are included, on a voluntary basis, in the reentry process;

9 “(12) identifying and addressing barriers to collaborating with child welfare agencies in the joint  
10 provision of services to offenders in custody and to  
11 the children of such offenders;

13 “(13) carrying out programs that support children of incarcerated parents, including those in foster care and those cared for by grandparents or  
14 other relatives (commonly referred to as kinship  
15 care), including programs for mentoring children of  
16 incarcerated offenders;

19 “(14) carrying out programs for the entire family unit, including the coordination of service delivery  
20 across agencies;

22 “(15) implementing programs in correctional  
23 agencies to—

24 “(A) include the collection of information  
25 regarding any dependent children of an incar-

1           cerated offender as part of intake procedures,  
2           including the number of children, age, and loca-  
3           tion or jurisdiction; and

4           “(B) connect identified children with serv-  
5           ices as appropriate and as needed;

6           “(16) addressing barriers to the visitation of  
7           children with an incarcerated parent and mainte-  
8           nance of the parent-child relationship (as appro-  
9           priate to the safety and well-being of the children),  
10          such as the location of facilities in remote areas,  
11          telephone costs, mail restrictions, and visitation poli-  
12          cies;

13          “(17) creating, developing, or enhancing incar-  
14          cerated offender and family assessments curricula,  
15          policies, procedures, or programs (including men-  
16          toring programs), in coordination with victim service  
17          providers, to help prisoners with a history or identi-  
18          fied risk of domestic violence, dating violence, sexual  
19          assault, or stalking—

20          “(A) to reconnect with their families and  
21          communities (as appropriate or when it is safe  
22          to do so), with particular attention paid to the  
23          safety of children affected and the confiden-  
24          tiality concerns of victims; and

1           “(B) to become mutually respectful, non-  
2           abusive parents or partners;

3           “(18) developing programs and activities that  
4           support parent-child relationships, such as—

5           “(A) using telephone conferencing to per-  
6           mit incarcerated parents to participate in par-  
7           ent-teacher conferences;

8           “(B) using videoconferencing to allow vir-  
9           tual visitation when incarcerated offenders are  
10          more than 100 miles from their families;

11          “(C) the development of books on tape  
12          programs, through which incarcerated parents  
13          read a book into a tape to be sent to their chil-  
14          dren;

15          “(D) the establishment of family days,  
16          which provide for longer visitation hours or  
17          family activities;

18          “(E) the creation of children’s areas in vis-  
19          itation rooms with parent-child activities;

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

24          “(G) programs for mentoring children of  
25          incarcerated offenders;

1           “(19) expanding family-based treatment centers  
2           that offer family-based comprehensive treatment  
3           services for offenders reentering the community and  
4           their children as a complete family unit;

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

9           “(21) developing or adopting procedures to en-  
10          sure that dangerous felons are not released from  
11          prison or jail prematurely;

12          “(22) developing and implementing procedures  
13          to assist relevant authorities—

14               “(A) in determining when release is appro-  
15               priate; and

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

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

22          “(24) utilizing validated assessment tools to as-  
23          sess the risk factors of returning offenders to the  
24          community, and prioritizing services based on the



1 risks related to offenders returning to the commu-  
2 nity;

3 “(25) facilitating and encouraging timely and  
4 complete payment of restitution and fines by offend-  
5 ers to victims and the community;

6 “(26) establishing or expanding the use of re-  
7 entry courts and other programs to—

8 “(A) monitor offenders returning to the  
9 community;

10 “(B) provide offenders reentering the com-  
11 munity with—

12 “(i) drug and alcohol testing and  
13 treatment; and

14 “(ii) mental and medical health as-  
15 sessment and services;

16 “(C) facilitate restorative justice practices  
17 and convene family or community impact pan-  
18 els, family impact educational classes, victim  
19 impact panels, or victim impact educational  
20 classes;

21 “(D) provide and coordinate the delivery of  
22 other community services to offenders, includ-  
23 ing—

24 “(i) housing assistance;

25 “(ii) education;

1 “(iii) employment training;  
 2 “(iv) children and family support, in-  
 3 cluding responsible parenting and healthy  
 4 relationship skills training designed specifi-  
 5 cally to address the needs of incarcerated  
 6 and transitioning parents;  
 7 “(v) conflict resolution skills training;  
 8 “(vi) family violence intervention pro-  
 9 grams;  
 10 “(vii) culturally and linguistically  
 11 competent services, as appropriate; and  
 12 “(viii) other appropriate services, as  
 13 determined by the Attorney General; and  
 14 “(E) establish and implement graduated  
 15 sanctions and incentives; and  
 16 “(27) providing technology and other tools to  
 17 advance post-incarceration supervision.”.

18 (c) JUVENILE OFFENDER DEMONSTRATION  
 19 PROJECTS REAUTHORIZED.—Section 2976(c) of the Om-  
 20 nibus Crime Control and Safe Streets Act of 1968 (42  
 21 U.S.C. 3797w(c)) is amended by striking “may be ex-  
 22 pended for” and all that follows through the period at the  
 23 end and inserting “may be expended for any activity de-  
 24 scribed in subsection (b).”.

1 (d) APPLICATIONS; REQUIREMENTS; PRIORITIES;  
2 PERFORMANCE MEASUREMENTS.—Section 2976 of the  
3 Omnibus Crime Control and Safe Streets Act of 1968 (42  
4 U.S.C. 3797w) is amended—

5 (1) by redesignating subsection (h) as sub-  
6 section (p); and

7 (2) by striking subsections (d) through (g) and  
8 inserting the following:

9 “(d) APPLICATIONS.—A State, unit of local govern-  
10 ment, territory, or Indian tribe (or a combination of such  
11 jurisdictions) desiring a grant under this section shall sub-  
12 mit an application to the Attorney General that—

13 “(1) contains a reentry strategic plan developed  
14 under subsection (h) that describes the long-term  
15 strategy and a detailed implementation schedule, in-  
16 cluding the jurisdiction’s plans to pay for the pro-  
17 gram after Federal funding is discontinued;

18 “(2) identifies the local government role in the  
19 applicant’s offender reentry strategy, as well as the  
20 role of governmental agencies and nonprofit organi-  
21 zations that will be coordinated by, and that will col-  
22 laborate on, such strategy, and certifies the involve-  
23 ment of such agencies and organizations;

1 “(3) describes the methodology and outcome  
2 measures that will be used in evaluating the pro-  
3 gram; and

4 “(4) includes a plan for the use of a State,  
5 local, territorial, or tribal reentry task force, as ref-  
6 erenced in subsection (i), to carry out the activities  
7 funded under the grant.

8 “(e) REQUIREMENTS.—The Attorney General may  
9 make a grant to an applicant under this section only if  
10 the application—

11 “(1) reflects explicit support of the chief execu-  
12 tive officer of the State, unit of local government,  
13 territory, or Indian tribe applying for a grant under  
14 this section;

15 “(2) provides extensive discussion of the role of  
16 State corrections departments, community correc-  
17 tions agencies, juvenile justice systems, or local jail  
18 systems, as the case may be, in ensuring successful  
19 reentry of offenders into their communities;

20 “(3) provides extensive evidence of collaboration  
21 with State and local government agencies overseeing  
22 health, housing, child welfare, education, substance  
23 abuse, and employment services, and local law en-  
24 forcement;

1           “(4) provides a plan for analysis of the statu-  
2           tory, regulatory, rules-based, and practice-based hur-  
3           dles of the applicant to an offender’s reentry into  
4           the community that—

5                   “(A) takes particular note and makes rec-  
6                   ommendations with respect to laws, regulations,  
7                   rules, and practices that disqualify offenders  
8                   from obtaining professional licenses or other re-  
9                   quirements necessary for certain types of em-  
10                  ployment, and that hinder full civic participa-  
11                  tion;

12                  “(B) identifies and makes recommenda-  
13                  tions with respect to those laws, regulations,  
14                  rules, or practices that are not directly con-  
15                  nected to the crime committed and the risk that  
16                  the offender presents to the community; and

17                  “(C) affords members of the public an op-  
18                  portunity to participate in the process described  
19                  in this paragraph.

20           “(f) PRIORITY CONSIDERATION.—The Attorney Gen-  
21           eral shall give priority to grant applications under this sec-  
22           tion that best—

23                   “(1) focus initiative on geographic areas with a  
24                   high population of offenders reentering the commu-  
25                   nity;

1           “(2) include partnerships with nonprofit organi-  
2       zations;

3           “(3) provide consultations with crime victims  
4       and offenders who have reentered the community  
5       and their families;

6           “(4) review the process by which the State and  
7       local governments adjudicate violations of parole,  
8       probation, or post-incarceration supervision, and  
9       consider reforms to maximize the use of graduated,  
10      community-based sanctions for minor and technical  
11      violations of parole, probation, or post-incarceration  
12      supervision;

13          “(5) establish prerelease planning procedures  
14      for offenders to ensure that an offender’s eligibility  
15      for Federal or State benefits (including Medicaid,  
16      Medicare, Social Security, and veterans benefits)  
17      upon release is established prior to release, subject  
18      to any limitations in law, and to ensure that offend-  
19      ers are provided with referrals to appropriate social  
20      and health services or are linked to appropriate non-  
21      profit organizations; and

22          “(6) target high-risk offenders for reentry pro-  
23      grams through validated assessment tools.

24      “(g) USES OF GRANT FUNDS.—

1           “(1) FEDERAL SHARE.—The Federal share of  
2           the costs of a project carried out with a grant under  
3           this section shall be not more than 75 percent, un-  
4           less the Attorney General—

5                   “(A) waives, in whole or in part, the re-  
6                   quirement of this paragraph; and

7                   “(B) publicly delineates the rationale for  
8                   the waiver.

9           “(2) SUPPLEMENT NOT SUPPLANT.—Federal  
10          funds received under this section shall be used to  
11          supplement, not supplant, non-Federal funds that  
12          would otherwise be available for the activities funded  
13          under this section.

14          “(h) REENTRY STRATEGIC PLAN.—

15               “(1) IN GENERAL.—As a condition of receiving  
16               financial assistance under this section, each appli-  
17               cant shall develop a comprehensive strategic reentry  
18               plan that contains measurable annual and 5-year  
19               performance outcomes. The plan shall have as a goal  
20               to reduce the rate of recidivism of offenders served  
21               with funds received under this section by 50 percent  
22               over a period of 5 years.

23               “(2) COORDINATION.—In developing reentry  
24               plans under this subsection, applicants shall coordi-  
25               nate with communities and stakeholders, including

1 persons in the fields of public safety, corrections,  
2 housing, health, education, substance abuse, children  
3 and families, employment, business, and members of  
4 nonprofit organizations that provide reentry services.

5 “(3) MEASUREMENTS OF PROGRESS.—Each re-  
6 entry plan developed under this subsection shall in-  
7 clude a plan to measure the progress of the appli-  
8 cant toward increasing public safety by reducing  
9 rates of recidivism and enabling offenders to transi-  
10 tion successfully back into their communities.

11 “(i) REENTRY TASK FORCE.—

12 “(1) IN GENERAL.—As a condition of receiving  
13 a grant under this section, each applicant shall es-  
14 tablish or empower a Reentry Task Force, or other  
15 relevant convening authority, to examine ways to  
16 pool resources and funding streams to promote lower  
17 recidivism rates for offenders reentering the commu-  
18 nity and to minimize the harmful effects of incarcer-  
19 ation on families and communities by collecting data  
20 and best practices in offender reentry from dem-  
21 onstration grantees and other agencies and organiza-  
22 tions, and to provide a plan, as described in sub-  
23 section (e)(4).

24 “(2) MEMBERSHIP.—The reentry task force or  
25 other authority shall be comprised of relevant—



- 1                   “(A) State, tribal, territorial, or local lead-  
2                   ers;  
3                   “(B) agencies;  
4                   “(C) service providers;  
5                   “(D) nonprofit organizations; and  
6                   “(E) stakeholders.

7                   “(j) STRATEGIC PERFORMANCE OUTCOMES.—

8                   “(1) IN GENERAL.—Each applicant shall iden-  
9                   tify in the reentry strategic plan of that applicant  
10                  developed under subsection (h) specific performance  
11                  outcomes related to the long-term goals of increasing  
12                  public safety and reducing recidivism.

13                  “(2) PERFORMANCE OUTCOMES.—The perform-  
14                  ance outcomes identified under paragraph (1) shall  
15                  include, with respect to offenders reentering the  
16                  community—

- 17                       “(A) reduction in recidivism rates;  
18                       “(B) reduction in crime;  
19                       “(C) increased employment and education  
20                       opportunities;  
21                       “(D) reduction in violations of conditions  
22                       of supervised release;  
23                       “(E) increased payment of child support;  
24                       “(F) increased housing opportunities;

1                   “(G) reduction in drug and alcohol abuse;  
2                   and

3                   “(H) increased participation in substance  
4                   abuse and mental health services.

5                   “(3) OTHER OUTCOMES.—States may include  
6                   in their reentry strategic plan other performance  
7                   outcomes that increase the success rates of offenders  
8                   reentering the community.

9                   “(4) COORDINATION.—Applicants shall coordi-  
10                  nate with communities and stakeholders about the  
11                  selection of performance outcomes identified by the  
12                  applicant, and shall consult with the Department of  
13                  Justice for assistance with data collection and meas-  
14                  urement activities.

15                  “(k) REPORT.—Each grantee under this section shall  
16                  submit an annual report to the Attorney General that—

17                       “(1) identifies the progress of that grantee to-  
18                       ward achieving its strategic performance outcomes  
19                       identified under subsection (j); and

20                       “(2) describes other activities conducted by the  
21                       grantee to increase the success rates of the reentry  
22                       population, such as programs that foster effective  
23                       risk management and treatment programming, of-  
24                       fender accountability, and community and victim  
25                       participation.

1 “(l) PERFORMANCE MEASUREMENT.—

2 “(1) IN GENERAL.—The Attorney General, in  
3 consultation with the grantees, shall—

4 “(A) identify primary and secondary  
5 sources of information to support the measure-  
6 ment of the strategic performance outcomes  
7 identified under subsection (j);

8 “(B) identify sources and methods of data  
9 collection in support of performance measure-  
10 ment required under this section;

11 “(C) provide to all grantees technical as-  
12 sistance and training on performance measures  
13 and data collection for purposes of this section;  
14 and

15 “(D) coordinate with the Substance Abuse  
16 and Mental Health Services Administration on  
17 strategic performance outcome measures and  
18 data collection for purposes of this section relat-  
19 ing to substance abuse and mental health.

20 “(2) COORDINATION.—The Attorney General  
21 shall coordinate with other Federal agencies to iden-  
22 tify national and other sources of information to  
23 support grantee’s performance measurement.

24 “(3) STANDARDS FOR ANALYSIS.—Any statis-  
25 tical analysis of population data conducted under

1       this section shall be conducted in accordance with  
2       the Federal Register Notice dated October 30, 1997,  
3       relating to classification standards.

4       “(m) NATIONAL ADULT AND JUVENILE OFFENDER  
5 REENTRY RESOURCE CENTER.—

6               “(1) AUTHORITY.—The Attorney General may,  
7       using amounts made available to carry out this sec-  
8       tion, make a grant to an eligible organization to pro-  
9       vide for the establishment of a National Adult and  
10      Juvenile Offender Reentry Resource Center.

11              “(2) ELIGIBLE ORGANIZATION.—An organiza-  
12      tion eligible for the grant under paragraph (1) is  
13      any national nonprofit organization that—

14              “(A) is approved by the Federal task force  
15      established under subsection (o); and

16              “(B) provides technical assistance and  
17      training to, and has special expertise and broad,  
18      national-level experience in, offender reentry  
19      programs, training, and research.

20              “(3) USE OF FUNDS.—The organization receiv-  
21      ing the grant under paragraph (1) shall establish a  
22      National Adult and Juvenile Offender Reentry Re-  
23      source Center to—

24              “(A) provide education, training, and tech-  
25      nical assistance to States, units of local govern-

1           ments, territories, tribes, service providers, non-  
2           profit organizations, and corrections institu-  
3           tions;

4           “(B) collect data and best practices in of-  
5           fender reentry from demonstration grantees and  
6           others agencies and organizations;

7           “(C) develop and disseminate evaluation  
8           tools, mechanisms, and measures to better as-  
9           sess and document coalition performance meas-  
10          ures and outcomes;

11          “(D) disseminate knowledge to States and  
12          other relevant entities about reentry, including  
13          best practices, policy standards, and research  
14          findings;

15          “(E) develop and implement procedures to  
16          assist relevant authorities in—

17               “(i) determining when release is ap-  
18               propriate; and

19               “(ii) the use of data to inform the re-  
20               lease decision;

21          “(F) develop and implement procedures to  
22          identify efficiently and effectively those violators  
23          of probation, parole, or post-incarceration su-  
24          pervision who should be returned to prison or

1 jail and those who should receive other penalties  
2 based on defined, graduated sanctions;

3 “(G) collaborate with the Federal task  
4 force established under subsection (o) and the  
5 Federal Resource Center for Children of Pris-  
6 oners;

7 “(H) develop a national reentry research  
8 agenda; and

9 “(I) bridge the gap between reentry re-  
10 search and practice by translating knowledge  
11 from reentry research into practical informa-  
12 tion.

13 “(4) LIMIT.—Of amounts made available to  
14 carry out this section, not more than 4 percent shall  
15 be available to carry out this subsection.

16 “(n) ADMINISTRATION.—Of amounts made available  
17 to carry out this section—

18 “(1) not more than 2 percent shall be available  
19 for administrative expenses in carrying out this sec-  
20 tion; and

21 “(2) not more than 2 percent shall be made  
22 available to the National Institute of Justice to  
23 evaluate the effectiveness of the demonstration  
24 projects funded under this section in reducing recidi-  
25 vism and increasing public safety.

1       “(o) TASK FORCE ON FEDERAL PROGRAMS AND AC-  
2       TIVITIES RELATING TO REENTRY OF OFFENDERS.—

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

17              “(2) DUTIES.—The task force established  
18      under paragraph (1) shall—

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

1           “(B) identify methods to improve collabo-  
2           ration and coordination of such programs and  
3           activities;

4           “(C) identify areas of responsibility in  
5           which improved collaboration and coordination  
6           of such programs and activities would result in  
7           increased effectiveness or efficiency;

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

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

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

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

24          “(H) in collaboration with the National  
25          Adult and Juvenile Offender Reentry Resources



1 Center established under subsection (m), iden-  
2 tify successful reentry programs and collect best  
3 practices in offender reentry from demonstra-  
4 tion grantees and other agencies and organiza-  
5 tions, determine the extent to which such pro-  
6 grams and practices can be replicated, and  
7 make information on such programs and prac-  
8 tices available to States, localities, nonprofit or-  
9 ganizations, and others.

10 “(3) REPORT.—

11 “(A) IN GENERAL.—Not later than 1 year  
12 after the date of enactment of the Fighting  
13 Gangs and Empowering Youth Act of 2007, the  
14 task force established under paragraph (1) shall  
15 submit to Congress a report on barriers to re-  
16 entry, including recommendations to overcome  
17 such barriers. The task force shall provide for  
18 public input in preparing the report.

19 “(B) CONTENTS.—The report required by  
20 subparagraph (A) shall identify Federal and  
21 other barriers to successful reentry of offenders  
22 into the community and analyze the effects of  
23 such barriers on offenders and on children and  
24 other family members of offenders, including  
25 barriers relating to—

1 “(i) child support obligations and pro-  
2 cedures;

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

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

15 “(iv) education programs, financial  
16 assistance, and full civic participation;

17 “(v) TANF program funding criteria  
18 and other welfare benefits;

19 “(vi) sustainable employment and ca-  
20 reer advancement, including barriers that  
21 are not directly connected to the crime  
22 committed and the risk that the offender  
23 presents to the community;

24 “(vii) laws, regulations, rules, and  
25 practices that restrict Federal employment

1 licensure and participation in Federal con-  
2 tracting programs;

3 “(viii) admissions to and evictions  
4 from Federal housing programs, includ-  
5 ing—

6 “(I) examining the number and  
7 characteristics of offenders who are  
8 evicted from or denied eligibility for  
9 Federal housing programs;

10 “(II) the effect of eligibility deni-  
11 als and evictions on homelessness,  
12 family stability, and family reunifica-  
13 tion;

14 “(III) the extent to which arrest  
15 records are the basis for denying ap-  
16 plications;

17 “(IV) the implications of consid-  
18 ering misdemeanor convictions that  
19 occurred more than 5 years before the  
20 date of an application and felony con-  
21 victions that occurred more than 10  
22 years before the date of an applica-  
23 tion, and the appropriateness of tak-  
24 ing into account rehabilitation and  
25 other mitigating factors; and

1                   “(V) the feasibility of using pro-  
2                   bationary or conditional eligibility  
3                   based on participation in a supervised  
4                   rehabilitation program or other appro-  
5                   priate social services;

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

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

17                  “(xi) prerelease planning procedures  
18                  for offenders to ensure that the eligibility  
19                  of an offender for Federal or State benefits  
20                  (including Medicaid, Medicare, Social Se-  
21                  curity and veterans benefits) upon release  
22                  is established prior to release, subject to  
23                  any limitations in law, and to ensure that  
24                  offenders are provided with referrals to ap-  
25                  propriate social and health services or are

1 linked to appropriate nonprofit organiza-  
2 tions.

3 “(4) ANNUAL REPORTS.—On an annual basis,  
4 the task force established under paragraph (1) shall  
5 submit to Congress a report on the activities of the  
6 task force, including specific recommendations of the  
7 task force on matters referred to in paragraph (2).

8 “(5) STANDARDS FOR ANALYSIS.—Any statis-  
9 tical analysis of population data under this section  
10 shall be conducted in accordance with the Federal  
11 Register Notice dated October 30, 1997, relating to  
12 classification standards.”.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
14 2976 of the Omnibus Crime Control and Safe Streets Act  
15 of 1968 (42 U.S.C. 3797w) is amended in subsection  
16 (p)(1), as redesignated by subsection (d)(1) of this section,  
17 by striking “\$15,000,000” and all that follows, and insert-  
18 ing “\$100,000,000 for each of the fiscal years 2008 and  
19 2009.”.

20 **SEC. 112. CHILDREN OF INCARCERATED PARENTS AND**  
21 **FAMILIES.**

22 The Secretary of Health and Human Services may—

23 (1) prepare and make available to States a re-  
24 port on any recommendations regarding the role of

1 State child protective services at the time of the ar-  
2 rest of an individual; and

3 (2) by regulation, establish such services as the  
4 Secretary determines necessary for the preservation  
5 of families that have been impacted by the incarcer-  
6 ation of a family member, with special attention  
7 given to the impact on children.

8 **SEC. 113. ENCOURAGEMENT OF EMPLOYMENT OF FORMER**  
9 **PRISONERS.**

10 The Secretary of Labor shall take such steps as are  
11 necessary to implement a program, including a program  
12 carried out through the Employment and Training Admin-  
13 istration, to educate employers, and to educate one-stop  
14 partners and one-stop operators (as such terms are de-  
15 fined in section 101 of the Workforce Investment Act of  
16 1998 (29 U.S.C. 2801)), about incentives (in existence as  
17 of the date of the implementation), including the Federal  
18 bonding program carried out through the Employment  
19 and Training Administration and tax credits, for hiring  
20 former Federal, State, or local prisoners.

21 **SEC. 114. NATIONAL RESOURCE CENTER FOR CHILDREN**  
22 **AND FAMILIES OF THE INCARCERATED.**

23 There are authorized to be appropriated to the Sec-  
24 retary of Health and Human Services for fiscal years 2008  
25 and 2009, such sums as may be necessary for the con-

1   tinuing activities of the National Resource Center for Chil-  
2   dren and Families of the Incarcerated, including con-  
3   ducting a review of the policies and practices of State and  
4   Federal corrections agencies to support parent-child rela-  
5   tionships.

6   **SEC. 115. USE OF VIOLENT OFFENDER TRUTH-IN-SEN-**  
7                           **TENCING GRANT FUNDING FOR DEMONSTRA-**  
8                           **TION PROJECT ACTIVITIES.**

9       Section 20102(a) of the Violent Crime Control and  
10   Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is  
11   amended—

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

14           (2) in paragraph (3), by striking the period at  
15   the end and inserting “; and”; and

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

17           “(4) to carry out any activity described in sub-  
18   section (b) or (c) of section 2976 of the Omnibus  
19   Crime Control and Safe Streets Act of 1968 (42  
20   U.S.C. 3797w (b) and (c)).”.

1 **SEC. 116. GRANTS TO STUDY PAROLE OR POST-INCARCER-**  
2 **ATION SUPERVISION VIOLATIONS AND REV-**  
3 **OCATIONS.**

4 (a) GRANTS AUTHORIZED.—The Attorney General  
5 may award grants to States to study and to improve the  
6 collection of data with respect to—

7 (1) offenders whose parole or post-incarceration  
8 supervision is revoked; and

9 (2) which such offenders represent the greatest  
10 risk to community safety.

11 (b) REQUIREMENTS.—As a condition of receiving a  
12 grant under this section, the Governor or other chief exec-  
13 utive officer of a State shall—

14 (1) certify that the State has, or intends to es-  
15 tablish, a program that collects comprehensive and  
16 reliable data with respect to individuals described in  
17 subsection (a)(1), including data on—

18 (A) the number and type of parole or post-  
19 incarceration supervision violations that occur  
20 within that State;

21 (B) the reasons for parole or post-incarcer-  
22 ation supervision revocation;

23 (C) the underlying behavior that led to the  
24 revocations; and



1 (D) the terms of imprisonment or other  
 2 penalties that are imposed for the violations;  
 3 and

4 (2) provide the data described in paragraph (1)  
 5 to the Bureau of Justice Statistics, in a form pre-  
 6 scribed by the Bureau.

7 (c) STANDARDS OF ANALYSIS.—Any statistical anal-  
 8 ysis of population data conducted under this section shall  
 9 be conducted in accordance with the Federal Register No-  
 10 tice dated October 30, 1997, relating to classification  
 11 standards.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
 13 are authorized to be appropriated to carry out this section  
 14 \$1,000,000 for each fiscal years 2008 and 2009.

15 **SEC. 117. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE**  
 16 **ABUSE TREATMENT FOR STATE PRISONERS**  
 17 **PROGRAM.**

18 Section 1904(d) of the Omnibus Crime Control and  
 19 Safe Streets Act of 1968 (42 U.S.C. 3796ff–3(d)) is  
 20 amended to read as follows:

21 “(d) RESIDENTIAL SUBSTANCE ABUSE TREAT-  
 22 MENT.—In this part, the term ‘residential substance abuse  
 23 treatment’—

24 “(1) means a course of individual and group ac-  
 25 tivities and treatment, lasting at least 6 months, in

1 residential treatment facilities set apart from the  
2 general prison population; and

3 “(2) may include the use of pharmacotherapies  
4 where appropriate, that may extend beyond the 6-  
5 month period.”.

6 **SEC. 118. RESIDENTIAL DRUG ABUSE PROGRAM IN FED-**  
7 **ERAL PRISONS.**

8 Section 3621(e)(5)(A) of title 18, United States  
9 Code, is amended by striking “means a course of” and  
10 all that follows through the semicolon at the end and in-  
11 serting the following: “means a course of individual and  
12 group activities and treatment, lasting at least 6 months,  
13 in residential treatment facilities set apart from the gen-  
14 eral prison population (which may include the use of  
15 pharmacotherapies, where appropriate, that may extend  
16 beyond the 6-month period);”.

17 **SEC. 119. REMOVAL OF LIMITATION ON AMOUNT OF FUNDS**  
18 **AVAILABLE FOR CORRECTIONS EDUCATION**  
19 **PROGRAMS UNDER THE ADULT EDUCATION**  
20 **AND FAMILY LITERACY ACT.**

21 (a) IN GENERAL.—Section 222(a)(1) of the Adult  
22 Education and Family Literacy Act (20 U.S.C.  
23 9222(a)(1)) is amended by striking “, of which not more  
24 than 10 percent of the 82.5 percent shall be available to  
25 carry out section 225”.

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

4 (1) on the use of literacy funds provided under  
5 the Adult Education and Family Literacy Act (20  
6 U.S.C. 9201 et seq.) to correctional institutions as  
7 defined in section 225(d)(2) of that Act (20 U.S.C.  
8 9225(d)(2)); and

9 (2) that specifies the amount of literacy funds  
10 that are provided to each category of correctional in-  
11 stitution in each State, and identify whether funds  
12 are being sufficiently allocated among the various  
13 types of institutions.

14 **SEC. 120. MENTORING GRANTS TO NONPROFIT ORGANIZA-**  
15 **TIONS.**

16 (a) AUTHORITY TO MAKE GRANTS.—From amounts  
17 made available to carry out this section, the Attorney Gen-  
18 eral shall make grants, in consultation with the Secretary  
19 of Labor and the Secretary of Housing and Urban Devel-  
20 opment, to nonprofit organizations for the purpose of pro-  
21 viding mentoring and other transitional services essential  
22 to the reentry of offenders into the community.

23 (b) USE OF FUNDS.—A grant under subsection (a)  
24 may be used for—

1           (1) mentoring adult and juvenile offenders dur-  
2           ing incarceration, during transition back to the com-  
3           munity, and post-incarceration; and

4           (2) transitional services to assist in the reentry  
5           of offenders into the community.

6           (c) APPLICATION; PRIORITY CONSIDERATION.—

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

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

15                (A) include a plan to implement activities  
16                that have been demonstrated to be effective in  
17                facilitating the successful reentry of offenders  
18                into the community; and

19                (B) provide for an independent evaluation.

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

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to the Attorney General  
3 to carry out this section \$25,000,000 for each of fiscal  
4 years 2008 and 2009.

5 **SEC. 121. CLARIFICATION OF AUTHORITY TO PLACE PRIS-**  
6 **ONER IN COMMUNITY CORRECTIONS.**

7 Section 3624(c) of title 18, United States Code, is  
8 amended to read as follows:

9 “(c) PRERELEASE CUSTODY.—

10 “(1) IN GENERAL.—The Bureau of Prisons  
11 shall, to the extent practicable, assure that a pris-  
12 oner serving a term of imprisonment spends 20 per-  
13 cent of the final portion of such term, not to exceed  
14 12 months, under conditions that will afford the  
15 prisoner a reasonable opportunity to adjust to and  
16 prepare for reentry into the community. Such condi-  
17 tions may include a community correctional facility.

18 “(2) AUTHORITY.—The Bureau of Prisons is  
19 authorized to place a prisoner in home confinement  
20 for the final portion of the term of imprisonment of  
21 that prisoner, not to exceed the shorter of 10 per-  
22 cent of that term of imprisonment or 6 months.

23 “(3) ASSISTANCE.—The United States Probation  
24 System shall, to the extent practicable, offer as-

1       sistance to a prisoner during any prerelease custody  
2       under this subsection.

3               “(4) NO LIMITATIONS.—Nothing in this sub-  
4       section shall be construed to limit or restrict the au-  
5       thority of the Bureau of Prisons granted under sec-  
6       tion 3621 of this title.”.

7       **SEC. 122. GRANTS TO STATES FOR IMPROVED WORKPLACE**  
8                       **AND COMMUNITY TRANSITION TRAINING FOR**  
9                       **INCARCERATED YOUTH OFFENDERS.**

10       Section 821 of the Higher Education Amendments of  
11       1998 (20 U.S.C. 1151) is amended to read as follows:

12       **“SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE**  
13                       **AND COMMUNITY TRANSITION TRAINING FOR**  
14                       **INCARCERATED YOUTH OFFENDERS.**

15       “(a) DEFINITION.—For purposes of this section, the  
16       term ‘youth offender’ means a male or female offender  
17       under the age of 35, who is incarcerated in a State prison,  
18       including a prerelease facility.

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

21               “(1) shall establish a program in accordance  
22       with this section to provide grants to the State cor-  
23       rectional education agencies in the States, from allo-  
24       cations for the States under subsection (h), to assist

1 and encourage youth offenders to acquire functional  
2 literacy, life, and job skills, through—

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

6 “(B) employment counseling and other re-  
7 lated services which start during incarceration  
8 and end not later than 1 year after release from  
9 confinement; and

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

16 “(c) APPLICATION.—To be eligible for a grant under  
17 this section, a State correctional education agency shall  
18 submit to the Secretary a proposal for a youth offender  
19 program that—

20 “(1) identifies the scope of the problem, includ-  
21 ing the number of youth offenders in need of post-  
22 secondary education and career and technical edu-  
23 cation;

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

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

9           “(4) describes specific performance objectives  
10          and evaluation methods (in addition to, and con-  
11          sistent with, any objectives established by the Sec-  
12          retary under subsection (b)(2)) that the State cor-  
13          rectional education agency will use in carrying out  
14          its proposal, including—

15               “(A) specific and quantified student out-  
16               come measures that are compared with out-  
17               comes for non-program participants with simi-  
18               lar demographic characteristics; and

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

22                       “(i) program completion, including an  
23                       explicit definition of what constitutes a  
24                       program completion within the proposal;



1                   “(ii) knowledge and skill attainment,  
2                   including specification of instruments that  
3                   will measure knowledge and skill attain-  
4                   ment;

5                   “(iii) attainment of employment both  
6                   before and after release;

7                   “(iv) success in employment indicated  
8                   by job retention and advancement; and

9                   “(v) recidivism, including such sub-  
10                  indicators as time before subsequent of-  
11                  fense and severity of subsequent offense;

12                 “(5) describes how the proposed programs are  
13                 to be integrated with existing State correctional edu-  
14                 cation programs (such as adult education, graduate  
15                 education degree programs, and career and technical  
16                 education) and State industry programs;

17                 “(6) describes how the proposed programs will  
18                 utilize technology to deliver the services under this  
19                 section; and

20                 “(7) describes how students will be selected so  
21                 that only youth offenders eligible under subsection  
22                 (e) will be enrolled in a program receiving a grant  
23                 under this section.

1       “(d) PROGRAM REQUIREMENTS.—Each State correc-  
2 tional education agency receiving a grant under this sec-  
3 tion shall—

4               “(1) annually report to the Secretary regard-  
5 ing—

6                       “(A) the results of the evaluations con-  
7 ducted using data elements and definitions pro-  
8 vided by the Secretary for the use of State cor-  
9 rectional education programs;

10                      “(B) any objectives or requirements estab-  
11 lished by the Secretary pursuant to subsection  
12 (b)(2); and

13                      “(C) the additional performance objectives  
14 and evaluation methods contained in the pro-  
15 posal described in subsection (c)(4), as nec-  
16 essary to document the attainment of project  
17 performance objectives; and

18               “(2) expend on each participating eligible stu-  
19 dent for an academic year, not more than the max-  
20 imum Federal Pell Grant appropriated under section  
21 401 of the Higher Education Act of 1965 for such  
22 academic year, which shall be used for—

23                      “(A) tuition, books, and essential mate-  
24 rials; and

1                   “(B) related services such as career devel-  
2                   opment, substance abuse counseling, parenting  
3                   skills training, and health education.

4           “(e) STUDENT ELIGIBILITY.—A youth offender shall  
5 be eligible for participation in a program receiving a grant  
6 under this section if the youth offender—

7                   “(1) is eligible to be released within 5 years (in-  
8                   cluding a youth offender who is eligible for parole  
9                   within such time); and

10                   “(2) is 35 years of age or younger.

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

23           “(g) EDUCATION DELIVERY SYSTEMS.—State cor-  
24 rectional education agencies and cooperating institutions  
25 shall, to the extent practicable, use high-tech applications

1 in developing programs to meet the requirements and  
2 goals of this section.

3 “(h) ALLOCATION OF FUNDS.—From the funds ap-  
4 propriated pursuant to subsection (i) for each fiscal year,  
5 the Secretary shall allot to each State an amount that  
6 bears the same relationship to such funds as the total  
7 number of youth offenders eligible under subsection (e)  
8 in such State bears to the total number of such youth of-  
9 fenders in all States.

10 “(i) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated to carry out this section  
12 \$30,000,000 for fiscal years 2008 and 2009.”.

13 **SEC. 123. IMPROVED REENTRY PROCEDURES FOR FED-**  
14 **ERAL PRISONERS.**

15 (a) GENERAL REENTRY PROCEDURES.—The Attor-  
16 ney General shall take such steps as are necessary to mod-  
17 ify existing procedures and policies to enhance case plan-  
18 ning and to improve the transition of offenders from the  
19 custody of the Bureau of Prisons to the community, in-  
20 cluding placement of such individuals in community cor-  
21 rections facilities.

22 (b) PROCEDURES REGARDING BENEFITS.—

23 (1) IN GENERAL.—The Bureau of Prisons shall  
24 establish reentry planning procedures within the Re-  
25 lease Preparation Program that include providing

1 Federal offenders with information in the following  
2 areas:

3 (A) Health and nutrition.

4 (B) Employment.

5 (C) Personal finance and consumer skills.

6 (D) Information and community resources.

7 (E) Release requirements and procedures.

8 (F) Personal growth and development.

9 (2) FORMAT.—Any written information that the  
10 Bureau of Prisons provides to offenders for reentry  
11 planning purposes shall use common terminology  
12 and language. The Bureau of Prisons shall provide  
13 the United States Probation and Pretrial Services  
14 System with relevant information on the medical  
15 care needs and the mental health treatment needs of  
16 offenders scheduled for release and reentry into the  
17 community. The United States Probation and Pre-  
18 trial Services System shall take this information into  
19 account when developing supervision plans in an ef-  
20 fort to address the medical care and mental health  
21 care needs of such offenders. The Bureau of Prisons  
22 shall provide offenders with a sufficient amount of  
23 all necessary medications upon release from custody.

## **Subtitle C—Economic Empowerment**

### **SEC. 131. REAUTHORIZATION OF LEARN AND SERVE AMERICA. ICA.**

Section 501(a)(1)(A) of the National and Community Service Act of 1990 (42 U.S.C. 12681(a)(1)(A)) is amended by striking “fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1996” and inserting “fiscal year 2008 and each of the 5 succeeding fiscal years”.

### **SEC. 132. JOB CORPS.**

Section 161 of the Workforce Investment Act of 1998 (29 U.S.C. 2901) is amended by striking “such sums as may be necessary for each of the fiscal years 1999 through 2003” and inserting “\$1,800,000,000 (of which \$300,000,000 shall be designated to create additional Job Corps centers, especially in high gang activity areas) for each of fiscal years 2008 through 2012”.

### **SEC. 133. WORKFORCE INVESTMENT ACT YOUTH ACTIVITIES.**

Section 137(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2872(a)) is amended by striking “such sums as may be necessary for each of fiscal years 1999 through 2003” and inserting “\$1,000,000,000 for each of fiscal years 2008 through 2012”.

1 **SEC. 134. EXPANSION AND REAUTHORIZATION OF THE**  
 2 **MENTORING INITIATIVE FOR SYSTEM IN-**  
 3 **VOLVED YOUTH.**

4 (a) EXPANSION.—Section 261(a) of the Juvenile Jus-  
 5 tice and Delinquency Prevention Act of 1974 (42 U.S.C.  
 6 5665(a)) is amended by inserting at the end the following:  
 7 “The Administrator shall expand the number of sites re-  
 8 ceiving such grants from 4 to 12.”.

9 (b) REAUTHORIZATION.—Section 299 of the Juvenile  
 10 Justice and Delinquency Prevention Act of 1974 (42  
 11 U.S.C. 5671) is amended by striking subsection (c) and  
 12 inserting the following:

13 “(c) AUTHORIZATION OF APPROPRIATIONS FOR PART  
 14 E.—There are authorized to be appropriated to carry out  
 15 part E \$4,800,000 for each of the fiscal years 2008, 2009,  
 16 2010, 2011, and 2012.”.

17 **TITLE II—SUPPRESSION AND**  
 18 **COMMUNITY ANTI-GANG INI-**  
 19 **TIATIVES**

20 **Subtitle A—Gang Activity Policing**  
 21 **Program**

22 **SEC. 201. AUTHORITY TO MAKE GANG ACTIVITY POLICING**  
 23 **GRANTS.**

24 The Attorney General may make grants to States,  
 25 units of local government, Indian tribes, other public and  
 26 private entities, and multi-jurisdictional or regional con-

1 sortia thereof to increase police presence, to expand and  
2 improve cooperative efforts between law enforcement agen-  
3 cies and members of the community to address gang activ-  
4 ity problems, and to otherwise enhance public safety.

5 **SEC. 202. ELIGIBLE ACTIVITIES.**

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

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

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

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

16 (4) hire officers to perform intelligence activi-  
17 ties to reduce gang activity;

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

23 (6) establish and implement innovative pro-  
24 grams to increase and enhance proactive crime con-  
25 trol and gang prevention programs involving law en-



1 enforcement officers and young persons in the commu-  
2 nity;

3 (7) establish school-based partnerships between  
4 local law enforcement agencies and local school sys-  
5 tems by using school resource officers who operate  
6 in and around elementary and secondary schools to  
7 combat gangs;

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

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

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

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

24 (1) for hiring and rehiring additional career law  
25 enforcement officers that involve a non-Federal con-

1       tribution exceeding the 25 percent minimum under  
2       this subtitle; and

3           (2) that are located in a high-intensity inter-  
4       state gang activity area designated under section  
5       211.

6   **SEC. 204. USE OF COMPONENTS.**

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

9   **SEC. 205. MINIMUM AMOUNT.**

10      Unless all applications submitted by any qualifying  
11     State and grantee within that State under this subtitle  
12     have been funded, each qualifying State, together with  
13     grantees within that State, shall receive in each fiscal year  
14     under this subtitle an amount equal to not less than 0.5  
15     percent of the total amount appropriated in that fiscal  
16     year for grants under this subtitle. In this section, “quali-  
17     fying State” means any State that has submitted an appli-  
18     cation for a grant, or in which a unit of local government,  
19     Indian tribe, other public or private entity, or multijuris-  
20     dictional or regional consortia thereof has submitted an  
21     application for a grant, that meets the requirements estab-  
22     lished by the Attorney General under this subtitle.

23   **SEC. 206. MATCHING FUNDS.**

24      (a) IN GENERAL.—The Federal share of the costs of  
25     a program, project, or activity carried out with a grant

1 under this subtitle shall be not more than 75 percent, un-  
 2 less the Attorney General waives, wholly or in part, the  
 3 requirement under this section of a non-Federal contribu-  
 4 tion to the costs of a program, project, or activity.

5 (b) HIRING.—For a grant for a period exceeding 1  
 6 year for hiring or rehiring career law enforcement officers,  
 7 the Federal share shall decrease each year for up to 5  
 8 years, by an amount determined by the Attorney General,  
 9 with a goal of the continuation of the increased hiring level  
 10 using State or local sources of funding following the con-  
 11 clusion of Federal support.

12 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated to carry out  
 14 this subtitle \$700,000,000 for each of the fiscal years  
 15 2008 through 2012. Any amount appropriated under this  
 16 section shall remain available until expended.

17 **Subtitle B—High-Intensity**  
 18 **Interstate Gang Activity Areas**

19 **SEC. 211. DESIGNATION OF AND ASSISTANCE FOR “HIGH-IN-**  
 20 **TENSITY” INTERSTATE GANG ACTIVITY**  
 21 **AREAS.**

22 (a) DEFINITIONS.—In this section the following defi-  
 23 nitions shall apply:

1           (1) GOVERNOR.—The term “Governor” means  
2       a Governor or other chief executive officer of a  
3       State, or the Mayor of the District of Columbia.

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

9           (3) STATE.—The term “State”—

10               (A) means a State of the United States,  
11               the District of Columbia, and any common-  
12               wealth, territory, or possession of the United  
13               States; and

14               (B) includes an “Indian tribe”, as that  
15               term is defined in section 102 of the Federally  
16               Recognized Indian Tribe List Act of 1994 (25  
17               U.S.C. 479a).

18       (b) HIGH-INTENSITY INTERSTATE GANG ACTIVITY  
19       AREAS.—

20           (1) DESIGNATION.—The Attorney General,  
21       after consultation with the Governor of any appro-  
22       priate State, may designate as high-intensity inter-  
23       state gang activity areas, a specific area that is lo-  
24       cated within 1 or more States, based on the criteria  
25       under paragraph (4). To the extent that the goals

1 of a high-intensity interstate gang activity area over-  
2 lap with the goals of a high-intensity drug traf-  
3 ficking area designed under section 707 of the Office  
4 of National Drug Control Policy Reauthorization Act  
5 of 1988 (21 U.S.C. 1706), the Attorney General  
6 may merge the 2 areas to serve both functions. The  
7 Attorney General may not make the final designa-  
8 tion of a high-intensity interstate gang activity area  
9 without consulting with and receiving comment from  
10 local elected officials representing communities with-  
11 in the affected States.

12 (2) ASSISTANCE.—In order to provide Federal  
13 assistance to high-intensity interstate gang activity  
14 areas, the Attorney General shall—

15 (A) establish criminal street gang enforce-  
16 ment teams, consisting of Federal, State, and  
17 local law enforcement authorities, for the co-  
18 ordinated investigation, disruption, apprehen-  
19 sion, and prosecution of criminal street gangs  
20 and offenders in each high-intensity interstate  
21 gang activity area;

22 (B) direct the reassignment or detailing  
23 from any Federal department or agency (sub-  
24 ject to the approval of the head of that depart-  
25 ment or agency, in the case of a department or

1 agency other than the Department of Justice)  
2 of personnel to each criminal street gang en-  
3 forcement team established under subparagraph  
4 (A); and

5 (C) provide all necessary funding for the  
6 operation of such criminal street gang enforce-  
7 ment teams in each high-intensity interstate  
8 gang activity area.

9 (3) COMPOSITION OF CRIMINAL STREET GANG  
10 ENFORCEMENT TEAM.—Each team established  
11 under paragraph (2)(A) shall consist of agents and  
12 officers, where feasible, from—

13 (A) the Bureau of Alcohol, Tobacco, Fire-  
14 arms, and Explosives;

15 (B) the Department of Homeland Security;

16 (C) the Department of Housing and Urban  
17 Development;

18 (D) the Drug Enforcement Administration;

19 (E) the Internal Revenue Service;

20 (F) the Federal Bureau of Investigation;

21 (G) the United States Marshals Service;

22 (H) the United States Postal Service;

23 (I) State and local law enforcement; and

24 (J) Federal, State, and local prosecutors.

1           (4) CRITERIA FOR DESIGNATION.—In consid-  
2           ering an area for designation as a high-intensity  
3           interstate gang activity area under this section, the  
4           Attorney General shall consider—

5                   (A) the current and predicted levels of  
6                   gang crime activity in that area;

7                   (B) the extent to which violent crime in  
8                   that area appears to be related to criminal  
9                   street gang activity, such as drug trafficking,  
10                  murder, robbery, assaults, carjacking, arson,  
11                  kidnapping, extortion, and other criminal activ-  
12                  ity;

13                  (C) the extent to which State and local law  
14                  enforcement agencies have committed resources  
15                  to—

16                          (i) respond to the gang crime problem  
17                          in that area; and

18                          (ii) participate in a gang enforcement  
19                          team;

20                  (D) the extent to which a significant in-  
21                  crease in the allocation of Federal resources  
22                  would enhance local response to the gang crime  
23                  activities in that area; and

24                  (E) any other criteria that the Attorney  
25                  General considers to be appropriate.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—

2 (1) IN GENERAL.—There are authorized to be  
3 appropriated \$100,000,000 for each of fiscal years  
4 2008 to 2012 to carry out this section.

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

7 (A) 50 percent shall be used to carry out  
8 subsection (b)(2); and

9 (B) 50 percent shall be used to make  
10 grants available for community-based programs  
11 to provide crime prevention, research, and  
12 intervention services that are designed for gang  
13 members and at-risk youth in a high-intensity  
14 interstate gang activity area.

15 (3) REPORTING REQUIREMENTS.—Not later  
16 than February 1 of each year, the Attorney General  
17 shall provide a report to Congress which describes,  
18 for each high-intensity interstate gang activity  
19 area—

20 (A) the specific long-term and short-term  
21 goals and objectives;

22 (B) the measurements used to evaluate the  
23 performance of the high-intensity interstate  
24 gang activity area in achieving the long-term  
25 and short-term goals;



1 (C) the age, composition, and membership  
 2 of gangs in that high-intensity interstate gang  
 3 activity area;

4 (D) the number and nature of crimes com-  
 5 mitted by gangs in that high-intensity interstate  
 6 gang activity area; and

7 (E) the definition of the term “gang” used  
 8 to compile that report.

## 9 **Subtitle C—Additional Funding**

### 10 **SEC. 221. ADDITIONAL RESOURCES NEEDED BY THE FED-** 11 **ERAL BUREAU OF INVESTIGATION TO INVES-** 12 **TIGATE AND PROSECUTE VIOLENT CRIMINAL** 13 **STREET GANGS.**

14 (a) RESPONSIBILITIES OF THE DIRECTOR OF THE  
 15 FBI.—The Director of the Federal Bureau of Investiga-  
 16 tion shall use any funds made available under this section  
 17 to carry out the Safe Streets Program and to support the  
 18 criminal street gang enforcement teams, established under  
 19 section 211(b)(2), in high-intensity interstate gang activ-  
 20 ity areas designated under section 211(b)(1).

21 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
 22 tion to amounts otherwise authorized, there are authorized  
 23 to be appropriated \$10,000,000 for each of fiscal years  
 24 2008 through 2012 to carry out this section, to remain  
 25 available until expended.

1 **SEC. 222. GRANTS TO PROSECUTORS AND LAW ENFORCE-**  
2 **MENT TO COMBAT VIOLENT CRIME AND TO**  
3 **PROTECT WITNESSES AND VICTIMS OF**  
4 **CRIMES.**

5 (a) IN GENERAL.—Section 31702 of the Violent  
6 Crime Control and Law Enforcement Act of 1994 (42  
7 U.S.C. 13862) is amended—

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

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

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

13 “(5) to hire additional prosecutors to—

14 “(A) allow more cases to be prosecuted;  
15 and

16 “(B) reduce backlogs;

17 “(6) to fund technology, equipment, and train-  
18 ing for prosecutors and law enforcement in order to  
19 increase accurate identification of gang members  
20 and violent offenders, and to maintain databases  
21 with such information to facilitate coordination  
22 among law enforcement and prosecutors; and

23 “(7) to create and expand witness and victim  
24 protection programs to prevent threats, intimidation,  
25 and retaliation against victims of, and witnesses to,  
26 violent crimes.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 31707 of the Violent Crime Control and Law Enforcement  
3 Act of 1994 (42 U.S.C. 13867) is amended to read as  
4 follows:

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

6 “(a) IN GENERAL.—There are authorized to be ap-  
7 propriated \$32,000,000 for each of fiscal years 2008  
8 through 2012 to carry out this subtitle.

9 “(b) USE OF FUNDS.—Of the amounts made avail-  
10 able under subsection (a) in each fiscal year, \$12,000,000  
11 shall be used to carry out section 31702(7).”.

12 **SEC. 223. ENHANCEMENT OF PROJECT SAFE NEIGHBOR-**  
13 **HOODS INITIATIVE TO IMPROVE ENFORCE-**  
14 **MENT OF CRIMINAL LAWS AGAINST VIOLENT**  
15 **GANGS.**

16 (a) IN GENERAL.—The Attorney General is author-  
17 ized to expand the Project Safe Neighborhoods program  
18 to require each United States attorney to—

19 (1) identify, investigate, and prosecute signifi-  
20 cant criminal street gangs operating within the dis-  
21 trict of that United States attorney;

22 (2) coordinate the identification, investigation,  
23 and prosecution of criminal street gangs among Fed-  
24 eral, State, and local law enforcement agencies; and

1           (3) coordinate and establish criminal street  
2           gang enforcement teams, established under section  
3           211(b)(2), in high-intensity interstate gang activity  
4           areas designated under section 211(b)(1) within the  
5           district of that United States attorney.

6           (b) ADDITIONAL STAFF FOR PROJECT SAFE NEIGH-  
7           BORHOODS.—

8           (1) IN GENERAL.—The Attorney General may  
9           hire assistant United States attorneys, non-attorney  
10          coordinators, or paralegals to carry out this section.

11          (2) AUTHORIZATION OF APPROPRIATIONS.—  
12          There are authorized to be appropriated  
13          \$20,000,000 for each of fiscal years 2008 through  
14          2012 to carry out this section.

15   **SEC. 224. PROVIDING ADDITIONAL FORENSIC EXAMINERS.**

16          Section 816 of the USA PATRIOT Act (28 U.S.C.  
17   509 note) is amended—

18           (1) in subsection (a)—

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

21                   (B) by redesignating paragraph (5) as (6);  
22                   and

23                   (C) by inserting after paragraph (4) the  
24                   following:

1 “(5) to hire additional forensic examiners to  
 2 help with forensic work and to fight gang activity;  
 3 and”; and

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

6 “(1) AUTHORIZATION OF APPROPRIATIONS.—  
 7 There is authorized to be appropriated \$55,000,000  
 8 for each fiscal year to carry out this section.”.

9 **TITLE III—PUNISHMENT AND**  
 10 **IMPROVED CRIME DATA**  
 11 **Subtitle A—Gang Crimes**

12 **SEC. 301. CRIMINAL STREET GANGS.**

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

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

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

18 “(1) CRIMINAL STREET GANG.—The term  
 19 ‘criminal street gang’ means a formal or informal  
 20 group, club, organization, or association of 5 or  
 21 more individuals—

22 “(A) who individually, jointly, or in com-  
 23 bination, have committed or attempted to com-  
 24 mit for the direct or indirect benefit of, at the  
 25 direction of, in furtherance of, or in association

1 with the group, club organization, or association  
2 at least 2 separate acts, each of which is a  
3 predicate gang crime—

4 “(i) 1 of which occurs after the date  
5 of enactment of the Fighting Gangs and  
6 Empowering Youth Act of 2007;

7 “(ii) the last of which occurs not later  
8 than 5 years after the commission of a  
9 prior predicate gang crime (excluding any  
10 period of imprisonment); and

11 “(iii) 1 of which is a crime of violence  
12 or involves manufacturing, importing, dis-  
13 tributing, possessing with intent to dis-  
14 tribute, or otherwise dealing in a controlled  
15 substance or listed chemical (as those  
16 terms are defined in section 102 of the  
17 Controlled Substances Act (21 U.S.C.  
18 802)); and

19 “(B) whose activities affect interstate or  
20 foreign commerce, or involve the use of any fa-  
21 cility of, or travel in, interstate or foreign com-  
22 merce.

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

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

5                   “(i) murder;

6                   “(ii) manslaughter;

7                   “(iii) maiming;

8                   “(iv) assault with a dangerous weap-  
9           on;

10                  “(v) assault resulting in serious bodily  
11           injury;

12                  “(vi) gambling;

13                  “(vii) kidnapping;

14                  “(viii) robbery;

15                  “(ix) extortion;

16                  “(x) arson;

17                  “(xi) obstruction of justice;

18                  “(xii) tampering with or retaliating  
19           against a witness, victim, or informant;

20                  “(xiii) burglary;

21                  “(xiv) sexual assault;

22                  “(xv) carjacking; or

23                  “(xvi) manufacturing, importing, dis-  
24           tributing, possessing with intent to dis-  
25           tribute, or otherwise dealing in a controlled

1 substance or listed chemicals (as those  
2 terms are defined in section 102 of the  
3 Controlled Substances Act (21 U.S.C.  
4 802));

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

7 “(i) section 844 (relating to explosive  
8 materials);

9 “(ii) section 922(g)(1) (where the un-  
10 derlying conviction is a violent felony (as  
11 defined in section 924(e)(2)(B) of this  
12 title) or is a serious drug offense (as de-  
13 fined in section 924(e)(2)(A) of this title));

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

17 “(iv) sections 1028 and 1029 (relating  
18 to fraud and related activity in connection  
19 with identification documents or access de-  
20 vices);

21 “(v) section 1503 (relating to obstruc-  
22 tion of justice);

23 “(vi) section 1510 (relating to ob-  
24 struction of criminal investigations);



1           “(vii) section 1512 (relating to tam-  
2           pering with a witness, victim, or inform-  
3           ant) or section 1513 (relating to retaliating  
4           against a witness, victim, or informant);

5           “(viii) section 1708 (relating to theft  
6           of stolen mail matter);

7           “(ix) section 1951 (relating to inter-  
8           ference with commerce, robbery or extor-  
9           tion);

10          “(x) section 1952 (relating to racket-  
11          eering);

12          “(xi) section 1956 (relating to the  
13          laundering of monetary instruments);

14          “(xii) section 1957 (relating to engag-  
15          ing in monetary transactions in property  
16          derived from specified unlawful activity);

17          “(xiii) section 1958 (relating to use of  
18          interstate commerce facilities in the com-  
19          mission of murder-for-hire); or

20          “(xiv) sections 2312 through 2315  
21          (relating to interstate transportation of  
22          stolen motor vehicles or stolen property);  
23          or

24          “(C) any violation of section 274 (relating  
25          to bringing in and harboring certain aliens),

1           section 277 (relating to aiding or assisting cer-  
2           tain aliens to enter the United States), or sec-  
3           tion 278 (relating to importation of alien for  
4           immoral purpose) of the Immigration and Na-  
5           tionality Act (8 U.S.C. 1324, 1327, and 1328).

6           “(3) SEXUAL ASSAULT.—The term ‘sexual as-  
7           sault’ means any offense that involves conduct that  
8           would violate chapter 109A if the conduct occurred  
9           in the special maritime and territorial jurisdiction of  
10          the United States.

11          “(4) STATE.—The term ‘State’ means each of  
12          the several States of the United States, the District  
13          of Columbia, and any commonwealth, territory, or  
14          possession of the United States.

15          “(b) PARTICIPATION IN CRIMINAL STREET GANGS.—  
16          It shall be unlawful—

17                 “(1) to commit, or conspire or attempt to com-  
18                 mit a predicate gang crime—

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

21                         “(B) for the purpose of gaining entrance  
22                         to or maintaining or increasing position in such  
23                         a gang; or

1           “(C) for the direct or indirect benefit of  
2           the criminal street gang, or in association with  
3           the criminal street gang; or

4           “(2) to employ, use, command, counsel, per-  
5           suade, induce, entice, or coerce any individual to  
6           commit, cause to commit, or facilitate the commis-  
7           sion of, a predicate gang crime—

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

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

13           “(C) for the direct or indirect benefit of  
14           the criminal street gang, or in association with  
15           the criminal street gang.

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

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

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

23           “(d) FORFEITURE.—

24           “(1) IN GENERAL.—The court, in imposing sen-  
25           tence on a person who is convicted of an offense

1 under this section, shall order that the defendant  
2 forfeit to the United States—

3 “(A) any property, real or personal, consti-  
4 tuting or traceable to gross proceeds obtained  
5 from that offense; and

6 “(B) any property used or intended to be  
7 used, in any manner or part, to commit or to  
8 facilitate the commission of that offense.

9 “(2) CRIMINAL PROCEDURES.—The procedures  
10 under section 413 of the Controlled Substances Act  
11 (21 U.S.C. 853) (other than subsection (d) of that  
12 section) and under rule 32.2 of the Federal Rules of  
13 Criminal Procedure, shall apply to all stages of a  
14 criminal forfeiture proceeding under this section.

15 “(3) CIVIL PROCEDURES.—Property subject to  
16 forfeiture under paragraph (1) may be forfeited in  
17 a civil case under the procedures set forth in chapter  
18 46 of this title.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of chapter 26 of title 18, United States  
21 Code, is amended by striking the item relating to section  
22 521 and inserting the following:

“521. Criminal street gang prosecutions.”.

1 **SEC. 302. SOLICITATION OR RECRUITMENT OF PERSONS**  
2 **AND VIOLENT CRIMES IN FURTHERANCE OR**  
3 **IN AID OF CRIMINAL STREET GANGS.**

4 (a) SOLICITATION OR RECRUITMENT OF PERSONS IN  
5 CRIMINAL STREET GANG ACTIVITY.—Chapter 26 of title  
6 18, United States Code, is amended by adding at the end  
7 the following:

8 **“§ 522. Recruitment of persons to participate in a**  
9 **criminal street gang**

10 “(a) PROHIBITED ACTS.—It shall be unlawful for any  
11 person to recruit, employ, solicit, induce, command, or  
12 cause another person to be or remain as a member of a  
13 criminal street gang, or conspire to do so, with the intent  
14 to cause that person to participate in a predicate gang  
15 crime.

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

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

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

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

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

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

9           (b) VIOLENT CRIMES AND CRIMINAL STREET GANG  
10 RECRUITMENT.—Chapter 26 of title 18, United States  
11 Code, as amended by this Act, is amended by adding at  
12 the end the following:

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

15           “Any person who, for the purpose of gaining entrance  
16 to or maintaining or increasing position in, or in further-  
17 ance or in aid of, or for the direct or indirect benefit of,  
18 or in association with a criminal street gang, or as consid-  
19 eration for the receipt of, or as consideration for a promise  
20 or agreement to pay, anything of pecuniary value to or  
21 from a criminal street gang, murders, kidnaps, sexually  
22 assaults, maims, assaults with a dangerous weapon, com-  
23 mits assault resulting in serious bodily injury upon, com-  
24 mits any other crime of violence or threatens to commit  
25 a crime of violence against any individual, or attempts or

1 conspires to do so, shall be punished, in addition and con-  
2 secutive to the punishment provided for any other violation  
3 of this chapter—

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

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

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

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

16           “(5) for any other crime of violence, by impris-  
17 onment for not more than 20 years, a fine under  
18 this title, or both;

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

23           “(7) for attempting or conspiring to commit  
24 murder, kidnapping, maiming, or sexual assault, by

1 imprisonment for not more than 30 years, a fine  
2 under this title, or both; and

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

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

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

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

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

14 Section 1952 of title 18, United States Code, is  
15 amended—

16 (1) in subsection (a)—

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

21 (B) by striking “5 years” and inserting  
22 “10 years”;

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



1           (3) by inserting after subsection (a) the fol-  
 2       lowing:

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

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

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

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

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

22       (a) ASSAULT WITHIN MARITIME AND TERRITORIAL  
 23      JURISDICTION OF UNITED STATES.—Section 113(a)(3) of  
 24      title 18, United States Code, is amended by striking “with

1 intent to do bodily harm, and without just cause or ex-  
2 cuse,”.

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

5 (1) striking “ten years” and inserting “20  
6 years”; and

7 (2) striking “six years” and inserting “10  
8 years”.

9 (c) OFFENSES COMMITTED WITHIN INDIAN COUN-  
10 TRY.—Section 1153(a) of title 18, United States Code, is  
11 amended by inserting “an offense for which the maximum  
12 statutory term of imprisonment under section 1363 is  
13 greater than 5 years,” after “a felony under chapter  
14 109A,”.

15 (d) RACKETEER INFLUENCED AND CORRUPT ORGA-  
16 NIZATIONS.—Section 1961(1)(A) of title 18, United  
17 States Code, is amended by inserting “, or would have  
18 been so chargeable if the act or threat (other than lawful  
19 forms of gambling) had not been committed in Indian  
20 country (as defined in section 1151) or in any other area  
21 of exclusive Federal jurisdiction,” after “chargeable under  
22 State law”.

23 (e) CARJACKING.—Section 2119 of title 18, United  
24 States Code, is amended by striking “, with the intent to  
25 cause death or serious bodily harm”.

1 (f) CLARIFICATION OF PROHIBITION ON FIREARM  
2 TRANSFER TO COMMIT CRIME OF VIOLENCE OR DRUG  
3 TRAFFICKING CRIME.—Section 924(h) of title 18, United  
4 States Code, is amended—

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

7 (2) by striking “10 years” and inserting “20  
8 years”.

9 (g) AMENDMENT OF SPECIAL SENTENCING PROVI-  
10 SION.—Section 3582(d) of title 18, United States Code,  
11 is amended—

12 (1) by striking “chapter 95 (racketeering) or 96  
13 (racketeer influenced and corrupt organizations) of  
14 this title” and inserting “section 521 (criminal  
15 street gangs) or 523 (violent crimes in furtherance  
16 or in aid of criminal street gangs), in chapter 95  
17 (racketeering) or 96 (racketeer influenced and cor-  
18 rupt organizations),”; and

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

21 (h) CONFORMING AMENDMENT RELATING TO OR-  
22 DERS FOR RESTITUTION.—Section 3663(c)(4) of title 18,  
23 United States Code, is amended by striking “chapter 46  
24 or chapter 96 of this title” and inserting “section 521,  
25 under chapter 46 or 96,”.

1 (i) SPECIAL PROVISION FOR INDIAN COUNTRY.—No  
 2 person subject to the criminal jurisdiction of an Indian  
 3 tribal government shall be subject to section 3559(e) of  
 4 title 18, United States Code, for any offense for which  
 5 Federal jurisdiction is solely predicated on the fact that  
 6 the offense was committed in Indian country (as defined  
 7 in section 1151 of such title 18) and which occurs within  
 8 the boundaries of such Indian country, unless the gov-  
 9 erning body of such Indian tribe elects to subject the per-  
 10 sons under the criminal jurisdiction of the tribe to section  
 11 3559(e) of such title 18.

12 **SEC. 305. INCREASED PENALTIES FOR USE OF INTERSTATE**  
 13 **COMMERCE FACILITIES IN THE COMMISSION**  
 14 **OF MURDER-FOR-HIRE AND OTHER FELONY**  
 15 **CRIMES OF VIOLENCE.**

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

18 (1) by striking the heading and inserting the  
 19 following:

20 **“§ 1958. Use of interstate commerce facilities in the**  
 21 **commission of murder-for-hire and other**  
 22 **felony crimes of violence”;**

23 (2) in subsection (a), by striking “Whoever”  
 24 and all that follows through “conspires to do so”  
 25 and inserting the following: “Any person who travels

1 in or causes another (including the intended victim)  
 2 to travel in interstate or foreign commerce, or uses  
 3 or causes another (including the intended victim) to  
 4 use the mail or any facility in interstate or foreign  
 5 commerce, with intent that a murder or other felony  
 6 crime of violence be committed in violation of the  
 7 laws of any State or the United States as consider-  
 8 ation for the receipt of, or as consideration for a  
 9 promise or agreement to pay, anything of pecuniary  
 10 value, or who conspires to do so”.

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

13 (4) by striking “twenty years” and inserting  
 14 “30 years”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 16 The table of sections at the beginning of chapter 95 of  
 17 title 18, United States Code, is amended by striking the  
 18 item relating to section 1958 and inserting the following:

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

19 **SEC. 306. INCREASED PENALTIES FOR VIOLENT CRIMES IN**  
 20 **AID OF RACKETEERING ACTIVITY.**

21 Section 1959(a) of title 18, United States Code, is  
 22 amended—

23 (1) by striking “Whoever” and all that follows  
 24 through “punished” and inserting the following:

1 “Any person who, as consideration for the receipt of,  
2 or as consideration for a promise or agreement to  
3 pay, anything of pecuniary value from an enterprise  
4 engaged in racketeering activity, or for the purpose  
5 of gaining entrance to or maintaining or increasing  
6 position in an enterprise engaged in racketeering ac-  
7 tivity, or in furtherance or in aid of an enterprise  
8 engaged in racketeering activity, murders, kidnaps,  
9 sexually assaults (as that term is defined in section  
10 521), maims, assaults with a dangerous weapon,  
11 commits assault resulting in serious bodily injury  
12 upon, or threatens to commit a crime of violence  
13 against any individual in violation of the laws of any  
14 State or the United States, or attempts or conspires  
15 to do so, shall be punished, in addition and consecu-  
16 tive to the punishment provided for any other viola-  
17 tion of this chapter”; and

18 (2) by striking paragraphs (2) through (6) and  
19 inserting the following:

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

23 “(3) for maiming, by imprisonment for any  
24 term of years or for life, a fine under this title, or  
25 both;

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

5           “(5) for threatening to commit a crime of vio-  
 6           lence, by imprisonment for not more than 10 years,  
 7           a fine under this title, or both;

8           “(6) for attempting or conspiring to commit  
 9           murder, kidnapping, maiming, or sexual assault, by  
 10          imprisonment for not more than 30 years, a fine  
 11          under this title, or both; and

12          “(7) for attempting or conspiring to commit as-  
 13          sault with a dangerous weapon or assault which  
 14          would result in serious bodily injury, by imprison-  
 15          ment for not more than 20 years, a fine under this  
 16          title, or both.”.

17 **SEC. 307. VIOLENT CRIMES COMMITTED DURING AND IN**  
 18 **RELATION TO A DRUG TRAFFICKING CRIME.**

19          (a) IN GENERAL.—Part D of the Controlled Sub-  
 20          stances Act (21 U.S.C. 841 et seq.) is amended by adding  
 21          at the end the following:

22                “VIOLENT CRIMES COMMITTED DURING AND IN  
 23                RELATION TO A DRUG TRAFFICKING CRIME

24                “SEC. 424. (a) IN GENERAL.—Any person who, dur-  
 25          ing and in relation to any drug trafficking crime, murders,  
 26          kidnaps, sexually assaults, maims, assaults with a dan-

1 gerous weapon, commits assault resulting in serious bodily  
2 injury upon, commits any other crime of violence or  
3 threatens to commit a crime of violence against, any indi-  
4 vidual, or attempts or conspires to do so, shall be pun-  
5 ished, in addition and consecutive to the punishment pro-  
6 vided for the drug trafficking crime—

7           “(1) in the case of murder, by imprisonment for  
8           any term of years or for life, a fine under title 18,  
9           United States Code, or both;

10           “(2) in the case of kidnapping or sexual assault  
11           by imprisonment for any term of years or for life,  
12           a fine under such title 18, or both;

13           “(3) in the case of maiming, by imprisonment  
14           for any term of years or for life, a fine under such  
15           title 18, or both;

16           “(4) in the case of assault with a dangerous  
17           weapon or assault resulting in serious bodily injury,  
18           by imprisonment not more than 30 years, a fine  
19           under such title 18, or both;

20           “(5) in the case of committing any other crime  
21           of violence, by imprisonment for not more than 20  
22           years, a fine under such title 18, or both;

23           “(6) in the case of threatening to commit a  
24           crime of violence specified in paragraphs (1) through



1 (4), by imprisonment for not more than 10 years, a  
2 fine under such title 18, or both;

3 “(7) in the case of attempting or conspiring to  
4 commit murder, kidnapping, maiming, or sexual as-  
5 sault, by imprisonment for not more than 30 years,  
6 a fine under such title 18, or both; and

7 “(8) in the case of attempting or conspiring to  
8 commit a crime involving assault with a dangerous  
9 weapon or assault resulting in serious bodily injury,  
10 by imprisonment for not more than 20 years, a fine  
11 under such title 18, or both.

12 “(b) VENUE.—A prosecution for a violation of this  
13 section may be brought in—

14 “(1) the judicial district in which the murder or  
15 other crime of violence occurred; or

16 “(2) any judicial district in which the drug traf-  
17 ficking crime may be prosecuted.

18 “(c) DEFINITIONS.—As used in this section—

19 “(1) the term ‘crime of violence’ has the mean-  
20 ing given that term in section 16 of title 18, United  
21 States Code;

22 “(2) the term ‘drug trafficking crime’ has the  
23 meaning given that term in section 924(c)(2) of title  
24 18, United States Code; and

1 “(3) the term ‘sexually assault’ has the mean-  
 2 ing given that term in section 521 of title 18, United  
 3 States Code.”.

4 (b) CLERICAL AMENDMENT.—The table of contents  
 5 for the Controlled Substances Act is amended by inserting  
 6 after the item relating to section 423, the following:

“Sec. 424. Violent crimes committed during and in relation to a drug traf-  
 ficking crime.”.

7 **SEC. 308. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.**

8 (a) IN GENERAL.—Chapter 213 of title 18, United  
 9 States Code, is amended by adding at the end the fol-  
 10 lowing:

11 **“§ 3299A. Violent crime offenses**

12 “Except as otherwise expressly provided by law, no  
 13 person shall be prosecuted, tried, or punished for any non-  
 14 capital felony, crime of violence (as defined in section 16),  
 15 including any racketeering activity or gang crime which  
 16 involves any violent crime, unless the indictment is found  
 17 or the information is instituted by the later of—

18 “(1) 10 years after the date on which the al-  
 19 leged violation occurred;

20 “(2) 10 years after the date on which the con-  
 21 tinuing offense was completed; or

22 “(3) 8 years after the date on which the alleged  
 23 violation was first discovered.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of chapter 213 of title 18, United States  
 3 Code, is amended by adding at the end the following:

“3299A. Violent crime offenses.”.

4 **SEC. 309. PREDICATE CRIMES FOR AUTHORIZATION OF**  
 5 **INTERCEPTION OF WIRE, ORAL, AND ELEC-**  
 6 **TRONIC COMMUNICATIONS.**

7 Section 2516(1) of title 18, United States Code, is  
 8 amended—

9 (1) in paragraph (q), by striking “or.”;

10 (2) by redesignating paragraph (s) as para-  
 11 graph (u); and

12 (3) by inserting after paragraph (r) the fol-  
 13 lowing:

14 “(s) any violation of section 424 of the Con-  
 15 trolled Substances Act (relating to murder and other  
 16 violent crimes in furtherance of a drug trafficking  
 17 crime);

18 “(t) any violation of section 521, 522, or 523  
 19 (relating to criminal street gangs); or”.

20 **SEC. 310. CLARIFICATION TO HEARSAY EXCEPTION FOR**  
 21 **FORFEITURE BY WRONGDOING.**

22 Rule 804(b)(6) of the Federal Rules of Evidence is  
 23 amended by striking “A statement” and all that follows  
 24 and inserting: “A statement offered against a party that  
 25 has engaged, acquiesced, or conspired, in wrongdoing that

1 was intended to, and did, procure the unavailability of the  
2 declarant as a witness.”.

3 **SEC. 311. CLARIFICATION OF VENUE FOR RETALIATION**  
4 **AGAINST A WITNESS.**

5 Section 1513 of title 18, United States Code, is  
6 amended by—

7 (1) redesignating subsection (e) beginning with  
8 “Whoever conspires” as subsection (f); and

9 (2) adding at the end the following:

10 “(g) A prosecution under this section may be brought  
11 in the district in which the official proceeding (whether  
12 or not pending, about to be instituted, or completed) was  
13 intended to be affected or was completed, or in which the  
14 conduct constituting the alleged offense occurred.”.

15 **SEC. 312. AMENDMENT OF SENTENCING GUIDELINES RE-**  
16 **LATING TO CERTAIN GANG AND VIOLENT**  
17 **CRIMES.**

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

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

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

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

13          (3) consider the extent to which the guidelines  
14 and policy statements adequately address—

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

18               (i) are sufficient to deter and punish  
19 such offenses; and

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

23           (B) whether any existing or new specific  
24 offense characteristics should be added to re-  
25 flect congressional intent to increase gang and

1 violent crime penalties, punish offenders, and  
2 deter gang and violent crime;

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

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

9 (6) make any necessary conforming changes to  
10 the sentencing guidelines; and

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

14 **SEC. 313. STUDY ON EXPANDING FEDERAL AUTHORITY FOR**  
15 **JUVENILE OFFENDERS.**

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

24 (b) CONTENTS.—The report submitted under sub-  
25 section (a) shall—

1           (1) examine the ability of the judicial systems  
2 of the States to respond effectively to juveniles who  
3 are members of criminal street gangs, as that term  
4 is defined in section 521 of title 18, United States  
5 Code, as amended by this Act;

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

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

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

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

(6) estimate the cost to the Federal Government of prosecuting and incarcerating members of criminal street gangs who are 16 or 17 years old and are accused of violent crimes; and

(7) detail any benefits for Federal prosecutions that would be realized by expanding Federal authority to bring charges against members of criminal street gangs who are 16 or 17 years old and are accused of violent crimes.

## **Subtitle B—Firearms Offenses**

### **SEC. 321. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.**

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e), in the matter following paragraph (3)—

(A) by inserting “an offense under section 922(g)(1) where the underlying conviction is a serious drug offense (as that term is defined in section 924(e)(2)(A) of this title) for which a period of not more than 10 years has elapsed since the date of the conviction or the release of the person from imprisonment, whichever is later, or is a serious violent felony (as that term



1 is defined in section 3559(c)(2)(F) of this  
 2 title),” after “that the person committed”; and

3 (B) by inserting a comma before “or an of-  
 4 fense involving a minor”; and

5 (2) in subsection (f)(1)—

6 (A) in subparagraph (D), by striking “or”  
 7 at the end; and

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

9 “(F) an offense under section 922(g); or”.

10 **SEC. 322. INCREASED PENALTIES FOR USE OF FIREARM IN**  
 11 **CRIME OF VIOLENCE OR DRUG TRAFFICKING**  
 12 **CRIME.**

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

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

20 (2) in clause (i)—

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

23 (B) by adding “or” at the end;

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

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

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

3 (1) in subsection (c)—

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

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

7 (2) by striking subsection (o).

8 **SEC. 323. POSSESSION OF FIREARMS BY DANGEROUS FEL-**  
9 **ONS.**

10 (a) IN GENERAL.—Section 924(e)(1) of title 18,  
11 United States Code, is amended to read as follows:

12 “(e)(1)(A) Whoever violates section 922(g), pre-  
13 viously having been convicted by any court of a violent  
14 felony or a serious drug offense—

15 “(i) if the person has 1 such prior convic-  
16 tion, and not more than 10 years has elapsed  
17 since the date of that prior conviction or the re-  
18 lease of the person from imprisonment for that  
19 prior conviction, shall be imprisoned not more  
20 than 15 years, fined under this title, or both;

21 “(ii) if the person has 2 such prior convic-  
22 tions, committed on occasions different from  
23 one another, of any combination of such crimes  
24 and not more than 10 years has elapsed since  
25 the date of either of the prior convictions or of

1 the release of the person from imprisonment for  
2 either of the prior convictions, shall be impris-  
3 oned not more than 20 years, fined under this  
4 title, or both; or

5 “(iii) if the person has 3 such prior convic-  
6 tions, committed on occasions different from  
7 one another, of any combination of such crimes,  
8 shall be imprisoned not less than 15 years and  
9 fined under this title.

10 “(B) Notwithstanding any other provision of law, the  
11 court shall not suspend the sentence of, or grant a proba-  
12 tionary sentence to, the person referred to in subpara-  
13 graph (A) of this paragraph with respect to the conviction  
14 under section 922(g).”.

15 (b) AMENDMENT TO SENTENCING GUIDELINES.—  
16 Pursuant to its authority under section 994(p) of title 28,  
17 United States Code, the United States Sentencing Com-  
18 mission shall amend the Federal Sentencing Guidelines to  
19 provide for an appropriate increase in the offense level for  
20 violations of section 922(g) of title 18, United States  
21 Code, in accordance with section 924(e) of such title 18,  
22 as amended by subsection (a) of this section.

23 (c) CONFORMING AMENDMENT.—Section 922(d) of  
24 title 18, United States Code, is amended in the matter

1 preceding paragraph (1) by inserting “, transfer,” after  
2 “sell”.

### 3 **Subtitle C—Crime Data**

#### 4 **SEC. 331. STANDARDIZATION OF CRIME REPORTING AND** 5 **INVESTIGATION.**

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

10 “(4) JUVENILE CRIME.—The Attorney General  
11 shall create a separate category in the Uniform  
12 Crime Reports to distinguish criminal offenses com-  
13 mitted by juveniles.

14 “(5) REPORTING BY STATES AND LOCAL GOV-  
15 ERNMENTS.—

16 “(A) IN GENERAL.—For each fiscal year  
17 beginning after the date of enactment of the  
18 Fighting Gangs and Empowering Youth Act of  
19 2007, all departments and agencies within a  
20 State or unit of local government which rou-  
21 tinely investigate complaints of criminal activ-  
22 ity, shall meet the requirements of paragraph  
23 (2).

24 “(B) INELIGIBILITY FOR FUNDS.—For any  
25 fiscal year beginning after the date of enact-

1           ment of the Fighting Gangs and Empowering  
2           Youth Act of 2007, a State or unit of local gov-  
3           ernment that fails to comply with subparagraph  
4           (A) shall not be eligible to receive any of the  
5           funds that would otherwise be allocated for that  
6           fiscal year to the State or unit of local govern-  
7           ment under subtitle A of title II of such Act.

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

16          “(D) WAIVER.—The Attorney General  
17          shall waive the requirements of subparagraph  
18          (A) if compliance with such subparagraph by a  
19          State or unit of local government would be un-  
20          constitutional under the constitution of the ap-  
21          plicable State.”.

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

1       “(h) NATIONAL STRATEGY FOR INVESTIGATION CO-  
2   ORDINATION.—

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

8               “(2) REPORT.—Not later than January 1,  
9       2009, the Attorney General shall submit a report to  
10      the President and Congress—

11               “(A) outlining the strategy developed  
12      under paragraph (1); and

13               “(B) describing the efforts and strategy of  
14      the Department of Justice in consolidating and  
15      standardizing data on all crimes that are in-  
16      cluded in the Uniform Crime Reports.”.

17   **SEC. 332. CONSOLIDATING AND STANDARDIZING GANG-RE-**  
18               **LATED CRIME DATA.**

19       Section 150008 of the Violent Crime Control and law  
20   Enforcement Act of 1994 (42 U.S.C. 14062) is amend-  
21   ed—

22               (1) in subsection (a), by inserting “, consoli-  
23      date, and standardize all” after “strategy to coordi-  
24      nate”;

1           (2) in subsection (b), by striking “acquire and  
2       collect” and inserting “acquire, collect, consolidate,  
3       and standardize all”;

4           (3) by amending subsection (c) to read as fol-  
5       lows:

6       “(c) REPORT.—Not later than January 1, 2009, the  
7       Attorney General shall submit a report to the President  
8       and Congress—

9           “(1) outlining the strategy developed under sub-  
10      section (a); and

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

14          (4) in subsection (d), by striking “\$1,000,000  
15      for fiscal year 1996” and inserting “\$2,000,000 for  
16      fiscal year 2008”.

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