

speed rail, and intermodal transfer facilities projects, and for other purposes.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. CHAFFEE) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 917

At the request of Ms. COLLINS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 937

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 937, a bill to amend title 38, United States Code, to permit the transfer of entitlement to educational assistance the Montgomery GI Bill by members of the Armed Forces, and for other purposes.

S. 972

At the request of Mr. MURKOWSKI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 972, a bill to amend the Internal Revenue Code of 1986 to improve electric reliability, enhance transmission infrastructure, and to facilitate access to the electric transmission grid.

S. 979

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 979, a bill to amend United States trade laws to address more effectively import crises, and for other purposes.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1018

At the request of Mr. LEVIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1018, a bill to provide market loss assistance for apple producers.

S. 1021

At the request of Mr. LUGAR, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1021, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004.

S. 1098

At the request of Mr. SMITH of Oregon, the name of the Senator from Ar-

kansas (Mrs. LINCOLN) was added as a cosponsor of S. 1098, a bill to amend the Food Stamp Act of 1977 to improve food stamp informational activities in those States with the greatest rate of hunger.

S. 1140

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. CON. RES. 53

At the request of Mr. HAGEL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Con. Res. 53, concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. THOMPSON):

S. 1162. A bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, to provide for a 9.6 percent increase in judicial salaries, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise, along with Senator THOMPSON, to introduce legislation to restore pay equity for our Federal judges. This legislation would guarantee judges automatic and annual cost-of-living adjustments, COLAs, just like other rank-and-file Federal employees.

In addition, the legislation would end a decade of Federal judicial salary neglect by giving judges a one-time salary increase of 9.6 percent. In the past decade, Congress has denied COLAs for judges in four separate years, in 1994, 1995, 1996, and 1998. This bill would restore to Federal justices the four COLAs they have lost.

In his year-end report on the state of the Federal Judiciary, Chief Justice William Rehnquist called the "the need to increase judicial salaries" the most pressing issue facing the Federal judiciary.

Simply put, while government service offers its own rewards, we should not create financial disincentives to service on the Federal bench.

Federal judges bear enormous responsibility as they preside over the most pressing legal issues. Often, they must render life-or-death decisions or preside over cases with millions of dollars at stake. For this vitally important work, they deserve appropriate compensation.

Recently, Congress took some action to restore equity in Federal salaries by doubling the salary of the President of

the United States from \$200,000 to \$400,000.

Congress should now consider an appropriate pay adjustment for the Federal judiciary. As of January 2001, Federal district judges receive an annual salary of \$145,000. If judges had received the COLAs to which they were entitled, a Federal District judge's salary would actually be \$164,700, nearly \$20,000 higher.

Now, \$145,000 is a lot more money than the salary of a typical worker but it is not so high when you compare it to equivalent positions of authority in the private sector. For example, the average partner in a major national law firm earns well over \$500,000 per year.

It is even more striking to note that major national law firms are offering first-year associates salaries topping \$125,000 a year. With bonuses, some of these newly minted lawyers are earning more than appellate judges.

The bottom line is that we cannot expect to keep our country's best lawyers interested in serving on the Federal bench if we continue to denigrate the salary of the post. Just since 1993, the salary of Federal judges, adjusted for inflation, has declined by 13 percent.

Not surprisingly, more and more judges are leaving the Federal bench. Between 1991 and 2000, 52 Federal judges resigned their seats, many of them for the purposes of returning to private practice. These 52 judges represent 40 percent of the 125 Federal judges who have left the bench since 1965.

Attorneys should not expect to become wealthy through an appointment as a Federal judge. Neither should judges expect to have their salaries eroded by Congress' failure to give them Cost-of-Living Adjustments.

Preserving judicial salaries is vital to maintaining the high quality of our Federal judiciary. I look forward to working with my colleagues in the Senate to restore fairness to judicial compensation.

By Mr. CORZINE (for himself,

Mr. CARPER, and Mr. SCHUMER):

S. 1163. A bill to increase the mortgage loan limits under the National Housing Act for multifamily housing mortgage insurance; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORZINE. Mr. President, I am pleased to join with my distinguished colleague, Senator CARPER, in introducing legislation, the FHA Multifamily Housing Loan Limit Adjustment Act, that would improve access to affordable housing.

Our Nation currently faces a critical housing shortage. A report released recently by the Center for Housing Policy, "Housing America's Working Families," documented the overwhelming need for affordable housing. The report indicates that in 1997, nearly 14 million families had a critical housing need, meaning they either lived in substandard housing conditions or spent

more than half their monthly income on the cost of housing. The FHA Multifamily Housing Loan Limit Adjustment Act would provide America's working families with increased access to affordable rental housing.

The bill is simple, it increases by 25 percent the statutory limits for multifamily project loans that can be insured by the FHA. This increase reflects the increased costs associated with the production of multifamily units since 1992, when these limits were last revised. The bill also would index the loan limits for inflation and increases to the Annual Construction Cost Index, which is published by the Census Bureau.

Rising construction costs have resulted in a shortage of moderately priced affordable rental units. Rent increases now exceed inflation in all regions of the country, and new affordable rental units have become increasingly harder to find. Because of the current dollar limits on loans, FHA insurance cannot be used to help finance construction in high-cost urban areas such as the New York/New Jersey metropolitan area, Philadelphia and San Francisco.

By increasing the limits on loans for rental housing we will create more incentives for public/private investment in communities through America and spur the new production of cooperative housing projects, rental housing for the elderly, and new construction or substantial rehabilitation of apartments by for- and non-profit entities.

Late last year, Congress sought, through a number of initiatives, to implement programs aimed at increasing the production of affordable housing for the millions of Americans who currently face critical housing needs. For example, we expanded the Low Income Housing Tax Credit, the one Federal program designed to produce new housing. We also increased the supply of housing vouchers. However, these programs were targeted largely at families with very low incomes. Currently, there are no programs designed specifically to provide access to affordable rental housing for America's working middle class, the people who serve as the engine of our nation's economy. Far too many of these individuals, including vital municipal workers like teachers, nurses and police officers, are struggling to gain access to affordable housing even remotely near where they work.

Without this much-needed adjustment to the FHA multifamily loan limits, access to affordable housing for our working-citizens will continue to lag, thousands of more families will join the 14 million people who currently face severe housing needs and our nation's economy will suffer.

This bill is modeled after bipartisan legislation introduced in the House by my colleague from New Jersey, Congresswoman MARGE ROUKEMA, and Congressman BARNEY FRANK of Massachusetts. The bill is supported by housing

and community advocates and has also been endorsed by the National Association of Home Builders, the National Association of Realtors, and the Mortgage Bankers Association.

I hope my Senate colleagues will support the legislation and help us ensure that America's working families have access to affordable housing.

Mr. CARPER. Mr. President, I am very pleased to join today with my distinguished colleague from new Jersey to introduce the FHA Multifamily Housing Mortgage Loan Limit Adjustment Act of 2001.

A recent report published by the National Housing Conference's Center for Housing Policy found that in 1997, nearly 14 million families either lived in substandard housing or spent more than half of their monthly income on housing costs. This affordable housing shortage also comes at a time of limited resources. Thus, we have to find the best use of each dollar at our disposal, as well as the most effective use of existing Federal programs to stimulate new production and substantial rehabilitation.

The Federal Housing Administration's, FHA, multifamily mortgage insurance is an important financing device for housing production. Unfortunately, production through this public/private partnership has been low in recent years. One of the reasons for FHA's absence from the rental housing market is that the multifamily loan limits have not been increased since 1992. While the annual Construction Cost Index, published by the Census Bureau, has increased over 23 percent since 1992, FHA's multifamily loan limits have remained static.

These rising construction costs have contributed to FHA's inability to be a significant participant in the production of multifamily housing. Increasing these loan limits by 25 percent, as this legislation does, is something Congress can do today to address immediately the shortage of affordable rental housing. This bill modifies a current federal program, FHA multifamily insurance, to make that program more effective. Importantly, this legislation also indexes the loan limits to the Annual Construction Cost Index.

I ask my colleagues to join with Senator CORZINE and me to increase these multifamily loan limits so that more working families will have access to affordable rental housing.

By Mr. EDWARDS:

S. 1164. A bill to provide for the enhanced protection of the privacy of location information of users of location-based services and applications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. EDWARDS. Mr. President, I rise today to introduce much-needed legislation to protect the privacy of consumers who use technologies that can pinpoint their location. Under my bill, the Location Privacy Protection Act,

any company that monitors consumers' physical location will be prohibited from using or disclosing that information without express permission from the consumer. And third parties that gain access to the information cannot use or disclose it without the individual's permission first.

Within the next few years, new technologies will allow companies to know our location any time of day or night. Our cell phones, pagers, cars, palm pilots and other devices will enable companies to constantly track where we go and how often we go there. These services can have enormous advantages. For example, public safety and rescue teams can save lives with systems that enable them to quickly locate crash victims. Imagine being able to ask your cell phone for directions to the nearest Italian restaurant. Or imagine you are traveling in a new city and your pager alerts you when you are within a block of your favorite coffee shop, which happens to be running a sale on coffee. The possibilities for location-based services and application are endless.

But these new technologies also raise serious privacy issues. Location information is very private, sensitive information that can be misused to harass consumers with unwanted solicitations or to draw inaccurate or embarrassing inferences about them. And in extreme cases, improper disclosure of location information to a domestic abuser or stalker could place a person in physical danger.

The wireless industry is unique in that it has worked with Congress to guarantee some privacy protections in the law, and it should be commended for recognizing the sensitivity of location information. However, although these laws are a good first step, we need to build on them and strengthen them. For example, although under the law customers must give their permission before wireless carriers can use or disclose their location information, the law does not require carriers to clearly notify consumers about how their location information will be used if they do grant their permission. Consumers also have no control over what happens to their information once third parties gain access to it. These parties are free to share it with anyone they please. And shockingly, there are no laws that protect the privacy of users of new technologies like telematics, services that allow drivers to get directions at the push of a button in their cars, and global positioning systems.

My legislation puts control over location information in the hands of the consumer. It requires the FCC to issue new regulations prohibiting all providers of location-based services and applications from collecting, using, disclosing, or retaining location information without the customer's permission first. And customers must be given clear and conspicuous notice about what the company is going to do

with their location information. Customers also will have the right to ensure the accuracy of the information that is collected and companies will be required to keep that information safe from unauthorized access.

Third parties will not be able to use or disclose location information without prior authorization from the customer. In this regard, my bill makes an exception if the third party is an emergency service. I believe that the FCC must be very careful not to interfere with the laws that have been carefully crafted to allow emergency medical rescue teams, public safety, fire services, hospital emergency facilities and other emergency services to respond to the user's call for help. These laws are critical to saving lives and I believe we should do everything we can to make sure they work.

I would also like to point out that while my bill requires that the FCC rules not interfere with the ability of law enforcement to obtain location information pursuant to an appropriate court order, it does not provide the FCC with extraordinary authority to control when law enforcement can and cannot gain access to location information. Although I have concerns about unnecessary and surreptitious government surveillance, I believe that this issue is best addressed either separately, or at a later date. The purpose of my bill is primarily to lay down guidelines for when private persons, such as businesses, are able to use and disclose consumers' location information.

The law needs to be strengthened, and we have the opportunity to do so while these location-based technologies are in their infancy. We have a unique opportunity to give consumers power over their location information before its commercial value becomes so great that it is impossible for consumers to prevent the buying and selling of this very personal information.

In sum, I believe the Location Privacy Protection Act is a common sense measure offered at an ideal time. I know that wireless carriers and many companies such as OnStar, ATX, Qualcomm and others care deeply about privacy. I applaud them for their efforts and I look forward to continuing working with them on this issue.

I ask unanimous consent that the text bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Location Privacy Protection Act of 2001".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Location-based services and applications allow customers to receive services based on their geographic location, position,

or known presence. Telematics devices, for instance, permit subscribers in vehicles to obtain emergency road assistance, driving directions, or other information with the push of a button. Other devices, such as those with Internet access, support position commerce in which notification of points of interest or promotions can be provided to customers based on their known presence or geographic location.

(2) There is a substantial Federal interest in safeguarding the privacy right of customers of location-based services or applications to control the collection, use, retention of, disclosure of, and access to their location information. Location information is non-public information that can be misused to commit fraud, to harass consumers with unwanted messages, to draw embarrassing or inaccurate inferences about them, or to discriminate against them. Improper disclosure of or access to location information could also place a person in physical danger. For example, location information could be misused by stalkers or by domestic abusers.

(3) The collection or retention of unnecessary location information magnifies the risk of its misuse or improper disclosure.

(4) Congress has recognized the right to privacy of location information by classifying location information as customer proprietary network information subject to section 222 of the Communications Act of 1934 (47 U.S.C. 222), thereby preventing use or disclosure of that information without a customer's express prior authorization.

(5) There is a substantial Federal interest in promoting fair competition in the provision of wireless services and in ensuring the consumer confidence necessary to ensure continued growth in the use of wireless services. These goals can be attained by establishing a set of privacy rules that apply to wireless location information, regardless of technology, and to all entities and services that generate or receive access to such information.

(6) It is in the public interest that the Federal Communications Commission establish comprehensive rules to protect the privacy of customers of location-based services and applications and thereby enable customers to realize more fully the benefits of location services and applications.

SEC. 3. PROTECTION OF LOCATION INFORMATION PRIVACY.

(a) RULEMAKING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Federal Communications Commission shall complete a rulemaking proceeding for purposes of further protecting the privacy of location information.

(b) ELEMENTS.—

(1) IN GENERAL.—Subject to the provisions of paragraph (2), the rules prescribed by the Commission under subsection (a) shall—

(A) require providers of location-based services and applications to inform customers, with clear and conspicuous notice, about their policies on the collection, use, disclosure of, retention of, and access to customer location information;

(B) require providers of location-based services and applications to obtain a customer's express authorization before—

(i) collecting, using, or retaining the customer's location information; or

(ii) disclosing or permitting access to the customer's location information to any person who is not a party to, or who is not necessary to the performance of, the service contract between the customer and such provider;

(C) require that all providers of location-based services or applications—

(i) restrict any collection, use, disclosure of, retention of, and access to customer location information to the specific purpose that

is the subject of the express authorization of the customer concerned; and

(ii) not subsequently release a customer's location information for any purpose beyond the purpose for which the customer provided express authorization;

(D) ensure the security and integrity of location data, and give customers reasonable access to their location data for purposes of verifying the accuracy of, or deleting, such data;

(E) be technology neutral to ensure uniform privacy rules and expectations and provide the framework for fair competition among similar services;

(F) require that aggregated location information not be disaggregated through any means into individual location information for any commercial purpose; and

(G) not impede customers from readily utilizing location-based services or applications.

(2) PERMITTED USES.—The rules prescribed under subsection (a) may permit the collection, use, retention, disclosure of, or access to a customer's location information without prior notice or consent to the extent necessary to—

(A) provide the service from which such information is derived, or to provide the location-based service that the customer is accessing;

(B) initiate, render, bill, and collect for the location-based service or application;

(C) protect the rights or property of the provider of the location-based service or application, or protect customers of the service or application from fraudulent, abusive, or unlawful use of, or subscription to, the service or application;

(D) produce aggregate location information; and

(E) comply with an appropriate court order.

(3) ADDITIONAL REQUIREMENT.—Under the rules prescribed under subsection (a), any third party receiving, or receiving access to, a customer's location information from a provider of location services or applications pursuant to the express authorization of the customer, shall not disclose or permit access to such information to any other person without the express authorization of the customer.

(4) EXPRESS AUTHORIZATION.—

(A) FORM.—For purposes of the rules prescribed under subsection (a) and section 222(f) of the Communications Act of 1934 (47 U.S.C. 222(f)), the Commission shall specify the appropriate methods, whether technological or otherwise, by which a customer may provide express prior authorization. Such methods may include a written or electronically signed service agreement or other contractual instrument.

(B) MODIFICATION OR REVOCATION.—Under the rules prescribed under subsection (a), a customer shall have the power to modify or revoke at any time an express authorization given by the customer under the rules.

(C) APPLICATION OF RULES.—The rules prescribed by the Commission under subsection (a) shall apply to any person that provides a location-based service or application, whether or not such person is also a provider of commercial mobile service (as that term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))).

(d) RELATIONSHIP TO WIRELESS COMMUNICATIONS AND PUBLIC SAFETY ACT OF 1999.—The rules prescribed by the Commission under subsection (a) shall be consistent with the amendments to section 222 of the Communications Act of 1934 (47 U.S.C. 222) made by section 5 of the Wireless Communications and Public Safety Act of 1999 (Public Law

106-81; 113 Stat. 1288), including the provisions of section 222(d)(4) of the Communications Act of 1934, as so amended, permitting use, disclosure, and access to location information by public safety, fire services, and other emergency services providers for purposes specified in subparagraphs (A), (B), and (C) of such section 222(d)(4).

(e) STATE AND LOCAL REQUIREMENTS.—

(1) IN GENERAL.—No State or local government may adopt or enforce any law, regulation, or other legal requirement addressing the privacy of wireless location information that is inconsistent with the rules prescribed by the Commission under subsection (a).

(2) PREEMPTION.—Any law, regulation, or requirement referred to in paragraph (1) that is in effect on the date of the enactment of this Act shall be preempted and superseded as of the effective date of the rules prescribed by the Commission under subsection (a).

(f) DEFINITIONS.—In this section:

(1) AGGREGATE LOCATION INFORMATION.—The term “aggregate location information” means a collection of location data relating to a group or category of customers from which individual customer identities have been removed.

(2) CUSTOMER.—The term “customer”, in the case of the provision of a location-based service or application with respect to a device, means the person entering into the contract or agreement with the provider of the location-based service or application for provision of the location-based service or application for the device.

By Mr. BIDEN (for himself, Mr. KOHL, and Mr. REED):

S. 1165. A bill to prevent juvenile crime, promote accountability by and rehabilitation of juvenile crime, punish and deter violent gang crime, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce, along with Senator KOHL and Senator REED, the Juvenile Crime Prevention and Control Act of 2001. This is a balanced bill that recognizes the need to get tough on juvenile crime and violence, attempts to break the dangerous link between kids and guns, and, most importantly, puts the Federal Government firmly behind the proposition that preventing juvenile violence is the most effective crime fighting measure any of us could craft.

Before I discuss the specifics of the bill, let me give a brief overview of the current state of juvenile crime in America. Juvenile crime, like almost all other categories of crime, is down. Last December, the FBI released statistics that show the homicide arrest rate for juveniles down 68 percent from its 1993 peak. We are now experiencing the lowest rate of juvenile homicide arrests since 1966. Between 1994 and 1999, the arrest rate of juveniles for violent crimes, murder, rape, robbery, and aggravated assault, dropped 36 percent.

These statistics have not eased public concern about the scope and nature of juvenile crime. One 1998 poll showed that 62 percent of those asked believed juvenile crime was increasing. A poll conducted in 1999 revealed that 71 percent thought it likely that a shooting could occur in a school in their community. In the face of these popular

perceptions, the Education Department reports that American children face a one in 2 million chance of being killed in their school.

Why the disparity? There are several reasons, in my opinion. First, and probably most importantly, while arrests of juveniles are unquestionably down, juvenile crime is still too high. The incidence of the most common crime committed by juveniles, property offenses, changed little throughout the last two decades. The rate of juvenile violent crime arrests has not yet returned to its 1988 level.

Second, and this cannot be understated, too many of our kids have access to guns, and those guns are finding their way into our Nation's schools at an alarming rate. A report released last year by the Education Department revealed that over 3,500 students were expelled in 1998 and 1999 for bringing guns to school, that's an average of 88 kids per week. The juvenile arrest rate for weapons crimes fell 39 percent from 1993 to 1999, but it too has not yet returned to 1988's low point.

Third, the American people understand that crime cannot stay down forever. I like to say that fighting crime is like mowing the grass. If you don't keep at it, it's going to come back up. We have good, demographic reasons to think this is particularly true in the case of juvenile crime. Today, there are approximately 39 million children younger than age 10. These kids, the children of the baby boom generation, stand on the edge of their teen years, the years when every reliable study reveals they are most at-risk of turning to drugs and crime.

What does this mean for juvenile crime? Even if we do everything right, even if we fund programs that work, put incorrigible juveniles behind bars, crack down on gun crimes, the demographic inevitability of this so-called “baby boomerang” means there is likely to be a 20 percent increase in juvenile murders by 2005. Such a jump would increase the overall murder rate by 5 percent. Our challenge is to make sure that does not happen.

We need to take another look at the Juvenile Justice and Delinquency Prevention Act of 1974. That Act expired on September 30, 1996, and, despite the good efforts of several Congresses, Members on both sides of the aisle, and the prior Administration, it has not been reauthorized. We should get that job done in the 107th Congress. The bill I introduce today includes provisions to reauthorize the Act, to fine tune some of its grant provisions, and to make some common sense changes to our firearms laws, changes that respect the rights of gun owners.

My bill reauthorizes the Community Prevention Grant Program, commonly known as Title V. It funds this critical juvenile crime prevention initiative at \$250,000,000 per year for the next six years and mandates that no State would receive less than \$200,000 in annual prevention grants. These funding

levels would more than double juvenile crime prevention funding, enough resources for localities to implement a comprehensive delinquency prevention strategy and then fund smart prevention programs that work. In Delaware, Title V funds have been used to sponsor programs to reduce school violence, provide transition counseling to students returning to their local school from alternative school placement, reduce suspensions, expulsions, truancy, and teen pregnancy, and provide services to the children of incarcerated adult offenders. Prevention is the key to keeping our juvenile crime rate down, and we need to extend Title V to guarantee that these funds continue to flow to States and localities.

The bill also reauthorizes the Formula Grant Program for the next six years at \$200,000,000 per year. I have included provisions to expand the permissible uses of these funds so as to make clear that employment training, mental health treatment, and other effective programs that meet the needs of children and youth in the juvenile system could be funded. The bill reauthorizes gang prevention programs and emphasizes the disruption and prosecution of gangs. It extends the juvenile justice mentoring program, and adds a pilot program to encourage and develop mentoring initiatives that focus on entire families. The bill also includes funds for grants to States to upgrade and enhance their juvenile felony criminal record histories.

My bill includes important provisions to continue the core protections for incarcerated youths that were included in the original Juvenile Justice and Delinquency Prevention Act of 1974. It continues the Act's function of protecting children from abuse and assault by adults in jails by prohibiting any contact between juveniles and adult inmates. The bill ensures that children are not detained in any jail or lockup for adults, except for very limited periods of time and under very limited circumstances. And it continues current law's requirement that States address the disproportionate number of minority children in confinement.

The bill authorizes \$500,000,000 per year over the next six years for the Juvenile Accountability Block Grant program. Funded for the past three fiscal years, this program has never been authorized. Its purpose is to strengthen State juvenile justice systems. States would receive funds as long as they implement or consider implementing graduated sanctions, though this condition can be met through a reporting requirement. The language I have included in my bill is drawn from H.R. 863, a measure which is currently working its way through the other body. I am supportive of that measure, as it will provide much needed funds for States to hire additional prosecutors, juvenile court judges, probation officers, and court-appointed defenders and special advocates. In years past, my State has used these funds to establish

a Serious Juvenile Offender program through the Delaware Division of Youth Rehabilitative Services, which provides an immediate secure placement of violent youth offenders who have violated the terms of their probation. Delaware has also used these funds to expand diversionary programs such as Teen Court and Drug Court, thus reducing the time between arrest and disposition of juvenile offenders, and to add psycho-forensic evaluators in the Delaware Office of the Public Defender to identify and address mental illness as a cause for delinquent conduct. This is a good program and it needs to be authorized.

My bill also reauthorizes the Violent Crime Reduction Trust Fund. The Trust Fund, created in the 1994 Crime Bill, has been the key to our successful fight against crime over the past several years. Unfortunately, it expired in 2000. The Violent Crime Reduction Trust Fund was the vehicle for providing billions of dollars to State and local governments to implement a variety of law enforcement and crime-fighting initiative, from the COPS program to the Violence Against Women Act to youth violence programs. Without the Trust Fund, I fear we may not have the resources necessary to continue our struggle to keep our streets safe. I am pleased to include provisions in this bill that will extend the Fund through fiscal year 2007.

Finally, the bill I am introducing today includes several common sense gun safety provisions. First, it incorporates Senator REED's Gun Show Background Check Act. This language will ensure that criminals cannot purchase guns at gun shows, and I applaud Senator REED for his leadership in this area. Second, I have included Senator KOHL's Child Safety Lock Act. This moderate provision would require handguns to be sold with government-certified trigger locks. Studies indicate trigger locks save lives; I was pleased to see the Administration's endorsement of this idea in its budget request for the upcoming fiscal year; and I thank Senator KOHL for including his bill in this larger measure today. Third, the bill would extend the Brady Law to dangerous juvenile offenders. This provision would make it unlawful for any person adjudicated a juvenile delinquent for serious drug offenses or violent felonies to possess firearms. This is an important step toward getting guns out of the hands of criminals, and its enactment will prevent violent juveniles from accessing weapons and thus make it difficult for them to commit gun crimes as adults.

This is not a perfect bill, and I am not wedded to each and every line. I welcome comments from my colleagues, the juvenile justice community, and anyone interested in preventing and controlling juvenile crime. I am committed, however, to renewing our efforts to keep our children and our communities safe from crime and violence. I am committed to protecting

our kids through meaningful prevention and intervention programs, to cracking down on drugs and the violence that accompanies them, and to ensuring that meaningful, appropriate and swift punishment is imposed on all juvenile offenders. I believe the Juvenile Crime Prevention and Control Act that I introduce today is an important step toward accomplishing these goals.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Juvenile Crime Prevention and Control Act of 2001”.

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

Sec. 1. Short title; table of contents.

TITLE I—JUVENILE CRIME PREVENTION AND CONTROL

Sec. 101. Findings; declaration of purpose; definitions.

Sec. 102. Juvenile crime control and prevention.

Sec. 103. Juvenile offender accountability.

Sec. 104. Extension of violent crime reduction trust fund.

TITLE II—PROTECTING CHILDREN FROM VIOLENCE

Subtitle A—Gun Show Background Checks

Sec. 201. Short title.

Sec. 202. Findings.

Sec. 203. Extension of brady background checks to gun shows.

Subtitle B—Gun Ban for Dangerous Juvenile Offenders

Sec. 211. Permanent prohibition on firearms transfers to or possession by dangerous juvenile offenders.

Subtitle C—Child Safety Locks

Sec. 221. Short title.

Sec. 222. Requirement of child handgun safety locks.

Sec. 223. Amendment of consumer product safety act.

TITLE I—JUVENILE CRIME PREVENTION AND CONTROL

SEC. 101. FINDINGS; DECLARATION OF PURPOSE; DEFINITIONS.

Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended to read as follows:

“TITLE I—FINDINGS AND DECLARATION OF PURPOSE

“SEC. 101. FINDINGS.

“Congress finds that—

“(1) the juvenile crime problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

“(A) quality prevention programs that—

“(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether juveniles have ever been the victims of family violence (including child abuse and neglect); and

“(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

“(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts; and

“(2) action is required now to reform the Federal juvenile justice program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts.

“SEC. 102. PURPOSES.

“The purposes of this Act are—

“(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

“(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

“(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.

“SEC. 103. DEFINITIONS.

“In this Act:

“(1) **ADMINISTRATOR.**—The term ‘Administrator’ means the Administrator of the Office of Juvenile Crime Control and Prevention, appointed in accordance with section 201.

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

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

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

“(3) **BUREAU OF JUSTICE ASSISTANCE.**—The term ‘Bureau of Justice Assistance’ means the bureau established by section 401 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741).

“(4) **BUREAU OF JUSTICE STATISTICS.**—The term ‘Bureau of Justice Statistics’ means the bureau established by section 302(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(a)).

“(5) **COLLOCATED FACILITIES.**—The term ‘collocated facilities’ means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds.

“(6) **COMBINATION.**—The term ‘combination’ as applied to States or units of local government means any grouping or joining together of States or units of local government for the purpose of preparing, developing, or implementing a juvenile crime control and delinquency prevention plan.

“(7) **COMMUNITY-BASED.**—The term ‘community-based’ facility, program, or service means a small, open group home or other suitable place located near the home or family of the juvenile and programs of community supervision and service that maintain community and consumer participation in the planning, operation, and evaluation of those programs which may include, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.

“(8) **COMPREHENSIVE AND COORDINATED SYSTEM OF SERVICES.**—The term ‘comprehensive and coordinated system of services’ means a system that—

“(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of

preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

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

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

“(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency.

“(9) CONSTRUCTION.—The term ‘construction’ means erection of new buildings or acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects’ fees but not the cost of acquisition of land for buildings).

“(10) FEDERAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PROGRAM.—The term ‘Federal juvenile crime control, prevention, and juvenile offender accountability program’ means any Federal program a primary objective of which is the prevention of juvenile crime or reduction of the incidence of arrest, the commission of criminal acts or acts of delinquency, violence, the use of alcohol or illegal drugs, or the involvement in gangs among juveniles.

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

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

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

“(14) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(15) JUVENILE.—The term ‘juvenile’ means a person who has not attained the age of 18 years and who is subject to delinquency proceedings under applicable State law.

“(16) JUVENILE POPULATION.—The term ‘juvenile population’ means the population of a State under 18 years of age.

“(17) JAIL OR LOCKUP FOR ADULTS.—The term ‘jail or lockup for adults’ means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

“(A) pending the filing of a charge of violating a criminal law;

“(B) who are awaiting trial on a criminal charge; or

“(C) who are convicted of violating a criminal law.

“(18) JUVENILE DELINQUENCY PROGRAM.—The term ‘juvenile delinquency program’ means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including—

“(A) drug and alcohol abuse programs;

“(B) any program or activity that is designed to improve the juvenile justice system; and

“(C) any program or activity that is designed to reduce known risk factors for juvenile delinquent behavior, by providing activities that build on protective factors for, and develop competencies in, juveniles to prevent and reduce the rate of juvenile delinquent behavior.

“(19) LAW ENFORCEMENT AND CRIMINAL JUSTICE.—The term ‘law enforcement and criminal justice’ means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

“(20) NATIONAL INSTITUTE OF JUSTICE.—The term ‘National Institute of Justice’ means the institute established by section 201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3721).

“(21) NONPROFIT ORGANIZATION.—The term ‘nonprofit organization’ means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

“(22) OFFICE.—The term ‘Office’ means the Office of Juvenile Crime Control and Prevention established under section 201.

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

“(24) OUTCOME OBJECTIVE.—The term ‘outcome objective’ means an objective that relates to the impact of a program or initiative, that measures the reduction of high risk behaviors, such as incidence of arrest, the commission of criminal acts or acts of delinquency, failure in school, violence, the use of alcohol or illegal drugs, involvement in youth gangs, violent and unlawful acts of animal cruelty, and teenage pregnancy, among youth in the community.

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

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

“(B) an objective relating to the degree to which the program or initiative addresses known risk factors for youth problem behaviors and incorporates activities that inhibit the behaviors and that build on protective factors for youth.

“(26) PROHIBITED PHYSICAL CONTACT.—The term ‘prohibited physical contact’ means—

“(A) any physical contact between a juvenile and an adult inmate; and

“(B) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate.

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

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

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

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

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

“(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense or any other individual convicted of a criminal offense.

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

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

“(B) is used for the temporary placement of any juvenile who is accused of having committed an offense or of any other individual accused of having committed a criminal offense.

“(30) SERIOUS CRIME.—The term ‘serious crime’ means criminal homicide, rape or other sex offenses punishable as a felony, mayhem, kidnapping, aggravated assault, drug trafficking, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony.

“(31) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

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

“(33) SUSTAINED ORAL AND VISUAL CONTACT.—The term ‘sustained oral and visual contact’ means the imparting or interchange of speech by or between an adult inmate and a juvenile, or clear visual contact between an adult inmate and a juvenile in close proximity.

“(34) TREATMENT.—The term ‘treatment’ includes medical and other rehabilitative services designed to protect the public, including any services designed to benefit addicts and other users by—

“(A) eliminating their dependence on alcohol or other addictive or nonaddictive drugs; or

“(B) controlling or reducing their dependence and susceptibility to addiction or use.

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

“(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

“(B) any law enforcement district or judicial enforcement district that—

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

“(ii) has the authority to, in a manner independent of other State entities, establish a budget and raise revenues;

“(C) an Indian tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

“(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

“(i) the District of Columbia; or

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

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

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

“(B) who received, before the issuance of the order, the full due process rights guaranteed to that juvenile by the Constitution of the United States.

“(37) VIOLENT CRIME.—The term ‘violent crime’ means—

“(A) murder or nonnegligent manslaughter, forcible rape, or robbery; and

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

“(38) YOUTH.—The term ‘youth’ means an individual who is not less than 6 years of age and not more than 17 years of age.”.

SEC. 102. JUVENILE CRIME CONTROL AND PREVENTION.

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

“TITLE II—JUVENILE CRIME PREVENTION AND CONTROL

“PART A—OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION

“SEC. 201. ESTABLISHMENT OF OFFICE.

“(a) IN GENERAL.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of Juvenile Crime Control and Prevention.

“(b) ADMINISTRATOR.—

“(1) IN GENERAL.—The Office shall be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile delinquency prevention and crime control programs.

“(2) REGULATIONS.—The Administrator may prescribe regulations consistent with this Act to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, amounts made available under this title.

“(3) RELATIONSHIP TO ATTORNEY GENERAL.—The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have with the Attorney General.

“(c) DEPUTY ADMINISTRATOR.—There shall be in the Office a Deputy Administrator, who shall—

“(1) be appointed by the Attorney General; and

“(2) perform such functions as the Administrator may assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.

“(d) ASSOCIATE ADMINISTRATOR.—

“(1) IN GENERAL.—There shall be in the Office an Associate Administrator, who shall be appointed by the Administrator, and whose position shall be treated as a career reserved position within the meaning of section 3132 of title 5, United States Code.

“(2) DUTIES.—The duties of the Associate Administrator shall include informing Congress, other Federal agencies, outside organizations, and State and local government officials about activities carried out by the Office.

“(e) DELEGATION AND ASSIGNMENT.—

“(1) IN GENERAL.—Except as otherwise expressly prohibited by law or otherwise provided by this title, the Administrator may—

“(A) delegate any of the functions of the Administrator, and any function transferred or granted to the Administrator after the date of enactment of the Juvenile Crime Prevention and Control Act of 2001, to such officers and employees of the Office as the Administrator may designate; and

“(B) authorize successive redelegations of such functions as may be necessary or appropriate.

“(2) RESPONSIBILITY.—No delegation of functions by the Administrator under this subsection or under any other provision of this title shall relieve the Administrator of responsibility for the administration of such functions.

“(f) REORGANIZATION.—The Administrator may allocate or reallocate any function transferred among the officers of the Office, and establish, consolidate, alter, or discontinue such organizational entities in that Office as may be necessary or appropriate.

“SEC. 202. PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS.

“(a) IN GENERAL.—The Administrator may select, employ, and fix the compensation of officers and employees, including attorneys, who are necessary to perform the functions vested in the Administrator and to prescribe the functions of those officers and employees.

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

“(c) DETAIL OF FEDERAL PERSONNEL.—Upon the request of the Administrator, the head of any Federal agency may detail, on a reimbursable basis, any of its personnel to the Administrator to assist the Administrator in carrying out the functions of the Administrator under this title.

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

“SEC. 203. NATIONAL PROGRAM.

“(a) NATIONAL JUVENILE CRIME CONTROL, PREVENTION, AND JUVENILE OFFENDER ACCOUNTABILITY PLAN.—

“(1) IN GENERAL.—Subject to the general authority of the Attorney General, the Administrator shall develop objectives, priorities, and short- and long-term plans, and shall implement overall policy and a strategy to carry out those plans, for all Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities relating to improving juvenile crime control, the rehabilitation of juvenile offenders, the prevention of juvenile crime, and the enhancement of accountability by offenders within the juvenile justice system in the United States.

“(2) CONTENTS OF PLANS.—

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

“(i) contain specific, measurable goals and criteria for reducing the incidence of crime and delinquency among juveniles, improving juvenile crime control, and ensuring accountability by offenders within the juvenile justice system in the United States, and shall include criteria for any discretionary grants and contracts, for conducting research, and for carrying out other activities under this title;

“(ii) provide for coordinating the administration of programs and activities under this title with the administration of all other Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities, including proposals for

joint funding to be coordinated by the Administrator;

“(iii) provide a detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, the time served by juveniles in custody, and the trends demonstrated by such data;

“(iv) provide a description of the activities for which amounts are expended under this title;

“(v) provide specific information relating to the attainment of goals set forth in the plan, including specific, measurable standards for assessing progress toward national juvenile crime reduction and juvenile offender accountability goals; and

“(vi) provide for the coordination of Federal, State, and local initiatives for the reduction of youth crime, preventing delinquency, and ensuring accountability for juvenile offenders.

“(B) SUMMARY AND ANALYSIS.—Each summary and analysis under subparagraph (A)(iii) shall set out the information required by clauses (i), (ii), and (iii) of this subparagraph separately for juvenile non-offenders, juvenile status offenders, and other juvenile offenders, and shall separately address with respect to each category of juveniles specified—

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

“(ii) the ages of the juveniles;

“(iii) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lock-ups;

“(iv) the length of time served by juveniles in custody; and

“(v) the number of juveniles who died or who suffered serious bodily injury while in custody and the circumstances under which each juvenile died or suffered that injury.

“(C) DEFINITION OF SERIOUS BODILY INJURY.—In this paragraph, the term ‘serious bodily injury’ means bodily injury involving extreme physical pain or the impairment of a function of a bodily member, organ, or mental faculty that requires medical intervention such as surgery, hospitalization, or physical rehabilitation.

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

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

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

“(C) not later than March 1 of each year, present the plans to the Committee on the Judiciary of the Senate and the Committee on Education and the Workforce of the House of Representatives.

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

“(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile crime control, prevention, and juvenile offender accountability programs, and Federal policies regarding juvenile crime and justice, including policies relating to juveniles prosecuted or adjudicated in the Federal courts;

“(2) implement and coordinate Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities among Federal departments and agencies and between such programs and activities and other Federal programs and activities that the Administrator determines may have an important bearing on the success of the entire national juvenile crime control, prevention, and juvenile offender accountability effort including, in consultation

with the Director of the Office of Management and Budget listing annually those programs to be considered Federal juvenile crime control, prevention, and juvenile accountability programs for the following fiscal year;

“(3) serve as a single point of contact for States, units of local government, and private entities for purposes of providing information relating to Federal juvenile delinquency programs or for referral to other agencies or departments that operate such programs;

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

“(5) collect, prepare, and disseminate useful data regarding the prevention, correction, and control of juvenile crime and delinquency, and issue, not less than once each calendar year, a report on successful programs and juvenile crime reduction methods utilized by States, localities, and private entities;

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

“(A) be independent in nature, and shall employ rigorous and scientifically valid standards and methodologies; and

“(B) include measures of outcome and process objectives, such as reductions in juvenile crime, youth gang activity, youth substance abuse, and other high risk factors, as well as increases in protective factors that reduce the likelihood of delinquency and criminal behavior;

“(7) consult with appropriate authorities in the States and with appropriate private entities regarding the development, review, and revision of the plans required by subsection (a) and the development of policies relating to juveniles prosecuted or adjudicated in the Federal courts;

“(8) provide technical assistance to the States, units of local government, and private entities in implementing programs funded by grants under this title;

“(9) provide technical and financial assistance to an organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to carry out activities under this paragraph, if that organization agrees to carry out activities that include—

“(A) conducting an annual conference of the member representatives for purposes relating to the activities of the State advisory groups;

“(B) disseminating information, data, standards, advanced techniques, and programs models developed through the Institute and through programs funded under section 241; and

“(C) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

“(10) provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to assist that eligible organization in—

“(A) conducting an annual conference of member representatives of the State advisory groups for purposes relating to the activities of those groups; and

“(B) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 241.

“(c) UTILIZATION OF SERVICES AND FACILITIES OF OTHER AGENCIES; REIMBURSEMENT.—The Administrator, through the general authority of the Attorney General, may utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for

such services either in advance or by way of reimbursement as may be agreed upon.

“(d) COORDINATION OF FUNCTIONS OF ADMINISTRATOR AND SECRETARY OF HEALTH AND HUMAN SERVICES.—All functions of the Administrator shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under title III.

“(e) ANNUAL JUVENILE DELINQUENCY DEVELOPMENT STATEMENTS.—

“(1) IN GENERAL.—Each Federal agency that administers a Federal juvenile crime control, prevention, and juvenile offender accountability program shall annually submit to the Administrator a juvenile crime control, prevention, and juvenile offender accountability development statement.

“(2) CONTENTS.—Each development statement submitted under paragraph (1) shall contain such information, data, and analyses as the Administrator may require and shall include an analysis of the extent to which the program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile crime control, prevention, and juvenile offender accountability, prevention, and treatment goals and policies.

“(3) REVIEW AND COMMENT.—

“(A) IN GENERAL.—The Administrator shall review and comment upon each juvenile crime control, prevention, and juvenile offender accountability development statement transmitted to the Administrator under paragraph (1).

“(B) INCLUSION IN OTHER DOCUMENTATION.—The development statement transmitted under paragraph (1), together with the comments of the Administrator under subparagraph (A), shall be—

“(i) included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation that significantly affects juvenile crime control, prevention, and juvenile offender accountability; and

“(ii) made available for promulgation to and use by State and local government officials, and by nonprofit organizations involved in delinquency prevention programs.

“(f) JOINT FUNDING.—Notwithstanding any other provision of law, if funds are made available by more than 1 Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile crime control, prevention, or juvenile offender accountability program or activity—

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

“(2) a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such Federal agency to waive any technical grant or contract requirement (as defined in those regulations) that is inconsistent with the similar requirement of the administering agency or that the administering agency does not impose.

“SEC. 204. COMMUNITY PREVENTION GRANT PROGRAM.

“(a) PURPOSES.—The Administrator may make grants to a State, to be transmitted through the State advisory group to units of local government that meet the requirements of subsection (b), for delinquency prevention programs and activities for youth who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to children, youth, and families of—

“(1) recreation services;

“(2) tutoring and remedial education;

“(3) assistance in the development of work awareness skills;

“(4) child and adolescent health and mental health services;

“(5) alcohol and substance abuse prevention services;

“(6) leadership development activities; and

“(7) the teaching that people are and should be held accountable for their actions.

“(b) ELIGIBILITY.—The requirements of this subsection are met with respect to a unit of general local government if—

“(1) the unit is in compliance with the requirements of part B of title II;

“(2) the unit has submitted to the State advisory group a 3-year plan outlining the local front end plans of the unit for investment for delinquency prevention and early intervention activities;

“(3) the unit has included in its application to the Administrator for formula grant funds a summary of the 3-year plan described in paragraph (2);

“(4) pursuant to its 3-year plan, the unit has appointed a local policy board of no fewer than 15 and no more than 21 members with balanced representation of public agencies and private, nonprofit organizations serving children, youth, and families and business and industry;

“(5) the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk youth and their families, including such programs as nutrition, energy assistance, and housing;

“(6) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this title; and

“(7) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

“(c) PRIORITY.—In considering grant application under this section, the Administrator shall give priority to applicants that demonstrate ability in—

“(1) plans for service and agency coordination and collaboration including the collocation of services;

“(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities; and

“(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention.

“SEC. 205. GRANTS TO INDIAN TRIBES.

“(a) IN GENERAL.—From the amount reserved under section 206(b) in each fiscal year, the Administrator shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 204 and part B of this title.

“(b) APPLICATIONS.—

“(1) IN GENERAL.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Administrator an application in such form and containing such information as the Administrator may by regulation require.

“(2) PLANS.—Each application submitted under paragraph (1) shall include a plan for conducting projects described in section 204(a), which plan shall—

“(A) provide evidence that the Indian tribe performs law enforcement functions (as determined by the Secretary of the Interior);

“(B) identify the juvenile justice and delinquency problems and juvenile delinquency prevention needs to be addressed by activities conducted by the Indian tribe in the area under the jurisdiction of the Indian tribe with assistance provided by the grant;

“(C) provide for fiscal control and accounting procedures that—

“(i) are necessary to ensure the prudent use, proper disbursement, and accounting of funds received under this section; and

“(ii) are consistent with the requirements of subparagraph (B);

“(D) comply with the requirements of section 222(a) (except that such subsection relates to consultation with a State advisory group) and with the requirements of section 222(c); and

“(E) contain such other information, and be subject to such additional requirements, as the Administrator may reasonably prescribe to ensure the effectiveness of the grant program under this section.

“(c) **FACTORS FOR CONSIDERATION.**—In awarding grants under this section, the Administrator shall consider—

“(1) the resources that are available to each applicant that will assist, and be coordinated with, the overall juvenile justice system of the Indian tribe; and

“(2) for each Indian tribe that receives assistance under such a grant—

“(A) the relative juvenile population; and

“(B) who will be served by the assistance provided by the grant.

“(d) **GRANT AWARDS.**—

“(1) **IN GENERAL.**—

“(A) **COMPETITIVE AWARDS.**—Except as provided in paragraph (2), the Administrator shall—

“(i) annually award grants under this section on a competitive basis; and

“(ii) enter into a grant agreement with each grant recipient under this section that specifies the terms and conditions of the grant.

“(B) **PERIOD OF GRANT.**—The period of each grant awarded under this section shall be 2 years.

“(2) **EXCEPTION.**—In any case in which the Administrator determines that a grant recipient under this section has performed satisfactorily during the preceding year in accordance with an applicable grant agreement, the Administrator may—

“(A) waive the requirement that the recipient be subject to the competitive award process described in paragraph (1)(A); and

“(B) renew the grant for an additional grant period (as specified in paragraph (1)(B)).

“(3) **MODIFICATIONS OF PROCESSES.**—The Administrator may prescribe requirements to provide for appropriate modifications to the plan preparation and application process specified in subsection (b) for an application for a renewal grant under paragraph (2)(B).

“(e) **REPORTING REQUIREMENT.**—Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

“(f) **MATCHING REQUIREMENT.**—Funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of any program or project with a matching requirement funded under this section.

“(g) **TECHNICAL ASSISTANCE.**—From the amount reserved under section 206(b) in each fiscal year, the Administrator may reserve 1 percent for the purpose of providing technical assistance to recipients of grants under this section.

“SEC. 206. ALLOCATION OF GRANTS.

“(a) **IN GENERAL.**—Subject to subsections (b), (c), and (d), the amount allocated under section 261 to carry out section 204 in each

fiscal year shall be allocated to the States as follows:

“(1) The amount allocated to any State shall not be less than \$200,000.

“(2) Not less than 75 percent of the funds made available under Part A of this title shall be used to carry out section 205.

“(b) **RESERVATION OF FUNDS.**—Notwithstanding any other provision of law, from the amounts allocated under section 261 to carry out section 204 and part B in each fiscal year the Administrator shall reserve an amount equal to the amount which all Indian tribes that qualify for a grant under section 205 would collectively be entitled, if such tribes were collectively treated as a State for purposes of subsection (a).

“(c) **EXCEPTION.**—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than \$75,000 and not more than \$100,000.

“(d) **ADMINISTRATIVE COSTS.**—A State, unit of local government, or eligible unit that receives funds under this part may not use more than 5 percent of those funds to pay for administrative costs.

“PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

“SEC. 221. AUTHORITY TO MAKE GRANTS AND CONTRACTS.

“(a) **IN GENERAL.**—The Administrator may make grants to States and units of local government, or combinations thereof, to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

“(b) **TRAINING AND TECHNICAL ASSISTANCE.**—

“(1) **IN GENERAL.**—With not to exceed 2 percent of the funds available in a fiscal year to carry out this part, the Administrator shall make grants to and enter into contracts with public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local government (or combinations thereof), and local private agencies to facilitate compliance with section 222 and implementation of the State plan approved under section 222(c).

“(2) **ELIGIBLE RECIPIENTS.**—

“(A) **IN GENERAL.**—Grants may be made to and contracts may be entered into under paragraph (1) only with public and private agencies, organizations, and individuals that have experience in providing training and technical assistance required under paragraph (1).

“(B) **ACTIVITY COORDINATION.**—In providing training and technical assistance required under paragraph (1), the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 222(a)(1).

“SEC. 222. STATE PLANS.

“(a) **IN GENERAL.**—In order to receive formula grants under this part, a State shall submit a plan, developed in consultation with the State Advisory Group established by the State under subsection (e)(2)(A), for carrying out its purposes applicable to a 3-year period.

“(b) **ALLOCATION.**—A portion of any allocation of formula grants to a State shall be available to develop a State plan or for other activities associated with such State plan which are necessary for efficient administration, including monitoring, evaluation, and one full-time staff position.

“(c) **ANNUAL REPORTS.**—The State shall submit annual performance reports to the Administrator, each of which shall describe progress in implementing programs contained in the original State plan, and amendments necessary to update the State plan, and shall describe the status of compliance with State plan requirements.

“(d) **CONTENTS OF PLAN.**—In accordance with regulations that the Administrator shall prescribe, a State plan shall—

“(1) designate a State agency as the sole agency for supervising the preparation and administration of the State plan;

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

“(3) provide for the active consultation with and participation of units of local government in the development of a State plan that adequately takes into account the needs and requests of units of local government, except that nothing in the State plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies, including religious organizations;

“(4) to the extent feasible and consistent with paragraph (5), provide for an equitable distribution of the assistance received with the State, including rural areas;

“(5) require that the State or unit of local government that is a recipient of amounts under this part distribute the amounts intended to be used for the prevention of juvenile delinquency and reduction of incarceration, to the extent feasible, in proportion to the amount of juvenile crime committed within those regions and communities;

“(6) provide assurances that youth who come into contact with the juvenile justice system are treated equitably on the basis of gender, race, family income, and disability;

“(7) provide for—

“(A) an analysis of juvenile crime and delinquency problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State;

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

“(C) a strategy for the concentration of State efforts, which shall coordinate all State juvenile crime control, prevention, and delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile crime control and delinquency programs and activities, including a provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;

“(D) needed gender-specific services for the prevention and treatment of juvenile delinquency;

“(E) needed services for the prevention and treatment of juvenile delinquency in rural areas; and

“(F) needed mental health services to juveniles in the juvenile justice system;

“(8) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;

“(9) provide for the development of an adequate research, training, and evaluation capacity within the State;

“(10) provide that not less than 75 percent of the funds available to the State under section 221, other than funds made available to the State advisory group under this section, whether expended directly by the State, by the unit of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

“(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization, including—

“(i) for youth who need temporary placement, the provision of crisis intervention, shelter, and after-care; and

“(ii) for youth who need residential placement, the provision of a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

“(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;

“(C) comprehensive juvenile crime control and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, public recreation agencies, and private nonprofit agencies offering youth services;

“(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to the families of those juveniles, in order to reduce the likelihood that those juvenile offenders will commit subsequent violations of law;

“(E) educational programs or supportive services for delinquent or other juveniles—

“(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

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

“(iii) to enhance coordination with the local schools that juveniles would otherwise attend, to ensure that—

“(I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

“(II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

“(F) expanding the use of probation officers—

“(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

“(ii) to ensure that juveniles follow the terms of their probation;

“(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based orga-

nizations and agencies) who are properly screened and trained;

“(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;

“(I) projects designed to deter involvement in illegal activities and promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

“(J) programs and projects designed to provide for the treatment of a youth who is dependent on or abuses alcohol or other addictive or nonaddictive drugs;

“(K) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;

“(L) activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;

“(M) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

“(N) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and other barriers that may prevent the complete treatment of the juveniles and the preservation of their families;

“(O) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts;

“(P) programs designed to prevent and reduce hate crimes committed by juveniles;

“(Q) court supervised initiatives that address the illegal possession of firearms by juveniles;

“(R) programs for positive youth development that provide delinquent youth and youth at-risk of delinquency with—

“(i) an ongoing relationship with a caring adult (such as a mentor, tutor, coach, or shelter youth worker);

“(ii) safe places and structured activities during nonschool hours;

“(iii) a healthy start;

“(iv) a marketable skill through effective education; and

“(v) an opportunity to give back through community service;

“(S) programs and projects that provide comprehensive post-placement services that help juveniles make a successful transition back into the community, including mental health services, substance abuse treatment, counseling, education, and employment training;

“(T) programs and services designed to identify and address the health and mental health needs of youth; and

“(U) programs that have been proven to be successful in preventing delinquency, such as Multi-Systemic Therapy, Multi-Dimensional Treatment Foster Care, Functional Family Therapy, and the Bullying Prevention Program;

“(11) provide that—

“(A) a juvenile who is charged with or who has committed an offense that would not be criminal if committed by an adult shall not be placed in a secure detention facility or secure correctional facility unless the juvenile—

“(i) was charged with or committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

“(ii) was charged with or committed a violation of a valid court order; or

“(iii) was held in accordance with the Interstate Compact on Juveniles as enacted by the State; and

“(B) a juvenile shall not be placed in a secure detention facility or secure correctional facility if the juvenile—

“(i) was not charged with any offense; and

“(ii) is—

“(I) an alien; or

“(II) alleged to be dependent, neglected, or abused.

“(12) provide that—

“(A) a juvenile who is alleged to be or found to be delinquent or a juvenile who is described in paragraph (11) will not be detained or confined in any institution in which prohibited physical contact or sustained oral and visual contact with an adult inmate can occur; and

“(B) there is in effect in the State a policy that requires an individual who works with both juveniles and adult inmates, including in collocated facilities, to be trained and certified to work with juveniles;

“(13) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

“(A) juveniles who are accused of non-status offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

“(i) for processing or release;

“(ii) while awaiting transfer to a juvenile facility; or

“(iii) in which period such juveniles make a court appearance;

“(B) juveniles who—

“(i) are accused of nonstatus offenses;

“(ii) are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays); and

“(iii) are detained in a jail or lockup—

“(I) in which such juveniles do not have prohibited physical contact, or sustained oral and visual contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges;

“(II) where there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in collocated facilities have been trained and certified to work with juveniles; and

“(III) that is located—

“(aa) outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

“(bb) where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

“(cc) where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

“(14)(A) provide assurances that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and

other youth to prevent juvenile delinquency; and

“(B) approaches under subparagraph (A) should include the involvement of grandparents or other extended family members, when possible, and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible;

“(15) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to the services provided to any individual under the State plan;

“(16) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

“(17) provide reasonable assurances that Federal funds made available under this part for any period shall be used to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would, in the absence of the Federal funds, be made available for the programs described in this part, and shall in no event replace such State, local, and other non-Federal funds;

“(18) provide that the State agency designated under paragraph (1) shall, not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of the State and local needs, that the agency considers necessary;

“(19) provide assurances that the State or unit of local government that is a recipient of amounts under this part require that any person convicted of a sexual act or sexual contact involving any other person who has not attained the age of 18 years, and who is not less than 4 years younger than that convicted person, be tested for the presence of a sexually transmitted disease and that the results of that test be provided to the victim or to the family of the victim as well as to any court or other government agency with primary authority for sentencing the person convicted for the commission of the sexual act or sexual contact (as those terms are defined in paragraphs (2) and (3), respectively, of section 2246 of title 18, United States Code);

“(20) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

“(A) an appropriate public agency shall be promptly notified that the juvenile is being taken into custody for violating the court order;

“(B) that within 24 hours of the juvenile being taken into custody, an authorized representative of the public agency shall interview the juvenile in person; and

“(C) that within 48 hours of the juvenile being taken into custody—

“(i) the authorized representative shall submit an assessment regarding the immediate needs of the juvenile to the court that issued the order; and

“(ii) the court shall conduct a hearing to determine—

“(I) whether there is reasonable cause to believe that the juvenile violated the order; and

“(II) the appropriate placement of the juvenile pending disposition of the alleged violation;

“(21) specify a percentage, if any, of funds received by the State under section 221 that the State shall reserve for expenditure by the State to provide incentive grants to units of local government that reduce the

case load of probation officers within those units;

“(22) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to that juvenile that are on file in the geographical area under the jurisdiction of that court will be made known to that court;

“(23) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 50 percent of funds received by the State under this section, other than funds made available to the State advisory group, shall be expended—

“(A) through programs of units of general local government, to the extent that those programs are consistent with the State plan; and

“(B) through programs of local private agencies, to the extent that those programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if the local private agency requests direct funding after the agency has applied for and been denied funding by a unit of general local government;

“(24) provide for the establishment of youth tribunals and peer ‘juries’ in school districts in the State to promote zero tolerance policies with respect to misdemeanor offenses, acts of juvenile delinquency, and other antisocial behavior occurring on school grounds, including truancy, vandalism, underage drinking, and underage tobacco use;

“(25) provide for projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers;

“(26) provide assurances that—

“(A) any assistance provided under this title will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

“(B) activities assisted under this title will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

“(C) an activity that would be inconsistent with the terms of a collective bargaining agreement shall not be undertaken without the written concurrence of the labor organization involved; and

“(27) address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups, if such proportion exceeds the proportion such groups represent in the general population.

“(e) APPROVAL BY STATE AGENCY.—

“(1) STATE AGENCY.—The State agency designated under subsection (d)(1) shall approve the State plan and any modification of that plan prior to submission of the plan to the Administrator.

“(2) STATE ADVISORY GROUP.—

“(A) ESTABLISHMENT.—

“(i) IN GENERAL.—The State advisory group referred to in subsection (a) shall be known as the ‘State Advisory Group’.

“(ii) MEMBERS.—The State Advisory Group shall—

“(I) consist of representatives from both the private and public sector, each of whom shall be appointed for a term of not more than 6 years; and

“(II) include not less than 1 prosecutor and not less than 1 judge from a court with a juvenile crime or delinquency docket.

“(iii) MEMBER EXPERIENCE.—The State shall ensure that members of the State Advisory Group shall have experience in the area of juvenile delinquency prevention, the prosecution of juvenile offenders, the treatment of juvenile delinquency, the investigation of juvenile crimes, or the administration of juvenile justice programs.

“(iv) CHAIRPERSON.—The chairperson of the State Advisory Group shall not be a full-time employee of the Federal Government or the State government.

“(B) CONSULTATION.—

“(i) IN GENERAL.—The State Advisory Group established under subparagraph (A) shall—

“(I) participate in the development and review of a State plan under this section before the plan is submitted to the supervisory agency for final action; and

“(II) be afforded an opportunity to review and comment, not later than 30 days after the submission to the State Advisory Group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under subsection (d)(1).

“(ii) AUTHORITY.—The State Advisory Group shall report to the chief executive officer and the legislature of a State that has submitted a plan, on an annual basis regarding recommendations related to the compliance by that State with this section.

“(C) FUNDING.—From amounts reserved for administrative costs, the State may make available to the State Advisory Group such sums as may be necessary to assist the State Advisory Group in adequately performing its duties under this paragraph.

“(f) COMPLIANCE WITH STATUTORY REQUIREMENTS.—If a State fails to comply with any of the applicable requirements of paragraph (1), (2), (3), or (27) of subsection (d) in any fiscal year beginning after September 30, 2001, the amount allocated to that State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

“(1) has achieved substantial compliance with the applicable requirements with respect to which the State was not in compliance; and

“(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with the applicable requirements within a reasonable time.

“SEC. 223. ALLOCATION OF GRANTS.

“(a) IN GENERAL.—Subject to subsections (b), (c), and (d), of the amount allocated under section 261 to carry out this part in each fiscal year that remains after reservation under section 206(b) for that fiscal year—

“(1) no State shall be allocated less than \$750,000; and

“(2) the amount remaining after the allocation under paragraph (1) shall be allocated proportionately based on the juvenile population in the eligible States.

“(b) SYSTEM SUPPORT GRANTS.—Of the amount allocated under section 261 to carry out this part in each fiscal year that remains after reservation under section 206(b) for that fiscal year, up to 10 percent may be available for use by the Administrator to provide—

“(1) training and technical assistance consistent with the purposes authorized under sections 203, 204, and 221;

“(2) direct grant awards and other support to develop, test, and demonstrate new approaches to improving the juvenile justice

system and reducing, preventing, and abating delinquent behavior, juvenile crime, and youth violence;

“(3) for research and evaluation efforts to discover and test methods and practices to improve the juvenile justice system and reduce, prevent, and abate delinquent behavior, juvenile crime, and youth violence; and

“(4) information, including information on best practices, consistent with purposes authorized under sections 203, 204, and 221.

“(c) EXCEPTION.—The amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than \$75,000 and not more than \$100,000.

“(d) ADMINISTRATIVE COSTS.—A State, unit of local government, or eligible unit that receives funds under this part may not use more than 5 percent of those funds to pay for administrative costs.

“PART C—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

“SEC. 231. DEFINITION OF JUVENILE.

“In this part, the term ‘juvenile’ means an individual who has not attained the age of 22 years.

“SEC. 232. GANG-FREE SCHOOLS AND COMMUNITIES.

“(a) IN GENERAL.—

“(1) FAMILY AND COMMUNITY GRANTS.—The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to—

“(A) prevent and reduce the participation of juveniles in criminal gang activity by providing—

“(i) individual, peer, family, and group counseling, including a provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

“(ii) education, recreation, and social services designed to address the social and developmental needs of juveniles that those juveniles would otherwise seek to have met through membership in gangs;

“(iii) crisis intervention and counseling to juveniles who are particularly at risk of gang involvement, and the families of those juveniles, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

“(iv) an organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

“(v) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs so the adults may provide constructive alternatives to participating in the activities of gangs;

“(B) develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles who have been convicted of serious drug-related and gang-related offenses;

“(C) target elementary school students, with the purpose of steering students away from gang involvement;

“(D) provide treatment to juveniles who are members of gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

“(E) promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

“(F) promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools that will assist those schools in maintaining a safe environment conducive to learning;

“(G) assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of those juveniles in the instructional programs;

“(H) expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substance analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802)) by juveniles, provided through State and local health and social services agencies;

“(I) provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity;

“(J) provide services authorized in this section at a special location in a school or housing project or other appropriate site; or

“(K) support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this section.

“(2) RESEARCH AND EVALUATION.—From not more than 15 percent of the total amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

“(A) to conduct research on issues related to juvenile gangs;

“(B) to evaluate the effectiveness of programs and activities funded under paragraph (1); and

“(C) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this section.

“(b) APPROVAL OF APPLICATIONS.—

“(1) IN GENERAL.—Any agency, organization, or institution that seeks to receive a grant or enter into a contract under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

“(2) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

“(A) set forth a program or activity for carrying out 1 or more of the purposes specified in subsection (a), and specifically identify each purpose the program or activity is designed to carry out;

“(B) provide that the program or activity shall be administered by or under the supervision of the applicant;

“(C) provide for the proper and efficient administration of the program or activity;

“(D) provide for regular evaluation of the program or activity;

“(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

“(F) describe how the program or activity is coordinated with programs, activities, and services available locally under part B of this title and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

“(G) certify that the applicant has requested the State planning agency to review and comment on the application and to summarize the responses of that State planning agency to the request;

“(H) provide that regular reports on the program or activity shall be sent to the Administrator and to the State planning agency; and

“(I) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

“(3) PRIORITY.—In reviewing applications for grants and contracts under this section, the Administrator shall give priority to an application—

“(A) submitted by, or substantially involving, a local educational agency (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

“(B) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicant proposes to carry out the programs and activities for which the grants and contracts are requested; and

“(C) for assistance for programs and activities that—

“(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in the geographical area in which the applicant proposes to carry out the programs and activities; and

“(ii) will substantially involve the families of juvenile gang members in carrying out the programs or activities.

“SEC. 233. COMMUNITY-BASED GANG INTERVENTION.

“(a) IN GENERAL.—The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

“(1) to reduce the participation of juveniles in the illegal activities of gangs;

“(2) to develop regional task forces involving State, local, and community-based organizations to coordinate the disruption of gangs and the prosecution of juvenile gang members and to curtail interstate activities of gangs;

“(3) to facilitate coordination and cooperation among—

“(A) local education, juvenile justice, employment, recreation, and social service agencies; and

“(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

“(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

“(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, and secure community-based treatment facilities linked to other support services such

as health, mental health, remedial and special education, job training, and recreation); and

“(B) assist in the provision by the Administrator of information and technical assistance, including technology transfer, to States, in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

“(b) ELIGIBLE PROGRAMS AND ACTIVITIES.—Programs and activities for which grants and contracts are to be made under this section may include—

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

“(2) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles who are convicted of serious drug-related and gang-related offenses;

“(3) providing treatment to juveniles who are members of gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

“(4) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

“(5) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802)), by juveniles, provided through State and local health and social services agencies;

“(6) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

“(7) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this section.

“(c) APPROVAL OF APPLICATIONS.—

“(1) IN GENERAL.—Any agency, organization, or institution that seeks to receive a grant or enter into a contract under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

“(2) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

“(A) set forth a program or activity for carrying out 1 or more of the purposes specified in subsection (a), and specifically identify each purpose the program or activity is designed to carry out;

“(B) provide that the program or activity shall be administered by or under the supervision of the applicant;

“(C) provide for the proper and efficient administration of the program or activity;

“(D) provide for regular evaluation of the program or activity;

“(E) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

“(F) describe how the program or activity is coordinated with programs, activities, and services available locally under part B of this title and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

“(G) certify that the applicant has requested the State planning agency to review and comment on the application and to summarize the responses of the State planning agency to the request;

“(H) provide that regular reports on the program or activity shall be sent to the Administrator and to the State planning agency; and

“(I) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

“(3) PRIORITY.—In reviewing applications for grants and contracts under subsection (a), the Administrator shall give priority to an application—

“(A) submitted by, or substantially involving, a community-based organization experienced in providing services to juveniles;

“(B) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicant proposes to carry out the programs and activities for which the grants and contracts are requested; and

“(C) for assistance for programs and activities that—

“(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in the geographical area in which the applicant proposes to carry out the programs and activities; and

“(ii) will substantially involve the families of juvenile gang members in carrying out the programs or activities.

“SEC. 234. PRIORITY.

“In making grants under this part, the Administrator shall give priority to funding programs and activities described in subsections (a)(2) and (b)(1) of section 233.

“PART D—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

“SEC. 241. GRANTS AND PROJECTS.

“(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to, and enter into contracts with, States, units of local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency.

“(b) DISTRIBUTION.—The Administrator shall ensure that, to the extent reasonable and practicable, a grant made under subsection (a) is made to achieve an equitable geographical distribution of such projects throughout the United States.

“(c) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which the grant is made.

“SEC. 242. GRANTS FOR TRAINING AND TECHNICAL ASSISTANCE.

“The Administrator may make grants to, and enter into contracts with, public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 241.

“SEC. 243. ELIGIBILITY.

“To be eligible to receive assistance pursuant to a grant or contract under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof, shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonably require by rule.

“SEC. 244. REPORTS.

“Each recipient of assistance pursuant to a grant or contract under this part shall sub-

mit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which the assistance was provided.

“PART E—MENTORING

“SEC. 251. MENTORING.

“The purposes of this part are to, through the use of mentors for at-risk youth—

“(1) reduce juvenile delinquency and gang participation;

“(2) improve academic performance; and

“(3) reduce the dropout rate.

“SEC. 252. DEFINITIONS.

“In this part:

“(1) AT-RISK YOUTH.—The term ‘at-risk youth’ means a youth at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities.

“(2) MENTOR.—The term ‘mentor’ means a person who works with an at-risk youth on a one-to-one basis, provides a positive role model for the youth, establishes a supportive relationship with the youth, and provides the youth with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the youth to become a responsible adult.

“SEC. 253. GRANTS.

“(a) LOCAL EDUCATIONAL GRANTS.—The Administrator shall make grants to local education agencies and nonprofit organizations to establish and support programs and activities for the purpose of implementing mentoring programs that—

“(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, elders in Alaska Native villages, and adults working for community-based organizations and agencies; and

“(2) are intended to—

“(A) provide general guidance to at-risk youth;

“(B) promote personal and social responsibility among at-risk youth;

“(C) increase participation by at-risk youth in, and enhance the ability of at-risk youth to benefit from, elementary and secondary education;

“(D) discourage the use of illegal drugs, violence, and dangerous weapons by at-risk youth, and discourage other criminal activity;

“(E) discourage involvement of at-risk youth in gangs; or

“(F) encourage at-risk youth to participate in community service and community activities.

“(b) FAMILY-TO-FAMILY MENTORING GRANTS.—

“(1) DEFINITIONS.—In this subsection:

“(A) FAMILY-TO-FAMILY MENTORING PROGRAM.—The term ‘family-to-family mentoring program’ means a mentoring program that—

“(i) utilizes a 2-tier mentoring approach that matches volunteer families with at-risk families allowing parents to work directly with parents and children to work directly with children; and

“(ii) has an after-school program for volunteer and at-risk families.

“(B) POSITIVE ALTERNATIVES PROGRAM.—The term ‘positive alternatives program’ means a positive youth development and family-to-family mentoring program that emphasizes drug and gang prevention components.

“(C) QUALIFIED POSITIVE ALTERNATIVES PROGRAM.—The term ‘qualified positive alternatives program’ means a positive alternatives program that has established a family-to-family mentoring program, as of the date of enactment of the Juvenile Crime Prevention and Control Act of 2001.

“(2) **AUTHORITY.**—The Administrator shall make and enter into contracts with a qualified positive alternatives program.

“SEC. 254. REGULATIONS AND GUIDELINES.

“(a) **PROGRAM GUIDELINES.**—To implement this part, the Administrator shall issue program guidelines which shall be effective only after a period for public notice and comment.

“(b) **MODEL SCREENING GUIDELINES.**—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

“SEC. 255. USE OF GRANTS.

“(a) **PERMITTED USES.**—Grants awarded under this part shall be used to implement mentoring programs, including—

“(1) the hiring of mentoring coordinators and support staff;

“(2) the recruitment, screening, and training of adult mentors;

“(3) the reimbursement of mentors for reasonable incidental expenditures, such as transportation, that are directly associated with mentoring; and

“(4) such other purposes as the Administrator may reasonably prescribe by regulation.

“(b) **PROHIBITED USES.**—Grants awarded pursuant to this part shall not be used—

“(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

“(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the operations of the grantee;

“(3) to support litigation of any kind; or

“(4) for any other purpose reasonably prohibited by the Administrator by regulation.

“SEC. 256. PRIORITY.

“(a) **IN GENERAL.**—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

“(1) serve at-risk youth in high crime areas;

“(2) have 60 percent or more of the youth eligible to receive funds under the Elementary and Secondary Education Act of 1965; and

“(3) have a considerable number of youths who drop out of school each year.

“(b) **OTHER CONSIDERATIONS.**—In making grants under this part, the Administrator shall give consideration to—

“(1) the geographic distribution (urban and rural) of applications;

“(2) the quality of a mentoring plan, including—

“(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or post-secondary education; and

“(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

“(3) the capability of the applicant to effectively implement the mentoring plan.

“SEC. 257. APPLICATIONS.

“An application for assistance under this part shall include—

“(1) information on the youth expected to be served by the program;

“(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

“(3) an assurance that no mentor or mentoring family will be assigned a number of youths that would undermine the ability of that mentor to be an effective mentor and ensure a one-to-one relationship with mentored youths;

“(4) an assurance that projects operated in secondary schools will provide the youth

with a variety of experiences and support, including—

“(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

“(B) an opportunity to witness the job skills that will be required for the youth to obtain employment upon graduation;

“(C) assistance with homework assignments; and

“(D) exposure to experiences that the youth might not otherwise encounter;

“(5) an assurance that projects operated in elementary schools will provide the youth with—

“(A) academic assistance;

“(B) exposure to new experiences and activities that the youth may not otherwise encounter; and

“(C) emotional support;

“(6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, and will include a provision for a new mentor assignment if the relationship is not beneficial to the youth;

“(7) the method by which a mentor and a youth will be recruited to the project;

“(8) the method by which a prospective mentor will be screened; and

“(9) the training that will be provided to a mentor.

“SEC. 258. GRANT CYCLES.

“Each grant under this part shall be made for a 3-year period.

“SEC. 259. FAMILY MENTORING PROGRAM.

“(a) **DEFINITIONS.**—In this section:

“(1) **COOPERATIVE EXTENSION SERVICES.**—The term ‘cooperative extension services’ has the meaning given that term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

“(2) **FAMILY MENTORING PROGRAM.**—The term ‘family mentoring program’ means a mentoring program that—

“(A) utilizes a 2-tier mentoring approach that uses college age or young adult mentors working directly with at-risk youth and uses retirement-age couples working with the parents and siblings of at-risk youth; and

“(B) has a local advisory board to provide direction and advice to program administrators.

“(3) **QUALIFIED COOPERATIVE EXTENSION SERVICE.**—The term ‘qualified cooperative extension service’ means a cooperative extension service that has established a family mentoring program, as of the date of enactment of the Juvenile Crime Prevention and Control Act of 2001.

“(b) **MODEL PROGRAM.**—The Administrator, in cooperation with the Secretary of Agriculture, shall make a grant to a qualified cooperative extension service for the purpose of expanding and replicating family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

“(c) **ESTABLISHMENT OF NEW FAMILY MENTORING PROGRAMS.**—

“(1) **IN GENERAL.**—The Administrator, in cooperation with the Secretary of Agriculture, may make 1 or more grants to cooperative extension services for the purpose of establishing family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

“(2) **MATCHING REQUIREMENT AND SOURCE OF MATCHING FUNDS.**—

“(A) **IN GENERAL.**—The amount of a grant under this subsection may not exceed 35 percent of the total costs of the program funded by the grant.

“(B) **SOURCE OF MATCH.**—Matching funds for grants under this subsection may be derived from amounts made available to a

State under subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343), except that the total amount derived from Federal sources may not exceed 70 percent of the total cost of the program funded by the grant.

“PART F—ADMINISTRATIVE PROVISIONS

“SEC. 261. AUTHORIZATION OF APPROPRIATIONS.

“(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this title, and to carry out part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.), \$1,065,000,000 for each of fiscal years 2002 through 2007.

“(b) **ALLOCATION OF APPROPRIATIONS.**—Of the amount made available under subsection (a) for each fiscal year—

“(1) \$500,000,000 shall be for programs under sections 1801 and 1803 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.);

“(2) \$75,000,000 shall be for grants for juvenile criminal history records upgrades pursuant to section 1802 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee-1);

“(3) \$250,000,000 shall be for programs under section 204 of part A of this title;

“(4) \$200,000,000 shall be for programs under part B of this title;

“(5) \$20,000,000 shall be for programs under parts C and D of this title; and

“(6) \$20,000,000 shall be for programs under part E of this title, of which \$3,000,000 shall be for programs under section 259.

“(c) **SOURCE OF SUMS.**—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

“(d) **ADMINISTRATION AND OPERATIONS.**—There is authorized to be appropriated for the administration and operation of the Office of Juvenile Crime Control and Prevention such sums as may be necessary for each of fiscal years 2002 through 2007.

“(e) **AVAILABILITY OF FUNDS.**—Amounts made available pursuant to this section and allocated in accordance with this title in any fiscal year shall remain available until expended.

“SEC. 262. ADMINISTRATIVE PROVISIONS.

“(a) **AUTHORITY OF ADMINISTRATOR.**—The Office shall be administered by the Administrator under the general authority of the Attorney General.

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

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

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

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

“(1) any reference to the Attorney General, the Assistant Attorney General who heads the Office of Justice Programs, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, or the Director of the Bureau of Justice Assistance shall be considered to be a reference to the Administrator;

“(2) any reference to the Office of Justice Programs, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be considered to be a reference to the Office of Juvenile Crime Control and Prevention; and

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

“(d) RULES, REGULATIONS, AND PROCEDURES.—The Administrator may, after appropriate consultation with representatives of States and units of local government, and an opportunity for notice and comment in accordance with subchapter II of chapter 5 of title 5, United States Code, establish such rules, regulations, and procedures as are necessary for the exercise of the functions of the Office and as are consistent with the purpose of this Act.

“(e) WITHHOLDING.—The Administrator shall initiate such proceedings as the Administrator determines to be appropriate if the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds that—

“(1) the program or activity for which the grant or contract involved was made has been so changed that the program or activity no longer complies with this title; or

“(2) in the operation of such program or activity there is failure to comply substantially with any provision of this title.”

(b) REPEAL.—Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.) is repealed.

SEC. 103. JUVENILE OFFENDER ACCOUNTABILITY.

(a) GRANT PROGRAM.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.) is amended to read as follows:

“PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

“SEC. 1801. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to specially qualified units.

“(b) AUTHORIZED ACTIVITIES.—Amounts paid to a State or a unit of local government under this part shall be used by the State or unit of local government for the purpose of strengthening the juvenile justice system, which includes—

“(1) developing, implementing, and administering graduated sanctions for juvenile offenders;

“(2) building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities;

“(3) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;

“(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced;

“(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

“(6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;

“(7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;

“(8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;

“(9) establishing and maintaining a system of juvenile records designed to promote public safety;

“(10) establishing and maintaining inter-agency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

“(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies;

“(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders;

“(13) establishing and maintaining accountability-based programs that are designed to enhance school safety;

“(14) establishing and maintaining restorative justice programs;

“(15) establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism; and

“(16) hiring detention and corrections personnel, and establishing and maintaining training programs for such personnel to improve practice and programming.

“(c) DEFINITION.—In this section the term ‘restorative justice program’ means—

“(1) a program that emphasizes the moral accountability of an offender toward the victim and the affected community; and

“(2) may include community reparations boards, restitution (in the form of monetary payment or service to the victim or, where no victim can be identified, service to the affected community), and mediation between victim and offender.

“SEC. 1802. GRANT ELIGIBILITY.

“(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this part, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by guidelines, including—

“(1) information about—

“(A) the activities proposed to be carried out with such grant; and

“(B) the criteria by which the State proposes to assess the effectiveness of such activities on achieving the purposes of this part; and

“(2) assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

“(b) LOCAL ELIGIBILITY.—

“(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide to the State—

“(A) information about—

“(i) the activities proposed to be carried out with such subgrant; and

“(ii) the criteria by which the unit proposes to assess the effectiveness of such activities on achieving the purposes of this part; and

“(B) such assurances as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (c).

“(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to a specially qualified unit that receives funds from the Attorney General under section 1803(e), except that information that is otherwise required to be submitted to the State shall be submitted to the Attorney General.

“(c) GRADUATED SANCTIONS.—A system of graduated sanctions, which may be discretionary as provided in subsection (d), shall ensure, at a minimum, that—

“(1) sanctions are imposed on a juvenile offender for each delinquent offense;

“(2) sanctions escalate in intensity with each subsequent, more serious delinquent offense;

“(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

“(4) appropriate consideration is given to public safety and victims of crime.

“(d) DISCRETIONARY USE OF SANCTIONS.—

“(1) VOLUNTARY PARTICIPATION.—A State or unit of local government may be eligible to receive a grant under this part if—

“(A) its system of graduated sanctions is discretionary; and

“(B) it demonstrates that it has promoted the use of a system of graduated sanctions by taking steps to encourage implementation of such a system by juvenile courts.

“(2) REPORTING REQUIREMENT IF GRADUATED SANCTIONS NOT USED.—

“(A) JUVENILE COURTS.—A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

“(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

“(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in all cases, to submit an annual report that explains why such court did not impose graduated sanctions in all cases.

“(B) UNITS OF LOCAL GOVERNMENT.—Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

“(C) STATES.—Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).

“(e) DEFINITIONS.—In this section:

“(1) DISCRETIONARY.—The term ‘discretionary’ means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

“(2) SANCTIONS.—The term ‘sanctions’ means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

“SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.

“(a) STATE ALLOCATION.—

“(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part and except as provided in paragraph (3), the Attorney General shall allocate—

“(A) 0.25 percent for each State; and

“(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

“(2) PROHIBITION.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

“(b) LOCAL DISTRIBUTION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each State which receives funds under subsection (a)(1) in a fiscal year shall distribute among units of local government, for the purposes specified in section 1801, not less than 75 percent of such amounts received.

“(2) WAIVER.—The percentage referred to in paragraph (1) shall equal the percentage determined by subtracting the State percentage from 100 percent, if a State submits to the Attorney General an application for waiver that demonstrates and certifies to the Attorney General that—

“(A) the State’s juvenile justice expenditures in the fiscal year preceding the date in which an application is submitted under this part (the ‘State percentage’) is more than 25 percent of the aggregate amount of juvenile justice expenditures by the State and its eligible units of local government; and

“(B) the State has consulted with as many units of local government in such State, or organizations representing such units, as practicable regarding the State’s calculation of expenditures under subparagraph (A), the State’s application for waiver under this paragraph, and the State’s proposed uses of funds.

“(3) ALLOCATION.—In making the distribution under paragraph (1), the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

“(A) the sum of—

“(i) the product of—

“(I) three-quarters; multiplied by

“(II) the average juvenile justice expenditures for such unit of local government for the 3 most recent calendar years for which such data is available; plus

“(ii) the product of—

“(I) one-quarter; multiplied by

“(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

“(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

“(4) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (3) for a payment period shall not exceed 100 percent of juvenile justice expenditures of the unit for such payment period.

“(5) REALLOCATION.—The amount of any unit of local government’s allocation that is not available to such unit by operation of paragraph (4) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

“(c) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or juvenile justice expenditures for a unit of local government is insufficient or inaccurate, the State shall—

“(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

“(2) if necessary, use the best available comparable data regarding the number of violent crimes or juvenile justice expenditures for the relevant years for the unit of local government.

“(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN \$10,000.—If under this section a unit of local government is allocated less than \$10,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

“(e) DIRECT GRANTS TO SPECIALLY QUALIFIED UNITS.—

“(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 1802.

“(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of local government as a basis for awarding grants under this section.

“SEC. 1804. GUIDELINES.

“(a) IN GENERAL.—The Attorney General shall issue guidelines establishing procedures under which a State or unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

“(b) ADVISORY BOARD.—

“(1) IN GENERAL.—The guidelines referred to in subsection (a) shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to review the proposed uses of such funds.

“(2) MEMBERSHIP.—The board shall include representation from, if appropriate—

“(A) the State or local police department;

“(B) the local sheriff’s department;

“(C) the State or local prosecutor’s office;

“(D) the State or local juvenile court;

“(E) the State or local probation officer;

“(F) the State or local educational agency;

“(G) a State or local social service agency;

“(H) a nonprofit, nongovernmental victim advocacy organization; and

“(I) a nonprofit, religious, or community group.

“SEC. 1805. PAYMENT REQUIREMENTS.

“(a) TIMING OF PAYMENTS.—The Attorney General shall pay to each State or unit of local government that receives funds under section 1803 that has submitted an application under this part not later than the later of—

“(1) 180 days after the date that the amount is available, or

“(2) the first day of the payment period if the State has provided the Attorney General

with the assurances required by subsection (c).

“(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

“(1) REPAYMENT REQUIRED.—From amounts awarded under this part, a State or specially qualified unit shall repay to the Attorney General, before the expiration of the 36-month period beginning on the date of the award, any amount that is not expended by such State or unit.

“(2) EXTENSION.—The Attorney General may adopt policies and procedures providing for a one-time extension, by not more than 12 months, of the period referred to in paragraph (1).

“(3) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

“(4) DEPOSIT OF AMOUNTS REPAYED.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States and specially qualified units.

“(c) ADMINISTRATIVE COSTS.—A State or unit of local government that receives funds under this part may use not more than 5 percent of such funds to pay for administrative costs.

“(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States and units of local government shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

“(e) MATCHING FUNDS.—

“(1) IN GENERAL.—The Federal share of a grant received under this part may not exceed 90 percent of the total program costs.

“(2) CONSTRUCTION OF FACILITIES.—Notwithstanding paragraph (1), with respect to the cost of constructing juvenile detention or correctional facilities, the Federal share of a grant received under this part may not exceed 50 percent of approved cost.

“SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

“Funds or a portion of funds allocated under this part may be used by a State or unit of local government that receives a grant under this part to contract with private, nonprofit entities, or community-based organizations to carry out the purposes specified under section 1801(b).

“SEC. 1807. ADMINISTRATIVE PROVISIONS.

“(a) IN GENERAL.—A State or specially qualified unit that receives funds under this part shall—

“(1) establish a trust fund in which the government will deposit all payments received under this part;

“(2) use amounts in the trust fund (including interest) during the period specified in section 1805(b)(1) and any extension of that period under section 1805(b)(2);

“(3) designate an official of the State or specially qualified unit to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

“(4) spend the funds only for the purposes under section 1801(b).

“(b) TITLE I PROVISIONS.—Except as otherwise provided, the administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

“SEC. 1808. ASSESSMENT REPORTS.

“(a) REPORTS TO ATTORNEY GENERAL.—

“(1) IN GENERAL.—Except as provided in paragraph (2), for each fiscal year for which a grant or subgrant is awarded under this

part, each State or unit of local government that receives such a grant or subgrant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include—

“(A) a summary of the activities carried out with such grant or subgrant; and

“(B) an assessment of the effectiveness of such activities on achieving the purposes of this part.

“(2) **WAIVERS.**—The Attorney General may waive the requirement of an assessment in paragraph (1)(B) for a State or unit of local government if the Attorney General determines that—

“(A) the nature of the activities are such that assessing their effectiveness would not be practical or insightful;

“(B) the amount of the grant or subgrant is such that carrying out the assessment would not be an effective use of those amounts; or

“(C) the resources available to the State or unit are such that carrying out the assessment would pose a financial hardship on the State or unit.

“(b) **REPORTS TO CONGRESS.**—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit to the Congress a report, which shall include—

“(1) a summary of the information provided under subsection (a);

“(2) the assessment of the Attorney General of the grant program carried out under this part; and

“(3) such other information as the Attorney General considers appropriate.

“SEC. 1809. DEFINITIONS.

“In this part:

“(1) **UNIT OF LOCAL GOVERNMENT.**—The term ‘unit of local government’ means—

“(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes;

“(B) any law enforcement district or judicial enforcement district that—

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

“(ii) has the authority, in a manner independent of other State entities, to establish a budget and raise revenues; and

“(C) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

“(2) **SPECIALLY QUALIFIED UNIT.**—The term ‘specially qualified unit’ means a unit of local government which may receive funds under this part only in accordance with section 1803(e).

“(3) **STATE.**—The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

“(4) **JUVENILE.**—The term ‘juvenile’ means an individual who is 17 years of age or younger.

“(5) **JUVENILE JUSTICE EXPENDITURES.**—The term ‘juvenile justice expenditures’ means expenditures in connection with the juvenile justice system, including expenditures in connection with such system to carry out—

“(A) activities specified in section 1801(b); and

“(B) other activities associated with prosecutorial and judicial services and correc-

tions as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

“(6) **PART 1 VIOLENT CRIMES.**—The term ‘part 1 violent crimes’ means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

“SEC. 1810. AUTHORIZATION OF APPROPRIATIONS.

“(a) **OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.**—

“(1) **IN GENERAL.**—Of the amount authorized to be appropriated under section 261 of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.), there shall be available to the Attorney General, for each of the fiscal years 2002 through 2007 (as applicable), to remain available until expended—

“(A) not more than 2 percent of that amount, for research, evaluation, and demonstration consistent with this part;

“(B) not more than 1 percent of that amount, for training and technical assistance; and

“(C) not more than 1 percent, for administrative costs to carry out the purposes of this part.

“(2) **OVERSIGHT PLAN.**—The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

“(b) **FUNDING SOURCE.**—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

(c) **TRANSITION OF JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANTS PROGRAM.**—For each grant made from amounts made available for the Juvenile Accountability Incentive Block Grants program (as described under the heading “VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE” in the Department of Justice Appropriations Act, 2000 (as enacted by Public Law 106-113; 113 Stat. 1537-14)), the grant award shall remain available to the grant recipient for not more than 36 months after the date of receipt of the grant.

SEC. 104. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) **IN GENERAL.**—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

“(1) for fiscal year 2002, \$6,025,000,000;

“(2) for fiscal year 2003, \$6,169,000,000;

“(3) for fiscal year 2004, \$6,316,000,000;

“(4) for fiscal year 2005, \$6,458,000,000;

“(5) for fiscal year 2006, \$6,616,000,000; and

“(6) for fiscal year 2007, \$6,774,000,000.”.

(b) **DISCRETIONARY LIMITS.**—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

“SEC. 310002. DISCRETIONARY LIMITS.

“For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term ‘discretionary spending limit’ means—

“(1) with respect to fiscal year 2002—

“(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subpara-

graph (B) as determined by the Chairman of the Budget Committee; and

“(B) for the violent crime reduction category: \$6,025,000,000 in new budget authority and \$5,718,000,000 in outlays;

“(2) with respect to fiscal year 2003—

“(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

“(B) for the violent crime reduction category: \$6,169,000,000 in new budget authority and \$6,020,000,000 in outlays;

“(3) with respect to fiscal year 2004—

“(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

“(B) for the violent crime reduction category: \$6,316,000,000 in new budget authority and \$6,161,000,000 in outlays;

“(4) with respect to fiscal year 2005—

“(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

“(B) for the violent crime reduction category: \$6,458,000,000 in new budget authority and \$6,303,000,000 in outlays;

“(5) with respect to fiscal year 2006—

“(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

“(B) for the violent crime reduction category: \$6,616,000,000 in new budget authority and \$6,452,000,000 in outlays; and

“(6) with respect to fiscal year 2007—

“(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) and determined by the Chairman of the Budget Committee; and

“(B) for the violent crime reduction category: \$6,774,000,000 in new budget authority and \$6,606,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.”.

TITLE II—PROTECTING CHILDREN FROM VIOLENCE

Subtitle A—Gun Show Background Checks

SECTION 201. SHORT TITLE.

This subtitle may be cited as the “Gun Show Background Check Act of 2001”.

SEC. 202. FINDINGS.

Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun

show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this subtitle, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

SEC. 203. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(35) GUN SHOW.—The term ‘gun show’ means any event—

“(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

“(B) at which—

“(i) not less than 20 percent of the exhibitors are firearm exhibitors;

“(ii) there are not less than 10 firearm exhibitors; or

“(iii) 50 or more firearms are offered for sale, transfer, or exchange.

“(36) GUN SHOW PROMOTER.—The term ‘gun show promoter’ means any person who organizes, plans, promotes, or operates a gun show.

“(37) GUN SHOW VENDOR.—The term ‘gun show vendor’ means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.”

(b) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“§931. Regulation of firearms transfers at gun shows

“(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

“(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

“(2) pays a registration fee, in an amount determined by the Secretary.

“(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

“(1) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

“(2) before commencement of the gun show, requires each gun show vendor to sign—

“(A) a ledger with identifying information concerning the vendor; and

“(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

“(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe; and

“(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

“(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

“(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

“(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

“(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

“(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

“(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed vendor.

“(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

“(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

“(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

“(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

“(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manu-

facturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

“(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

“(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

“(2) record the transfer on a form specified by the Secretary;

“(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

“(A) of such compliance; and

“(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

“(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

“(A) shall be on a form specified by the Secretary by regulation; and

“(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

“(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

“(A) prepared on a form specified by the Secretary; and

“(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

“(i) the office specified on the form described in subparagraph (A); and

“(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

“(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

“(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

“(1) shall be in a form specified by the Secretary by regulation;

“(2) shall not include the name of or other identifying information relating to the transferee; and

“(3) shall not duplicate information provided in any report required under subsection (e)(4).

“(g) FIREARM TRANSACTION DEFINED.—In this section, the term ‘firearm transaction’—

“(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

“(2) does not include the mere exhibition of a firearm.”.

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

“(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

“(i) fined under this title, imprisoned not more than 2 years, or both; and

“(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

“(C) Whoever willfully violates section 931(d), shall be—

“(i) fined under this title, imprisoned not more than 2 years, or both; and

“(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

“(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

“(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

“(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

“(ii) impose a civil fine in an amount equal to not more than \$10,000.”.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

“931. Regulation of firearms transfers at gun shows.”;

and

(B) in the first sentence of section 923(j), by striking “a gun show or event” and inserting “an event”; and

(c) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

“(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.”.

(d) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

“(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

“(B) If the violation described in subparagraph (A) is in relation to an offense—

“(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

“(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.”.

(e) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(A) in paragraph (5), by striking “subsection (s) or (t) of section 922” and inserting “section 922(s)”; and

(B) by adding at the end the following:

“(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.”.

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking “and, at the time” and all that follows through “State law”.

(f) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: “, as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer”.

(g) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall take effect 180 days after the date of enactment of this Act.

Subtitle B—Gun Ban for Dangerous Juvenile Offenders

SEC. 211. PERMANENT PROHIBITION ON FIREARMS TRANSFERS TO OR POSSESSION BY DANGEROUS JUVENILE OFFENDERS.

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

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

(2) by redesignating subparagraphs “(A)” and “(B)” as clauses “(i)” and “(ii), respectively”;

(3) by inserting after subparagraph (A) the following:

“(B) For purposes of subsections (d) and (g) of section 922, the term ‘adjudicated delinquent’ means an adjudication of delinquency based upon a finding of the commission that an act by a person prior to the eighteenth birthday of that person, if committed by an adult, would be a serious drug offense or violent felony (as defined in section 3559(c)(2) of this title), on or after the date of enactment of this paragraph.”; and

(4) by striking “What constitutes” through the end and inserting the following: “What constitutes a conviction of such a crime or an adjudication of delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of delinquency which has been expunged or set aside or for which a person has been pardoned or has had civil rights restored by the jurisdiction in which the conviction or adjudication of delinquency occurred shall be considered a conviction or adjudication of delinquency unless (i) the expunction, set aside, pardon or restoration of civil rights is directed to a specific person, (ii) the State authority granting the expunction, set aside, pardon or restoration of civil rights has ex-

pressly determined that the circumstances regarding the conviction and the person’s record and reputation are such that the person will not act in a manner dangerous to public safety, and (iii) the expunction, set aside, pardon, or restoration of civil rights expressly authorizes the person to ship, transport, receive or possess firearms. The requirement of this subparagraph for an individualized restoration of rights shall apply whether or not, under State law, the person’s civil rights were taken away by virtue of the conviction or adjudication.”.

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

(1) in subsection (d)—

(A) by striking “or” at the end of paragraph (8);

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

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

“(10) has been adjudicated delinquent.”; and

(2) in subsection (g)—

(A) by striking “or” at the end of paragraph (8);

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

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

“(10) who has been adjudicated delinquent.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle C—Child Safety Locks

SECTION 221. SHORT TITLE.

This subtitle may be cited as the “Child Safety Lock Act of 2001”.

SEC. 222. REQUIREMENT OF CHILD HANDGUN SAFETY LOCKS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(38) The term ‘locking device’ means a device or locking mechanism—

“(A) that—

“(i) if installed on a firearm and secured by means of a key or a mechanically, electronically, or electromechanically operated combination lock, is designed to prevent the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically, or electromechanically operated combination lock;

“(ii) if incorporated into the design of a firearm, is designed to prevent discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism and thereby allow discharge of the firearm; or

“(iii) is a safe, gun safe, gun case, lock box, or other device that is designed to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means; and

“(B) that is approved by a licensed firearms manufacturer for use on the handgun with which the device or locking mechanism is sold, delivered, or transferred.”.

(b) UNLAWFUL ACTS.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

“(z) LOCKING DEVICES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun.

“(2) EXCEPTIONS.—Paragraph (1) does not apply to—

“(A) the—

“(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a firearm; or

“(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a firearm for law enforcement purposes (whether on or off duty); or

“(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a firearm for purposes of law enforcement (whether on or off duty).”.

(2) EFFECTIVE DATE.—Section 922(y) of title 18, United States Code, as added by this subsection, shall take effect 180 days after the date of enactment of this Act.

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this section shall be construed to—

(A) create a cause of action against any firearms dealer or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this section.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(y) of that title.

(d) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

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

(2) by adding at the end the following:

“(p) PENALTIES RELATING TO LOCKING DEVICES.—

“(1) IN GENERAL.—

“(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(y)(1) by a licensee, the Secretary may, after notice and opportunity for a hearing—

“(i) suspend or revoke any license issued to the licensee under this chapter; or

“(ii) subject the licensee to a civil penalty in an amount equal to not more than \$10,000.

“(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

“(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.”.

SEC. 223. AMENDMENT OF CONSUMER PRODUCT SAFETY ACT.

(a) IN GENERAL.—The Consumer Product Safety Act (15 U.S.C. 2051 et seq.) is amended by adding at the end the following:

“SEC. 38. CHILD HANDGUN SAFETY LOCKS.

“(a) ESTABLISHMENT OF STANDARD.—

“(1) IN GENERAL.—

“(A) RULEMAKING REQUIRED.—Notwithstanding section 3(a)(1)(E) of this Act, the Commission shall initiate a rulemaking proceeding under section 553 of title 5, United States Code, within 90 days after the date of enactment of the Child Safety Lock Act of 2001 to establish a consumer product safety standard for locking devices. The Commission may extend the 90-day period for good cause. Notwithstanding any other provision

of law, including chapter 5 of title 5, United States Code, the Commission shall promulgate a final consumer product safety standard under this paragraph within 12 months after the date on which it initiated the rulemaking. The Commission may extend that 12-month period for good cause. The consumer product safety standard promulgated under this paragraph shall take effect 6 months after the date on which the final standard is promulgated.

“(B) STANDARD REQUIREMENTS.—The standard promulgated under subparagraph (A) shall require locking devices that—

“(i) are sufficiently difficult for children to deactivate or remove; and

“(ii) prevent the discharge of the handgun unless the locking device has been deactivated or removed.

“(2) CERTAIN PROVISIONS NOT TO APPLY.—

“(A) PROVISIONS OF THIS ACT.—Sections 7, 9, and 30(d) of this Act do not apply to the rulemaking proceeding under paragraph (1). Section 11 of this Act does not apply to any consumer product safety standard promulgated under paragraph (1).

“(B) CHAPTER 5 OF TITLE 5.—Except for section 553, chapter 5 of title 5, United States Code, does not apply to this section.

“(C) CHAPTER 6 OF TITLE 5.—Chapter 6 of title 5, United States Code, does not apply to this section.

“(D) NATIONAL ENVIRONMENTAL POLICY ACT.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321) does not apply to this section.

“(b) NO EFFECT ON STATE LAW.—Notwithstanding section 26 of this Act, this section does not annul, alter, impair, affect, or exempt any person subject to the provisions of this section from complying with any provision of the law of any State or any political subdivision of a State, except to the extent that such provisions of State law are inconsistent with any provision of this section, and then only to the extent of the inconsistency. A provision of State law is not inconsistent with this section if such provision affords greater protection to children with respect to handguns than is afforded by this section.

“(c) ENFORCEMENT.—Notwithstanding subsection (a)(2)(A), the consumer product safety standard promulgated by the Commission under subsection (a) shall be enforced under this Act as if it were a consumer product safety standard described in section 7(a).

“(d) DEFINITIONS.—In this section:

“(1) CHILD.—The term ‘child’ means an individual who has not attained the age of 13 years.

“(2) LOCKING DEVICE.—The term ‘locking device’ has the meaning given that term in clauses (i) and (iii) of section 921(a)(38)(A) of title 18, United States Code.”.

(b) CONFORMING AMENDMENT.—Section 1 of the Consumer Product Safety Act is amended by adding at the end of the table of contents the following:

“Sec. 38. Child handgun safety locks.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Consumer Product Safety Commission \$2,000,000 to carry out the provisions of section 38 of the Consumer Product Safety Act, such sums as necessary to remain available until expended.

Mr. KOHL. Mr. President, I rise today with Senator BIDEN to introduce the Juvenile Crime Prevention and Control Act of 2001.

This bill is an important step forward in the debate on juvenile justice. It is a comprehensive approach that recognizes prevention and enforcement are indispensable partners in combating

juvenile crime. This bill addresses the issues most important to our communities, to the police, to the teachers, to the social workers, and most importantly, to the at-risk children whom we need to help. The legislation does this by giving crime prevention programs the priority, attention, and funding they deserve while recognizing that enforcement programs are indispensable to safer communities.

Let me focus on one part of the legislation. The Juvenile Crime Prevention and Control Act increases the authorization of Title V, the Community Prevention Grant program, to \$250 million. I worked closely with Senator Hank Brown to create the Title V program in 1992 because we listened to local law enforcement experts who told us that prevention works. Almost a decade later, they still say the same thing: a crime bill without adequate prevention is only a half-measure. That's just common sense.

Congress has slowly realized the merits of crime prevention funding. Since 1992, funding for Title V has increased from \$20 million to \$95 million. Unfortunately, almost two-thirds of that money has been consistently earmarked for purposes other than crime and delinquency prevention. The bill remedies this problem by ensuring that at least 75 percent of all Title V Community Prevention Grants be spent on pure prevention and not set aside for other purposes.

We now know that crime prevention programs like Title V work. Studies prove that crime prevention programs mean less crime. For example, a RAND Study found that crime prevention efforts were three times more cost-effective than increased punishment. A study of the Big Brothers/Big Sisters' mentoring program showed that mentees were 46 percent less likely to use drugs, 27 percent less likely to use alcohol, 33 percent less likely to commit assault, and skipped 50 percent fewer days of school. A University of Wisconsin study of 64 after-school programs found that participating children became better students and developed improved conflict resolution skills; in addition, vandalism decreased at one third of the schools that participated in the programs.

One of the reasons these programs work is that Title V is designed to let the people with the real expertise do what they know best. Title V is a flexible program of direct local grants. The flexibility permits each locality, through a local planning board of experts from the community, to determine how to best fight juvenile crime and delinquency. Title V trusts each community to address its unique problems.

Law enforcement officials appreciate the importance of juvenile crime prevention programs and crave more. Last year, I surveyed every sheriff and chief of police in Wisconsin and found that 100 percent of Wisconsin's sheriffs and 100 percent of the police chiefs of Wisconsin's largest cities who responded to

the questionnaire believe more Federal money needs to be spent on crime prevention programs. Similarly, more than 80 percent of the police chiefs of small and mid-size cities in Wisconsin want more prevention funding.

When asked how much of Federal juvenile crime funding should go to prevention, these same law enforcement officials answer that close to 40 percent should be spent on prevention programs, far more than the current level of prevention funding. The Juvenile Crime Prevention and Control Act of 2001 listens to what local law enforcement experts have been telling us for years and addresses their needs.

Of course, prevention is not the sole answer to juvenile crime. Indeed, we need a comprehensive crime-fighting strategy aimed at juvenile offenders and potential offenders, from violent predators to children at-risk of becoming delinquent. This legislation understands that. Tough law enforcement plays an essential role. Certain violent juveniles should be incarcerated, and hopefully rehabilitated, and this bill provides the States with sufficient funds to get them off the streets and safeguard our communities.

Finally, no sensible juvenile crime fighting strategy is complete if it does not address the toxic combination of children and guns. This bill does that as well by mandating the sale of child safety locks with every handgun and insisting that those locks are designed well enough to work as intended.

Each year, teenagers and children are involved in more than 10,000 accidental shootings in which close to 800 people die. In addition, every year 1,300 children use firearms to commit suicide. Safety locks can be effective in deterring some of these incidents and in preventing others.

The sad truth is that we are inviting disaster every time an unlocked gun is stored but is still easily accessible to children. In fact, guns are kept in 43 percent of American households with children. In 23 percent of the gun households, the guns are kept loaded. And, in one out of every eight of those homes the guns are left unlocked.

During the last decade, crime rates, including juvenile crime rates, have decreased. Since 1994, the juvenile arrest rate for violent crime has dropped 36 percent. Nonetheless, the public perceives that juvenile crime is a growing problem, especially school violence.

We need to remain vigilant and think creatively about how to maintain this trend in falling juvenile crime. This measure provides a comprehensive approach. Prevention, enforcement, and keeping guns out of the hands of children are three essential elements to a common sense juvenile crime strategy.

By Mr. BINGAMAN (for himself and Mr. DEWINE):

S. 1166. A bill to establish the Next Generation Lighting Initiative at the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today with Senator DEWINE to introduce a bill authorizing the Secretary of Energy to lead the United States into the next generation of lighting technology. If this bill is enacted, I believe it will allow us not only to maintain a world leadership role that Thomas Edison started, but promote efficiency advances in a market which consumes 19 percent of our electrical energy supply.

Lighting is a 40-billion-dollar global industry. The United States occupies roughly one-third of that market. It's an extremely competitive industry whose technology has been well established over the course of 80 years. Today's lighting market primarily consists of two technologies. The first technology is incandescent lighting, it's the one Thomas Edison invented over 100 years ago. Incandescent lighting relies on running a current through a wire to heat it up and illuminate your surroundings. Only 5 percent of the electricity in a conventional bulb is converted into visible light. The second type of lighting is fluorescent lights, which use a combination of chemical vapors, mainly mercury, to discharge light when current is passed through it. Fluorescent lights are six times more efficient than a light bulb.

As I have mentioned, today's lighting uses up about 19 percent of our electricity supply. In 1998, lighting electricity cost about 47 billion dollars which accounted for about 100 million tons of carbon equivalent from fossil energy plants.

Today, this paradigm is changing, because some scientists recently made a leap ahead in lighting research. Technology leaps displace, very quickly, traditional markets. We know the stories all too well, the horse courier, the telegraph, the telephone and finally the Internet.

That is why Senator DEWINE and I are proposing this legislation, because some advances have been made in the areas of solid state lighting that require a national investment that no one lighting industry can match. This emerging technology has the capability to disrupt our existing lighting markets. So quickly in fact, that other countries have formed consortia between their governments, industries, laboratories and universities. Solid state lighting is being taken very seriously around the world.

Let me describe solid state lighting. The best examples are red light emitting diodes, or "LED's", found in digital clocks. LED's produce only one color but they do not burn up a wire like a bulb and are seven times more efficient.

Until recently LED's were limited to yellow or red. That all changed in 1995. In 1995, some Japanese researchers developed a blue LED. Soon other bright colors started to emerge, such as green. That is when things started to change. Because, white light is a combination of red, blue, the recent Japanese breakthrough, and green or yellow. The re-

cent Japanese breakthrough of that simple blue LED has now made it possible to produce white light from LED's ten times more efficient than a light bulb.

If it is successful, white light LED's will revolutionize lighting technology and will disrupt the existing industries. It's imperative that we move quickly on these advances. We need a consortium between our government, industry, research labs and academia to develop the necessary pre-competitive research to maintain our leadership role in this field.

I would like to mention one other technology that will change lighting. That technology is found in your cell phone and on your computer screen. It's called conductive polymers. Three Nobel Prizes were just awarded for this technology. Conductive polymers offer the possibility of covering large surface areas and replacing fluorescent lamps. These materials will not only provide white light, but like your computer screen, display text or programmed color pictures. These technologies can be Internet controlled to adjust building lighting across the country.

Given these advances, I would like to describe the Next Generation Lighting Initiative Act. If enacted, it will move our country to capture these revolutionary mergers between lighting and information. It will supply the necessary pre-competitive R&D which no one industry alone can provide, and, which we as holders of the public trust of basic research owe a duty to further. It will keep the United States in a leadership role of commercial lighting while promoting energy efficiency that can either be ten times that of incandescent lights or twice that of fluorescent lights. We need to enact this legislation now.

The Next Generation Lighting Initiative authorizes the Department of Energy to grant up to \$480 million over ten years to a consortium of the United States lighting industry and research institutions. The goals of the Act are to have a 25 percent penetration of solid state lighting into the commercial markets by the year 2012. The Next Generation's consortium, will perform the basic and manufacturing research. The lighting industry will take this R&D and develop the necessary technologies to make it commercially viable.

This is precompetitive research. It is research that no one industry by itself can achieve and which we have a duty to promote together with industry. It has implications for our country's energy policy far broader than economic competitiveness. It is the reduction in energy consumption that makes it a national initiative. Once the pre-competitive research is transitioned to industry then it should be terminated, we think that will take about 10 years.

If this initiative is successful, then by 2025, it can reduce our energy consumption by roughly 17 billion watts of

power or the need for 17 large electricity generating plants. That's as much as 17 million homes consume in a single day. That's more homes than in California, Oregon, and Washington combined.

So let me conclude that the Next Generation Lighting Initiative will carry the U.S. lighting industry into the twenty first century. It capitalizes on technologies that have emerged only five years ago but have the potential to quickly displace our lighting industry. This Initiative will reduce our nation's energy consumption and greenhouse gas emission. The research necessary to advance this technology requires a national investment that must be in partnership with industry.

I encourage my colleagues to review this bill, offer their comments, and, join Senator DEWINE and me in its bipartisan support. I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Next Generation Lighting Initiative Act".

SEC. 2. FINDING.

Congress finds that it is in the economic and energy security interests of the United States to encourage the development of white light emitting diodes by providing financial assistance to firms, or a consortium of firms, and supporting research organizations in the lighting development sectors.

SEC. 3. DEFINITIONS.

In this Act:

(1) **CONSORTIUM.**—The term "consortium" means the Next Generation Lighting Initiative Consortium established under section 5(b).

(2) **INORGANIC WHITE LIGHT EMITTING DIODE.**—The term "inorganic white light emitting diode" means a semiconducting package that produces white light using externally applied voltage.

(3) **LIGHTING INITIATIVE.**—The term "Lighting Initiative" means the Next Generation Lighting Initiative established by section 4(a).

(4) **ORGANIC WHITE LIGHT EMITTING DIODE.**—The term "organic white light emitting diode" means an organic semiconducting compound that produces white light using externally applied voltage.

(5) **PLANNING BOARD.**—The term "planning board" means the Next Generation Lighting Initiative Planning Board established under section 5(a).

(6) **RESEARCH ORGANIZATION.**—The term "research organization" means an organization that performs or promotes research, development, and demonstration activities with respect to white light emitting diodes.

(7) **SECRETARY.**—The term "Secretary" means the Secretary of Energy, acting through the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy.

(8) **WHITE LIGHT EMITTING DIODE.**—The term "white light emitting diode" means—

(A) an inorganic white light emitting diode; and

(B) an organic white light emitting diode.

SEC. 4. NEXT GENERATION LIGHTING INITIATIVE.

(a) **ESTABLISHMENT.**—There is established in the Department of Energy a lighting initiative to be known as the "Next Generation

Lighting Initiative" to research, develop, and conduct demonstration activities on white light emitting diodes.

(b) **OBJECTIVES.**—

(A) **IN GENERAL.**—The objectives of the Lighting Initiative shall be to develop, by 2011, white light emitting diodes that, compared to incandescent and fluorescent lighting technologies, are—

(A) longer lasting;

(B) more energy-efficient; and

(C) cost-competitive.

(2) **INORGANIC WHITE LIGHT EMITTING DIODE.**—The objective of the Lighting Initiative with respect to inorganic white light emitting diodes shall be to develop an inorganic white light emitting diode that has an efficiency of 160 lumens per watt and a 10-year lifetime.

(3) **ORGANIC WHITE LIGHT EMITTING DIODE.**—The objective of the Lighting Initiative with respect to organic white light emitting diodes shall be to develop an organic white light emitting diode with an efficiency of 100 lumens per watt with a 5-year lifetime that—

(A) illuminates over a full color spectrum;

(B) covers large areas over flexible surfaces; and

(C) does not contain harmful pollutants typical of fluorescent lamps such as mercury.

SEC. 5. ADMINISTRATION.

(a) **PLANNING BOARD.**—

(1) **IN GENERAL.**—The Secretary shall establish a planning board, to be known as the "Next Generation Lighting Initiative Planning Board", to assist the Secretary in developing and implementing the Lighting Initiative.

(2) **COMPOSITION.**—The planning board shall be composed of—

(A) 4 members from universities, national laboratories, and other individuals with expertise in white lighting, to be appointed by the Secretary; and

(B) 3 members nominated by the consortium and appointed by the Secretary.

(3) **STUDY.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the planning board shall complete a study on strategies for the development and implementation of white light emitting diodes.

(B) **REQUIREMENTS.**—The study shall—

(i) develop a comprehensive strategy to implement, through the Lighting Initiative, the use of white light emitting diodes to increase energy efficiency and enhance United States competitiveness; and

(ii) identify the research and development, manufacturing, deployment, and marketing barriers that must be overcome to achieve a goal of a 25 percent market penetration by white light emitting diode technologies into the incandescent and fluorescent lighting markets by the year 2012.

(C) **IMPLEMENTATION.**—As soon as practicable after the study is submitted to the Secretary, the Secretary shall implement the Lighting Initiative in accordance with the recommendations of the planning board.

(b) **CONSORTIUM.**—

(1) **IN GENERAL.**—The Secretary shall solicit the establishment of a consortium, to be known as the "Next Generation Lighting Initiative Consortium", to initiate and manage basic and manufacturing related research contracts on white light emitting diodes for the Lighting Initiative.

(2) **COMPOSITION.**—The consortium may be composed of firms, national laboratories, and other entities so that the consortium is representative of the United States solid state lighting industry as a whole.

(3) **FUNDING.**—The consortium shall be funded by—

(A) membership fees; and

(B) grants provided under section 6.

SEC. 6. GRANT PROGRAM.

(a) **IN GENERAL.**—The Secretary shall make grants to firms, the consortium, and research organizations to conduct research, development, and demonstration projects related to white light emitting diode technologies.

(b) **REQUIREMENTS.**—To be eligible to receive a grant under this section, a consortium shall—

(1) enter into a consortium participation agreement that—

(A) is agreed to by all members; and

(B) describes the responsibilities of participants, membership fees, and the scope of research activities; and

(2) develop a Lighting Initiative annual program plan.

(c) **ANNUAL REVIEW.**—

(1) **IN GENERAL.**—An annual independent review of firms, the consortium, and research organizations receiving a grant under this section shall be conducted by—

(A) a committee appointed by the Secretary under the Federal Advisory Committee Act (5 U.S.C. App.); or

(B) a committee appointed by the National Academy of Sciences.

(2) **REQUIREMENTS.**—Using clearly defined standards established by the Secretary, the review shall assess technology advances and commercial applicability of—

(A) the activities of the firms, consortium, or research organizations during each fiscal year of the grant program; and

(B) the goals of the firms, consortium, or research organizations for the next fiscal year in the annual program plan developed under subsection (b)(2).

(d) **ALLOCATION AND COST SHARING.**—

(1) **IN GENERAL.**—The amount of funds made available for any fiscal year to provide grants under this section shall be allocated in accordance with paragraphs (2) and (3).

(2) **RESEARCH PROJECTS.**—Funding for basic and manufacturing research projects shall be allocated to the consortium.

(3) **DEVELOPMENT, DEPLOYMENT, AND DEMONSTRATION PROJECTS.**—Funding for development, deployment, and demonstration projects shall be allocated to members of the consortium.

(4) **COST SHARING.**—Non-federal cost sharing shall be in accordance with section 3002 of the Energy Policy Act of 1992 (42 U.S.C. 13542).

(e) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The national laboratories and other pertinent Federal agencies shall cooperate with and provide technical and financial assistance to firms, the consortium, and research organizations conducting research, development, and demonstration projects carried out under this section.

(f) **AUDITS.**—

(1) **IN GENERAL.**—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds made available under this Act have been expended in a manner that is consistent with the objectives under section 4(b) and the annual operating plan of the consortium developed under subsection (b)(2).

(2) **REPORTS.**—The auditor shall submit to Congress, the Secretary, and the Comptroller General of the United States an annual report containing the results of the audit.

(g) **APPLICABLE LAW.**—The Lighting Initiative shall not be subject to the Federal Acquisition Regulation.

SEC. 7. PROTECTION OF INFORMATION.

Information obtained by the Federal Government on a confidential basis under this Act shall be considered to constitute trade secrets and commercial or financial information obtained from a person and privileged or

confidential under section 552(b)(4) of title 5, United States Code.

SEC. 8. INTELLECTUAL PROPERTY.

Members of the consortium shall have royalty-free nonexclusive rights to use intellectual property derived from consortium research conducted under this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(1) \$30,000,000 for fiscal year 2002; and
(2) \$50,000,000 for each of fiscal years 2003 through 2011.

(b) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

By Mrs. FEINSTEIN (for herself and Mr. HAGEL):

S. 1167. A bill to amend the Immigration and Nationality Act to permit the substitution of an alternative close family sponsor in the case of the death of the person petitioning for an alien's admission to the United States; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce on behalf of myself and Mr. HAGEL, the Family Sponsor Immigration Act of 2001. This legislation would address the situation of those whose U.S. sponsor dies while they have the chance to adjust status or receive an immigrant visa.

Under current law, a family member who petitions for a relative to receive an immigrant visa must sign a legally binding affidavit of support promising to provide for the support of the immigrant. This is the last step before a green card is issued. If the family sponsor dies while the green card application is pending, the applicant is forced to find a new sponsor and restart the application process, usually a 7- to 8-year process, or face deportation.

The legislation I have introduced today would correct this anomaly in the law by permitting another family member to stand in for the deceased sponsor and sign the affidavit. Without this legislation, another relative who qualifies as a family sponsor would have to file a new immigrant visa petition on behalf of the relative and the relative would have to go to the end of the line if the visa category is numerically limited. Thus, the beneficiary would lose his priority date for a visa based on the filing of the first petition, and in some cases, face deportation.

With the passage of this legislation, even though there may be a different sponsor, the beneficiary would not lose his or her priority date to be admitted as a permanent resident of the United States. Nor will the beneficiary be subject to deportation even though they meet all the requirements for an immigrant visa.

A classic example of this situation was presented to my office just recently. Earlier this year I introduced a private bill on behalf of Zhenfu Ge, a 73-year-old Chinese grandmother whose daughter died before the Immigration and Naturalization Service, INS, was able to complete the final stage of application process: her interview. As a result, her immigration application is

no longer valid and she is now subject to deportation. The private bill I introduced would allow her to adjust her status, given that she has met all the requirements for a visa.

In previous years, I have introduced other private bills which eventually became law. One bill was on behalf of Suchada Kwong, whose husband was killed in a car accident just weeks before her final interview with the INS. In 1997, I introduced a private bill on behalf of Jasmin Salehi, a Korean immigrant who became ineligible for permanent residency after her husband was murdered at a Denny's in Reseda, California, where he worked as a manager.

In all of these cases, a family's grief was compounded by the prospect of the deportation of a family member, who had met all the requirements for a green card. This legislation is an efficient way to alleviate the need for private legislation under these circumstances by making the law more just for those who have chosen to become immigrants in our country through the legal process.

We introduce the "Family Immigration Act of 2001," in the hopes that it will go further to alleviate some of hardships families face when confronted by the untimely death of a sponsor. Similar legislation has gained bipartisan support in the House of Representatives. I look forward to working with my colleagues to move it quickly through the Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Sponsor Immigration Act of 2001".

SEC. 2. SUBSTITUTION OF ALTERNATIVE SPONSOR IF ORIGINAL SPONSOR HAS DIED.

(a) PERMITTING SUBSTITUTION OF ALTERNATIVE CLOSE FAMILY SPONSOR IN CASE OF DEATH OF PETITIONER.—

(1) RECOGNITION OF ALTERNATIVE SPONSOR.—Section 213A(f)(5) of the Immigration and Nationality Act (8 U.S.C. 1183a(f)(5)) is amended to read as follows:

"(5) NON-PETITIONING CASES.—Such term also includes an individual who does not meet the requirement of paragraph (1)(D) but who—

"(A) accepts joint and several liability with a petitioning sponsor under paragraph (2) or relative of an employment-based immigrant under paragraph (4) and who demonstrates (as provided under paragraph (6)) the means to maintain an annual income equal to at least 125 percent of the Federal poverty line; or

"(B) is a spouse, parent, mother-in-law, father-in-law, sibling, child (if at least 18 years of age), son, daughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild of a sponsored alien or a legal guardian of a sponsored alien, meets the requirements of paragraph (1) (other

than subparagraph (D)), and executes an affidavit of support with respect to such alien in a case in which—

"(i) the individual petitioning under section 204 for the classification of such alien died after the approval of such petition; and
"(ii) the Attorney General has determined for humanitarian reasons that revocation of such petition under section 205 would be inappropriate."

(2) CONFORMING AMENDMENT PERMITTING SUBSTITUTION.—Section 212(a)(4)(C)(ii) of such Act (8 U.S.C. 1182(a)(4)(C)(ii)) is amended by striking "(including any additional sponsor required under section 213A(f))" and inserting "(and any additional sponsor required under section 213A(f) or any alternative sponsor permitted under paragraph (5)(B) of such section)".

(3) ADDITIONAL CONFORMING AMENDMENTS.—Section 213A(f) of such Act (8 U.S.C. 1183a(f)) is amended, in each of paragraphs (2) and (4)(B)(ii), by striking "(5)." and inserting "(5)(A)."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to deaths occurring before, on, or after the date of the enactment of this Act, except that, in the case of a death occurring before such date, such amendments shall apply only if—

(1) the sponsored alien—
(A) requests the Attorney General to reinstate the classification petition that was filed with respect to the alien by the deceased and approved under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) before such death; and

(B) demonstrates that he or she is able to satisfy the requirement of section 212(a)(4)(C)(ii) of such Act (8 U.S.C. 1182(a)(4)(C)(ii)) by reason of such amendments; and

(2) the Attorney General reinstates such petition after making the determination described in section 213A(f)(5)(B)(ii) of such Act (as amended by such subsection).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 126—EXPRESSING THE SENSE OF THE SENATE REGARDING OBSERVANCE OF THE OLYMPIC TRUCE

Mr. DASCHLE (for himself, Mr. STEVENS, Mr. REID, Mr. CONRAD, Mr. HARKIN, Mr. DORGAN, and Mr. SARBANES) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 126

Whereas the Olympic Games are a unique opportunity for international cooperation and the promotion of international understanding;

Whereas the Olympic Games bring together embattled rivals in an arena of peaceful competition;

Whereas the Olympic Ideal is to serve peace, friendship, and international understanding;

Whereas participants in the ancient Olympic Games, as early as 776 B.C., observed an "Olympic Truce" whereby all warring parties ceased hostilities and laid down their weapons for the duration of the games and during the period of travel for athletes to and from the games;

Whereas war extracts a terrible price from the civilian populations that suffer under it, and truces during war allow for the provision of humanitarian assistance to those suffering populations;