Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Archer
Blagojevich
Boucher
Buyer
Clay
Costello
Cox
Diaz-Balart
Filner
Hefner
Hooley
Johnson (CT)
McKinney
Pickering
Schiff

So the amendment was not agreed to. After some further time,

¶45.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. DUNN:

Add at the end the following new title:

Title —GRANT REDUCTION

SEC. 01. PARENTAL NOTIFICATION.

(a) GRANT REDUCTION FOR NONCOMPLIANCE.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

''(g) INFORMATION ACCESS.—

''(1) IN GENERAL.—The funds available under this subpart for a State shall be reduced by 20 percent and redistributed under paragraph (2) unless the State—

''(A) submits to the Attorney General, not later than 1 year after the date of the enactment of the Juvenile Crime Control Act of 1997, a plan that describes a process to notify parents regarding the enrollment of a juvenile sex offender in an elementary or secondary school that their child attends; and

''(B) adheres to the requirements described in such plan in each subsequent year as determined by the Attorney General.

''(2) REDISTRIBUTION.—To the extent approved in advance in appropriations Acts, any funds available for redistribution shall be redistributed to participating States that have submitted a plan in accordance with paragraph (1).

''(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).

It was decided in the affirmative { Yeas ..... 398 / Nays ..... 21 }

¶45.18 [Roll No. 116

AYES—398

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fazio
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—21

Becerra
Buyer
Campbell
Conyers
Dingell
Fattah
Foglietta
Gilman
Greenwood
Hastings (FL)
Hinchey
McDermott
Rangel
Sabo
Scott
Stark
Stokes
Towns
Waters
Watt (NC)
Yates

NOT VOTING—14

Boucher
Capps
Clay
Costello
Diaz-Balart
Fawell
Filner
Hefner
Kasich
McKinney
Paxon
Pickering
Schiff
Spratt

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

When Mr. KINGSTON, Chairman, pursuant to House Resolution 143, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Juvenile Crime Control Act of 1997''.

TITLE I—REFORMING THE FEDERAL JUVENILE JUSTICE SYSTEM

SEC. 101. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Delinquency proceedings or criminal prosecutions in district courts

''(a)(1) A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be surrendered to State authorities, but if not so surrendered, shall be proceeded against as a juvenile under this subsection or tried as an adult in the circumstances described in subsections (b) and (c).

''(2) A juvenile may be proceeded against as a juvenile in a court of the United States under this subsection if—

''(A) the alleged offense or act of juvenile delinquency is committed within the special maritime and territorial jurisdiction of the United States and is one for which the maximum authorized term of imprisonment does not exceed 6 months; or

''(B) the Attorney General, after investigation, certifies to the appropriate United States district court that—

''(i) the juvenile court or other appropriate court of a State does not have jurisdiction or declines to assume jurisdiction over the juvenile with respect to the alleged act of juvenile delinquency, and

''(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

''(3) If the Attorney General does not so certify or does not have authority to try such juvenile as an adult, such juvenile shall be surrendered to the appropriate legal authorities of such State.

''(4) If a juvenile alleged to have committed an act of juvenile delinquency is proceeded against as a juvenile under this section, any proceedings against the juvenile shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, and shall be open to the public, except that the court may exclude all or some members of the public, other than a victim unless the victim is a witness in the determination of guilt or innocence, if required by the interests of justice or if other good cause is shown. The Attorney General shall proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

''(b)(1) Except as provided in paragraph (2), a juvenile shall be prosecuted as an adult—

''(A) if the juvenile has requested in writing upon advice of counsel to be prosecuted as an adult; or

''(B) if the juvenile is alleged to have committed an act after the juvenile attains the age of 14 years which if committed by an adult would be a serious violent felony or a serious drug offense described in section 3559(c) of this title, or a conspiracy or attempt to commit that felony or offense, which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

''(2) The requirements of paragraph (1) do not apply if the Attorney General certifies to the appropriate United States district court that the interests of justice are best served by proceeding against the juvenile as a juvenile.

''(c)(1) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act after the juvenile has attained the age of 13 years which if committed by a juvenile after the juvenile attained the age of 14 years would require that the juvenile be prosecuted as an adult under subsection (b), upon approval of the Attorney General.

''(2) The Attorney General shall not delegate the authority to give the approval required under paragraph (1) to an officer or employee of the Department of Justice at a level lower than a Deputy Assistant Attorney General.

''(3) Such approval shall not be granted, with respect to such a juvenile who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based solely on its commission in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place in which the alleged act was committed has before such act notified the Attorney General in writing of its election that prosecution may take place under this subsection.

''(4) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act which is not described in subsection (b)(1)(B) after the juvenile has attained the age of 14 years and which if committed by an adult would be—

''(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

''(B) an offense described in section 844 (d), (k), or (l), or subsection (a)(6), (b), (g), (h), (j), (k), or (l) of section 924;

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

''(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

''(E) a conspiracy to commit an offense described in any of subparagraphs (A) through (D); or

''(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955, or 959), or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

''(d) A determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c), and a determination to file or not to file, and the contents of, a certification under subsection (a) or (b) shall not be reviewable in any court.

''(e) In a prosecution under subsection (b) or (c), the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense.

''(f) The Attorney General shall annually report to Congress—

''(1) the number of juveniles adjudicated delinquent or tried as adults in Federal court;

''(2) the race, ethnicity, and gender of those juveniles;

''(3) the number of those juveniles who were abused or neglected by their families, to the extent such information is available; and

''(4) the number and types of assault crimes, such as rapes and beatings, committed against juveniles while incarcerated in connection with the adjudication or conviction.

''(g) As used in this section—

''(1) the term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized tribe; and

''(2) the term 'serious violent felony' has the same meaning given that term in section 3559(c)(2)(F)(i).''.

SEC. 102. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

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

"§ 5033. Custody prior to appearance before judicial officer

''(a) Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile's rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile's parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

''(b) The juvenile shall be taken before a judicial officer without unreasonable delay.''.

SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

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

(1) by striking ''The'' each place it appears at the beginning of a paragraph and inserting ''the'';

(2) by striking ''If'' at the beginning of the 3rd paragraph and inserting ''if'';

(3)(A) by designating the 3 paragraphs as paragraphs (1), (2), and (3), respectively; and

(B) by moving such designated paragraphs 2 ems to the right; and

(4) by inserting at the beginning of such section before those paragraphs the following:

''In a proceeding under section 5032(a)—''.

SEC. 104. DETENTION PRIOR TO DISPOSITION OR SENTENCING.

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

"§ 5035. Detention prior to disposition or sentencing

''(a)(1) A juvenile who has attained the age of 16 years and who is prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in such suitable place as the Attorney General may designate. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

''(2) A juvenile less than 16 years of age prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted. If such a facility is not available, such a juvenile may be detained in any other suitable facility located within, or within a reasonable distance of, such district. If no such facility is available, such a juvenile may be detained in any other suitable place as the Attorney General may designate.

''(3) To the maximum extent feasible, a juvenile less than 16 years of age prosecuted pursuant to subsection (b) or (c) of section 5032 shall not be detained prior to sentencing in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

''(b) A juvenile proceeded against under section 5032 shall not be detained prior to

disposition in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

''(c) Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.''.

SEC. 105. SPEEDY TRIAL.

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

(1) striking ''If an alleged delinquent'' and inserting ''If a juvenile proceeded against under section 5032(a)'';

(2) striking ''thirty'' and inserting ''45''; and

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

SEC. 106. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

(a) DISPOSITION.—Section 5037 of title 18, United States Code, is amended to read as follows:

''§ 5037. Disposition

''(a) In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile no later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e). A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition. After the dispositional hearing, and after considering the sanctions recommended pursuant to subsection (f), the court shall impose an appropriate sanction, including the ordering of restitution pursuant to section 3556 of this title. The court may order the juvenile's parent, guardian, or custodian to be present at the dispositional hearing and the imposition of sanctions and may issue orders directed to such parent, guardian, custodian regarding conduct with respect to the juvenile. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to chapter 207.

''(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

''(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

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

''(2) ten years; or

''(3) the date when the juvenile becomes twenty-six years old.

Section 3624 is applicable to an order placing a juvenile in detention.

''(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 apply to an order placing a juvenile on supervised release.

''(e) If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney. The agency or entity shall make a study of all matters relevant to the alleged or adjudicated delinquent behavior and the court's inquiry. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within 30 days after the commitment of the juvenile, unless the court grants additional time. Time spent in custody under this subsection shall be excluded for purposes of section 5036.

''(f)(1) The United States Sentencing Commission, in consultation with the Attorney General, shall develop a list of possible sanctions for juveniles adjudicated delinquent.

''(2) Such list shall—

''(A) be comprehensive in nature and encompass punishments of varying levels of severity;

''(B) include terms of confinement; and

''(C) provide punishments that escalate in severity with each additional or subsequent more serious delinquent conduct.''.

(b) EFFECTIVE DATE.—The Sentencing Commission shall develop the list required pursuant to section 5037(f), as amended by subsection (a), not later than 180 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT TO ADULT SENTENCING SECTION.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

''(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS UNDER THE AGE OF 16.—Notwithstanding any other provision of law, in the case of a defendant convicted for conduct that occurred before the juvenile attained the age of 16 years, the court shall impose a sentence without regard to any statutory minimum sentence, if the court finds at sentencing, after affording the Government an opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(1)(B).''.

SEC. 107. JUVENILE RECORDS AND FINGERPRINTING.

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

''§ 5038. Juvenile records and fingerprinting

''(a)(1) Throughout and upon the completion of the juvenile delinquency proceeding under section 5032(a), the court shall keep a record relating to the arrest and adjudication that is—

''(A) equivalent to the record that would be kept of an adult arrest and conviction for such an offense; and

''(B) retained for a period of time that is equal to the period of time records are kept for adult convictions.

''(2) Such records shall be made available for official purposes, including communications with any victim or, in the case of a deceased victim, such victim's representative, or school officials, and to the public to the same extent as court records regarding the criminal prosecutions of adults are available.

''(b) The Attorney General shall establish guidelines for fingerprinting and photographing a juvenile who is the subject of any proceeding authorized under this chapter. Such guidelines shall address the availability of pictures of any juvenile taken into custody but not prosecuted as an adult. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult offenders.

''(c) Whenever a juvenile has been adjudicated delinquent for an act that, if committed by an adult, would be a felony or for a violation of section 924(a)(6), the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

''(d) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.''.

SEC. 108. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND 5034.

(a) ELIMINATION OF PRONOUNS.—Sections 5031 and 5034 of title 18, United States Code, are each amended by striking ''his'' each place it appears and inserting ''the juvenile's''.

(b) UPDATING OF REFERENCE.—Section 5034 of title 18, United States Code, is amended—

(1) in the heading of such section, by striking ''**magistrate**'' and inserting ''**judicial officer**''; and

(2) by striking ''magistrate'' each place it appears and inserting ''judicial officer''.

SEC. 109. CLERICAL AMENDMENTS TO TABLE OF SECTIONS FOR CHAPTER 403.

The heading and the table of sections at the beginning of chapter 403 of title 18, United States Code, is amended to read as follows:

''CHAPTER 403—JUVENILE DELINQUENCY

''Sec.
''5031. Definitions.
''5032. Delinquency proceedings or criminal prosecutions in district courts.
''5033. Custody prior to appearance before judicial officer.
''5034. Duties of judicial officer.
''5035. Detention prior to disposition or sentencing.
''5036. Speedy trial.
''5037. Disposition.
''5038. Juvenile records and fingerprinting.
''5039. Commitment.
''5040. Support.
''5041. Repealed.
''5042. Revocation of probation.''.

TITLE II—APPREHENDING ARMED VIOLENT YOUTH

SEC. 201. ARMED VIOLENT YOUTH APPREHENSION DIRECTIVE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Attorney General of the United States shall establish an armed violent youth apprehension program consistent with the following requirements:

(1) Each United States attorney shall designate at least 1 assistant United States attorney to prosecute, on either a full- or part-time basis, armed violent youth.

(2) Each United States attorney shall establish an armed youth criminal apprehension task force comprised of appropriate law enforcement representatives. The task force shall develop strategies for removing armed violent youth from the streets, taking into consideration—

(A) the importance of severe punishment in deterring armed violent youth crime;

(B) the effectiveness of Federal and State laws pertaining to apprehension and prosecution of armed violent youth;

(C) the resources available to each law enforcement agency participating in the task force;

(D) the nature and extent of the violent youth crime occurring in the district for which the United States attorney is appointed; and

(E) the principle of limited Federal involvement in the prosecution of crimes traditionally prosecuted in State and local jurisdictions.

(3) Not less frequently than bimonthly, the Attorney General shall require each United States attorney to report to the Department of Justice the number of youths charged with, or convicted of, violating section 922(g) or 924 of title 18, United States Code, in the district for which the United States attorney is appointed and the number of youths referred to a State for prosecution for similar offenses.

(4) Not less frequently than twice annually, the Attorney General shall submit to the Congress a compilation of the information received by the Department of Justice pursuant to paragraph (3) and a report on all waivers granted under subsection (b).

(b) WAIVER AUTHORITY.—

(1) REQUEST FOR WAIVER.—A United States attorney may request the Attorney General to waive the requirements of subsection (a) with respect to the United States attorney.

(2) PROVISION OF WAIVER.—The Attorney General may waive the requirements of subsection (a) pursuant to a request made under paragraph (1), in accordance with guidelines which shall be established by the Attorney General. In establishing the guidelines, the Attorney General shall take into consideration the number of assistant United States attorneys in the office of the United States attorney making the request and the level of violent youth crime committed in the district for which the United States attorney is appointed.

(c) ARMED VIOLENT YOUTH DEFINED.—As used in this section, the term ''armed violent youth'' means a person who has not attained 18 years of age and is accused of violating—

(1) section 922(g)(1) of title 18, United States Code, having been previously convicted of—

(A) a violent crime; or

(B) conduct that would have been a violent crime had the person been an adult; or

(2) section 924 of such title.

(d) SUNSET.—This section shall have no force or effect after the 5-year period that begins 180 days after the date of the enactment of this Act.

TITLE III—ACCOUNTABILITY FOR JUVENILE OFFENDERS AND PUBLIC PROTECTION INCENTIVE GRANTS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Juvenile Accountability Block Grants Act of 1997''.

SEC. 302. BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 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 eligible units.

''(b) AUTHORIZED ACTIVITIES.—Amounts paid to a State, a unit of local government, or an eligible unit under this part shall be used by the State, unit of local government, or eligible unit for the purpose of promoting greater accountability in the juvenile justice system, which includes—

''(1) building, expanding, renovating, or operating temporary or permanent juvenile correction or detention facilities, including training of correctional personnel;

''(2) developing and administering accountability-based sanctions for juvenile offenders;

''(3) hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pre-trial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system;

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

''(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

''(6) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

''(7) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism;

''(8) the establishment of court-based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

''(9) the establishment of drug court programs for juveniles so as to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to provide the integrated administration of other sanctions and services;

''(10) establishing and maintaining interagency 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; and

''(11) establishing and maintaining accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies, or which are designed, in cooperation with law enforcement officials, to protect students and school personnel from drug, gang, and youth violence.

''SEC. 1802. GRANT ELIGIBILITY.

''(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this section, 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 rule, including assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or will have in effect not later than 1 year after the date a State submits such application) laws, or has implemented (or will implement not later than 1 year after the date a State submits such application) policies and programs, that—

''(1) ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution as a matter of law, or that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults;

''(2) impose sanctions on juvenile offenders for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation, including such accountability-based sanctions as—

''(A) restitution;

''(B) community service;

''(C) punishment imposed by community accountability councils comprised of individuals from the offender's and victim's communities;

''(D) fines; and

''(E) short-term confinement;

''(3) establish at a minimum a system of records relating to any adjudication of a juvenile who has a prior delinquency adjudication and who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony under Federal or State law which is a system equivalent to that maintained for adults who commit felonies under Federal or State law; and

''(4) ensure that State law does not prevent a juvenile court judge from issuing a court order against a parent, guardian, or custodian of a juvenile offender regarding the supervision of such an offender and from imposing sanctions for a violation of such an order.

''(b) LOCAL ELIGIBILITY.—

''(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has laws or policies and programs which—

''(A) ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution as a matter of law, or that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults;

''(B) impose a sanction for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation; and

''(C) ensure that there is a system of records relating to any adjudication of a juvenile who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony under Federal or State law which is a system equivalent to that maintained for adults who commit felonies under Federal or State law.

''(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to an eligible unit that receives funds from the Attorney General under section 1803, except that information that would otherwise be submitted to the State shall be submitted to the Attorney General.

''SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.

''(a) STATE ALLOCATION.—

''(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part, 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) PROPORTIONAL REDUCTION.—If amounts available to carry out paragraph (1)(A) for any payment period are insufficient to pay

in full the total payment that any State is otherwise eligible to receive under paragraph (1)(A) for such period, then the Attorney General shall reduce payments under paragraph (1)(A) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (2)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (2).

''(3) 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.—Each State which receives funds under subsection (a)(1) in a fiscal year shall distribute not less than 75 percent of such amounts received among units of local government, for the purposes specified in section 1801. In making such distribution 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) two-thirds; multiplied by

''(II) the average law enforcement expenditure 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-third; 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.

''(2) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

''(3) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) 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 law enforcement expenditure 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 law enforcement expenditure for the relevant years for the unit of local government.

''(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $5,000.—If under this section a unit of local government is allocated less than $5,000 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 ELIGIBLE 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 eligible units which meet the requirements for funding under subsection (b).

''(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for eligible units the Attorney General may use the average amount allocated by the States to like governmental units as a basis for awarding grants under this section.

''SEC. 1804. REGULATIONS.

''The Attorney General shall issue regulations establishing procedures under which an eligible 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.

''SEC. 1805. PAYMENT REQUIREMENTS.

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

''(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),

whichever is later.

''(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—From amounts appropriated under this part, a State shall repay to the Attorney General, by not later than 27 months after receipt of funds from the Attorney General, any amount that is not expended by the State within 2 years after receipt of such funds from the Attorney General.

''(2) 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.

''(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States.

''(c) ADMINISTRATIVE COSTS.—A State, unit of local government or eligible unit that receives funds under this part may use not more than 10 percent of such funds to pay for administrative costs.

''(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States, units of local government, or eligible units 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.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

''SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

''Funds or a portion of funds allocated under this part may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 1801(a)(2).

''SEC. 1807. ADMINISTRATIVE PROVISIONS.

''(a) IN GENERAL.—A State that receives funds under this part shall—

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

''(2) use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the State;

''(3) designate an official of the State 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.—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. DEFINITIONS.

''For the purposes of this part:

''(1) 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; and

''(B) 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) The term 'eligible unit' means a unit of local government which may receive funds under section 1803(e).

''(3) 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) The term 'juvenile' means an individual who is 17 years of age or younger.

''(5) The term 'law enforcement expenditures' means the expenditures associated with police, prosecutorial, legal, and judicial services, and corrections 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) 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.

''(7) The term 'serious violent crime' means murder, aggravated sexual assault, and assault with a firearm.

''SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

''(1) $500,000,000 for fiscal year 1998;

''(2) $500,000,000 for fiscal year 1999; and

''(3) $500,000,000 for fiscal year 2000.

''(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 1 percent of the amount authorized to be appropriated under subsection (a), with such amounts to remain available until expended, for each of the fiscal years 1998 through 2000 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this part, assuring compliance with the provisions of this part, and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

''(c) FUNDING SOURCE.—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund.''.

(b) CLERICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the item relating to part R and inserting the following:

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

''Sec. 1801. Program authorized.
''Sec. 1802. Grant eligibility.
''Sec. 1803. Allocation and distribution of funds.

''Sec. 1804. Regulations.
''Sec. 1805. Payment requirements.
''Sec. 1806. Utilization of private sector.
''Sec. 1807. Administrative provisions.
''Sec. 1808. Definitions.
''Sec. 1809. Authorization of appropriations.''.

TITLE IV—SPECIAL PRIORITY FOR CERTAIN DISCRETIONARY GRANTS

SEC. 401. SPECIAL PRIORITY.

Section 517 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

''(c) SPECIAL PRIORITY.—In awarding discretionary grants under section 511 to public agencies to undertake law enforcement initiatives relating to gangs, or to juveniles who are involved or at risk of involvement in gangs, the Director shall give special priority to a public agency that includes in its application a description of strategies, either in effect or proposed, providing for cooperation between local, State, and Federal law enforcement authorities to disrupt the illegal sale or transfer of firearms to or between juveniles through tracing the sources of crime guns provided to juveniles.''.

TITLE V—GRANT REDUCTION

SEC. 501. PARENTAL NOTIFICATION.

(a) GRANT REDUCTION FOR NONCOMPLIANCE.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

''(g) INFORMATION ACCESS.—

''(1) IN GENERAL.—The funds available under this subpart for a State shall be reduced by 20 percent and redistributed under paragraph (2) unless the State—

''(A) submits to the Attorney General, not later than 1 year after the date of the enactment of the Juvenile Crime Control Act of 1997, a plan that describes a process to notify parents regarding the enrollment of a juvenile sex offender in an elementary or secondary school that their child attends; and

''(B) adheres to the requirements described in such plan in each subsequent year as determined by the Attorney General.

''(2) REDISTRIBUTION.—To the extent approved in advance in appropriations Acts, any funds available for redistribution shall be redistributed to participating States that have submitted a plan in accordance with paragraph (1).

''(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CONYERS moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

TITLE I—TREATMENT OF JUVENILES AS ADULTS

SEC. 101. TREATMENT OF JUVENILES AS ADULTS.

The fourth undesignated paragraph of section 5032 of title 18, United States Code, is amended by striking ''an offense under section 113(a), 113(b), 113(c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a) or 2241(c),'' and insert ''any serious violent felony as defined in section 3559(c)(2)(F) of this title,''.

SEC. 102. RECORDS OF CRIMES COMMITTED BY JUVENILE DELINQUENTS.

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

(1) in subsection (a), by striking ''Throughout and'' and all that follows through the colon and inserting the following: ''Throughout and upon completion of the juvenile delinquency proceeding, the court records of the original proceeding shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:'';

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

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

''(6) communications with any victim of such juvenile delinquency, or in appropriate cases with the official representative of the victim, in order to apprise such victim or representative of the status or disposition of the proceeding or in order to effectuate any other provision of law or to assist in a victim's, official representative's, allocution at disposition.''; and

(4) by striking subsections (d) and (f), by redesignating subsection (e) as subsection (d), by inserting ''pursuant to section 5032 (b) or (c)'' after ''adult'' in subsection (d) as so redesignated, and by adding at the end new subsections (e) through (f) as follows:

''(e) Whenever a juvenile has been adjudicated delinquent for an act that if committed by an adult would be a felony or for a violation of section 922(x), the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation. The court shall also transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

''(f) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.''.

SEC. 103. TIME LIMIT ON TRANSFER DECISION.

Section 5032 of title 18, United States Code, is amended by inserting ''The transfer decision shall be made not later than 90 days after the first day of the hearing.'' after the first sentence of the 4th paragraph.

SEC. 104. INCREASED DETENTION, MANDATORY RESTITUTION, AND ADDITIONAL SENTENCING OPTIONS FOR YOUTH OFFENDERS.

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

''§ 5037. Dispositional hearing

''(a) IN GENERAL.—

''(1) HEARING.—In a juvenile proceeding under section 5032, if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 20 court days after the finding of juvenile delinquency unless the court has ordered further study pursuant to subsection (e).

''(2) REPORT.—A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the attorney for the juvenile, and the attorney for the government.

''(3) ORDER OF RESTITUTION.—After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 994, of title 28, the court shall enter an order of restitution pursuant to section 3556, and may suspend the findings of juvenile delinquency, place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult.

''(4) RELEASE OR DETENTION.—With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

''(b) TERM OF PROBATION.—The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

''(c) TERMS OF OFFICIAL DETENTION.—

''(1) MAXIMUM TERM.—The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

''(A) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

''(B) 10 years; or

''(C) the date on which the juvenile achieves the age of 26.

''(2) APPLICABILITY OF OTHER PROVISIONS.—Section 3624 shall apply to an order placing a juvenile in detention.

''(d) TERM OF SUPERVISED RELEASE.—The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 shall apply to an order placing a juvenile on supervised release.

''(e) CUSTODY OF ATTORNEY GENERAL.—

''(1) IN GENERAL.—If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by an attorney, to the custody of the Attorney General for observation and study by an appropriate agency or entity.

''(2) OUTPATIENT BASIS.—Any observation and study pursuant to a commission under paragraph (1) shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information, except that in the case of an alleged juvenile delinquent, inpatient study may be ordered with the consent of the juvenile and the attorney for the juvenile.

''(3) CONTENTS OF STUDY.—The agency or entity conducting an observation or study under this subsection shall make a complete study of the alleged or adjudicated delinquent to ascertain the personal traits, capabilities, background, any prior delinquency or criminal experience, any mental or physical defect, and any other relevant factors pertaining to the juvenile.

''(4) SUBMISSION OF RESULTS.—The Attorney General shall submit to the court and the attorneys for the juvenile and the government the results of the study not later than 30 days after the commitment of the juvenile, unless the court grants additional time.

''(5) EXCLUSION OF TIME.—Any time spent in custody under this subsection shall be excluded for purposes of section 5036.

''(f) CONVICTION AS ADULT.—With respect to any juvenile prosecuted and convicted as an adult pursuant to section 5032, the court may, pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28, determine to treat the conviction as an adjudication of delinquency and impose any disposition authorized under this section. The United States Sentencing Commission shall promul-

gate such guidelines as soon as practicable and not later than 1 year after the date of enactment of this Act.

''(g)(1) A juvenile detained either pending juvenile proceedings or a criminal trial, or detained or imprisoned pursuant to an adjudication or conviction shall be substantially segregated from any prisoners convicted for crimes who have attained the age of 21 years.

''(2) As used in this subsection, the term ''substantially segregated''—

''(A) means complete sight and sound separation in residential confinement; but

''(B) is not inconsistent with—

''(i) the use of shared direct care and management staff, properly trained and certified to interact with juvenile offenders, if the staff does not interact with adult and juvenile offenders during the same shift.

''(ii) incidental contact during transportation to court proceedings and other activities in accordance with regulations issued by the Attorney General to ensure reasonable efforts are made to segregate adults and juveniles.''

TITLE II—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Juvenile Offender Control and Prevention Grant Act of 1997''.

SEC. 202. GRANT PROGRAM.

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

''PART R—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

''SEC. 1801. PAYMENTS TO LOCAL GOVERNMENTS.

''(a) PAYMENT AND USES.—

''(1) PAYMENT.—The Director of the Bureau of Justice Assistance may make grants to carry out this part, to units of local government that qualify for a payment under this part. Of the amount appropriated in any fiscal year to carry out this part, the Director shall obligate—

''(A) not less than 60 percent of such amount for grants for the uses specified in subparagraphs (A) and (B) of paragraph (2);

''(B) not less than 10 percent of such amount for grants for the use specified in paragraph (2)(C), and

''(C) not less than 20 percent of such amount for grants for the uses specified in subparagraphs (E) and (G) of paragraph (2).

''(2) USES.—Amounts paid to a unit of local government under this section shall be used by the unit for 1 or more of the following:

''(A) Preventing juveniles from becoming envied in crime or gangs by—

''(i) operating after-school programs for at-risk juveniles;

''(ii) developing safe havens from and alternatives to street violence, including educational, vocational or other extracurricular activities opportunities;

''(iii) establishing community service programs, based on community service corps models that teach skills, discipline, and responsibility;

''(iv) establishing peer medication programs in schools;

''(v) establishing big brother programs and big sister programs;

''(vi) establishing anti-truancy programs;

''(vii) establishing and operating programs to strengthen the family unit;

''(viii) establishing and operating drug prevention, treatment and education programs; or

''(ix) establishing activities substantially similar to programs described in clauses (i) through (viii).

''(B) Establishing and operating early intervention programs for at-risk juveniles.

''(C) Building or expanding secure juvenile correction or detention facilities for violent juvenile offenders.

''(D) Providing comprehensive treatment, education, training, and after-care programs for juveniles in juvenile detention facilities.

''(E) Implementing graduated sanctions for juvenile offenders.

''(F) Establishing initiatives that reduce the access of juveniles to firearms.

''(G) Improving State juvenile justice systems by—

''(i) developing and administering accountability-based sanctions for juvenile offenders;

''(ii) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and backlogs reduced; or

''(iii) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable;

''(H) providing funding to enable prosecutors—

''(i) to address drug, gang, and violence problems involving juveniles more effectively;

''(ii) to develop anti-gang units and anti-gang task forces to address the participation of juveniles in gangs, and to share information about juvenile gangs and their activities; or

''(iii) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

''(I) hiring additional law enforcement officers (including, but not limited to, police, corrections, probation, parole, and judicial officers) who are involved in the control or reduction of juvenile delinquency; or

''(J) providing funding to enable city attorneys and county attorneys to seek civil remedies for violations of law committed by juveniles who participate in gangs.

''(3) GEOGRAPHICAL DISTRIBUTION OF GRANTS.—The Director shall ensure that grants made under this part are equitably distributed among all units of local government in each of the States and among all units of local government throughout the United States.

''(b) PROHIBITED USES.—Notwithstanding any other provision of this title, a unit of local government may not expend any of the funds provided under this part to purchase, lease, rent, or otherwise acquire—

''(1) tanks or armored personnel carriers;

''(2) fixed wing aircraft;

''(3) limousines;

''(4) real estate;

''(5) yachts;

''(6) consultants; or

''(7) vehicles not primarily used for law enforcement;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

''(c) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—

''(A) paid to the unit from amounts appropriated under the authority of this section; and

''(B) not expended by the unit within 2 years after receipt of such funds from the Director.

''(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

''(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Director as repayments under this subsection shall be deposited in a designated fund for future payments to units of local government. Any amounts remaining in such designated fund after shall be applied to the Federal deficit or, if there is no Federal deficit, to reducing the Federal debt.

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

''(e) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

''SEC. 1802. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

''(1) $500,000,000 for fiscal year 1998;

''(2) $500,000,000 for fiscal year 1999; and

''(3) $500,000,000 for fiscal year 2000.

The appropriations authorized by this subsection may be made from the Violent Crime Reduction Trust Fund.

''(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1998 through 2000 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this part, and assuring compliance with the provisions of this part and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients. Such sums are to remain available until expended.

''(c) AVAILABILITY.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

''SEC. 1803. QUALIFICATION FOR PAYMENT.

''(a) IN GENERAL.—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this part.

''(b) PROGRAM REVIEW.—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this part.

''(c) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of local government qualifies for a payment under this part for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

''(1) the chief executive officer of the State has had not less than 20 days to review and comment on the application prior to submission to the Director;

''(2)(A) the unit of local government will establish a trust fund in which the government will deposit all payments received under this part; and

''(B) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

''(3) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

''(4) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Director after consultation

with the Comptroller General and as applicable, amounts received under this part shall be audited in compliance with the Single Audit Act of 1984;

''(5) after reasonable notice from the Director or the Comptroller General to the unit of local government, the unit of local government will make available to the Director and the Comptroller General, with the right to inspect, records that the Director reasonably requires to review compliance with this part or that the Comptroller General reasonably requires to review compliance and operation;

''(6) the unit of local government will spend the funds made available under this part only for the purposes set forth in section 1801(a)(2);

''(7) the unit of local government has established procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel using funds made available under this title. The nature and extent of such employment preference shall be jointly established by the Attorney General and the Secretary of Defense. To the extent practicable, the Director shall endeavor to inform members who were separated between October 1, 1990, and the date of the enactment of this section of their eligibility for the employment preference;

''(d) SANCTIONS FOR NONCOMPLIANCE.—

''(1) IN GENERAL.—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

''(A) has taken the appropriate corrective action; and

''(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

''(2) NOTICE.—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

''(e) MAINTENANCE OF EFFORT REQUIREMENT.—A unit of local government qualifies for a payment under this part for a payment period only if the unit's expenditures on law enforcement services (as reported by the Bureau of the Census) for the fiscal year preceding the fiscal year in which the payment period occurs were not less than 90 percent of the unit's expenditures on such services for the second fiscal year preceding the fiscal year in which the payment period occurs.''.

(b) TECHNICAL AMENDMENT.—The table of contents of the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by striking the matter relating to part R and inserting the following:

''PART R—JUVENILE CRIME CONTROL GRANTS

''Sec. 1801. Payments to local governments.
''Sec. 1802. Authorization of appropriations.
''Sec. 1803. Qualification for payment.''.

SEC. 203. MODEL PROGRAMS TO PREVENT JUVENILE DELINQUENCY.

The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall provide, through the clearinghouse and information center established under section 242(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5652(3)), information and technical assistance to community-based organizations and units of local government to assist in the establishment, operation, and replication of model programs designed to prevent juvenile delinquency.

TITLE III—IMPROVING JUVENILE CRIME AND DRUG PREVENTION

SEC. 301. STUDY BY NATIONAL ACADEMY OF SCIENCE.

(a) IN GENERAL.—The Attorney General shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies—

(1) to evaluate the effectiveness of federally funded programs for preventing juvenile violence and juvenile substance abuse;

(2) to evaluate the effectiveness of federally funded grant programs for preventing criminal victimization of juveniles;

(3) to identify specific Federal programs and programs that receive Federal funds that contribute to reductions in juvenile violence, juvenile substance abuse, and risk factors among juveniles that lead to violent behavior and substance abuse;

(4) to identify specific programs that have not achieved their intended results; and

(5) to make specific recommendations on programs that—

(A) should receive continued or increased funding because of their proven success; or

(B) should have their funding terminated or reduced because of their lack of effectiveness.

(b) NATIONAL ACADEMY OF SCIENCES.—The Attorney General shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study or studies described in subsection (a). If the Academy declines to conduct the study, the Attorney General shall carry out such subsection through other public or nonprofit private entities.

(c) ASSISTANCE.—In conducting the study under subsection (a) the contracting party may request analytic assistance, data, and other relevant materials from the Department of Justice and any other appropriate Federal agency.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than January 1, 2000, the Attorney General shall submit a report describing the findings made as a result of the study required by subsection (a) to the Committee on the Judiciary and the Committee on Education and the Workforce of the House of Representatives, and to the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate.

(2) CONTENTS.—The report required by this subsection shall contain specific recommendations concerning funding levels for the programs evaluated. Reports on the effectiveness of such programs and recommendations on funding shall be provided to the appropriate subcommittees of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(e) FUNDING.—There are authorized to be appropriated to carry out the study under subsection (a) such sums as may be necessary.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the nays had it.

Mr. CONYERS demanded a recorded vote on the motion to recommit with instructions, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 174 / Nays ..... 243 }

¶45.19 [Roll No. 117]

AYES—174

Ackerman	Hamilton	Olver
Allen	Harman	Owens
Andrews	Hastings (FL)	Pallone
Baldacci	Hilliard	Pastor
Barrett (WI)	Hinchey	Payne
Becerra	Hinojosa	Pelosi
Bentsen	Hooley	Peterson (MN)
Berman	Hoyer	Pomeroy
Bishop	Jackson (IL)	Poshard
Blagojevich	Jackson-Lee (TX)	Price (NC)
Blumenauer	Jefferson	Rangel
Bonior	John	Reyes
Borski	Johnson (WI)	Rivers
Boucher	Johnson, E. B.	Rodriguez
Boyd	Kaptur	Roemer
Brown (CA)	Kennedy (MA)	Rothman
Brown (FL)	Kennedy (RI)	Roybal-Allard
Brown (OH)	Kennelly	Rush
Capps	Kildee	Sabo
Cardin	Kilpatrick	Sanchez
Carson	Kind (WI)	Sanders
Clayton	Kleczka	Sandlin
Clyburn	Kucinich	Sawyer
Condit	LaFalce	Schumer
Conyers	Lampson	Scott
Coyne	Lantos	Serrano
Cummings	Levin	Shays
Davis (FL)	Lewis (GA)	Sherman
Davis (IL)	Lofgren	Sisisky
DeFazio	Lowey	Skaggs
DeGette	Luther	Skelton
Delahunt	Maloney (CT)	Slaughter
DeLauro	Maloney (NY)	Snyder
Dellums	Manton	Spratt
Deutsch	Markey	Stabenow
Dicks	Martinez	Stark
Dingell	McCarthy (MO)	Stenholm
Dixon	McCarthy (NY)	Stokes
Doggett	McDermott	Strickland
Dooley	McGovern	Stupak
Edwards	McHale	Tauscher
Engel	McIntyre	Thompson
Eshoo	McNulty	Thurman
Etheridge	Meehan	Tierney
Evans	Meek	Torres
Farr	Menendez	Towns
Fattah	Millender-McDonald	Turner
Fazio	Miller (CA)	Velazquez
Flake	Minge	Vento
Foglietta	Mink	Visclosky
Ford	Mollohan	Waters
Frank (MA)	Moran (VA)	Waxman
Frost	Morella	Wexler
Furse	Nadler	Weygand
Gejdenson	Neal	Wise
Gephardt	Oberstar	Woolsey
Gonzalez	Obey	Wynn
Hall (OH)		Yates
Hall (TX)		

NOES—243

Abercrombie	Berry	Callahan
Aderholt	Bilbray	Camp
Archer	Bilirakis	Campbell
Armey	Bliley	Canady
Bachus	Blunt	Cannon
Baesler	Boehlert	Castle
Baker	Boehner	Chabot
Ballenger	Bonilla	Chambliss
Barcia	Bono	Chenoweth
Barr	Boswell	Christensen
Barrett (NE)	Brady	Clement
Bartlett	Bryant	Coble
Barton	Bunning	Coburn
Bass	Burr	Collins
Bateman	Burton	Combest
Bereuter	Buyer	Cook