

105TH CONGRESS
1ST SESSION

S. 10

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

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. HATCH (for himself, Mr. SESSIONS, Mr. ASHCROFT, Mr. DOMENICI, Mr. LOTT, Mr. ABRAHAM, Mr. ALLARD, Mr. BOND, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. ENZI, Mr. FAIRCLOTH, Mr. GORTON, Mr. GRAMS, Mr. GRASSLEY, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mr. KYL, Mr. MURKOWSKI, Mr. ROBERTS, Mr. SMITH of New Hampshire, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, and Mr. MACK) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Violent and Repeat Juvenile Offender Act of 1997”.

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

★(Star Print)

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

TITLE I—JUVENILE JUSTICE REFORM

- Sec. 101. Repeal of general provision.
- Sec. 102. Treatment of Federal juvenile offenders.
- Sec. 103. Capital cases.
- Sec. 104. Definitions.
- Sec. 105. Notification after arrest.
- Sec. 106. Detention prior to disposition.
- Sec. 107. Speedy trial.
- Sec. 108. Dispositional hearings.
- Sec. 109. Use of juvenile records.
- Sec. 110. Incarceration of violent offenders.
- Sec. 111. Federal sentencing guidelines.

TITLE II—JUVENILE GANGS

- Sec. 201. Short title.
- Sec. 202. Increase in offense level for participation in crime as a gang member.
- Sec. 203. Amendment of title 18 with respect to criminal street gangs.
- Sec. 204. Interstate and foreign travel or transportation in aid of criminal street gangs.
- Sec. 205. Solicitation or recruitment of persons in criminal gang activity.
- Sec. 206. Crimes involving the recruitment of persons to participate in criminal street gangs and firearms offenses as RICO predicates.
- Sec. 207. Prohibitions relating to firearms.
- Sec. 208. Amendment of sentencing guidelines with respect to body armor.
- Sec. 209. Additional prosecutors.

TITLE III—JUVENILE CRIME CONTROL AND ACCOUNTABILITY

- Sec. 301. Findings; declaration of purpose; definitions.
- Sec. 302. Youth Crime Control and Accountability Block Grants.
- Sec. 303. Runaway and homeless youth.
- Sec. 304. Authorization of appropriations.
- Sec. 305. Repeal.
- Sec. 306. Transfer of functions and savings provisions.
- Sec. 307. Repeal of unnecessary and duplicative programs.
- Sec. 308. Civil monetary penalty surcharge.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

- 3 (1) at the outset of the twentieth century, the
- 4 States adopted 2 separate juvenile justice systems
- 5 for violent and nonviolent offenders;

1 (2) violent crimes committed by juveniles, such
2 as homicide, rape, and robbery, were an unknown
3 phenomenon at that time, but the rate at which ju-
4 veniles commit such crimes has escalated astronomi-
5 cally since that time;

6 (3) in 1994—

7 (A) the number of persons arrested overall
8 for murder in the United States decreased by
9 5.8 percent, but the number of persons who are
10 less than 15 years of age arrested for murder
11 increased by 4 percent; and

12 (B) the number of persons arrested for all
13 violent crimes increased by 1.3 percent, but the
14 number of persons who are less than 15 years
15 of age arrested for violent crimes increased by
16 9.2 percent, and the number of persons less
17 than 18 years of age arrested for such crimes
18 increased by 6.5 percent;

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

23 (5) the number of juvenile offenders is expected
24 to undergo a massive increase during the first 2 dec-
25 ades of the twenty-first century, culminating in an

1 unprecedented number of violent offenders who are
2 less than 18 years of age;

3 (6) the rehabilitative model of sentencing for ju-
4 veniles, which Congress rejected for adult offenders
5 when Congress enacted the Sentencing Reform Act
6 of 1984, is inadequate and inappropriate for dealing
7 with violent and repeat juvenile offenders;

8 (7) the Federal Government should encourage
9 the States to experiment with progressive solutions
10 to the escalating problem of juveniles who commit
11 violent crimes and who are repeat offenders, includ-
12 ing prosecuting all such offenders as adults, but
13 should not impose specific strategies or programs on
14 the States;

15 (8) an effective strategy for reducing violent ju-
16 venile crime requires greater collection of investiga-
17 tive data and other information, such as fingerprints
18 and DNA evidence, as well as greater sharing of
19 such information among Federal, State, and local
20 agencies, including the courts, in the law enforce-
21 ment and educational systems;

22 (9) data regarding violent juvenile offenders
23 must be made available to the adult criminal justice
24 system if recidivism by criminals is to be addressed
25 adequately;

1 (10) holding juvenile proceedings in secret de-
2 nies victims of crime the opportunity to attend and
3 be heard at such proceedings, helps juvenile offend-
4 ers to avoid accountability for their actions, and
5 shields juvenile proceedings from public scrutiny and
6 accountability;

7 (11) the injuries and losses suffered by the vic-
8 tims of violent crime are no less painful or devastat-
9 ing because the offender is a juvenile; and

10 (12) the investigation, prosecution, adjudica-
11 tion, and punishment of criminal offenses committed
12 by juveniles is, and should remain, primarily the re-
13 sponsibility of the States, to be carried out without
14 interference from the Federal Government.

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

16 (1) to reform juvenile law so that the para-
17 mount concerns of the juvenile justice system are
18 providing for the safety of the public and holding ju-
19 venile wrongdoers accountable for their actions,
20 while providing the wrongdoer a genuine opportunity
21 for self-reform;

22 (2) to revise the procedures in Federal court
23 that are applicable to the prosecution of juvenile of-
24 fenders;

1 (3) to address specifically the problem of violent
2 crime and controlled substance offenses committed
3 by youth gangs; and

4 (4) to encourage and promote, consistent with
5 the ideals of federalism, adoption of policies by the
6 States to ensure that the victims of crimes of vio-
7 lence committed by juveniles receive the same level
8 of justice as do victims of violent crimes that are
9 committed by adults.

10 **SEC. 3. SEVERABILITY.**

11 If any provision of this Act, an amendment made by
12 this Act, or the application of such provision or amend-
13 ment to any person or circumstance is held to be unconsti-
14 tutional, the remainder of this Act, the amendments made
15 by this Act, and the application of the provisions of such
16 to any person or circumstance shall not be affected there-
17 by.

18 **TITLE I—JUVENILE JUSTICE**
19 **REFORM**

20 **SEC. 101. REPEAL OF GENERAL PROVISION.**

21 (a) IN GENERAL.—Chapter 401 of title 18, United
22 States Code, is amended—

23 (1) by striking section 5001; and

24 (2) by redesignating section 5003 as section
25 5001.

1 (b) TECHNICAL AMENDMENTS.—The chapter analy-
2 sis for chapter 401 of title 18, United States Code, is
3 amended—

4 (1) by striking the item relating to section
5 5001; and

6 (2) by redesignating the item relating to section
7 5003 as 5001.

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

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

11 **“§ 5032. Delinquency proceedings in district courts;**
12 **juveniles tried as adults; transfer for**
13 **other criminal prosecution**

14 “(a) IN GENERAL.—A juvenile who is not less than
15 14 years of age and who is alleged to have committed an
16 act that, if committed by an adult, would be a criminal
17 offense, shall be tried in the appropriate district court of
18 the United States—

19 “(1) as an adult at the discretion of the United
20 States Attorney in the appropriate jurisdiction, upon
21 a finding by that United States Attorney, which
22 finding shall not be subject to review in or by any
23 court, trial or appellate, that there is a substantial

1 Federal interest in the case or the offense to war-
2 rant the exercise of Federal jurisdiction, if the juve-
3 nile is charged with a Federal offense that—

4 “(A) is a crime of violence (as that term
5 is defined in section 16); or

6 “(B) involves a controlled substance (as
7 that term is defined in section 102 of the Con-
8 trolled Substances Act (21 U.S.C. 802)) for
9 which the penalty is a term of imprisonment of
10 not less than 5 years; and

11 “(2) in all other cases, as a juvenile.

12 “(b) REFERRAL BY UNITED STATES ATTORNEY.—

13 “(1) IN GENERAL.—If the United States Attor-
14 ney in the appropriate jurisdiction declines prosecu-
15 tion of a charged offense under subsection (a)(2),
16 the United States Attorney may refer the matter to
17 the appropriate legal authorities of the State or In-
18 dian tribe.

19 “(2) DEFINITIONS.—In this section—

20 “(A) the term ‘State’ includes a State of
21 the United States, the District of Columbia,
22 and any commonwealth, territory, or possession
23 of the United States; and

1 “(B) the term ‘Indian tribe’ has the same
2 meaning as in section 4(e) of the Indian Self-
3 Determination and Education Assistance Act.

4 “(c) APPLICABLE PROCEDURES.—Any action pros-
5 ecuted in a district court of the United States under this
6 section—

7 “(1) shall proceed in the same manner as is re-
8 quired by this title and by the Federal Rules of
9 Criminal Procedure in proceedings against an adult
10 in the case of a juvenile who is being tried as an
11 adult in accordance with subsection (a); and

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

16 “(d) CAPITAL CASES.—Subject to section 3591, if a
17 juvenile is tried and sentenced as an adult, the juvenile
18 shall be subject to being sentenced to death on the same
19 terms and in accordance with the same procedures as an
20 adult.

21 “(e) APPLICATION OF LAWS.—In any case in which
22 a juvenile is prosecuted in a district court of the United
23 States as an adult, the juvenile shall be subject to the
24 same laws, rules, and proceedings regarding sentencing

1 that would be applicable in the case of an adult. No juve-
2 nile sentenced to a term of imprisonment shall be released
3 from custody simply because the juvenile reaches the age
4 of 18 years.

5 “(f) OPEN PROCEEDINGS.—

6 “(1) IN GENERAL.—Any offense tried in a dis-
7 trict court of the United States pursuant to this sec-
8 tion shall be open to the general public, in accord-
9 ance with rules 10, 26, 31(a), and 53 of the Federal
10 Rules of Criminal Procedure, unless good cause is
11 established by the moving party or is otherwise
12 found by the court, for closure.

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

17 “(g) AVAILABILITY OF RECORDS.—

18 “(1) IN GENERAL.—In making a determination
19 concerning the prosecution of a juvenile in a district
20 court of the United States under this section, sub-
21 ject to the requirements of section 5038, the United
22 States Attorney of the appropriate jurisdiction shall
23 have complete access to the prior Federal juvenile
24 records of the subject juvenile, and to the extent

1 permitted by State law, the prior State juvenile
2 records of the subject juvenile.

3 “(2) CONSIDERATION OF ENTIRE RECORD.—In
4 any case in which a juvenile is found guilty in an ac-
5 tion pursuant to this section, the district court re-
6 sponsible for imposing sentence shall have complete
7 access to the prior juvenile records of the subject ju-
8 venile, and, to the extent permitted under State law,
9 the prior State juvenile records of the subject juve-
10 nile. At sentencing, the district court shall consider
11 the entire available prior juvenile record of the sub-
12 ject juvenile.

13 “(3) RELEASE OF RECORDS.—The United
14 States Attorney may release such Federal records,
15 and, to the extent permitted by State law, such
16 State records, to law enforcement authorities of any
17 jurisdiction and to officials of any school, school dis-
18 trict, or postsecondary school at which the individual
19 who is the subject of the juvenile record is enrolled
20 or seeks, intends, or is instructed to enroll, if such
21 school officials are held liable to the same standards
22 and penalties to which law enforcement and juvenile
23 justice system employees are held liable under Fed-
24 eral and State law, for the handling and disclosure
25 of such information.”.

1 (b) TECHNICAL AMENDMENT.—The chapter analysis
 2 for chapter 403 of title 18, United States Code, is amend-
 3 ed by striking the item relating to section 5032 and insert-
 4 ing the following:

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

5 **SEC. 103. CAPITAL CASES.**

6 Section 3591 of title 18, United States Code, is
 7 amended by striking “18 years” each place that term ap-
 8 pears and inserting “16 years”.

9 **SEC. 104. DEFINITIONS.**

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

12 **“§ 5031. Definitions**

13 “In this chapter—

14 “(1) the term ‘juvenile’ means a person who is
 15 less than 18 years of age; and

16 “(2) the term ‘juvenile delinquency’ means the
 17 violation of a law of the United States committed by
 18 a juvenile that would be a crime if committed by an
 19 adult.”.

20 **SEC. 105. NOTIFICATION AFTER ARREST.**

21 Section 5033 of title 18, United States Code, is
 22 amended in the first sentence by striking “Attorney Gen-
 23 eral” and inserting “United States Attorney of the appro-
 24 priate jurisdiction”.

1 **SEC. 106. DETENTION PRIOR TO DISPOSITION.**

2 Section 5035 of title 18, United States Code, is
3 amended—

4 (1) by striking “A juvenile” and inserting the
5 following:

6 “(a) IN GENERAL.—A juvenile”; and

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

8 “(b) DETENTION OF CERTAIN JUVENILES.—Not-
9 withstanding subsection (a), a juvenile who is to be tried
10 as an adult pursuant to section 5032 shall be subject to
11 detention in accordance with chapter 203 in the same
12 manner and to the same extent as an adult would be sub-
13 ject to that chapter.”.

14 **SEC. 107. SPEEDY TRIAL.**

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

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

18 (2) by striking “the court,” and all that follows
19 through the end of the section and inserting “the
20 court. The periods of exclusion under section
21 3161(h) shall apply to this section.”.

22 **SEC. 108. DISPOSITIONAL HEARINGS.**

23 Section 5037 of title 18, United States Code, is
24 amended—

1 (1) in subsection (a), by striking “(a)” and all
2 that follows through “After the” and inserting the
3 following:

4 “(a) IN GENERAL.—

5 “(1) DISPOSITIONAL HEARING.—In any case in
6 which a juvenile is found to be a juvenile delinquent
7 in district court pursuant to section 5032, but is not
8 tried as an adult under that section, not later than
9 20 days after the hearing in which a finding of juve-
10 nile delinquency is made, the court shall hold a dis-
11 position hearing concerning the appropriate disposi-
12 tion unless the court has ordered further study pur-
13 suant to subsection (d).

14 “(2) ACTIONS OF COURT AFTER HEARING.—
15 After the”;

16 (2) in subsection (b), by striking “extend—”
17 and all that follows through “The provisions” and
18 inserting the following: “extend, in the case of a ju-
19 venile, beyond the maximum term that would be au-
20 thorized by section 3561(b), if the juvenile had been
21 tried and convicted as an adult. The provisions”;

22 (3) in subsection (c), by striking “extend—”
23 and all that follows through “Section 3624” and in-
24 serting the following: “extend beyond the maximum
25 term of imprisonment that would be authorized if

1 the juvenile had been tried and convicted as an
 2 adult. No juvenile sentenced to a term of imprison-
 3 ment shall be released from custody simply because
 4 the juvenile reaches the age of 18 years. Section
 5 3624”;

6 (4) by redesignating subsection (d) as sub-
 7 section (e); and

8 (5) by inserting after subsection (c) the follow-
 9 ing:

10 “(d) APPLICABILITY OF RESTITUTION PROVI-
 11 SIONS.—If a juvenile has been tried and convicted as an
 12 adult, or adjudicated delinquent for any offense in which
 13 the juvenile is otherwise tried pursuant to section 5032,
 14 the restitution provisions contained in this title (including
 15 sections 3663, 3663A, 2248, 2259, 2264, and 2327) and
 16 title 21 shall apply to that juvenile in the same manner
 17 and to the same extent as those provisions apply to
 18 adults.”.

19 **SEC. 109. USE OF JUVENILE RECORDS.**

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

22 (1) in subsection (a)—

23 (A) in paragraph (5), by striking “and” at
 24 the end;

1 (B) in paragraph (6), by striking the pe-
2 riod at the end and inserting “; and”;

3 (C) by inserting after paragraph (6) the
4 following:

5 “(7) inquiries from any school or other edu-
6 cational institution for the purpose of ensuring the
7 public safety and security at such institution.”; and

8 (D) by striking “Unless” and inserting the
9 following:

10 “(c) PROHIBITION ON RELEASE OF CERTAIN INFOR-
11 MATION.—Unless”;

12 (2) by redesignating subsections (b) and (c) as
13 subsections (d) and (e), respectively;

14 (3) by inserting immediately after subsection
15 (a) the following:

16 “(b) ACCESS BY UNITED STATES ATTORNEY.—Not-
17 withstanding subsection (a), in determining the appro-
18 priate disposition of a juvenile matter under section 5032,
19 the United States Attorney of the appropriate jurisdiction
20 shall have complete access to the official records of the
21 juvenile proceedings conducted under this title.”;

22 (4) by inserting after subsection (e), as redesign-
23 nated, the following:

24 “(f) RECORDS OF JUVENILES TRIED AS ADULTS.—
25 In any case in which a juvenile is tried as an adult, access

1 to the record of the offenses of the juvenile shall be made
2 available in the same manner as is applicable to adult de-
3 fendants.”;

4 (5) by striking “(d) Whenever” and all that fol-
5 lows through “adult defendants.” and inserting the
6 following:

7 “(g) FINGERPRINTS AND PHOTOGRAPHS.—Finger-
8 prints and photographs of a juvenile—

9 “(1) who is prosecuted as an adult, shall be
10 made available in the same manner as is applicable
11 to an adult defendant; and

12 “(2) who is not prosecuted as an adult, shall be
13 made available only as provided in subsection (a).”;

14 (6) by striking “(e) Unless,” and inserting the
15 following:

16 “(h) NO PUBLICATION OF NAME OR PICTURE.—Un-
17 less”;

18 (7) by striking “(f) Whenever” and inserting
19 the following:

20 “(i) INFORMATION TO FEDERAL BUREAU OF INVES-
21 TIGATION.—Whenever”; and

22 (8) in subsection (i), as redesignated—

23 (A) by striking “of committing an act”
24 and all that follows through “5032 of this title”
25 and inserting “by a district court of the United

1 States pursuant to section 5032 of committing
2 an act”; and

3 (B) by inserting “involved a juvenile tried
4 as an adult or” before “were juvenile adjudica-
5 tions”.

6 **SEC. 110. INCARCERATION OF VIOLENT OFFENDERS.**

7 Section 5039 of title 18, United States Code, is
8 amended—

9 (1) by designating the first 3 undesignated
10 paragraphs as subsections (a) through (c), respec-
11 tively; and

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

13 “(d) SEGREGATION OF JUVENILES CONVICTED OF
14 VIOLENT OFFENSES.—

15 “(1) DEFINITION.—In this subsection, the term
16 ‘crime of violence’ has the same meaning as in sec-
17 tion 16 of title 18, United States Code.

18 “(2) SEGREGATION.—The Director of the Bu-
19 reau of Prisons shall ensure that juveniles who are
20 alleged to be or determined to be delinquent are not
21 confined in any institution in which the juvenile has
22 regular sustained physical contact with adult persons
23 who are detained or confined.”.

1 **SEC. 111. FEDERAL SENTENCING GUIDELINES.**

2 Section 994(h) of title 28, United States Code, is
 3 amended by inserting “, or in which the defendant is a
 4 juvenile who is tried as an adult,” after “old or older”.

5 **TITLE II—JUVENILE GANGS**

6 **SEC. 201. SHORT TITLE.**

7 This title may be cited as the “Federal Gang Violence
 8 Act”.

9 **SEC. 202. INCREASE IN OFFENSE LEVEL FOR PARTICIPA-**
 10 **TION IN CRIME AS A GANG MEMBER.**

11 (a) DEFINITION.—In this section, the term “criminal
 12 street gang” has the same meaning as in section 521(a)
 13 of title 18, United States Code, as amended by section
 14 203 of this title.

15 (b) AMENDMENT OF SENTENCING GUIDELINES.—
 16 Pursuant to its authority under section 994(p) of title 28,
 17 United States Code, the United States Sentencing Com-
 18 mission shall amend the Federal sentencing guidelines to
 19 provide an appropriate enhancement, increasing the of-
 20 fense level by not less than 6 levels, for any offense, if
 21 the offense was both committed in connection with, or in
 22 furtherance of, the activities of a criminal street gang and
 23 the defendant was a member of the criminal street gang
 24 at the time of the offense.

25 (c) CONSTRUCTION WITH OTHER GUIDELINES.—
 26 The amendment made pursuant to subsection (b) shall

1 provide that the increase in the offense level shall be in
 2 addition to any other adjustment under chapter 3 of the
 3 Federal sentencing guidelines.

4 **SEC. 203. AMENDMENT OF TITLE 18 WITH RESPECT TO**
 5 **CRIMINAL STREET GANGS.**

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

8 (1) in subsection (a)—

9 (A) by striking “(a) DEFINITIONS.—” and
 10 inserting the following:

11 “(a) DEFINITIONS.—In this section:”, and

12 (B) by striking “‘conviction’ and all that
 13 follows through the end of the subsection and
 14 inserting the following:

15 “(1) CRIMINAL STREET GANG.—The term
 16 ‘criminal street gang’ means an ongoing group, club,
 17 organization, or association of 3 or more persons,
 18 whether formal or informal—

19 “(A) a primary activity of which is the
 20 commission of 1 or more predicate gang crimes;

21 “(B) any members of which engage, or
 22 have engaged during the 5-year period preced-
 23 ing the date in question, in a pattern of crimi-
 24 nal gang activity; and

1 “(C) the activities of which affect inter-
2 state or foreign commerce.

3 “(2) PATTERN OF CRIMINAL GANG ACTIVITY.—

4 The term ‘pattern of criminal gang activity’ means
5 the commission of 2 or more predicate gang crimes
6 committed in connection with, or in furtherance of,
7 the activities of a criminal street gang—

8 “(A) at least 1 of which was committed
9 after the date of enactment of the Federal
10 Gang Violence Act;

11 “(B) the first of which was committed not
12 more than 5 years before the commission of an-
13 other predicate gang crime; and

14 “(C) that were committed on separate oc-
15 casions.

16 “(3) PREDICATE GANG CRIME.—The term
17 ‘predicate gang crime’ means an offense, including
18 an act of juvenile delinquency that, if committed by
19 an adult, would be an offense that is—

20 “(A) a Federal offense—

21 “(i) that is a crime of violence (as
22 that term is defined in section 16) includ-
23 ing carjacking, drive-by-shooting, shooting
24 at an unoccupied dwelling or motor vehicle,

1 assault with a deadly weapon, and homi-
2 cide;

3 “(ii) that involves a controlled sub-
4 stance (as that term is defined in section
5 102 of the Controlled Substances Act (21
6 U.S.C. 802)) for which the penalty is im-
7 prisonment for not less than 5 years;

8 “(iii) that is a violation of section
9 844, section 875 or 876 (relating to extor-
10 tion and threats), section 1084 (relating to
11 gambling), section 1955 (relating to gam-
12 bling), chapter 44 (relating to firearms), or
13 chapter 73 (relating to obstruction of jus-
14 tice);

15 “(iv) that is a violation of section
16 1956 (relating to money laundering), inso-
17 far as the violation of such section is relat-
18 ed to a Federal or State offense involving
19 a controlled substance (as that term is de-
20 fined in section 102 of the Controlled Sub-
21 stances Act (21 U.S.C. 802)); or

22 “(v) that is a violation of section
23 274(a)(1)(A), 277, or 278 of the Immigra-
24 tion and Nationality Act (8 U.S.C.

1 1324(a)(1)(A), 1327, or 1328) (relating to
2 alien smuggling);

3 “(B) a State offense involving conduct that
4 would constitute an offense under subparagraph
5 (A) if Federal jurisdiction existed or had been
6 exercised; or

7 “(C) a conspiracy, attempt, or solicitation
8 to commit an offense described in subparagraph
9 (A) or (B).

10 “(4) STATE.—The term ‘State’ includes a State
11 of the United States, the District of Columbia, Puer-
12 to Rico, Guam, the Virgin Islands, and any other
13 territory of possession of the United States.”; and

14 (2) by striking subsections (b), (c), and (d) and
15 inserting the following:

16 “(b) CRIMINAL PENALTIES.—Any person who en-
17 gages in a pattern of criminal gang activity—

18 “(1) shall be sentenced to—

19 “(A) a term of imprisonment of not less
20 than 10 years and not more than life, fined in
21 accordance with this title, or both; and

22 “(B) the forfeiture prescribed in section
23 413 of the Controlled Substances Act (21
24 U.S.C. 853); and

1 “(2) if any person engages in such activity after
2 1 or more prior convictions under this section have
3 become final, shall be sentenced to—

4 “(A) a term of imprisonment of not less
5 than 20 years and not more than life, fined in
6 accordance with this title, or both; and

7 “(B) the forfeiture prescribed in section
8 412 of the Controlled Substances Act (21
9 U.S.C. 853).”.

10 (b) CONFORMING AMENDMENT.—Section 3663(c)(4)
11 of title 18, United States Code, is amended by inserting
12 before “chapter 46” the following: “section 521 of this
13 title.”.

14 **SEC. 204. INTERSTATE AND FOREIGN TRAVEL OR TRANS-**
15 **PORTATION IN AID OF CRIMINAL STREET**
16 **GANGS.**

17 (a) TRAVEL ACT AMENDMENTS.—

18 (1) PROHIBITED CONDUCT AND PENALTIES.—
19 Section 1952(a) of title 18, United States Code, is
20 amended to read as follows:

21 “(a) PROHIBITED CONDUCT AND PENALTIES.—

22 “(1) IN GENERAL.—Any person who—

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

1 “(i) distribute the proceeds of any un-
2 lawful activity; or

3 “(ii) otherwise promote, manage, es-
4 tablish, carry on, or facilitate the pro-
5 motion, management, establishment, or
6 carrying on, of any unlawful activity; and

7 “(B) after travel or use of the mail or any
8 facility in interstate or foreign commerce de-
9 scribed in subparagraph (A), performs, at-
10 tempts to perform, or conspires to perform an
11 act described in clause (i) or (ii) of subpara-
12 graph (A),

13 shall be fined under this title, imprisoned not more
14 than 10 years, or both.

15 “(2) CRIMES OF VIOLENCE.—Any person
16 who—

17 “(A) travels in interstate or foreign com-
18 merce or uses the mail or any facility in inter-
19 state or foreign commerce, with intent to com-
20 mit any crime of violence to further any unlaw-
21 ful activity; and

22 “(B) after travel or use of the mail or any
23 facility in interstate or foreign commerce de-
24 scribed in subparagraph (A), commits, attempts

1 to commit, or conspires to commit any crime of
2 violence to further any unlawful activity,
3 shall be fined under this title, imprisoned for not
4 more than 20 years, or both, and if death results
5 shall be sentenced to death or be imprisoned for any
6 term of years or for life.”.

7 (2) DEFINITIONS.—Section 1952(b) of title 18,
8 United States Code, is amended to read as follows:

9 “(b) DEFINITIONS.—In this section:

10 “(1) CONTROLLED SUBSTANCE.—The term
11 ‘controlled substance’ has the same meaning as in
12 section 102(6) of the Controlled Substances Act (21
13 U.S.C. 802(6)).

14 “(2) STATE.—The term ‘State’ includes a State
15 of the United States, the District of Columbia, and
16 any commonwealth, territory, or possession of the
17 United States.

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

20 “(A) predicate gang crime (as that term is
21 defined in section 521);

22 “(B) any business enterprise involving
23 gambling, liquor on which the Federal excise
24 tax has not been paid, narcotics or controlled
25 substances, or prostitution offenses in violation

1 of the laws of the State in which the offense is
2 committed or of the United States;

3 “(C) extortion, bribery, arson, robbery,
4 burglary, assault with a deadly weapon, retalia-
5 tion against or intimidation of witnesses, vic-
6 tims, jurors, or informants, assault resulting in
7 bodily injury, possession of or trafficking in sto-
8 len property, illegally trafficking in firearms,
9 kidnapping, alien smuggling, or shooting at an
10 occupied dwelling or motor vehicle, in each case,
11 in violation of the laws of the State in which
12 the offense is committed or of the United
13 States; or

14 “(D) any act that is indictable under sec-
15 tion 1956 or 1957 of this title or under sub-
16 chapter II of chapter 53 of title 31.”.

17 (b) AMENDMENT OF SENTENCING GUIDELINES.—

18 (1) IN GENERAL.—Pursuant to its authority
19 under section 994(p) of title 28, United States Code,
20 the United States Sentencing Commission shall
21 amend chapter 2 of the Federal sentencing guide-
22 lines so that—

23 (A) the base offense level for traveling in
24 interstate or foreign commerce in aid of a

1 criminal street gang or other unlawful activity
2 is increased to 12; and

3 (B) the base offense level for the commis-
4 sion of a crime of violence in aid of a criminal
5 street gang or other unlawful activity is in-
6 creased to 24.

7 (2) DEFINITIONS.—In this subsection—

8 (A) the term “crime of violence” has the
9 same meaning as in section 16 of title 18, Unit-
10 ed States Code;

11 (B) the term “criminal street gang” has
12 the same meaning as in 521(a) of title 18,
13 United States Code, as amended by section 203
14 of this title; and

15 (C) the term “unlawful activity” has the
16 same meaning as in section 1952(b) of title 18,
17 United States Code, as amended by this sec-
18 tion.

19 **SEC. 205. SOLICITATION OR RECRUITMENT OF PERSONS IN**
20 **CRIMINAL GANG ACTIVITY.**

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

1 **“§ 522. Recruitment of persons to participate in**
2 **criminal street gang activity**

3 “(a) PROHIBITED ACT.—It shall be unlawful for any
4 person to—

5 “(1) use any facility in, or travel in, interstate
6 or foreign commerce, or cause another to do so, to
7 recruit, solicit, request, induce, counsel, command,
8 or cause another person to be a member of a crimi-
9 nal street gang, or conspire to do so; or

10 “(2) recruit, solicit, request, induce, counsel,
11 command, or cause another person to engage in a
12 predicate gang crime for which such person may be
13 prosecuted in a court of the United States, or con-
14 spire to do so.

15 “(b) PENALTIES.—A person who violates subsection
16 (a) shall—

17 “(1) if the person recruited—

18 “(A) is a minor, be imprisoned for a term
19 of not less than 4 years and not more than 10
20 years, fined in accordance with this title, or
21 both; or

22 “(B) is not a minor, be imprisoned for a
23 term of not less than 1 year and not more than
24 10 years, fined in accordance with this title, or
25 both; and

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

5 “(c) DEFINITIONS.—In this section—

6 “(1) the terms ‘criminal street gang’ and ‘pred-
7 icate gang crime’ have the same meanings as in sec-
8 tion 521; and

9 “(2) the term ‘minor’ means a person who is
10 younger than 18 years of age.”.

11 (b) SENTENCING GUIDELINES.—Pursuant to its au-
12 thority under section 994(p) of title 28, United States
13 Code, the United States Sentencing Commission shall
14 amend chapter 2 of the Federal sentencing guidelines to
15 provide an appropriate enhancement for any offense in-
16 volving the recruitment of a minor to participate in a gang
17 activity.

18 (c) TECHNICAL AMENDMENT.—The chapter analysis
19 for chapter 26 of title 18, United States Code, is amended
20 by adding at the end the following:

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

1 **SEC. 206. CRIMES INVOLVING THE RECRUITMENT OF PER-**
 2 **SONS TO PARTICIPATE IN CRIMINAL STREET**
 3 **GANGS AND FIREARMS OFFENSES AS RICO**
 4 **PREDICATES.**

5 Section 1961(1) of title 18, United States Code, is
 6 amended—

7 (1) by striking “or” before “(F)”;

8 (2) by inserting before the semicolon at the end
 9 the following: “, (G) an offense under section 522 of
 10 this title, or (H) an act or conspiracy to commit any
 11 violation of chapter 44 of this title (relating to fire-
 12 arms)”.

13 **SEC. 207. PROHIBITIONS RELATING TO FIREARMS.**

14 (a) **PENALTIES.**—Section 924(a)(6) of title 18, Unit-
 15 ed States Code, is amended—

16 (1) by striking subparagraph (A);

17 (2) by redesignating subparagraph (B) as sub-
 18 paragraph (A);

19 (3) in subparagraph (A), as redesignated—

20 (A) by striking “(B) A person other than
 21 a juvenile who knowingly” and inserting “(A) A
 22 person who knowingly”;

23 (B) in clause (i), by striking “not more
 24 than 1 year” and inserting “not less than 1
 25 year and not more than 5 years”; and

1 (C) in clause (ii), by inserting “not less
2 than 1 year and” after “imprisoned”; and

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

4 “(B) Notwithstanding subparagraph (A), no
5 mandatory minimum sentence shall apply to a juve-
6 nile who is less than 13 years of age.”.

7 (b) SERIOUS JUVENILE DRUG OFFENSES AS ARMED
8 CAREER CRIMINAL PREDICATES.—Section 924(e)(2)(A)
9 of title 18, United States Code, is amended—

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

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

12 and

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

14 “(iii) any act of juvenile delinquency that
15 if committed by an adult would be an offense
16 described in clause (i) or (ii);”.

17 (c) TRANSFER OF FIREARMS TO MINORS FOR USE
18 IN CRIME.—Section 924(h) of title 18, United States
19 Code, is amended by striking “10 years, fined in accord-
20 ance with this title, or both” and inserting “10 years, and
21 if the transferee is a person who is under 18 years of age,
22 imprisoned for a term of not less than 3 years, fined in
23 accordance with this title, or both”.

1 **SEC. 208. AMENDMENT OF SENTENCING GUIDELINES WITH**
2 **RESPECT TO BODY ARMOR.**

3 (a) DEFINITIONS.—In this section—

4 (1) the term “body armor” means any product
5 sold or offered for sale as personal protective body
6 covering intended to protect against gunfire, regard-
7 less of whether the product is to be worn alone or
8 is sold as a complement to another product or gar-
9 ment; and

10 (2) the term “law enforcement officer” means
11 any officer, agent, or employee of the United States,
12 a State, or a political subdivision of a State, author-
13 ized by law or by a government agency to engage in
14 or supervise the prevention, detection, investigation,
15 or prosecution of any violation of criminal law.

16 (b) SENTENCING ENHANCEMENT.—The United
17 States Sentencing Commission shall amend the Federal
18 sentencing guidelines to provide an appropriate sentencing
19 enhancement, increasing the offense level not less than 2
20 levels, for any crime in which the defendant used body
21 armor.

22 (c) APPLICABILITY.—No Federal sentencing guide-
23 line amendment made pursuant to this section shall apply

1 if the Federal crime in which the body armor is used con-
 2 stitutes a violation of, attempted violation of, or conspir-
 3 acy to violate the civil rights of a person by a law enforce-
 4 ment officer acting under color of the authority of such
 5 law enforcement officer.

6 **SEC. 209. ADDITIONAL PROSECUTORS.**

7 There are authorized to be appropriated \$20,000,000
 8 for each of the fiscal years 1998, 1999, 2000, 2001, and
 9 2002 for the hiring of Assistant United States Attorneys
 10 and attorneys in the Criminal Division of the Department
 11 of Justice to prosecute juvenile criminal street gangs (as
 12 that term is defined in section 521(a) of title 18, United
 13 States Code, as amended by section 203 of this title).

14 **TITLE III—JUVENILE CRIME**
 15 **CONTROL AND ACCOUNT-**
 16 **ABILITY**

17 **SEC. 301. FINDINGS; DECLARATION OF PURPOSE; DEFINI-**
 18 **TIONS.**

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

22 **“TITLE I—FINDINGS AND**
 23 **DECLARATION OF PURPOSE**

24 **“SEC. 101. FINDINGS.**

25 “Congress makes the following findings:

1 “(1) During the past several years, the United
2 States has experienced an alarming increase in ar-
3 rests of adolescents for murder, assault, and weap-
4 ons offenses.

5 “(2) In 1994, juveniles accounted for 1 in 5 ar-
6 rests for violent crimes, including murder, robbery,
7 aggravated assault, and rape, including 514 such ar-
8 rests per 100,000 juveniles 10 through 17 years of
9 age.

10 “(3) Understaffed, overcrowded juvenile courts,
11 prosecutorial and public defender offices, probation
12 services, and correctional facilities no longer ade-
13 quately address the changing nature of juvenile
14 crime, protect the public, and correct youth offend-
15 ers.

16 “(4) The juvenile justice system has proven in-
17 adequate to meet the needs of society, because insuf-
18 ficient sanctions are imposed on serious youth of-
19 fenders and the needs of children, who may be at
20 risk of becoming delinquents.

21 “(5) Existing programs and policies have not
22 adequately responded to the particular threat of
23 drugs, alcohol abuse, violence, and gangs pose to the
24 youth of the Nation.

1 “(6) Demographic increases projected in the
2 number of youth offenders require reexamination of
3 the prosecution and incarceration policies for serious
4 violent youth offenders.

5 “(7) State and local communities that experi-
6 ence directly the devastating failures of the juvenile
7 justice system require assistance to deal comprehen-
8 sively with the problems of juvenile delinquency.

9 “(8) Existing Federal programs have not pro-
10 vided the States with necessary flexibility, and have
11 not provided coordination, resources, and leadership
12 required to meet the crisis of youth violence.

13 “(9) Overlapping and uncoordinated Federal
14 programs have created a multitude of Federal fund-
15 ing streams to State and local governments, that
16 have become a barrier to effective program coordina-
17 tion, responsive public safety initiatives, and the pro-
18 vision of comprehensive services for children and
19 youth.

20 “(10) Violent crime by juveniles constitutes a
21 growing threat to the national welfare that requires
22 an immediate and comprehensive governmental re-
23 sponse, combining flexibility and coordinated evalua-
24 tion.

1 “(11) Limited State and local resources are
2 being wasted complying with the unnecessary Fed-
3 eral mandate that status offenders be deinstitu-
4 tionalized. Some communities believe that curfews
5 are appropriate for juveniles, and those communities
6 should not be prohibited by the Federal Government
7 from using confinement for status offenses as a
8 means of dealing with delinquent behavior before it
9 becomes criminal conduct.

10 “(12) Limited State and local resources are
11 being wasted complying with the unnecessary Fed-
12 eral mandate that no juvenile be detained or con-
13 fined in any jail or lockup for adults, because it can
14 be feasible to separate adults and juveniles in 1 fa-
15 cility. This mandate is particularly burdensome for
16 rural communities.

17 “(13) The role of the Federal Government
18 should be to encourage and empower communities to
19 develop and implement policies to protect adequately
20 the public from serious juvenile crime as well as
21 comprehensive programs to reduce risk factors and
22 prevent juvenile delinquency.

23 “(14) A strong partnership among law enforce-
24 ment, local government, juvenile and family courts,
25 schools, businesses, philanthropic organizations,

1 families, and the religious community, can create a
2 community environment that supports the youth of
3 the Nation in reaching their highest potential and
4 reduces the destructive trend of juvenile crime.

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

6 “(a) IN GENERAL.—The purposes of this Act are—

7 “(1) to protect the public and to hold juveniles
8 accountable for their acts;

9 “(2) to empower States and communities to de-
10 velop and implement comprehensive programs that
11 support families and reduce risk factors and prevent
12 serious youth crime and juvenile delinquency;

13 “(3) to provide for the thorough and ongoing
14 evaluation of all federally funded programs address-
15 ing juvenile crime and delinquency;

16 “(4) to provide technical assistance to public
17 and private nonprofit entities that protect public
18 safety, administer justice and corrections to delin-
19 quent youth, or provide services to youth at risk of
20 delinquency, and their families;

21 “(5) to establish a centralized research effort on
22 the problems of youth crime and juvenile delin-
23 quency, including the dissemination of the findings
24 of such research and all related data;

1 “(6) to establish a Federal assistance program
2 to deal with the problems of runaway and homeless
3 youth;

4 “(7) to assist State and local governments in
5 improving the administration of justice for juveniles;

6 “(8) to assist the State and local governments
7 in reducing the level of youth violence;

8 “(9) to assist State and local governments in
9 promoting public safety by supporting juvenile delin-
10 quency prevention and control activities;

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

14 “(11) to assist State and local governments in
15 promoting public safety by encouraging accountabil-
16 ity through the imposition of meaningful sanctions
17 for acts of juvenile delinquency;

18 “(12) to assist State and local governments in
19 promoting public safety by improving the extent, ac-
20 curacy, availability and usefulness of juvenile court
21 and law enforcement records and the openness of
22 the juvenile justice system;

1 “(13) to assist State and local governments in
2 promoting public safety by encouraging the identi-
3 fication of violent and hardcore juveniles and trans-
4 ferring such juveniles out of the jurisdiction of the
5 juvenile justice system and into the jurisdiction of
6 adult criminal court;

7 “(14) to assist State and local governments in
8 promoting public safety by providing resources to
9 States to build or expand juvenile detention facili-
10 ties;

11 “(15) to provide for the evaluation of federally
12 assisted juvenile crime control programs, and train-
13 ing necessary for the establishment and operation of
14 such programs;

15 “(16) to ensure the dissemination of informa-
16 tion regarding juvenile crime control programs by
17 providing a national clearinghouse; and

18 “(17) to provide technical assistance to public
19 and private nonprofit juvenile justice and delin-
20 quency prevention programs.

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

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

1 “(2) to improve the quality of juvenile justice in
2 the United States.

3 **“SEC. 103. DEFINITIONS.**

4 “In this Act:

5 “(1) ADMINISTRATOR.—The term ‘Adminis-
6 trator’ means the Administrator of the Office of Ju-
7 venile Crime Control and Accountability.

8 “(2) CONSTRUCTION.—The term ‘construction’
9 means acquisition, expansion, remodeling, and alter-
10 ation of existing buildings, and initial equipment of
11 any such buildings, or any combination of such ac-
12 tivities (including architects’ fees but not the cost of
13 acquisition of land for buildings).

14 “(3) JUVENILE POPULATION.—The term ‘juve-
15 nile population’ means the population of a State
16 under 18 years of age.

17 “(4) OFFICE.—The term ‘Office’ means the Of-
18 fice of Juvenile Crime Control and Accountability es-
19 tablished under section 201.

20 “(5) OUTCOME OBJECTIVE.—The term ‘out-
21 come objective’ means an objective that relates to
22 the impact of a program or initiative, that measures
23 the reduction of high risk behaviors, such as inci-
24 dence of arrest, the commission of criminal acts or
25 acts of delinquency, failure in school, violence, the

1 use of alcohol or illegal drugs, involvement of youth
2 gangs, and teenage pregnancy, among youth in the
3 community.

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

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

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

17 “(7) STATE.—The term ‘State’ means any
18 State of the United States, the District of Columbia,
19 the Commonwealth of Puerto Rico, the Trust Terri-
20 tory of the Pacific Islands, the Virgin Islands,
21 Guam, American Samoa, and the Commonwealth of
22 the Northern Mariana Islands.

23 “(8) STATE OFFICE.—The term ‘State office’
24 means an office designated by the chief executive of-
25 ficer of a State to carry out this title, as provided

1 in section 507 of the Omnibus Crime Control and
2 Safe Streets Act of 1968 (42 U.S.C. 3757).

3 “(9) TREATMENT.—The term ‘treatment’ in-
4 cludes medical and other rehabilitative services de-
5 signed to protect the public, including any services
6 designed to benefit addicts and other users by—

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

9 “(B) controlling their dependence and sus-
10 ceptibility to addiction or use.

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

14 **SEC. 302. YOUTH CRIME CONTROL AND ACCOUNTABILITY**
15 **BLOCK GRANTS.**

16 (a) OFFICE OF JUVENILE CRIME CONTROL AND AC-
17 COUNTABILITY.—Section 201 of the Juvenile Justice and
18 Delinquency Prevention Act of 1974 (42 U.S.C. 5611) is
19 amended—

20 (1) in subsection (a), by striking “Office of Ju-
21 venile Justice and Delinquency Prevention” and in-
22 serting “Office of Juvenile Crime Control and Ac-
23 countability”; and

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

25 “(d) DELEGATION AND ASSIGNMENT.—

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

4 “(A) delegate any of the functions of the
5 Administrator, and any function transferred or
6 granted to the Administrator after the date of
7 enactment of this Act, to such officers and em-
8 ployees of the Office as the Administrator may
9 designate; and

10 “(B) authorize successive redelegations of
11 such functions as may be necessary or appro-
12 priate.

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

18 “(e) REORGANIZATION.—The Administrator may al-
19 locate or reallocate any function transferred among the
20 officers of the Office, and establish, consolidate, alter, or
21 discontinue such organizational entities in that Office as
22 may be necessary or appropriate.”.

23 (b) NATIONAL PROGRAM.—Section 204 of the Juve-
24 nile Justice and Delinquency Prevention Act of 1974 (42
25 U.S.C. 5614) is amended to read as follows:

1 **“SEC. 204. NATIONAL PROGRAM.**

2 “(a) NATIONAL JUVENILE CRIME CONTROL AND JU-
3 VENILE OFFENDER ACCOUNTABILITY PLAN.—

4 “(1) IN GENERAL.—The Administrator shall
5 develop objectives, priorities, and short- and long-
6 term plans, and shall implement overall policy and
7 a strategy to carry out such plan, for all Federal ju-
8 venile crime control and juvenile offender account-
9 ability programs and activities relating to improving
10 juvenile crime control and the enhancement of ac-
11 countability by offenders within the juvenile justice
12 system in the United States.

13 “(2) CONTENTS OF PLANS.—

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

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

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

9 “(iii) provide a detailed summary and
10 analysis of the most recent data available
11 regarding the number of juveniles taken
12 into custody, the rate at which juveniles
13 are taken into custody, and the trends
14 demonstrated by such data.

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

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

24 “(vi) provide for the coordination of
25 Federal, State, and local initiatives for the

1 reduction of youth crime and ensuring ac-
2 countability for juvenile offenders.

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

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

14 “(ii) the ages of the juveniles;

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

21 “(iv) the number of juveniles who died
22 while in custody and the circumstances
23 under which each juvenile died.

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

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

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

5 “(C) not later than March 1 of each year,
6 present the plans to the Committees on the Ju-
7 diciary of the Senate and the House of Rep-
8 resentatives.

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

11 “(1) advise the President through the Attorney
12 General as to all matters relating to federally as-
13 sisted juvenile crime control and juvenile offender
14 accountability programs, and Federal policies re-
15 garding juvenile crime and justice, including policies
16 relating to juveniles prosecuted or adjudicated in the
17 Federal courts;

18 “(2) implement and coordinate Federal juvenile
19 crime control and juvenile offender accountability
20 programs and activities among Federal departments
21 and agencies and between such programs and activi-
22 ties and other Federal programs and activities that

1 the Administrator determines may have an impor-
2 tant bearing on the success of the entire national ju-
3 venile crime control and juvenile offender account-
4 ability effort;

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

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

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

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

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

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

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

11 “(c) NATIONAL JUVENILE CRIME CONTROL AND JU-
12 VENILE OFFENDER ACCOUNTABILITY BUDGET.—

13 “(1) IN GENERAL.—The Administrator shall—

14 “(A) develop for each fiscal year, with the
15 advice of the program managers of departments
16 and agencies with responsibilities for any Fed-
17 eral juvenile crime control or juvenile offender
18 accountability program, a consolidated National
19 Juvenile Crime Control and Juvenile Offender
20 Accountability Plan budget proposal to imple-
21 ment the National Juvenile Crime Control and
22 Juvenile Offender Accountability Plan; and

23 “(B) transmit such budget proposal to the
24 President and to Congress.

1 “(2) SUBMISSION OF JUVENILE OFFENDER AC-
2 COUNTABILITY BUDGET REQUEST.—

3 “(A) IN GENERAL.—Each Federal Govern-
4 ment program manager, agency head, and de-
5 partment head with responsibility for any Fed-
6 eral juvenile crime control or juvenile offender
7 accountability program shall submit the juvenile
8 crime control and juvenile offender accountabil-
9 ity budget request of the program, agency, or
10 department to the Administrator at the same
11 time as such request is submitted to their supe-
12 riors (and before submission to the Office of
13 Management and Budget) in the preparation of
14 the budget of the President submitted to Con-
15 gress under section 1105(a) of title 31, United
16 States Code.

17 “(B) TIMELY DEVELOPMENT AND SUBMIS-
18 SION.—The head of each department or agency
19 with responsibility for a Federal juvenile crime
20 control or juvenile offender accountability pro-
21 gram shall ensure timely development and sub-
22 mission to the Administrator of juvenile crime
23 control and juvenile offender accountability
24 budget requests transmitted pursuant to this

1 subsection, in such format as may be des-
2 ignated by the Administrator with the concur-
3 rence of the Administrator of the Office of
4 Management and Budget.

5 “(3) REVIEW AND CERTIFICATION.—The Ad-
6 ministrator shall—

7 “(A) review each juvenile crime control and
8 juvenile offender accountability budget request
9 transmitted to the Administrator under para-
10 graph (2);

11 “(B) certify in writing as to the adequacy
12 of such request in whole or in part to imple-
13 ment the objectives of the National Juvenile
14 Crime Control and Juvenile Offender Account-
15 ability Plan for the year for which the request
16 is submitted and, with respect to a request that
17 is not certified as adequate to implement the
18 objectives of the National Juvenile Crime Con-
19 trol and Juvenile Offender Accountability Plan,
20 include in the certification an initiative or fund-
21 ing level that would make the request adequate;
22 and

1 “(C) notify the program manager, agency
2 head, or department head, as applicable, re-
3 garding the certification of the Administrator
4 under subparagraph (B).

5 “(4) RECORDKEEPING REQUIREMENT.—The
6 Administrator shall maintain records regarding cer-
7 tifications under paragraph (3)(B).

8 “(5) FUNDING REQUESTS.—The Administrator
9 shall request the head of a department or agency to
10 include in the budget submission of the department
11 or agency to the Office of Management and Budget,
12 funding requests for specific initiatives that are con-
13 sistent with the priorities of the President for the
14 National Juvenile Crime Control and Juvenile Of-
15 fender Accountability Plan and certifications made
16 pursuant to paragraph (3), and the head of the de-
17 partment or agency shall comply with such a re-
18 quest.

19 “(6) REPROGRAMMING AND TRANSFER RE-
20 QUESTS.—

21 “(A) IN GENERAL.—No department or
22 agency with responsibility for a Federal juvenile
23 crime control or juvenile offender accountability
24 program shall submit to Congress a reprogram-
25 ming or transfer request with respect to any

1 amount of appropriated amounts greater than
2 \$5,000,000 that is included in the National Ju-
3 venile Crime Control and Juvenile Offender Ac-
4 countability Plan budget unless such request
5 has been approved by the Administrator.

6 “(B) APPEAL TO PRESIDENT.—The head
7 of any department or agency with responsibility
8 for a Federal juvenile crime control or juvenile
9 offender accountability program may appeal to
10 the President any disapproval by the Adminis-
11 trator of a reprogramming or transfer request.

12 “(7) QUARTERLY REPORTS.—The Adminis-
13 trator shall report to Congress on a quarterly basis
14 regarding the need for any reprogramming or trans-
15 fer of appropriated amounts for National Juvenile
16 Crime Control and Juvenile Offender Accountability
17 Plan activities.

18 “(d) INFORMATION, REPORTS, STUDIES, AND SUR-
19 VEYS FROM OTHER AGENCIES.—The Administrator may
20 require, through appropriate authority, Federal depart-
21 ments and agencies engaged in any activity involving any
22 Federal juvenile crime control and juvenile offender ac-
23 countability program to provide the Administrator with
24 such information and reports, and to conduct such studies

1 and surveys, as the Administrator determines to be nec-
2 essary to carry out the purposes of this title.

3 “(e) UTILIZATION OF SERVICES AND FACILITIES OF
4 OTHER AGENCIES; REIMBURSEMENT.—The Adminis-
5 trator may utilize the services and facilities of any agency
6 of the Federal Government and of any other public agency
7 or institution in accordance with appropriate agreements,
8 and to pay for such services either in advance or by way
9 of reimbursement as may be agreed upon.

10 “(f) COORDINATION OF FUNCTIONS OF ADMINIS-
11 TRATOR AND SECRETARY OF HEALTH AND HUMAN SERV-
12 ICES.—All functions of the Administrator under title shall
13 be coordinated as appropriate with the functions of the
14 Secretary of Health and Human Services under title III.

15 “(g) ANNUAL JUVENILE DELINQUENCY DEVELOP-
16 MENT STATEMENTS.—

17 “(1) IN GENERAL.—The Administrator shall re-
18 quire through appropriate authority each Federal
19 agency that administers a Federal juvenile crime
20 control and juvenile offender accountability program
21 to submit annually to the Office a juvenile crime
22 control and juvenile offender accountability develop-
23 ment statement. Such statement shall be in addition
24 to any information, report, study, or survey that the
25 Administrator may require under subsection (d).

1 “(2) CONTENTS.—Each development statement
2 submitted to the Administrator under paragraph (1)
3 shall contain such information, data, and analyses as
4 the Administrator may require. Such analyses shall
5 include an analysis of the extent to which the pro-
6 gram of the Federal agency submitting such develop-
7 ment statement conforms with and furthers Federal
8 juvenile crime control and juvenile offender account-
9 ability prevention and treatment goals and policies.

10 “(3) REVIEW AND COMMENT.—

11 “(A) IN GENERAL.—The Administrator
12 shall review and comment upon each juvenile
13 crime control and juvenile offender accountabil-
14 ity development statement transmitted to the
15 Administrator under paragraph (1).

16 “(B) INCLUSION IN OTHER DOCUMENTA-
17 TION.—Such development statement, together
18 with the comments of the Administrator, shall
19 be included by the Federal agency involved in
20 every recommendation or request made by such
21 agency for Federal legislation that significantly
22 affects juvenile crime control and juvenile of-
23 fender accountability.

24 “(h) JUVENILE CRIME CONTROL AND JUVENILE OF-
25 FENDER ACCOUNTABILITY INCENTIVE BLOCK GRANTS.—

1 “(1) IN GENERAL.—The Administrator shall
2 make, subject to the availability of appropriations,
3 grants to States to assist them in planning, estab-
4 lishing, operating, coordinating, and evaluating
5 projects, directly or through grants and contracts
6 with public and private agencies, for the develop-
7 ment of more effective investigation, prosecution,
8 and punishment (including the imposition of grad-
9 uated sanctions) of crimes or acts of delinquency
10 committed by juveniles, programs to improve the ad-
11 ministration of justice for and ensure accountability
12 by juvenile offenders, and programs to reduce the
13 risk factors (such as truancy, drug or alcohol use,
14 and gang involvement) associated with juvenile crime
15 or delinquency.

16 “(2) USE OF GRANTS.—Grants under this title
17 may be used—

18 “(A) for programs to enhance the identi-
19 fication, investigation, prosecution, and punish-
20 ment of juvenile offenders, such as—

21 “(i) the utilization of graduated sanc-
22 tions;

23 “(ii) the utilization of short-term con-
24 finement of juveniles who are charged with
25 or who are convicted of—

1 “(I) a crime of violence (as that
2 term is defined in section 16 of title
3 18, United States Code);

4 “(II) an offense involving a con-
5 trolled substance (as that term is de-
6 fined in section 102 of the Controlled
7 Substances Act (21 U.S.C. 802);

8 “(III) an offense involving pos-
9 session of a firearm (as that term is
10 defined in section 921(a) of title 18,
11 United States Code); or

12 “(IV) an offense involving posses-
13 sion of a destructive device (as that
14 term is defined in section 921(a) of
15 title 18, United States Code); and

16 “(iii) the incarceration of violent juve-
17 nile offenders for extended periods of time
18 (including up to the length of adult sen-
19 tences);

20 “(B) for programs that provide restitution
21 to the victims of crimes committed by juveniles;

22 “(C) for programs that require juvenile of-
23 fenders to attend and successfully complete
24 school or vocational training;

1 “(D) for programs that require juvenile of-
2 fenders who are parents to demonstrate paren-
3 tal responsibility by working and paying child
4 support;

5 “(E) for programs that seek to curb or
6 punish truancy;

7 “(F) for programs designed to collect,
8 record, and disseminate information useful in
9 the identification, prosecution, and sentencing
10 of offenders, such as criminal history informa-
11 tion, fingerprints, and DNA tests;

12 “(G) for programs that provide that, when-
13 ever a juvenile who is not less than 14 years of
14 age is adjudicated delinquent, as defined by
15 Federal or State law in a juvenile delinquency
16 proceeding for conduct that, if committed by an
17 adult, would constitute a felony under Federal
18 or State law, the State shall ensure that a
19 record is kept relating to the adjudication that
20 is—

21 “(i) equivalent to the record that
22 would be kept of an adult conviction for
23 such an offense;

1 “(ii) retained for a period of time that
2 is equal to the period of time that records
3 are kept for adult convictions;

4 “(iii) made available to law enforce-
5 ment agencies of any jurisdiction; and

6 “(iv) made available to officials of a
7 school, school district, or postsecondary
8 school where the individual who is the sub-
9 ject of the juvenile record seeks, intends,
10 or is instructed to enroll, and that such of-
11 ficials are held liable to the same stand-
12 ards and penalties that law enforcement
13 and juvenile justice system employees are
14 held liable to, under Federal and State
15 law, for handling and disclosing such infor-
16 mation;

17 “(H) for juvenile crime control and preven-
18 tion programs (such as curfews, youth organi-
19 zations, antidrug programs, antigang programs,
20 and after school activities) that include a rigor-
21 ous, comprehensive evaluation component that
22 measures the decrease in risk factors associated
23 with the juvenile crime and delinquency and
24 employs scientifically valid standards and meth-
25 odologies;

1 “(I) for the development and implementa-
2 tion of coordinated multijurisdictional or multi-
3 agency programs for the identification, control,
4 supervision, prevention, investigation, and treat-
5 ment of the most serious juvenile offenses and
6 offenders, sometimes known as a ‘SHOCAP
7 Program’ (Serious Habitual Offenders Com-
8 prehensive Action Program); or

9 “(J) for the development and implementa-
10 tion of coordinated multijurisdictional or multi-
11 agency programs for the identification, control,
12 supervision, prevention, investigation, and dis-
13 ruption of youth gangs.

14 “(3) REQUIREMENTS.—To be eligible to receive
15 a grant under this title, a State shall make reason-
16 able efforts, as certified by the Governor, to ensure
17 that, not later than July 1, 2000—

18 “(A) juveniles age 14 and older can be
19 prosecuted under State law as adults, as a mat-
20 ter of law or prosecutorial discretion for a crime
21 of violence (as that term is defined in section
22 16 of title 18, United States Code) such as
23 murder or armed robbery, an offense involving
24 a controlled substance (as defined in section
25 102 of the Controlled Substances Act (21

1 U.S.C. 802)), or the unlawful possession of a
2 firearm (as that term is defined in section
3 921(a) of title 18, United States Code) or a de-
4 structive device (as that term is defined in sec-
5 tion 921(a) of title 18, United States Code);

6 “(B) the State has in place a system of
7 graduated sanctions for juvenile offenders;

8 “(C) the State has in place a juvenile court
9 system that treats juvenile offenders uniformly
10 throughout the State;

11 “(D) the State collects, records, and dis-
12 seminate information useful in the identifica-
13 tion, prosecution, and sentencing of offenders,
14 such as criminal history information, finger-
15 prints, and DNA tests (if taken), to other Fed-
16 eral, State, and local law enforcement agencies;

17 “(E) the State ensures that religious orga-
18 nizations can participate in rehabilitative pro-
19 grams designed to purposes authorized by this
20 title; and

21 “(F) the State shall not detain or confine
22 juveniles who are alleged to be or determined to
23 be delinquent in any institution in which the ju-
24 venile has regular sustained physical contact

1 with adult persons who are detained or con-
2 fined.

3 “(i) DISTRIBUTION BY STATE OFFICES TO ELIGIBLE
4 APPLICANTS.—

5 “(1) IN GENERAL.—Of amounts made available
6 to the State, not more than 20 percent shall be used
7 for programs pursuant to paragraph (2)(ii).

8 “(2) ELIGIBLE APPLICANTS.—Entities eligible
9 to receive amounts distributed by the State office
10 under this title are—

11 “(A) a unit of local government;

12 “(B) local police or sheriff’s departments;

13 “(C) State or local prosecutor’s offices;

14 “(D) State or local courts responsible for
15 the administration of justice in cases involving
16 juvenile offenders;

17 “(E) schools;

18 “(F) nonprofit, educational, religious, or
19 community groups active in crime prevention or
20 drug use prevention and treatment; or

21 “(G) any combination of the entities de-
22 scribed in subparagraphs (A) through (F).

23 “(j) APPLICATION TO STATE OFFICE.—

24 “(1) IN GENERAL.—To be eligible to receive
25 amounts from the State office, the applicant shall

1 prepare and submit to the State office an application
2 in written form that—

3 “(A) describes the types of activities and
4 services for which the amount will be provided;

5 “(B) includes information indicating the
6 extent to which the activities and services
7 achieve the purposes of the title;

8 “(C) provide for the evaluation component
9 required by subsection (b)(2), which evaluation
10 shall be conducted by an independent entity;
11 and

12 “(D) provides any other information that
13 the State office may require.

14 “(2) PRIORITY.—In approving applications
15 under this subsection, the State office should give
16 priority to those applicants demonstrating coordina-
17 tion with, consolidation of, or expansion of existing
18 State or local juvenile crime control and juvenile of-
19 fender accountability programs.

20 “(k) FUNDING PERIOD.—The State office may award
21 such a grant for a period of not more than 3 years.

22 “(l) RENEWAL OF GRANTS.—The State office may
23 renew grants made under this title. After the initial grant

1 period, in determining whether to renew a grant to an en-
 2 tity to carry out activities, the State office shall give sub-
 3 stantial weight to the effectiveness of the activities in
 4 achieving reductions in crimes committed by juveniles and
 5 in improving the administration of justice to juvenile of-
 6 fenders.

7 “(m) SPECIAL GRANTS.—Of amounts made available
 8 under this title in any fiscal year, the Administrator may
 9 use—

10 “(1) not more than 7 percent for grants for re-
 11 search and evaluation;

12 “(2) not more than 3 percent for grants to In-
 13 dian tribes for purposes authorized by this title; and

14 “(3) not more than 5 percent for salaries and
 15 expenses of the Office related to administering this
 16 title.”.

17 (c) REPEALS; ADMINISTRATIVE PROVISIONS.—Title
 18 II of the Juvenile Justice and Delinquency Prevention Act
 19 of 1974 (42 U.S.C. 5611 et seq.) is amended—

20 (1) by striking sections 206 and 207 and insert-
 21 ing the following:

22 **“SEC. 206. ALLOCATION OF GRANTS AND AUTHORIZATION**
 23 **OF APPROPRIATIONS.—**

24 “(a) ALLOCATION OF GRANT AMOUNTS.—

1 “(1) IN GENERAL.—Amounts made available
2 under section 204(h) or part B shall be allocated to
3 the States as follows:

4 “(A) 0.25 percent shall be allocated to
5 each State; and

6 “(B) of the total amount remaining after
7 the allocation under subparagraph (A), there
8 shall be allocated to each State an amount that
9 bears the same ratio to the amount of remain-
10 ing funds described in this paragraph as the ju-
11 venile population of such State bears to the ju-
12 venile population of all the States.

13 “(2) EXCEPTIONS.—The amount allocated to
14 the Virgin Islands of the United States, Guam,
15 American Samoa, the Trust Territory of the Pacific
16 Islands, and the Commonwealth of the Northern
17 Mariana Islands shall be not less than \$75,000 and
18 not more than \$100,000.

19 “(3) REALLOCATION PROHIBITED.—Any
20 amounts appropriated but not allocated due to the
21 ineligibility or nonparticipation of any State shall
22 not be reallocated, but shall revert to the Treasury
23 at the end of the fiscal year for which they were ap-
24 propriated.

1 “(4) RESTRICTIONS ON THE USE OF
2 AMOUNTS.—

3 “(A) EXPERIMENTATION ON INDIVID-
4 UALS.—

5 “(i) IN GENERAL.—No amounts made
6 available to carry out this title may be
7 used for any biomedical or behavior control
8 experimentation on individuals or any re-
9 search involving such experimentation.

10 “(ii) DEFINITION OF ‘BEHAVIOR CON-
11 TROL’.—In this subparagraph, the term
12 ‘behavior control’—

13 “(I) means any experimentation
14 or research employing methods that—

15 “(aa) involve a substantial
16 risk of physical or psychological
17 harm to the individual subject;
18 and

19 “(bb) are intended to modify
20 or alter criminal and other anti-
21 social behavior, including aversive
22 conditioning therapy, drug ther-
23 apy, chemotherapy (except as
24 part of routine clinical care),

1 physical therapy of mental dis-
2 orders, electroconvulsive therapy,
3 or physical punishment; and

4 “(II) does not include a limited
5 class of programs generally recognized
6 as involving no such risk, including
7 methadone maintenance and certain
8 alcohol treatment programs, psycho-
9 logical counseling, parent training, be-
10 havior contracting, survival skills
11 training, restitution, or community
12 service, if safeguards are established
13 for the informed consent of subjects
14 (including parents or guardians of mi-
15 nors).

16 “(B) PROHIBITION AGAINST USE OF
17 AMOUNTS IN CONSTRUCTION.—No amount
18 made available to any public or private agency,
19 or institution or to any individual under this
20 title (either directly or through a State office)
21 may be used for construction, except for minor
22 renovations or additions to an existing struc-
23 ture.

24 “(C) JOB TRAINING.—No amount made
25 available under this title may be used to carry

1 out a youth employment program to provide
2 subsidized employment opportunities, job train-
3 ing activities, or school-to-work activities for
4 participants.

5 “(D) LOBBYING.—

6 “(i) IN GENERAL.—Except as pro-
7 vided in clause (ii), no amount made avail-
8 able under this title to any public or pri-
9 vate agency, organization, or institution or
10 to any individual shall be used to pay for
11 any personal service, advertisement, tele-
12 gram, telephone communication, letter,
13 printed or written matter, or other device
14 intended or designed to influence a Mem-
15 ber of Congress or any other Federal,
16 State, or local elected official to favor or
17 oppose any Act, bill, resolution, or other
18 legislation, or any referendum, initiative,
19 constitutional amendment, or any other
20 procedure of Congress, any State legisla-
21 ture, any local council, or any similar gov-
22 erning body.

23 “(ii) EXCEPTION.—This subpara-
24 graph does not preclude the use of
25 amounts made available under this title in

1 connection with communications to Fed-
2 eral, State, or local elected officials, upon
3 the request of such officials through proper
4 official channels, pertaining to authoriza-
5 tion, appropriation, or oversight measures
6 directly affecting the operation of the pro-
7 gram involved.

8 “(E) LEGAL ACTION.—No amounts made
9 available under this title to any public or pri-
10 vate agency, organization, institution, or to any
11 individual, shall be used in any way directly or
12 indirectly to file an action or otherwise take any
13 legal action against any Federal, State, or local
14 agency, institution, or employee.

15 “(F) RELIGIOUS ORGANIZATIONS.—

16 “(i) IN GENERAL.—The purpose of
17 this subparagraph is to allow State and
18 local governments to contract with reli-
19 gious organizations, or to allow religious
20 organizations to accept certificates, vouch-
21 ers, or other forms of disbursement under
22 any program described in this title, on the
23 same basis as any other nongovernmental
24 provider without impairing the religious

1 character of such organizations, and with-
2 out diminishing the religious freedom of
3 beneficiaries of assistance funded under
4 such program.

5 “(ii) NONDISCRIMINATION AGAINST
6 RELIGIOUS ORGANIZATIONS.—A State or
7 local government exercising its authority to
8 distribute grants to applicants under this
9 title shall ensure that religious organiza-
10 tions are eligible, on the same basis as any
11 other private organization, as contractors
12 to provide assistance, or to accept certifi-
13 cates, vouchers, or other forms of disburse-
14 ment, under any program described in this
15 title, so long as the programs are imple-
16 mented consistent with the Establishment
17 Clause of the United States Constitution.
18 Except as provided in clause (x), neither
19 the Federal Government nor a State re-
20 ceiving funds under such programs shall
21 discriminate against an organization which
22 is or applies to be a contractor to provide
23 assistance, or which is or applies to be a
24 contractor to provide assistance, or which
25 accepts certificates, vouchers, or other

1 forms of disbursement, on the basis that
2 the organization has a religious character.

3 “(iii) RELIGIOUS CHARACTER AND
4 FREEDOM.—

5 “(I) RELIGIOUS ORGANIZA-
6 TIONS.—A religious organization that
7 participates in a program authorized
8 by this title shall retain its independ-
9 ence from Federal, State, and local
10 governments, including such organiza-
11 tion’s control over the definition, de-
12 velopment, practice, and expression of
13 its religious beliefs.

14 “(II) ADDITIONAL SAFE-
15 GUARDS.—Neither the Federal Gov-
16 ernment nor a State shall require a
17 religious organization to—

18 “(aa) alter its form of inter-
19 nal governance; or

20 “(bb) remove religious art,
21 icons, scripture, or other symbols;

1 in order to be eligible to contract to
2 provide assistance, or to accept certifi-
3 cates, vouchers, or other forms of dis-
4 bursements, funded under a program
5 described in this title.

6 “(iv) RIGHTS OF BENEFICIARIES OF
7 ASSISTANCE.—If juvenile offender has an
8 objection to the religious character of the
9 organization or institution from which the
10 juvenile offender receives, or would receive,
11 assistance funded under any program de-
12 scribed in this title, the State in which the
13 individual resides shall provide such indi-
14 vidual (if otherwise eligible for such assist-
15 ance) within a reasonable period of time
16 after the date of such objection with assist-
17 ance from an alternative provider.

18 “(v) EMPLOYMENT PRACTICES.—A re-
19 ligious organization’s exemption provided
20 under section 702 of the Civil Rights Act
21 of 1964 (42 U.S.C. 2000e–1a) regarding
22 employment practices shall not be affected
23 by its participation in, or receipt of funds
24 from, programs described in this title.

1 “(vi) NONDISCRIMINATION AGAINST
2 BENEFICIARIES.—Except as otherwise pro-
3 vided in law, a religious organization shall
4 not discriminate against an individual in
5 regard to rendering assistance funded
6 under any program described in this title
7 on the basis of religion, a religious belief,
8 or refusal to actively participate in a reli-
9 gious practice.

10 “(vii) FISCAL ACCOUNTABILITY.—

11 “(I) IN GENERAL.—Subject to
12 subclause (II), any religious organiza-
13 tion contracting to provide assistance
14 funded under any program described
15 in clause (i)(II) shall be subject to the
16 same regulations as other contractors
17 to account in accord with generally
18 accepted auditing principles for the
19 use of such funds provided under such
20 programs.

21 “(II) LIMITED AUDIT.—If such
22 organization segregates Federal funds
23 provided under such programs into

1 separate accounts, then only the fi-
2 nancial assistance provided with such
3 funds shall be subject to audit.

4 “(viii) COMPLIANCE.—Any party
5 which seeks to enforce its rights under this
6 subparagraph may assert a civil action for
7 injunctive relief exclusively in an appro-
8 priate State court against the entity or
9 agency that allegedly commits such viola-
10 tion.

11 “(ix) LIMITATIONS ON USE OF FUNDS
12 FOR CERTAIN PURPOSES.—No funds pro-
13 vided directly to institutions or organiza-
14 tions to provide services and administer
15 programs under this title shall be expended
16 for sectarian worship, instruction, or pros-
17 elytization.

18 “(x) PREEMPTION.—Nothing in this
19 subparagraph shall be construed to pre-
20 empt any provision of a State constitution
21 or State statute that prohibits or restricts
22 the expenditure of State funds in or by re-
23 ligious organizations.

24 “(5) PENALTIES.—

1 “(A) IN GENERAL.—If any amounts are
2 used for the purposes prohibited in either sub-
3 paragraph (D) or (E) of paragraph (4)—

4 “(i) all funding for the agency, orga-
5 nization, institution, or individual at issue
6 shall be immediately discontinued; and

7 “(ii) the agency, organization, institu-
8 tion, or individual using amounts for the
9 purpose prohibited in subparagraph (D) or
10 (E) of paragraph (4) shall be liable for re-
11 imbursement of all amounts granted to the
12 individual or entity for the fiscal year for
13 which the amounts were granted.

14 “(B) LIABILITY FOR EXPENSES AND DAM-
15 AGES.—In relation to a violation of paragraph
16 (4)(E), the individual filing the lawsuit or re-
17 sponsible for taking the legal action against the
18 Federal, State, or local agency or institution, or
19 individual working for the Government, shall be
20 individually liable for all legal expenses and any
21 other expenses of the government agency, insti-
22 tution, or individual working for the Govern-
23 ment, including damages assessed by the jury
24 against the Government agency, institution, or

1 individual working for the government, and any
2 punitive damages.

3 “(b) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) IN GENERAL.—There are authorized to be
5 appropriated to carry out this title—

6 “(A) \$650,000,000 for fiscal year 1998;

7 “(B) \$650,000,000 for fiscal year 1999;

8 “(C) \$650,000,000 for fiscal year 2000;

9 “(D) \$650,000,000 for fiscal year 2001;

10 and

11 “(E) \$650,000,000 for fiscal year 2002.

12 “(2) ALLOCATION OF APPROPRIATIONS.—Of
13 amounts authorized to be appropriated under para-
14 graph (1) in each fiscal year—

15 “(A) \$500,000,000 shall be for programs
16 under section 204(h); and

17 “(B) \$150,000,000 shall be for programs
18 under part B.

19 “(3) AVAILABILITY OF FUNDS.—Amounts made
20 available pursuant to this subsection, and allocated
21 pursuant to paragraph (1) in any fiscal year shall
22 remain available until expended.

1 **“SEC. 207. ADMINISTRATIVE PROVISIONS.**

2 “(a) **AUTHORITY OF ADMINISTRATOR.**—The Office
3 shall be administered by the Administrator under the gen-
4 eral authority of the Attorney General.

5 “(b) **APPLICABILITY OF CERTAIN CRIME CONTROL**
6 **PROVISIONS.**—Sections 809(e), 811(a), 811(b), 811(c),
7 812(a), 812(b), and 812(d) of the Omnibus Crime Control
8 and Safe Streets Act of 1968 (42 U.S.C. 3789d(e),
9 3789f(a), 3789f(b), 3789f(c), 3789g(a), 3789g(b),
10 3789g(d)) shall apply with respect to the administration
11 of and compliance with this Act, except that for purposes
12 of this Act—

13 “(1) any reference to the Office of Justice Pro-
14 grams in such sections shall be considered to be a
15 reference to the Assistant Attorney General who
16 heads the Office of Justice Programs; and

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

20 “(c) **APPLICABILITY OF CERTAIN OTHER CRIME**
21 **CONTROL PROVISIONS.**—Sections 801(a), 801(c), and 806
22 of the Omnibus Crime Control and Safe Streets Act of
23 1968 (42 U.S.C. 3711(a), 3711(c), and 3787) shall apply
24 with respect to the administration of and compliance with
25 this Act, except that, for purposes of this Act—

1 “(1) any reference to the Attorney General, the
2 Assistant Attorney General who heads the Office of
3 Justice Programs, the Director of the National In-
4 stitute of Justice, the Director of the Bureau of Jus-
5 tice Statistics, or the Director of the Bureau of Jus-
6 tice Assistance shall be considered to be a reference
7 to the Administrator;

8 “(2) any reference to the Office of Justice Pro-
9 grams, the Bureau of Justice Assistance, the Na-
10 tional Institute of Justice, or the Bureau of Justice
11 Statistics shall be considered to be a reference to the
12 Office of Juvenile Justice and Delinquency Preven-
13 tion; and

14 “(3) the term ‘this title’ as it appears in such
15 sections shall be considered to be a reference to this
16 Act.

17 “(d) RULES, REGULATIONS, AND PROCEDURES.—
18 The Administrator may, after appropriate consultation
19 with representatives of States and units of local govern-
20 ment, establish such rules, regulations, and procedures as
21 are necessary for the exercise of the functions of the Office
22 and as are consistent with the purpose of this Act.

23 “(e) WITHHOLDING.—The Administrator shall initi-
24 ate such proceedings as the Administrator determines to

1 be appropriate if the Administrator, after giving reason-
 2 able notice and opportunity for hearing to a recipient of
 3 financial assistance under this title, finds that—

4 “(1) the program or activity for which the
 5 grant or contract involved was made has been so
 6 changed that the program or activity no longer com-
 7 plies with this title; or

8 “(2) in the operation of such program or activ-
 9 ity there is failure to comply substantially with any
 10 provision of this title.”;

11 (2) in part B—

12 (A) in section 221(b)—

13 (i) in paragraph (1)—

14 (I) by striking “section 223” and
 15 inserting “section 222”; and

16 (II) by striking “section 223(c)”
 17 and inserting “section 222(c)”; and

18 (ii) in paragraph (2), by striking “sec-
 19 tion 299(c)(1)” and inserting “section
 20 222(a)(1)”; and

21 (B) by striking sections 222 and 223 and
 22 inserting the following:

23 **“SEC. 222. STATE PLANS.**

24 “(a) IN GENERAL.—In order to receive formula
 25 grants under this part, a State shall submit a plan for

1 carrying out its purposes applicable to a 3-year period.
2 The State shall submit annual performance reports to the
3 Administrator which shall describe progress in implement-
4 ing programs contained in the original plan, and shall de-
5 scribe the status of compliance with State plan require-
6 ments. In accordance with regulations which the Adminis-
7 trator shall prescribe, such plan shall—

8 “(1) designate a State agency as the sole agen-
9 cy for supervising the preparation and administra-
10 tion of the plan;

11 “(2) contain satisfactory evidence that the
12 State agency designated in accordance with para-
13 graph (1) has or will have authority, by legislation
14 if necessary, to implement such plan in conformity
15 with this part;

16 “(3) provide for the active consultation with
17 and participation of units of general local govern-
18 ment or combinations thereof in the development of
19 a State plan which adequately takes into account the
20 needs and requests of local governments, except that
21 nothing in the plan requirements, or any regulations
22 promulgated to carry out such requirements, shall be
23 construed to prohibit or impede the State from mak-
24 ing grants to, or entering into contracts with, local
25 private agencies, including religious organizations;

1 “(4) provide that the chief executive officer of
2 the unit of general local government shall assign re-
3 sponsibility for the preparation and administration
4 of the local government’s part of a State plan, or for
5 the supervision of the preparation and administra-
6 tion of the local government’s part of the State plan,
7 to that agency within the local government’s struc-
8 ture or to a regional planning agency (in this part
9 referred to as the ‘local agency’) which can most ef-
10 fectively carry out the purposes of this part and
11 shall provide for supervision of the programs funded
12 under this part by that local agency;

13 “(5)(A) provide for—

14 “(i) an analysis of juvenile crime problems
15 (including the joining of gangs that commit
16 crimes) and juvenile justice and delinquency
17 prevention needs (including educational needs)
18 within the relevant jurisdiction (including any
19 geographical area in which an Indian tribe per-
20 forms law enforcement functions), a description
21 of the services to be provided, and a description
22 of performance goals and priorities, including a
23 specific statement of the manner in which pro-
24 grams are expected to meet the identified juve-
25 nile crime problems (including the joining of

1 gangs that commit crimes) and juvenile justice
2 and delinquency prevention needs (including
3 educational needs) of the jurisdiction;

4 “(ii) an indication of the manner in which
5 the programs relate to other similar State or
6 local programs which are intended to address
7 the same or similar problems; and

8 “(iii) a plan for the concentration of State
9 efforts which shall coordinate all State juvenile
10 delinquency programs with respect to overall
11 policy and development of objectives and prior-
12 ities for all State juvenile delinquency programs
13 and activities, including provision for regular
14 meetings of State officials with responsibility in
15 the area of juvenile justice and delinquency pre-
16 vention;

17 “(B) contain—

18 “(i) an analysis of services for the preven-
19 tion and treatment of juvenile delinquency in
20 rural areas, including the need for such serv-
21 ices, the types of such services available in rural
22 areas, and geographically unique barriers to
23 providing such services; and

1 “(ii) a plan for providing needed services
2 for the prevention and treatment of juvenile de-
3 linquency in rural areas; and

4 “(C) contain—

5 “(i) an analysis of mental health services
6 available to juveniles in the juvenile justice sys-
7 tem (including an assessment of the appro-
8 priateness of the particular placements of juve-
9 niles in order to receive such services) and of
10 barriers to access to such services; and

11 “(ii) a plan for providing needed mental
12 health services to juveniles in the juvenile jus-
13 tice system;

14 “(6) provide for the active consultation with
15 and participation of private agencies in the develop-
16 ment and execution of the State plan; and provide
17 for coordination and maximum utilization of existing
18 juvenile delinquency programs and other related pro-
19 grams, such as education, special education, recre-
20 ation, health, and welfare within the State;

21 “(7) provide for the development of an adequate
22 research, training, and evaluation capacity within
23 the State;

24 “(8) provide that not less than 75 percent of
25 the funds made available to the State pursuant to

1 grants under section 221, whether expended directly
2 by the State, by the unit of general local govern-
3 ment, or by a combination thereof, or through
4 grants and contracts with public or private nonprofit
5 agencies, shall be used for—

6 “(A) community-based alternatives (includ-
7 ing home-based alternatives) to incarceration
8 and institutionalization, specifically—

9 “(i) for youth who can remain at
10 home with assistance, home probation and
11 programs providing professional supervised
12 group activities or individualized mentoring
13 relationships with adults that involve the
14 family and provide counseling and other
15 supportive services;

16 “(ii) for youth who need temporary
17 placement, crisis intervention, shelter, and
18 after-care; and

19 “(iii) for youth who need residential
20 placement, a continuum of foster care or
21 group home alternatives that provide ac-
22 cess to a comprehensive array of services;

23 “(B) community-based programs and serv-
24 ices to work with—

1 “(i) parents and other family mem-
2 bers to strengthen families, including par-
3 ent self-help groups, so that juveniles may
4 be retained in their homes;

5 “(ii) juveniles during their incarcer-
6 ation, and with their families, to ensure
7 the safe return of such juveniles to their
8 homes and to strengthen the families; and

9 “(iii) parents with limited-English
10 speaking ability, particularly in areas
11 where there is a large population of fami-
12 lies with limited-English speaking ability;

13 “(C) comprehensive juvenile justice and de-
14 linquency prevention programs that meet the
15 needs of youth through the collaboration of the
16 many local systems before which a youth may
17 appear, including schools, courts, law enforce-
18 ment agencies, child protection agencies, mental
19 health agencies, welfare services, health care
20 agencies, and private nonprofit agencies offer-
21 ing youth services;

22 “(D) projects designed to develop and im-
23 plement programs stressing advocacy activities
24 aimed at improving services for and protecting

1 the rights of youth affected by the juvenile jus-
2 tice system;

3 “(E) educational programs or supportive
4 services for delinquent or other juveniles, pro-
5 vided equitably regardless of sex, race, or family
6 income, designed to—

7 “(i) encourage juveniles to remain in
8 elementary and secondary schools or in al-
9 ternative learning situations, including—

10 “(I) education in settings that
11 promote experiential, individualized
12 learning and exploration of academic
13 and career options;

14 “(II) assistance in making the
15 transition to the world of work and
16 self-sufficiency;

17 “(III) alternatives to suspension
18 and expulsion; and

19 “(IV) programs to counsel delin-
20 quent juveniles and other juveniles re-
21 garding the opportunities that edu-
22 cation provides; and

23 “(ii) enhance coordination with the
24 local schools that such juveniles would oth-
25 erwise attend, to ensure that—

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

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

9 “(F) expanded use of home probation and
10 recruitment and training of home probation of-
11 ficers, other professional and paraprofessional
12 personnel, and volunteers to work effectively to
13 allow youth to remain at home with their fami-
14 lies as an alternative to incarceration or institu-
15 tionalization;

16 “(G) youth-initiated outreach programs de-
17 signed to assist youth (including youth with
18 limited proficiency in English) who otherwise
19 would not be reached by traditional youth as-
20 sistance programs;

21 “(H) programs designed to develop and
22 implement projects relating to juvenile delin-
23 quency and learning disabilities, including on-
24 the-job training programs to assist community
25 services, law enforcement, and juvenile justice

1 personnel to more effectively recognize and pro-
2 vide for learning disabled and other handi-
3 capped youth;

4 “(I) projects designed both to deter in-
5 volvement in illegal activities and to promote in-
6 volvement in lawful activities on the part of
7 gangs whose membership is substantially com-
8 posed of youth;

9 “(J) programs and projects designed to
10 provide for the treatment of youths’ dependence
11 on or abuse of alcohol or other addictive or non-
12 addictive drugs;

13 “(K) law-related education programs (and
14 projects) for delinquent and at-risk youth de-
15 signed to prevent juvenile delinquency;

16 “(L) programs for positive youth develop-
17 ment that assist delinquent and other at-risk
18 youth in obtaining—

19 “(i) a sense of safety and structure;

20 “(ii) a sense of belonging and mem-
21 bership;

22 “(iii) a sense of self-worth and social
23 contribution;

24 “(iv) a sense of independence and con-
25 trol over one’s life;

1 “(v) a sense of closeness in inter-
2 personal relationships; and

3 “(vi) a sense of competence and mas-
4 tery including health and physical com-
5 petence, personal and social competence,
6 cognitive and creative competence, voca-
7 tional competence, and citizenship com-
8 petence, including ethics and participation;

9 “(M) programs that, in recognition of
10 varying degrees of the seriousness of delinquent
11 behavior and the corresponding gradations in
12 the responses of the juvenile justice system in
13 response to that behavior, are designed to—

14 “(i) encourage courts to develop and
15 implement a continuum of post-adjudica-
16 tion restraints that bridge the gap between
17 traditional probation and confinement in a
18 correctional setting (including expanded
19 use of probation, mediation, restitution,
20 community service, treatment, home deten-
21 tion, intensive supervision, electronic mon-
22 itoring, boot camps and similar programs,
23 and secure community-based treatment fa-
24 cilities linked to other support services
25 such as health, mental health, education

1 (remedial and special), job training, and
2 recreation); and

3 “(ii) assist in the provision by the Ad-
4 ministrator of information and technical
5 assistance, including technology transfer,
6 to States in the design and utilization of
7 risk assessment mechanisms to aid juvenile
8 justice personnel in determining appro-
9 priate sanctions for delinquent behavior;

10 “(N) programs designed to prevent and re-
11 duce hate crimes committed by juveniles, in-
12 cluding educational programs and sentencing
13 programs designed specifically for juveniles who
14 commit hate crimes and that provide alter-
15 natives to incarceration; and

16 “(O) programs (including referral to lit-
17 eracy programs and social service programs) to
18 assist families with limited-English speaking
19 ability that include delinquent juveniles to over-
20 come language and cultural barriers that may
21 prevent the complete treatment of such juve-
22 niles and the preservation of their families;

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

1 “(10) provide that the State shall not detain or
2 confine juveniles who are alleged to be or determined
3 to be delinquent in any institution in which the juve-
4 nile has regular sustained physical contact with
5 adult persons who are detained or confined;

6 “(11) provide for an adequate system of mon-
7 itoring jails, detention facilities, correctional facili-
8 ties, and nonsecure facilities to ensure that the re-
9 quirements of paragraph (10) are met, and for an-
10 nual reporting of the results of such monitoring to
11 the Administrator, except that such reporting re-
12 quirements shall not apply in the case of a State
13 which is in compliance with the other requirements
14 of this paragraph, which is in compliance with the
15 requirements in paragraph (10), and which has en-
16 acted legislation which conforms to such require-
17 ments and which contains, in the opinion of the Ad-
18 ministrator, sufficient enforcement mechanisms to
19 ensure that such legislation will be administered ef-
20 fectively;

21 “(12) provide assurance that youth in the juve-
22 nile justice system are treated equitably on the basis
23 of gender, race, family income, and mentally, emo-
24 tionally, or physically handicapping conditions;

1 “(13) provide assurance that consideration will
2 be given to and that assistance will be available for
3 approaches designed to strengthen the families of
4 delinquent and other youth to prevent juvenile delin-
5 quency (which approaches should include the involve-
6 ment of grandparents or other extended family
7 members when possible and appropriate and the pro-
8 vision of family counseling during the incarceration
9 of juvenile family members and coordination of fam-
10 ily services when appropriate and feasible);

11 “(14) provide for procedures to be established
12 for protecting the rights of recipients of services and
13 for assuring appropriate privacy with regard to
14 records relating to such services provided to any in-
15 dividual under the State plan;

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

20 “(16) provide reasonable assurances that Fed-
21 eral funds made available under this part for any pe-
22 riod shall be so used as to supplement and increase
23 (but not supplant) the level of the State, local, and
24 other non-Federal funds that would in the absence

1 of such Federal funds be made available for the pro-
2 grams described in this part, and shall in no event
3 replace such State, local, and other non-Federal
4 funds; and

5 “(17) provide that the State agency designated
6 under paragraph (1) will from time to time, but not
7 less often than annually, review its plan and submit
8 to the Administrator an analysis and evaluation of
9 the effectiveness of the programs and activities car-
10 ried out under the plan, and any modifications in
11 the plan, including the survey of State and local
12 needs, which it considers necessary.

13 “(b) APPROVAL BY STATE AGENCY.—The State
14 agency designated under subsection (a)(1) shall approve
15 the State plan and any modification thereof prior to sub-
16 mission to the Administrator.

17 “(c) APPROVAL BY ADMINISTRATOR; COMPLIANCE
18 WITH STATUTORY REQUIREMENTS.—

19 “(1) IN GENERAL.—The Administrator shall
20 approve any State plan and any modification thereof
21 that meets the requirements of this section.

22 “(2) REDUCED ALLOCATIONS.—If a State fails
23 to comply with any requirement of subsection
24 (a)(10) in any fiscal year beginning after January 1,

1 1998, the State shall be ineligible to receive any allo-
 2 cation under that section for such fiscal year un-
 3 less—

4 “(A) the State agrees to expend all the re-
 5 maining funds the State receives under this
 6 part for that fiscal year only to achieve compli-
 7 ance with such paragraph; or

8 “(B) the Administrator determines, in the
 9 discretion of the Administrator, that the
 10 State—

11 “(i) has achieved substantial compli-
 12 ance with such paragraph; and

13 “(ii) has made, through appropriate
 14 executive or legislative action, an unequivocal
 15 commitment to achieving full compli-
 16 ance within a reasonable time.”; and

17 (3) by striking parts C, D, E, F, G, and H, and
 18 each part designated as part I.

19 **SEC. 303. RUNAWAY AND HOMELESS YOUTH.**

20 Section 385 of the Juvenile Justice and Delinquency
 21 Prevention Act of 1974 (42 U.S.C. 5751) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1), by striking “1993
 24 and such sums as may be necessary for fiscal
 25 years 1994, 1995, and 1996” and inserting

1 “1998 and such sums as may be necessary for
2 fiscal years 1999, 2000, 2001, and 2002”; and

3 (B) by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

6 (2) in subsection (b), by striking “1993 and such sums as may be necessary for fiscal years 1994, 1995, and 1996” and inserting “1998 and such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002”; and

11 (3) in subsection (c), by striking “1993, 1994, 1995, and 1996” and inserting “1998, 1999, 2000, 2001, and 2002”.

14 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

15 Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.) is amended—

18 (1) in section 403, by striking paragraph (2) and inserting the following:

20 “(2) the term ‘Administrator’ means the Administrator of the Office of Juvenile Crime Control and Accountability.”;

23 (2) by striking section 404; and

1 (5) the term “function” means any duty, obli-
2 gation, power, authority, responsibility, right, privi-
3 lege, activity, or program;

4 (6) the term “Office of Juvenile Crime Control
5 and Accountability” means the office established by
6 operation of subsection (b);

7 (7) the term “Office of Juvenile Justice and
8 Delinquency Prevention” means the Office of Juve-
9 nile Justice and Delinquency Prevention within the
10 Department of Justice, established by section 201 of
11 the Juvenile Justice and Delinquency Prevention Act
12 of 1974, as in effect on the day before the date of
13 enactment of this Act; and

14 (8) the term “office” includes any office, ad-
15 ministration, agency, institute, unit, organizational
16 entity, or component thereof.

17 (b) TRANSFER OF FUNCTIONS.—There are trans-
18 ferred to the Office of Juvenile Crime Control and Ac-
19 countability all functions that the Administrator of the Of-
20 fice exercised before the date of enactment of this Act (in-
21 cluding all related functions of any officer or employee of
22 the Office of Juvenile Justice and Delinquency Preven-
23 tion), and authorized after the enactment of this Act, re-
24 lating to carrying out the Juvenile Justice and Delin-
25 quency Prevention Act of 1974.

1 (c) TRANSFER AND ALLOCATIONS OF APPROPRIA-
2 TIONS AND PERSONNEL.—

3 (1) IN GENERAL.—Except as otherwise pro-
4 vided in this section and in section 101(a) (relating
5 to Juvenile Justice Programs) of the Omnibus Con-
6 solidated Appropriations Act, 1997, the personnel
7 employed in connection with, and the assets, liabil-
8 ities, contracts, property, records, and unexpended
9 balances of appropriations, authorizations, alloca-
10 tions, and other amounts employed, used, held, aris-
11 ing from, available to, or to be made available in
12 connection with the functions transferred by this
13 section, subject to section 1531 of title 31, United
14 States Code, shall be transferred to the Office of Ju-
15 venile Crime Control and Accountability.

16 (2) UNEXPENDED AMOUNTS.—Any unexpended
17 amounts transferred pursuant to this subsection
18 shall be used only for the purposes for which the
19 amounts were originally authorized and appro-
20 priated.

21 (d) INCIDENTAL TRANSFERS.—

22 (1) IN GENERAL.—The Director of the Office of
23 Management and Budget, at such time or times as
24 the Director of that Office shall provide, may make

1 such determinations as may be necessary with re-
2 gard to the functions transferred by this section, and
3 to make such additional incidental dispositions of
4 personnel, assets, liabilities, grants, contracts, prop-
5 erty, records, and unexpended balances of appropria-
6 tions, authorizations, allocations, and other amounts
7 held, used, arising from, available to, or to be made
8 available in connection with such functions, as may
9 be necessary to carry out this section.

10 (2) TERMINATION OF AFFAIRS.—The Director
11 of the Office of Management and Budget shall pro-
12 vide for the termination of the affairs of all entities
13 terminated by this section and for such further
14 measures and dispositions as may be necessary to ef-
15 fectuate the purposes of this section.

16 (e) EFFECT ON PERSONNEL.—

17 (1) IN GENERAL.—Except as otherwise pro-
18 vided by this section, the transfer pursuant to this
19 section of full-time personnel (except special Govern-
20 ment employees) and part-time personnel holding
21 permanent positions shall not cause any such em-
22 ployee to be separated or reduced in grade or com-
23 pensation for 1 year after the date of transfer of
24 such employee under this section.

1 (2) EXECUTIVE SCHEDULE POSITIONS.—Except
2 as otherwise provided in this section, any person
3 who, on the day before the date of enactment of this
4 Act, held a position compensated in accordance with
5 the Executive Schedule prescribed in chapter 53 of
6 title 5, United States Code, and who, without a
7 break in service, is appointed in the Office of Juve-
8 nile Crime Control and Accountability to a position
9 having duties comparable to the duties performed
10 immediately preceding such appointment shall con-
11 tinue to be compensated in such new position at not
12 less than the rate provided for such previous posi-
13 tion, for the duration of the service of such person
14 in such new position.

15 (3) TRANSITION RULE.—

16 (A) IN GENERAL.—The incumbent Admin-
17 istrator of the Office as of the date immediately
18 preceding the date of enactment of this Act
19 shall continue to serve as Administrator after
20 the enactment of this Act until such time as the
21 incumbent resigns, is relieved of duty by the
22 President, or an Administrator is appointed by
23 the President, by and with the advice and con-
24 sent of the Senate.

1 (B) NOMINEE.—Not later than 6 months
2 after the date of enactment of this Act, the
3 President shall submit to the Senate for its con-
4 sideration the name of the individual nominated
5 to be appointed as the Administrator.

6 (f) SAVINGS PROVISIONS.—

7 (1) CONTINUING EFFECT OF LEGAL DOCU-
8 MENTS.—All orders, determinations, rules, regula-
9 tions, permits, agreements, grants, contracts, certifi-
10 cates, licenses, registrations, privileges, and other
11 administrative actions—

12 (A) that have been issued, made, granted,
13 or allowed to become effective by the President,
14 any Federal agency or official thereof, or by a
15 court of competent jurisdiction, in the perform-
16 ance of functions that are transferred under
17 this section; and

18 (B) that are in effect at the time this sec-
19 tion takes effect, or were final before the date
20 of enactment of this Act and are to become ef-
21 fective on or after the date of enactment of this
22 Act, shall continue in effect according to their
23 terms until modified, terminated, superseded,
24 set aside, or revoked in accordance with law by

1 the President, the Administrator, or other au-
2 thorized official, a court of competent jurisdic-
3 tion, or by operation of law.

4 (2) PROCEEDINGS NOT AFFECTED.—

5 (A) IN GENERAL.—This section shall not
6 affect any proceedings, including notices of pro-
7 posed rulemaking, or any application for any li-
8 cense, permit, certificate, or financial assistance
9 pending before the Office of Juvenile Justice
10 and Delinquency Prevention on the date on
11 which this section takes effect, with respect to
12 functions transferred by this section but such
13 proceedings and applications shall be continued.

14 (B) ORDERS; APPEALS; PAYMENTS.—Or-
15 ders shall be issued in such proceedings, ap-
16 peals shall be taken therefrom, and payments
17 shall be made pursuant to such orders, as if
18 this section had not been enacted, and orders
19 issued in any such proceedings shall continue in
20 effect until modified, terminated, superseded, or
21 revoked by a duly authorized official, by a court
22 of competent jurisdiction, or by operation of
23 law.

1 (C) DISCONTINUANCE OR MODIFICA-
2 TION.—Nothing in this paragraph shall be con-
3 strued to prohibit the discontinuance or modi-
4 fication of any such proceeding under the same
5 terms and conditions and to the same extent
6 that such proceeding could have been discon-
7 tinued or modified if this paragraph had not
8 been enacted.

9 (3) SUITS NOT AFFECTED.—This section shall
10 not affect suits commenced before the date of enact-
11 ment of this Act, and in all such suits, proceedings
12 shall be had, appeals taken, and judgments rendered
13 in the same manner and with the same effect as if
14 this section had not been enacted.

15 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
16 tion, or other proceeding commenced by or against
17 the Office of Juvenile Justice and Delinquency Pre-
18 vention, or by or against any individual in the offi-
19 cial capacity of such individual as an officer of the
20 Office of Juvenile Justice and Delinquency Preven-
21 tion, shall abate by reason of the enactment of this
22 section.

1 (5) ADMINISTRATIVE ACTIONS RELATING TO
2 PROMULGATION OF REGULATIONS.—Any administra-
3 tive action relating to the preparation or promulga-
4 tion of a regulation by the Office of Juvenile Justice
5 and Delinquency Prevention relating to a function
6 transferred under this section may be continued, to
7 the extent authorized by this section, by the Office
8 of Juvenile Crime Control and Accountability with
9 the same effect as if this section had not been en-
10 acted.

11 (g) TRANSITION.—The Administrator may utilize—

12 (1) the services of such officers, employees, and
13 other personnel of the Office of Juvenile Justice and
14 Delinquency Prevention with respect to functions
15 transferred to the Office of Juvenile Crime Control
16 and Accountability by this section; and

17 (2) amounts appropriated to such functions for
18 such period of time as may reasonably be needed to
19 facilitate the orderly implementation of this section.

20 (h) REFERENCES.—Reference in any other Federal
21 law, Executive order, rule, regulation, or delegation of au-
22 thority, or any document of or relating to—

23 (1) the Administrator of the Office of Juvenile
24 Justice and Delinquency Prevention with regard to
25 functions transferred by operation of subsection (b),

1 shall be considered to refer to the Administrator of
2 the Office of Juvenile Crime Control and Account-
3 ability; and

4 (2) the Office of Juvenile Justice and Delin-
5 quency Prevention with regard to functions trans-
6 ferred by operation of subsection (b), shall be con-
7 sidered to refer to the Office of Juvenile Crime Con-
8 trol and Accountability.

9 (i) TECHNICAL AND CONFORMING AMENDMENT.—
10 Section 5315 of title 5, United States Code, is amended
11 by striking “Administrator, Office of Juvenile Crime Con-
12 trol and Accountability”.

13 **SEC. 307. REPEAL OF UNNECESSARY AND DUPLICATIVE**
14 **PROGRAMS.**

15 (a) VIOLENT CRIME CONTROL AND LAW ENFORCE-
16 MENT ACT OF 1994.—

17 (1) TITLE III.—Title III of the Violent Crime
18 Control and Law Enforcement Act of 1994 (42
19 U.S.C. 13741 et seq.) is amended by striking sub-
20 titles A through S, subtitle U, and subtitle X.

21 (2) TITLE V.—Title V of the Violent Crime
22 Control and Law Enforcement Act of 1994 (42
23 U.S.C. 3797 et seq.) is repealed.

1 (3) TITLE XXVII.—Title XXVII of the Violent
2 Crime Control and Law Enforcement Act of 1994
3 (42 U.S.C. 14191 et seq.) is repealed.

4 (b) ELEMENTARY AND SECONDARY EDUCATION
5 ACT.—

6 (1) TITLE IV.—Title IV of the Elementary and
7 Secondary Education Act of 1965 (20 U.S.C. 7101)
8 is repealed.

9 (2) TITLE V.—Part C of title V of the Elemen-
10 tary and Secondary Education Act of 1965 (20
11 U.S.C. 7261 et seq.) is repealed.

12 (c) PUBLIC HEALTH SERVICE ACT.—Section 517 of
13 the Public Health Service Act (42 U.S.C. 290bb–23) is
14 repealed.

15 (d) HUMAN SERVICES REAUTHORIZATION ACT.—
16 Section 408 of the Human Services Reauthorization Act
17 is repealed.

18 (e) COMMUNITY SERVICES BLOCK GRANTS ACT.—
19 Section 682 of the Community Services Block Grants Act
20 (42 U.S.C. 9901) is repealed.

21 (f) ANTI-DRUG ABUSE ACT.—Subtitle B of title III
22 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801
23 et seq.) is amended by striking chapters 1 and 2.

1 **SEC. 308. CIVIL MONETARY PENALTY SURCHARGE.**

2 (a) IMPOSITION.—Subject to subsection (b) and not-
3 withstanding any other provision of law, a surcharge of
4 40 percent of the principal amount of a civil monetary
5 penalty shall be added to each civil monetary penalty as-
6 sessed by the United States or any agency thereof at the
7 time the penalty is assessed.

8 (b) LIMITATION.—This section does not apply to any
9 monetary penalty assessed under the Internal Revenue
10 Code of 1986.

11 (c) USE OF SURCHARGES.—Amounts collected from
12 the surcharge imposed under this section shall be used for
13 Federal programs to combat youth violence.

14 (d) EFFECTIVE DATES.—

15 (1) IN GENERAL.—A surcharge under sub-
16 section (b) shall be added to each civil monetary
17 penalty assessed on or after the later of October 1,
18 1997 and the date of enactment of this Act.

19 (2) EXPIRATION OF AUTHORITY.—The author-
20 ity to add a surcharge under this subsection shall
21 terminate at the close of September 30, 2002.

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