in overturning past court rulings that he believed the Constitution and its Bill of Rights had stood for. More recently, he has been more strongly to buttress state authority. He has emphasized that the Constitution’s authority flows from “the consent of the people of each individual state,” and that he has been more inclined to reject cases that an earlier case should be overturned although because of a shift in the majority views recalls Rehnquist’s position on the Supreme Court * * * . As further proof, I offer the disastrous decision of the Supreme Court—from which Justice Thomas sensibly dissent—in the case of Davis v. Monte Carlo Board. By a 5-4 margin, the Supreme Court held that public schools can be held liable under federal law for failing to stop sexual harassment on the part of school children.

Exactly what constitutes sexual harassment on the part of children is not defined by the Court, Mr. President. Moreover, what constitutes the vague “deliberate indifference” standard that public school administrators must now avoid is anyone’s guess. The meaning of that phrase will be fashioned over in countless frivolous lawsuits in federal court that will impose unnecessary financial costs on beleaguered school districts.

As the cacophony countless exhortations to spend ever-increasing amounts of money on federal educational programs continue, Mr. President, should we not also address the financial problems federal laws cause to local school boards in our increasingly litigious society? For if more distinguished judges like Clarence Thomas are not present to rein in lawsuit-happy interest groups (e.g. the National Women’s Law Center, which brought this case in the first place), we will find even the most trivial aspects of children’s regrettable but predictable boorishness regulated by federal judges.

Playground teasing and immature behavior does not require a federal lawsuit, Mr. President; it may require a good spanking. Unfortunately, we often find that reasonable discipline measures result in legal action as well. Pity the taxpayer who pays the bill, Mr. President—and pity the students and teachers who must navigate this baffling legal minefield.

So thank Heaven for Clarence Thomas, who is doing his level best to hold the line against foolish decisions. We must hope the Senate will soon act to rectify the devastating financial effects frivolous lawsuits are imposing on school boards and local taxpayers across the country.

VIOLENT AND REPEAT JUVENILE ACCOUNTABILITY AND REHABILITATION ACT OF 1999

On May 20, 1999, the Senate passed S. 254, the Violent and Repeat Juvenile Accountability and Rehabilitation Act of 1999. The text of the bill follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

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

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

TITLE III—JUVENILE CRIME CONTROL, ACCOUNTABILITY, AND DELINQUENCY PREVENTION
Subtitle A—Reform of the Juvenile Justice and Delinquency Prevention Act of 1974
Sec. 301. Definitions; declaration of purpose.
Sec. 302. Juvenile crime control and prevention.
Sec. 303. Runaway and homeless youth.
Sec. 304. National center for missing and Exploited Children.
Sec. 305. Transfer of functions and savings provisions.

Subtitle B—Accountability for Juvenile Offenders and Public Protection Incentive Grants
Sec. 321. Block grant program.
Sec. 322. Pilot program to promote replication of recent successful juvenile crime reduction strategies.
Sec. 323. Repeal of unnecessary and duplicative programs.
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Sec. 325. Reimbursement of States for costs of incarcerating juvenile aliens.
Sec. 326. Title—Alternative Education and Delinquency Prevention
Sec. 331. Alternative education.
Subtitle A—Youth Violence Prevention
Sec. 341. Short title.
Sec. 342. Establishment of program.
Sec. 343. National Parenting Support and Education Commission.
Sec. 344. State and local parenting support and education grant program.
Sec. 345. Grants to address the problem of violence related stress to parents and children.

TITLE IV—VOLUNTARY MEDIA AGREEMENTS FOR CHILDREN’S PROTECTION
Subtitle A—Children and the Media.
Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Purpose; construction.
Sec. 404. Exemption of voluntary agreements on guidelines for certain entertainment material from applicability of antitrust laws.
Sec. 405. Exemption of activities to ensure compliance with ratings and labeling systems from applicability of antitrust laws.
Sec. 406. Definitions.
Subtitle B—Other Matters.
Sec. 411. Study of marketing practices of motion picture, recording, and video/personal computer game industries.

TITLE V—GENERAL FIREARM PROVISIONS
Sec. 501. Special licensees; special registration; construction.
Sec. 502. Clarification of authority to conduct firearm transactions at gun shows.
Sec. 503. “Instant check” gun tax and gun owner privacy.
Sec. 504. Effective date.

TITLE VI—RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS
Sec. 601. Penalties for unlawful acts by juveniles.
Sec. 602. Effective date.

TITLE VII—ASSAULT WEAPONS
Sec. 701. Short title.
Sec. 702. Ban on importing large capacity ammunition feeding devices.
Sec. 703. Definition of large capacity ammunition feeding device.
Sec. 704. Effective date.

TITLE VIII—EFFECTIVE GUN LAW ENFORCEMENT
Subtitle A—Criminal Use of Firearms by Felons
Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Criminal Use of Firearms by Felons Program.
Sec. 804. Annual reports.
Sec. 805. Authorization of appropriations.
Subtitle B—Armed Violent Criminals
Sec. 811. Apprehension and procedural treatment of armed violent criminals.

Subtitle C—Youth Crime Gun Interdiction
Sec. 821. Youth crime gun interdiction initiative.
Subtitle D—Gun Prosecution Data
Sec. 831. Collection of gun prosecution data.

Subtitle E—Firearms Possession by Violent Felons
Sec. 841. Prohibition on firearms possession by violent juvenile offenders.

Subtitle F—Juvenile Access to Certain Firearms
Sec. 851. Prohibitions for juvenile violations involving the firearms industry.

Subtitle G—General Firearm Provisions
Sec. 861. National instant criminal background check system improvements.

TITLE IX—ENHANCED PENALTIES
Sec. 901. Straw purchases.
Sec. 902. Stolen firearms.
Sec. 903. Increase in penalties for crimes involving firearms.
Sec. 904. Increased penalties for distributing drugs to minors.
Sec. 905. Increased penalty for drug trafficking in or near a school or other protected location.

TITLE X—CHILD HANDGUN SAFETY
Sec. 1001. Short title.
Sec. 1002. Purposes.
Sec. 1003. Effective date.

TITLE XI—SCHOOL SAFETY AND VIOLENCE PREVENTION
Sec. 1101. School safety and violence prevention.
Sec. 1102. Study.
Sec. 1103. School uniforms.
Sec. 1104. Transfer of school disciplinary records.
Sec. 1105. School violence research.
Sec. 1106. National character achievement award.
Sec. 1107. National Commission on Character Development.
Sec. 1108. Juvenile access to treatment.
Sec. 1109. Background checks.
Sec. 1110. Drug tests.
Sec. 1111. Sense of the Senate.

TITLE XII—TEACHER LIABILITY PROTECTION ACT
Sec. 1201. Short title.
Sec. 1202. Findings and purpose.
Sec. 1203. Preemption and election of State nonapplicability.
Sec. 1204. Limitation on liability for teachers.
Sec. 1205. Liability for noneconomic loss.
Sec. 1206. Definitions.
Sec. 1207. Effective date.

TITLE XIII—VIOLENCE PREVENTION EDUCATION
Sec. 1301. Short title.
Sec. 1302. Definitions.
Sec. 1303. Purpose.
Sec. 1304. Authorizations of appropriations.
Sec. 1305. Program authorized.
Sec. 1306. Application.
Sec. 1307. Selection priorities.
Sec. 1308. Authorization of appropriations.

TITLE XIV—PREVENTING JUVENILE DELINQUENCY THROUGH CHARACTER EDUCATION
Sec. 1401. Purpose.
Sec. 1402. Authorization of appropriations.
Sec. 1403. School-based programs.
Sec. 1404. After school programs.
Sec. 1405. General provisions.

TITLE XV—VIOLENT OFFENDER DNA IDENTIFICATION ACT OF 1999
Sec. 1501. Short title.
Sec. 1502. Elimination of convicted offender DNA backlog.
Sec. 1503. DNA identification of Federal, District of Columbia, and military violent offenders.

TITLE XVI—MISCELLANEOUS PROVISIONS
Subtitle A—General Provisions
Sec. 1601. Prohibition on firearms possession by violent juvenile offenders.
Sec. 1602. Safe students.
Sec. 1603. Study of marketing practices of the firearms industry.
Sec. 1604. Provision of Internet filtering or screening software by certain Internet service providers.
Sec. 1605. Application of section 922(j) and (m).
Sec. 1606. Constitutionality of memorial services and memorials at public schools.
Sec. 1607. Twenty-first Amendment enforcement.
Sec. 1608. Interstate shipment and delivery of intoxicating liquors.
Sec. 1609. Disclaimer on materials produced, procured or distributed from funding authorized by this Act.
Sec. 1610. Aimee’s Law.
Sec. 1611. Drug tests and locker inspections.
Sec. 1612. Waiver for local match requirement under community policing program.
Sec. 1613. Carjacking offenses.
Sec. 1614. Special forfeiture of collateral profits of crime.
Sec. 1615. Caller identification services to elementary and secondary schools as part of universal service obligation.
Sec. 1616. Parent leadership model.
Sec. 1617. National media campaign against violence.
Sec. 1618. Victims of terrorism.
Sec. 1619. Truth-in-sentencing incentive grants.
Sec. 1620. Application of provision relating to a sentence of death for an act of animal enterprise terrorism.
Sec. 1621. Prohibitions relating to explosive materials.
Sec. 1622. District judges for districts in the States of Arizona, Florida, and Nevada.
Sec. 1623. Biennial report and social science research on youth violence.
Sec. 1624. Sense of the Senate regarding mentoring programs.
Sec. 1625. Families and Schools Together program.
Sec. 1626. Amendments relating to violent crime in Indian country and areas of exclusive Federal jurisdiction.
Sec. 1628. Local enforcement of local alcohol prohibitions that reduce juvenile crime in remote Alaska villages.
Sec. 1629. Rule of Construction.
Sec. 1630. Bounty hunter accountability and quality assurance.
Sec. 1631. Assistance for unincorporated neighborhood watch programs.
Sec. 1632. Findings and sense of Congress.
Sec. 1633. Prohibition on promoting violence on Federal property.
Sec. 1634. Provisions relating to pawn shops and special licensees.
Sec. 1635. Extension of Brady background checks to gun shows.
Sec. 1636. Appropriate interventions and services; clarification of Federal law.
Sec. 1637. Safe schools.
Sec. 1638. School counseling.
Sec. 1639. Criminal prohibition on distribution of certain information relating to explosives, destructive devices, and weapons of mass destruction.

Subtitle B—James Guelff Body Armor Act

Sec. 1641. Short title.
Sec. 1642. Findings.
Sec. 1643. Definitions.
Sec. 1644. Amendment of sentencing guidelines with respect to body armor.
Sec. 1645. Prohibition of purchase, use, or possession of body armor by violent felons.
Sec. 1646. Donation of Federal surplus body armor to State and local law enforcement agencies.
Sec. 1647. Additional findings; purpose.
Sec. 1648. Safe and grant programs for law enforcement bullet resistant equipment and for video cameras.
Sec. 1649. Sense of Congress.
Sec. 1650. Technology development.
Sec. 1651. Matching grant program for law enforcement armor vests.

Subtitle C—Animal Enterprise Terrorism and Ecoterrorism

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

Subtitle D—Jail-Based Substance Abuse

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

Subtitle E—Safe School Security

Sec. 1655. Short title.
Sec. 1656. Establishment of School Security Technology Center.
Sec. 1657. Grants for local school security programs.
Sec. 1658. Safe and secure school advisory report.

Subtitle F—Internet Prohibitions

Sec. 1659. Short title.
Sec. 1662. Findings; purpose.
Sec. 1663. Prohibitions on uses of the Internet.
Sec. 1664. Effective date.

Subtitle G—Partnerships for High-Risk Youth

Sec. 1671. Short title.
Sec. 1672. Findings.
Sec. 1673. Purposes.
Sec. 1674. Establishment of demonstration project.
Sec. 1675. Eligibility.
Sec. 1676. Uses of funds.
Sec. 1677. Authorization of appropriations.

Subtitle H—National Youth Crime Prevention

Sec. 1681. Short title.
Sec. 1682. Purposes.
Sec. 1683. Establishment of National Youth Crime Prevention Demonstration Project.
Sec. 1684. Eligibility.
Sec. 1685. Uses of funds.
Sec. 1686. Reports.
Sec. 1687. Definitions.
Sec. 1688. Authorization of appropriations.

Subtitle I—National Youth Violence Commission

Sec. 1691. Short title.
Sec. 1693. Duties of the Commission.
Sec. 1694. Powers of the Commission.
Sec. 1695. Commission personnel matters.
Sec. 1696. Authorization of appropriations.
Sec. 1697. Termination of the Commission.

Subtitle J—School Safety

Sec. 1688. Short title.
Sec. 1689. Amendments to the Individuals with Disabilities Education Act.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) at the outset of the 21st century, the States adopted a separate justice system for juvenile offenders;

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

(3) in 1994—

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

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

(4) from 1985 to 1996, the number of persons arrested for all violent crimes increased by 52.3 percent, but the number of persons under age 18 arrested for violent crimes rose by 75 percent;

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

(6) the rehabilitative model of sentencing for juveniles, which Congress rejected for adult offenders when Congress enacted the Sentencing Reform Act of 1984, is inadequate and inappropriate for dealing with many violent and repeat juvenile offenders;

(7) the Federal Government should encourage the States with productive solutions to the escalating problem of juveniles who commit violent crimes and who are repeat offenders, including prosecuting such offenders as adults, but should not impose specific strategies or programs on the States;

(8) an effective strategy for reducing violent juvenile crime requires greater collection of investigative data and other information, such as fingerprints and DNA evidence, as well as greater sharing of such information—

(A) among Federal, State, and local agencies, including the courts; and

(B) among the law enforcement, educational, and social service systems;

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

(10) holding juvenile proceedings in secret denies victims of crime the opportunity to attend and be heard at such proceedings, helps juvenile offenders to avoid accountability for their actions, and shields juvenile proceedings from public scrutiny and accountability;

(11) the injuries and losses suffered by the victims of violent crime are no less painful or devastating because the offender is a juvenile; and

(12) the prevention, investigation, prosecution, adjudication, and punishment of criminal offenses committed by juveniles, and the rehabilitation and correction of juvenile offenders, and should share in the responsibility of the States, to be carried out without interference from the Federal Government.

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

(1) to reform Federal juvenile justice programs and policies in order to promote the emergence of juvenile justice systems in which the paramount concerns are providing for the safety of the public and holding juvenile wrongdoers accountable for their actions, while providing them a genuine opportunity for self-reform;

(2) to revise the procedures in Federal court that are applicable to the prosecution of juvenile offenders; and

(3) to encourage and promote, consistent with the ideals of federalism, adoption of policies by the States to ensure that the victims of violent crimes committed by juveniles receive the same level of justice as do victims of violent crimes that are committed by adults.

SEC. 3. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE I—JUVENILE JUSTICE REFORM

SEC. 101. SURRENDER TO STATE AUTHORITIES.

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

"Whenever any person who is less than 18 years of age is arrested and charged in any court of the United States or of the District of Columbia, the United States Attorney for the district in which such person has been arrested may forego prosecution pursuant to section 5032(a)(2) if, after investigation by the United States Attorney, it appears that—

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

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

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

"(b) Exceptions.—In any case where, pursuant to subsection (a), the United States Attorney determines that it is not in the best interests of the United States and of the juvenile offender—

(1) the prevention, investigation, prosecution, adjudication, and punishment of criminal offenses committed by juveniles, and the rehabilitation and correction of juvenile offenders, and should share in the responsibility of the States, to be carried out without interference from the Federal Government.

(2) In the case of an offense described in subsection (c), and except as provided in subsection (i), if the juvenile was not less than 14 years of age at the time of the offense, as

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an adult at the discretion of the United States Attorney in the appropriate jurisdiction, upon certification by that United States Attorney (which certification shall not be subject to review in or by any court, except as provided in subsection (d)(2)) that—

"(i) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction; or

"(ii) the ends of justice otherwise so require;

"(B) in the case of a felony offense that is not defined as a felony under section (c), and except as provided in subsection (a), if the juvenile was not less than 14 years of age at the time of the offense, as an adult, upon certification by the United States Attorney in the appropriate jurisdiction (which certification shall not be subject to review in or by any court, except as provided in subsection (d)(2)) that—

"(i) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction; or

"(ii) the ends of justice otherwise so require;

"(C) in the case of a juvenile who has, on a prior occasion, been tried and convicted as an adult for the same offense, as an adult; and

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

"(2) Referral by United States Attorney; Application to Concurrent Jurisdiction.—

"(A) In General.—If the United States Attorney in the appropriate jurisdiction (or in the case of an offense under paragraph (1)(B), the Attorney General) declines prosecution of an offense under this section, the matter may be referred to the appropriate legal authorities of the State or Indian tribe with jurisdiction over both the offense and the juvenile.

"(B) Application to Concurrent Jurisdiction.—The United States Attorney in the appropriate jurisdiction (or, in the case of an offense under paragraph (1)(B), the Attorney General), in cases in which both the Federal Government and a State or Indian tribe have penal provisions that criminalize the conduct at issue and both have jurisdiction over the juvenile, shall exercise a presumption in favor of the transfer of the defendant to juvenile status (A), unless the United States Attorney pursuant to paragraph (1)(A) (or the Attorney General pursuant to paragraph (1)(B)) certifies (which certification shall not be subject to review in or by any court) that—

"(i) the prosecuting authority or the juvenile court or other appropriate court of the State or Indian tribe refuses, declines, or will refuse or will decline to assume jurisdiction over the conduct or the juvenile; and

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

"(C) Definition.—In this subsection, the term 'Indian tribe' has the meaning given the term in section 4(6) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(e)).

"(D) Joining, Lesser Included Offenses.—In a prosecution under this section, a juvenile may be prosecuted and convicted as an adult for any offense that is properly joined to any offense described in the Federal Rules of Criminal Procedure with an offense described in subsection (c), and may also be convicted of a lesser included offense.

"(E) Offense Described.—An offense is described in this subsection if it is a Federal offense that—

"(1) is a serious violent felony or a serious drug offense (as those terms are defined in section 3559(c), except that section 3559(c)(3) does not apply to this subsection); or

"(2) is a conspiracy or an attempt to commit an offense described in subparagraph (1);

"(D) Waiver to Juvenile Status in Certain Cases; Limitations on Judicial Review.—

"(1) In General.—Except as otherwise provided in this subsection, a determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (a)(1) shall not be reviewable in any court.

"(2) Determination by Court on Trial as Adult of Certain Juvenile.—In any prosecution of a juvenile under subsection (a)(1)(A), if the juvenile was less than 16 years of age at the time of the offense, or under subsection (a)(1)(B), upon motion of the defendant and after a hearing, the court in which criminal charges have been filed shall determine whether to issue an order to provide for the transfer of the defendant to juvenile status for the purposes of proceeding against the defendant or for referral under subsection (a).

"(3) Time Requirements.—A motion by a defendant under paragraph (2) shall not be considered unless that motion is filed not later than 30 days after the date on which the defendant is arraigned.

"(4) Prohibition.—The court shall not order the transfer of a defendant to juvenile status under paragraph (2) unless the defendant establishes by a preponderance of the evidence or information that removal to juvenile status would be in the interest of justice. In making the determination under paragraph (2), the court may consider—

"(A) the nature of the alleged offense, including the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities;

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

"(C) the age and social background of the juvenile;

"(D) the extent and nature of the prior criminal or delinquency record of the juvenile;

"(E) the intellectual development and psychological maturity of the juvenile;

"(F) the nature of any treatment efforts and the response of the juvenile to those efforts; and

"(G) the availability of programs designed to treat any identified behavioral problems of the juvenile.

"(E) Status of Orders.—

"(1) In General.—An order of the court made in ruling on a motion by a defendant to transfer a defendant to juvenile status under this subsection shall not be a final order for the purpose of enabling an appeal, except that an appeal by the United States shall lie to a court of appeals pursuant to section 3731 from an order of a district court removing a defendant to juvenile status.

"(2) Appraisals.—Upon receipt of a notice of appeal of an order under this paragraph, a court of appeals shall hear and determine the appeal on an expedited basis.

"(G) inadmissibility of evidence.—

"(1) In General.—Except as provided in subparagraph (A), a statement made by a defendant during or in connection with a hearing under this subsection shall be admissible against the defendant in any criminal proceeding.

"(2) Exceptions.—The prohibition under subparagraph (A) shall apply, except—

"(i) for impeachment purposes; or

"(ii) in a prosecution for perjury or giving a false statement.

"(H) Rules.—The rules concerning the receipt and admissibility of evidence under this subsection shall be the same as prescribed in section 3142(f).

"(I) Applicable Procedures.—Any prosecution in a district court of the United States under this section—

"(i) in the case of a juvenile tried as an adult under subsection (a), shall proceed in the same manner as is required by this title and the Federal Rules of Criminal Procedure in any proceeding against an adult; and

"(ii) in all other cases, shall proceed in accordance with this chapter, unless the juvenile has requested in writing, upon advice of counsel, to be proceeded against as an adult.

"(J) Application of Laws.—

"(1) Applicability of Sentencing Provisions.—

"(A) In General.—Except as otherwise provided in this chapter, and subject to subparagraph (C) of this paragraph, in any case in which a juvenile is tried as an adult in a district court of the United States as an adult, the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult, except that no person shall be subject to death penalty for an offense committed before the person attains the age of 18 years.

"(B) Status as Adult.—No juvenile sentenced to a term of imprisonment shall be released from custody on the basis that the juvenile has attained the age of 18 years.

"(C) Applicable Guidelines.—Each juvenile sentenced as an adult as provided in accordance with the Federal sentencing guidelines promulgated under section 994(c) of title 26, United States Code, once such guidelines are promulgated and take effect.

"(D) Applicability of Mandatory Restitution Provisions to Certain Juveniles.—If a juvenile is tried as an adult for any offense to which the mandatory restitution provisions of sections 3661A, 2248, 2259, 2264, and 2323 apply, those sections shall apply to that juvenile in the same manner and to the same extent as those provisions apply to adults.

"(E) Open Proceedings.—

"(1) In General.—Any offense tried or adjudicated in a district court of the United States under this section shall be open to the public, in accordance with rules 10, 26, 33(a), and 53 of the Federal Rules of Criminal Procedure, unless good cause is established by the moving party or is otherwise found by the court, for closure.

"(2) Status Alone Insufficient.—The status of the defendant as a juvenile, absent other factors, shall not constitute good cause for purposes of this subsection.

"(F) Availability of Records.—

"(1) In General.—In making a determination concerning the arrest or prosecution of a juvenile in a district court of the United States under this section, the United States Attorney of the appropriate jurisdiction, or, as appropriate, the Attorney General, shall have complete access to the prior Federal juvenile records of the subject juvenile and, to the extent permitted by State law, the prior Federal juvenile records of the subject juvenile.

"(2) Consideration of Entire Record.—In any case in which a juvenile is found guilty of an offense described in this subsection, the district court responsible for imposing sentence shall have complete
access to the prior Federal juvenile records of the subject, to the extent permitted under State law, the prior State juvenile records of the subject juvenile.

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section 105. RELEASE AND DETENTION PRIOR TO DISPOSITION.

Section 5031 of title 18, United States Code, is amended—

(1) R EPRESENTATION BY COUNSEL.—The defendant shall have the right to representation by counsel at any detention hearing, and the defendant shall be entitled to detainment proceeding unless the court finds that an immediate and temporary羁押 is necessary to ensure the availability of counsel for the defendant. In making a determination regarding the detention of the defendant, the court shall consider all relevant factors, including the weight of the evidence and the seriousness of the offense.

(2) DEFENDANT'S MOVES FOR RELEASE.—The defendant shall have the right to move for release on bail pending trial, and the court shall consider the defendant's motion before making a decision on detention. In making a determination regarding the detention of the defendant, the court shall consider the weight of the evidence and the seriousness of the offense.

SEC. 106. MIRANDA RIGHTS.

The provisions of the Miranda decision in the United States Court of Appeals for the Fourth Circuit in the case of United States v. Brown, 467 F.2d 965 (4th Cir. 1972), shall apply to all criminal proceedings in the United States, and the decision shall be given effect by all courts in the United States.

The provisions of the Miranda decision in the United States Court of Appeals for the Ninth Circuit in the case of United States v. Brown, 467 F.2d 965 (9th Cir. 1972), shall apply to all criminal proceedings in the United States, and the decision shall be given effect by all courts in the United States.
(b) RELEASE PRIOR TO DISPOSITION.—Except as provided in subsection (c), if the juvenile:—

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

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

(d) IN GENERAL.—In a proceeding under section 5032(a)(1)(D), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 40 days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (c).

(B) PREDISPOSITION REPORT.—A predisposition report shall be prepared by the probation officer, who shall promptly provide the juvenile, the juvenile’s counsel, and the attorney for the Government. Victim impact information shall be included in the predisposition report, and victims or, in appropriate cases, their official representatives, shall be provided the opportunity to make a statement to the court in person or to present any information in relation to the disposition. "

(2) ACTIONS OF COURT AFTER HEARING.—
After a dispositional hearing under paragraph (1), after considering any pertinent factors constituting the United States Sentencing Commission pursuant to section 994, and in conformance with any guidelines promulgated by the United States Sentencing Commission pursuant to section 5902(c)(1)(B) of title 28, the court shall—

(A) place the juvenile on probation or commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult; and

(B) enter an order of restitution pursuant to section 3663.

(2) in subsection (b), (3) in the matter preceding paragraph (1), by inserting “or supervised release” after “probation’’;

(4) by striking “‘extend—’ and all that follow”;

(b) RECORDS OF ADJUDICATION.—

(1) TRANSMISSION TO FBI.—Upon an adjudication of delinquency under section 5032 or 5037, the court shall transmit to the Director of the Federal Bureau of Investigation a record of such adjudication.

(2) MAINTAINING RECORDS.—The Director of the Federal Bureau of Investigation shall maintain, in the central repository of the Federal Bureau of Investigation, in accordance with the established practices and policies relating to adult criminal history records of the Federal Bureau of Investigation—

(A) a fingerprint supported record of the Federal adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sexual molestation of a child, or a conspiracy or attempt to commit any such offense, that is equivalent to, and maintained and disseminated in the same manner and for the same purposes, as are adult criminal history records for the same offenses; and

(B) a fingerprint supported record of the Federal adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sexual molestation of a child, or a conspiracy or attempt to commit any such offense, that is equivalent to, and maintained and disseminated in the same manner and for the same purposes, as are adult criminal history records for the same offenses—

(i) for use by and within the criminal justice system for the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, sentencing, disposition, correctional supervision, or rehabilitation of any accused juvenile or delinquent offender, or juvenile delinquent; and

(ii) for purposes of responding to an inquiry from an agency considering the subject of the record for a position or clearance immediately and directly affecting national security;
ADULTS.—In any case in which a juvenile is section 5032 shall be carried out in the same district court of the United States under

appointed for incarceration, whether pursuant to an

sentence for a juvenile

defendant.

order of restitution, or a special assessment

release, by subchapter A of chapter 229.

MISSION, AND SUPERVISED RELEASE.—Subject to

TION, AND SUPERVISED RELEASE.—Subject to

juvenile adjudication records as are employees of law enforcement and juvenile justice agencies in the State; and

additions to that school;

subchapter C of chapter 229 and, if the sentence includes a term of probation or supervised release, by subchapter A of chapter 229.

sentence for a juvenile

A sentence of a fine, an

order of restitution, or a special assessment

release, by subchapter A of chapter 229.

sentence for a juvenile

defendant.

injuvenile adjudication records as are employees of law enforcement and juvenile justice agencies in the State; and

defendant.

order of restitution, or a special assessment

release, by subchapter A of chapter 229.

release, by subchapter A of chapter 229.

sentence for a juvenile

defendant.

ORDER OF RESTITUTION; SPECIAL ASSESSMENTS.—

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

(a) Penalty.—It shall be unlawful for any person, to use any facility in, or travel in, interstate or foreign commerce, or cause another to do so, to recruit, solicit, induce, induct, command, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent that the person being recruited, solicited, induced, commanded or caused to be or remain a member of such gang participate in an offense described in section 521(c) of this title.

(b) Penalties.—Any person who violates subsection (a) shall—

(1) if the person recruited, solicited, induced, commanded, or caused to participate under subsection (a) is a minor, be imprisoned not less than 4 years and not more than 10 years, fined in accordance with this title, or both; and

(2) if the person recruited, solicited, induced, commanded, or caused to participate under subsection (a) is not a minor, be imprisoned not less than 1 year and not more than 10 years, fined in accordance with this title, or both; and

(3) if the person recruited, solicited, induced, commanded, or caused to participate under subsection (a) is a minor, be imprisoned not less than 1 year and not more than 10 years, fined in accordance with this title, or both; and

(4) be liable for any costs incurred by the Federal Government or by any State or local government for housing, maintaining, and treating the minor until the minor attains the age of 18 years.

(c) Definitions.—In this section:

(1) Criminal street gang.—The term ‘criminal street gang’ has the meaning given the term in section 521.

(2) Minor.—The term ‘minor’ means a person who is younger than 18 years of age.

(b) Conforming Amendment.—The analysis for chapter 26 of title 18, United States Code, is amended by adding at the end the following:

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

SEC. 202. INCREASED PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.

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

(a) in subsection (b), by striking “three” and inserting “two”; and

(b) in subsection (c), by striking “one” and inserting “two”.

SEC. 203. PENALTIES FOR USE OF MINORS IN CRIMES OF VIOLENCE.

(a) In General.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

“§ 25. Use of minors in crimes of violence

(a) Penalties.—Except as otherwise provided by law, whoever, being not less than 18 years of age, knowingly and intentionally uses a minor to commit a Federal offense that is a crime of violence, or to assist in avoiding detection or apprehension for such an offense, shall—

(1) be subject to 2 times the maximum imprisonment and 2 times the maximum fine that would otherwise be imposed for the offense; and

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

(b) Definition.—In this section:

(1) Crime of violence.—The term ‘crime of violence’ has the meaning given the term in section 16 of this title.

(2) Minor.—The term ‘minor’ means a person who is less than 18 years of age.

(c) Use.—The term ‘uses’ means employs, hires, persuades, induces, entices, or coerces.

(d) Conforming Amendment.—The analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

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

SEC. 204. CRIMINAL STREET GANGS.

(a) In General.—Section 521 of title 18, United States Code, is amended—

(1) in subsection (a), in the second undesignated paragraph—

(A) by inserting “and”; and

(b) by inserting “or’s’’ and inserting “or’s’’; and

(C) in subparagraph (A), by inserting “or activities’’ after “purposes’’; and

(2) in subsection (b), by inserting “10 years” after each occurrence of “5 years”.

(b) Penalties.—Any person who uses a minor to commit a Federal offense involving a controlled substance, and

(c) Definition.—In this section:

(1) Criminal street gang.—The term ‘criminal street gang’ has the meaning given the term in section 521.

(2) Minor.—The term ‘minor’ means a person who is younger than 18 years of age.

(b) Conforming Amendment.—The analysis for chapter 26 of title 18, United States Code, is amended by adding at the end the following:

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

May 26, 1999

CONGRESSIONAL RECORD—SENATE 11027

CRIMES OF VIOLENCE.

NORS TO DISTRIBUTE DRUGS.

PHYSICAL FORCE TO TAMPER WITH

WITNESSES, VICTIMS, OR INFORM-

ANTS.

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

(1) in subsection (a)—

(A) in paragraph (1), by inserting “as provided in paragraph (2)’’ after “prohibited’’; and

(B) by redesigning paragraph (2) as paragraph (3);
(C) by inserting after paragraph (1) the following:

"(2) USE OF PHYSICAL FORCE TO TAMPER WITH WITNESSES, VICTIMS, OR INFORMANTS.—Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

"(A) influence, delay, or prevent the testimony of any person in an official proceeding;

"(B) induce or induce any person to—

"(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

"(ii) discard, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

"(iii) evade legal process summoning that person to appear as a witness, or to produce money of any person in an official proceeding; or

"(C) hinder, delay, or prevent the communication of a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of condition of probation, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3);"; and

(D) in paragraph (3), as redesignated, by striking subparagraph (B) and inserting the following:

"(B) in the case of—

"(i) an attempt to murder; or

"(ii) the use of physical force against any person:

imprisonment for not more than 20 years;..

"(i) in subsection (b), by striking "or physical force"; and

"(ii) by adding at the end the following:

"(j) CONSPIRACY.—Whoever conspires to commit any offense under this section or section 1513 shall be subject to the same penalties as those prescribed for the offense the commission of which was of the object of the conspiracy.

SEC. 207. AUTHORITY TO MAKE GRANTS TO PROSECUTOR'S OFFICES TO COMBAT CRIMINAL STREET GANGS AND YOUTH VIOLENCE.

(a) IN GENERAL.—Section 31702 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended by inserting after paragraph (1) the following:

"(i) distribute the proceeds of any unlawful activity; or

"(ii) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; and

"(B) after travel or use of the mail or any facility in interstate or foreign commerce or transportation in aid of racketeering enterprises described in subparagraph (A), performs, attemps to perform, or conspires to perform an act described in clause (i) or (ii) of subparagraph (A), shall be fined under this title, imprisoned not more than 10 years, or both.

2) CRIMES OF VIOLENCE.—Whoever—

"(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to commit any crime of violence to further any unlawful activity; and

"(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), commits, attempts to commit, or conspires to commit, any crime of violence to further any unlawful activity; shall be fined under this title, imprisoned for not more than 20 years, or both.

"(2) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for any Federal offense described in section 521(c) of title 18, United States Code as amended by section 204 of this Act, if the offense was both committed in connection with, or for the purpose of, the activities of a criminal street gang and the defendant was a member of the criminal street gang at the time of the offense.

"(2) FACTORS TO BE CONSIDERED.—In determining an appropriate enhancement under this section, the United States Sentencing Commission shall give great weight to the seriousness of the offense, the offender's relative position in the criminal gang, and the risk of death or serious bodily injury to any person likely to be injured by the offense.

(c) CONSTRUCTION WITH OTHER GUIDELINES.—The amendment made by subsection (b) shall provide that the increase in the offense level shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines.

SEC. 209. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL GANGS.

(a) TRAVEL ACT AMENDMENT.—Section 1952 of title 18, United States Code, is amended to read as follows:

"1952. Interstate and foreign travel or transportation in aid of racketeering enterprises

(1) PROHIBITED CONDUCT AND PENALTIES.—

"(i) by generalization:

"(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

"(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), performs, attempts to perform, or conspires to perform an act described in clause (i) or (ii) of subparagraph (A), shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) CRIMES OF VIOLENCE.—Whoever—

"(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to commit any crime of violence to further any unlawful activity; and

"(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), commits, attempts to commit, or conspires to commit, any crime of violence to further any unlawful activity; shall be fined under this title, imprisoned for not more than 20 years, or both.

"(B) In this section, "criminal street gang'' has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(B) UNLAWFUL ACTIVITY.—The term "unlawful activity'' means—

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

"(B) extortion, bribery, arson, burglary if the offense involves property valued at not less than $10,000, assault with a deadly weapon resulting in serious bodily injury, or挪威 act resulting in attacking an occupied dwelling or motor vehicle, or retaliation against or intimidation of witnesses, victims, jurors, or informants, in violation of the laws of the State in which the offense is committed or of the United States;

"(C) the use of bribery, force, intimidation, or threat, directed against any person, to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object's integrity or availability for use in such a proceeding; or

"(D) any act that is indictable under section 1956 or 1957 of this title or under subchapter II of chapter 53 of title 18.

"(b) AMENDMENT OF SENTENCING GUIDELINES.—

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

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

"(3) SENTENCING ENHANCEMENT FOR RECRUITMENT ACROSS STATE LINES.—Pursuant to its authority under section 1952(p) of title 28, United States Code, the United States Sentencing Commission shall amend the United States Sentencing Commission Guidelines to provide an appropriate enhancement for a person who, in violating section 522 of title 18, United States Code (as added by section 201 of this Act), recruits, solicits, induces, commands, or causes another person residing in another State to be or to remain a member of a criminal street gang, or crosses a State line with the intent to recruit, solicit, induce, command, or cause another person to be or to remain a member of a criminal street gang.

SEC. 210. PROHIBITIONS RELATING TO FIREARMS.

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

"(1) in clause (i), by striking "or" at the end;
(2) in clause (ii), by adding “or” at the end; and

(3) by adding at the end the following:

"(iii) any act of juvenile delinquency that, if committed by an adult, would be an offense under clause (i) or (ii)."

"(b) TRANSFER OF FIREARMS TO MINORS FOR USE IN CRIME.—Section 924(h) of title 18, United States Code, is amended by inserting "and"

"(1) by striking "pen register or a trap and trace device; or"

"(2) by striking "a pen register or a trap and trace device; or"

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

"(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

"(2) by inserting after subsection (b) the following:

"(C) with respect to an application for the use of a clone pager, a court of general criminal jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a pen register or a trap and trace device; or

"(3) by striking the section heading and inserting the following:

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

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

"(1) by striking "pen register orders and orders for trap and trace devices" and inserting "orders for pen registers, trap and trace devices, and clone pagers"; and

"(2) by striking the section heading and inserting the following:

"§ 3126. Reports concerning pen registers, trap and trace devices, and clone pagers".

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

"(1) in paragraph (2)—

"(A) in subparagraph (A), by striking "or"

"(B) by striking subsection (b) and inserting the following:

"(B) with respect to an application for the use of a pen register or trap and trace device, a court of general jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a pen register or a trap and trace device; or

"(g) APPLICATIONS.—Chapter 206 of title 18, United States Code, is amended by adding at the end the following:

"(a) APPLICATION.—

"(1) FEDERAL REPRESENTATIVES.—Any attorney for the Government may apply to a court of competent jurisdiction for an order to use the clone pager under section 3124 of this title.

"(2) STATE REPRESENTATIVES.—A State investigative or law enforcement officer may, if authorized by a State statute, apply to a court of competent jurisdiction for an order for an extension of an order under section 3129 of this title authorizing the use of a clone pager.

"§ 3128. Application for an order for use of a clone pager

"(1) APPLICATION.—

"(1) FEDERAL REPRESENTATIVES.—Any attorney for the Government may apply to a court or competent jurisdiction for an order for an extension of an order under section 3129 of this title authorizing the use of a clone pager.

"(2) STATE REPRESENTATIVES.—A State investigative or law enforcement officer may, if authorized by a State statute, apply to a court of competent jurisdiction of such State for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager

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

"(1) the identity of the attorney for the Government or the State law enforcement or investigative officer making the application; and

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

"(3) a description of the numeric display paging device to be cloned;

"(4) a description of any offense to which the information likely to be obtained by the clone pager relates; and

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

"(6) an affidavit or affidavits, sworn to before the court of competent jurisdiction, es-

"{b) CONTENTS OF APPLICATION.—An application under subsection (a) of this section shall include—

"(1) the identity of the attorney for the Government or the State law enforcement or investigative officer making the application; and

"(2) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;
..."(B) the date of the entry and the period of
cloné page, if authorized, or the denial of the
application; and
"(C) whether or not information was ob-
tained through the use of the cloné page.
"(2) PHASEMENT.—A receipt or delivery
showing of good cause, a court of competent
jurisdiction may in its discretion postpone
the serving of the notice required by this
subsection.
"(h) CLERICAL AMENDMENTS.—The table of
sections for chapter 206 of title 18, United
States Code, is amended—
"(1) by striking the item relating to section
3121 and inserting the following:
"3121. General prohibition on pen register,
trap and trace device, and clonépager use; exception.;"
"(2) by striking the items relating to sec-
tions 3124, 3125, and 3126 and inserting the follow-
ning:
"3124. Assistance in installation and use of a
pen register, trap and trace de-
cive, and cloné pager.
"3125. Emergency installation and use of a pen
register, trap and trace device,
and cloné page.
"3126. Reports concerning pen registers, trap
and trace devices, and cloné
pagers.; and
"(3) by adding at the end the following:
"3128. Application for an order for use of a
cloné page.
"3129. Issuance of an order for use of a cloné
page.
"3126. Assistance in installation and use of a
pen register, trap and trace de-
cive, and cloné pager.
"3125. Emergency installation and use of a pen
register, trap and trace device,
and cloné page.
"3126. Reports concerning pen registers, trap
and trace devices, and cloné
pagers.; and
"(i) CONFORMING AMENDMENT.—Section
706(a) of the Communications Act of 1993 (47
U.S.C. 605(a)) is amended by striking "chapter
119," and inserting "chapters 119 and 206 of
"TITLE III—JUVENILE CRIME CONTROL,
ACCOUNTABILITY, AND DELINQUENCY
PREVENTION
Subtitle A—Reform of the Juvenile Justice
and Delinquency Prevention Act of 1974
SEC. 301. FINDINGS; DECLARATION OF PURPOSE;
DEFINITIONS
Title I of the Juvenile Justice and Delinquency
Prevention Act of 1974 (42 U.S.C. 5601
et seq.) is amended to read as follows:
"TITLE I—FINDINGS AND DECLARATION OF
PURPOSE"
"SEC. 101. FINDINGS.
"Congress makes the following findings:
"(1) During the past decade, the United
States has experienced an alarming increase
in arrests of adolescents for murder, assault,
and weapons offenses.
"(2) In 1994, juveniles accounted for 1 in 5
arrests for violent crimes, including murder,
robbery, aggravated assault, and rape, in-
cluding 514 such arrests per 100,000 juveniles
10 through 17 years of age.
"(3) Understaffed and overcrowd
juveniles, their families, and the religious
community, can create a community environment
that supports the youth of the Nation in reaching
their highest potential and reduces the de-
structive trend of juvenile crime.
"SEC. 102. PURPOSE AND STATEMENT OF POLICY.
"(a) In General.—The purposes of this Act are
to—
"(1) empower States and communities to
develop and implement comprehensive pro-
grams that support families, reduce risk fac-
tors, and prevent serious youth crime and ju-
venile delinquency;
"(2) protect the public and to hold juven-
iles accountable for their acts;
"(3) encourage States to cooperate, consistent
with the ideals of federalism, the adoption
by the States of policies recognizing the
rights of victims in the juvenile justice sys-
tem, and ensuring that the victims of violent
crimes committed by juveniles receive the
same level of justice as do the victims of vio-
lent crimes committed by adults;
"(4) provide for the thorough and ongoing eval-
uation of all federally funded programs ad-
ressing juvenile crime and delinquency;
"(5) provide technical assistance to public
and private nonprofit entities that protect
public safety, administer justice and correc-
tions to delinquent youth, or provide serv-
ces to youth at risk of delinquency, and
their families;
"(6) establish a centralized research effort
on the problems of youth crime and juvenile
delinquency, including the dissemination of
the findings of such research and all related
data;
"(7) establish a Federal assistance program
to deal with the problems of runaway and
homelessness among youth;
"(8) assist States and units of local govern-
ment in improving the administration of jus-
tice for juveniles;
"(9) provide technical assistance to public
and private nonprofit entities that protect
public safety, administer justice and correc-
tions to delinquent youth, or provide serv-
ces to youth at risk of delinquency, and
their families;
"(10) provide technical assistance to public
and private nonprofit entities that protect
public safety, administer justice and correc-
tions to delinquent youth, or provide serv-
ces to youth at risk of delinquency, and
their families;
"(11) 'Federal, State, and local agencies, and in co-
operation with business and private organi-
zations, as appropriate.''
"(b) STATEMENT OF POLICY.—It is the pol-
cy of Congress to provide resources, leader-
ship, and coordination to—
"(1) combat youth violence and to pros-
cute and punish effectively violent juvenile
offenders;
"(2) enhance efforts to prevent juvenile
crime and delinquency; and
"(3) improve the quality of juvenile justice in
the United States.
"SEC. 103. DEFINITIONS.
"In this Act:
"(1) ADMINISTRATOR.—The term ‘Adminis-
trator’ means the Administrator of the Of-
cine of Juvenile Crime Control and Preven-
tion, appointed in accordance with section
201.
"(2) ADULT INMATE.—The term ‘adult in-
mate’ means an individual who—
"(A) has reached the age of full criminal
responsibility under applicable State law;
and
"(B) has been arrested and is in custody for,
awaiting trial on, or convicted of crim-
inal charges.
"(3) BUREAU OF JUSTICE.—The term ‘bureau of
justice’ means a residential facility (exclud-
ing a priv-
ate residence) at which there are provided—
"(A) a highly regimented schedule of dis-
cipline, physical training, work, drill, and
ceremonies characteristic of military basic
training;
"(B) regular, remedial, special, and voca-
tional education;
"(C) counseling and treatment for sub-
stance abuse and other health and mental
health problems;
"(D) supervision by properly screened staff,
who are trained and experienced in working
with juveniles or young adults, in highly
structured, disciplined surroundings, char-
acteristic of a military environment; and
"(E) participation in community service
programs, such as counseling sessions, men-
toring, community service, or restitution
projects, and a comprehensive aftercare plan
developed through close coordination with
Federal, State, and local agencies, and in co-
operation with business and private organi-
zations, as appropriate.
"(4) BUREAU OF JUSTICE ASSISTANCE.—The
term ‘Bureau of Justice Assistance’ means


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

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

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

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

(a) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;

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

(c) encourages collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

(d) encourages private and public partnerships of services for the prevention and treatment of juvenile delinquency.

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

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

"(12) GENDER-SPECIFIC SERVICES.—The term ‘gender-specific services’ means services addressed to needs unique to the gender of the individual to whom such services are provided.

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

"(14) HOME-BASED ALTERNATIVE SERVICES.—The term ‘home-based alternative services’ means services provided to a juvenile in the juvenile’s home that is alternative to incarcerating the juvenile, and includes home detention.

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

"(16) JUVENILE.—The term ‘juvenile’ means a person who is under the age of 18 years who is subject to delinquency proceedings under applicable State law.

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

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

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

(B) awaiting trial on a criminal charge; or

(C) convicted of violating a criminal law.

"(19) JUVENILE DELINQUENCY PROGRAM.—The term ‘juvenile delinquency program’ means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, and evaluation of their programs which may include, medical, educational, behavioral, and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.

"(20) LAW ENFORCEMENT AND CRIMINAL JUSTICE.—The term ‘law enforcement and criminal justice’ means any activity pertaining to the investigation, correction, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services), activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.


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

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


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

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

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

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

"(27) PROHIBITED PHYSICAL CONTACT.—

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

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

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

(B) EXCLUSION.—The term does not include supervised proximity between a juvenile and an adult inmate that is brief and incidental, such as proximity at lunchtime, recreational activities, or during small meetings for which the program or initiative addresses known risk factors for youth problem behaviors that incorporates activities that inhibit the behaviors and that build on protective factors for youth.

"(28) RELATED COMPLEX OF BUILDINGS.—The term ‘related complex of buildings’ means 2 or more buildings that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

"(29) SECURITY CORRECTIONAL FACILITY.—The term ‘security correctional facility’ means any public or private residential facility that—

(A) provides residential services designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

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

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

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

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

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

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

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

“(34) SUSTAINED ORAL COMMUNICATION.—(A) IN GENERAL.—The term ‘sustained oral communication’ means the imparting or interchanging of speech by or between an adult inmate and a juvenile.

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

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

“(ii) sounds or noises that cannot reasonably be considered to be speech.

“(35) TREATMENT.—The term ‘treatment’ includes medical and other rehabilitative services designed to protect the public, including any services designed to benefit addicted or other individuals who have had experience in juvenile delinquency prevention and crime control programs.

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

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

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

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

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

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

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

“(i) the District of Columbia; or

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

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

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

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

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

“(A) murder or nonnegligent manslaughter, treason, robbery, or burglary;

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

SECTION 102. JUVENILE CRIME CONTROL AND PREVENTION.

PART A—OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION

SECTION 201. ESTABLISHMENT OF OFFICE.

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

“(b) ADMINISTRATOR.—

“(1) IN GENERAL.—The Office shall be headed by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, as provided in section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757). The Administrator shall serve in the Office a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, as provided in section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757). The Deputy Administrator shall perform such functions as the Administrator may assign to the Deputy Administrator. The Deputy Administrator shall be an individual who has had experience in juvenile delinquency prevention and crime control programs.

“(2) REGULATIONS.—The Administrator may prescribe regulations consistent with this title, as provided in section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3757), that are necessary to carry out such plan, for all Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities relating to improving juvenile crime control, the rehabilitation of juvenile offenders, the prevention of juvenile crime, and the enhancement of accountability by offenders within the juvenile justice system in the United States.

“(c) DEPUTY ADMINISTRATOR.—There shall be in the Office a Deputy Administrator, who shall be appointed by the Attorney General. The Deputy Administrator shall perform such functions as the Administrator may assign to the Deputy Administrator. The Deputy Administrator shall be an individual who has had experience in juvenile delinquency prevention and crime control programs.

“(d) SERVICES.—The Administrator may allocate or reallocate any function by the Administrator under this title.

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

“(A) delegate any of the functions of the Administrator, and any function transferred or granted to the Administrator after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, to such officers and employees of the Office as the Administrator may designate; and

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

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

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

SECTION 202. PERSONNEL, SPECIAL PERSONNEL, EX- CLUSIONS, AND GRANTS.

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

“(b) OFFICERS.—The Administrator may select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in the Administrator and to prescribe their functions.

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

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

SECTION 203. VOLUNTARY SERVICE.

“The Administrator may accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3676(b) of the Revised Statutes (31 U.S.C. 601(b)).

SECTION 204. NATIONAL PROGRAM.

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

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

“(2) CONTENTS OF PLANS.—(A) IN GENERAL.—Each plan described in paragraph (1) shall—

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

“(ii) provide for coordinating the administration of programs and activities under this title with the administration of all other Federal juvenile crime control, prevention, and juvenile offender accountability programs and activities, including proposals for joint funding to be coordinated by the Administrator;

“(iii) provide a detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are brought before the court, the time served by juveniles in custody, and the trends demonstrated by such data;
“(iv) provide a description of the activities for which amounts are expended under this title;”
“(v) provide specific information relating to the attainment of goals set forth in the plan, including specific, measurable standards for the performance of programs and agencies for juvenile crime reduction and juvenile offender accountability goals; and
“(vi) provide for the coordination of Federal, State, and local initiatives for the reduction of youth crime, preventing delinquency, and ensuring accountability for juvenile offenders;”

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

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

“(ii) the age of the juveniles; and

“(iii) the types of facilities used to hold the juveniles (including juveniles treated as adults).”

“(B) revise the plans, as the Administrator determines to be necessary to carry out the purposes of this title;”

“(C) advising the Administrator with respect to the proportion of funds advanced; and

“(D) in such a case, a single non-Federal entity—

“(1) advise the President through the Attorney General, may utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

“(C) serving as a single point of contact for the States, units of local government, and private entities to apply for and coordinate the use of and access to all Federal juvenile crime control, prevention, and juvenile offender accountability programs to provide the Administrator with such information and reports, and to conduct such studies and surveys, as the Administrator determines to be necessary to carry out the purposes of this title.

“(D) UTILIZATION OF SERVICES AND FACILITIES OF OTHER AGENCIES: REMUNERATION.—The Administrator, through the general authority of the Attorney General, may utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

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

“(F) ANNUAL JUVENILE DELINQUENCY DEVELOPMENT OF STATE PLANS.—Each State plan to provide the Administrator with information, data, and analyses as the Administrator may require. Such analysis shall include an analysis of the extent to which the program of the Federal agency submitting such development state conforms with and furthers Federal juvenile crime control, prevention, and juvenile offender accountability development statement.

“(A) in general.—Each State plan submitted under paragraph (1) shall contain such information, data, and analyses as the Administrator may require. Such analysis shall include an analysis of the extent to which the program of the Federal agency submitting such development state conforms with and furthers Federal juvenile crime control, prevention, and juvenile offender accountability development statement.

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

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

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

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

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

“(ii) in such a case, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency and the Attorney General may require, through appropriate authority, Federal departments and agencies engaged in any activity involving Federal crime control, prevention, and juvenile offender accountability program to provide the Administrator with such information and reports, and to conduct such studies and surveys, as the Administrator determines to be necessary to carry out the purposes of this title.

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“COUNTABILITY PROGRAMS FOR THE FOLLOWING FISCAL YEAR—

“(3) serve as a single point of contact for the States, units of local government, and private entities to apply for and coordinate the use of and access to all Federal juvenile crime control, prevention, and juvenile offender accountability programs;”

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

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

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

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

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

“(2) in such a case, a single non-Federal entity—

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

“(B) in such a case, a single non-Federal entity—

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

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

“(C) serve as a single point of contact for the States, units of local government, and private entities to apply for and coordinate the use of and access to all Federal juvenile crime control, prevention, and juvenile offender accountability programs;”

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

“(B) serve as a single point of contact for the States, units of local government, and private entities to apply for and coordinate the use of and access to all Federal juvenile crime control, prevention, and juvenile offender accountability programs;”

“(A) in general.—Each State plan submitted under paragraph (1) shall contain such information, data, and analyses as the Administrator may require. Such analysis shall include an analysis of the extent to which the program of the Federal agency submitting such development state conforms with and furthers Federal juvenile crime control, prevention, and juvenile offender accountability development statement.

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

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

“(C) not later than March 1 of each year, the Attorney General, may require, through appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

“(E) INFORMATION, REPORTS, STUDIES, AND SURVEYS FROM OTHER AGENCIES.—The Administrator, through the general authority of the Attorney General, may utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

“(A) IN GENERAL.—Each Federal agency that administers a Federal juvenile crime control, prevention, and juvenile offender accountability program may make available, through models developed through the Institute and through programs funded under section 261; and

“(B) annual conference of the work of the Office; and

“(2) in such a case, a single non-Federal entity—

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

“(C) ANNUAL REVIEW.—The Administrator shall—

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

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

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

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

“(C) reviewing the plans, as the Administrator considers appropriate; and

“(A) the types of offenses with which the juveniles were charged;

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

“(C) reviewing the plans, as the Administrator considers appropriate; and

“(A) the types of offenses with which the juveniles were charged;
SEC. 205. JUVENILE DELINQUENCY PREVENTION GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to eligible States in accordance with this part for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

(1) educational projects or supportive services for delinquent or other juveniles;

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

(3) to assist in identifying learning difficulties (including learning disabilities);

(4) to prevent unwarranted and arbitrary suspensions and expulsions; and

(5) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

(b) ADMINISTRATIVE DUTIES.—(A) The Administrator shall carry out this part; and

(C) The Administrator shall carry out this part.

Sec. 205. (A) An assurance that such application shall contain—

(1) the costs incurred by the State to carry out this project;

(2) the costs incurred by the State to carry out this project; and

(3) a marketable skill through effective education; and

(c) ENSURING ELIGIBILITY.—(A) Special treatment for low-income juveniles who reside in low-income neighborhoods with high rates of poverty, violence, and drug-related crimes;

(B) projects that leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

(C) projects that incorporate the following elements:

(1) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or other community member); and

(D) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

(E) to develop locally coordinated policies and programs among agencies, local educational agencies, public recreation, and social service agencies;

(F) to develop policies that provide for learning disabilities;

(G) to assist in identifying learning difficulties (including learning disabilities);

(H) to prevent unwarranted and arbitrary suspensions and expulsions; and

(I) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism; and

(J) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs); and

(K) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

(L) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

(M) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

(N) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs).

Sec. 205. (A) An assurance that such application shall contain—

(1) the costs incurred by the State to carry out this project;

(2) the costs incurred by the State to carry out this project; and

(3) a marketable skill through effective education; and

(c) ENSURING ELIGIBILITY.—(A) Special treatment for low-income juveniles who reside in low-income neighborhoods with high rates of poverty, violence, and drug-related crimes;

(B) projects that leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

(C) projects that incorporate the following elements:

(1) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or other community member); and

(D) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

(E) to develop locally coordinated policies and programs among agencies, local educational agencies, public recreation, and social service agencies;

(F) to develop policies that provide for learning disabilities;

(G) to assist in identifying learning difficulties (including learning disabilities);

(H) to prevent unwarranted and arbitrary suspensions and expulsions; and

(I) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism; and

(J) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs); and

(K) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

(L) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

(M) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs).

Sec. 205. (A) An assurance that such application shall contain—

(1) the costs incurred by the State to carry out this project;

(2) the costs incurred by the State to carry out this project; and

(3) a marketable skill through effective education; and

(c) ENSURING ELIGIBILITY.—(A) Special treatment for low-income juveniles who reside in low-income neighborhoods with high rates of poverty, violence, and drug-related crimes;
“(2) an entity shall not be eligible to receive a grant under subsection (c) unless—

(i) the State submitted a plan under subsection (b) for such fiscal year, or

(ii) the State submitted a plan under subsection (b) for such fiscal year and on the amount of the grant that is proportional, based on such initial grant and on the amount of the grant received under subsection (a) by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

(3) LIMITATION.—Except as provided in paragraph (3), such application shall not be eligible to receive a grant under subsection (c) unless—

(A) an entity satisfies the requirements specified in clauses (i) and (ii) of subparagraph (A), such entity may submit such application directly to the State;

(B) the State submits a plan under subsection (b) for such fiscal year for such entity that—

(i) describes a comprehensive plan to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

(4) ELIGIBILITY OF ENTITIES.—

(A) IN GENERAL.—Subject to subparagraph (B), a unit of local government shall submit to the State simultaneously all applications that are—

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

(ii) determined by such unit to be consistent with the current plan formulated by the Attorney General to reduce the rate of juvenile delinquency in the geographical area under the jurisdiction of such unit.

(B) DIRECT SUBMISSION.—If an application submitted to such unit by an eligible entity satisfies the requirements specified in clauses (i) and (ii) of subparagraph (A), such entity may submit such application directly to the State.

(5) ELIGIBILITY OF ENTITIES.—

(A) IN GENERAL.—Subject to paragraph (2) and except as provided in paragraph (3), to be eligible to receive a grant under subsection (c), a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 1410 of the Elementary and Secondary Education Act of 1965 and including a faith-based organization), unit of local government, or social service agency must demonstrate, before the expiration of such 2-year period, that such project or activity has demonstrated, history of involvement in the prevention of juvenile delinquency, shall submit to a unit of local government an application that contains—

(i) an assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in 1 or more of paragraphs (1) through (22) of subsection (a) as specified in such application;

(ii) a statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

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

(4) RESEARCH AND EVALUATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), of the amount made available to carry out this section in each fiscal year, the Administrator shall use the lesser of 5 percent or $1,000,000 for research, statistics, and evaluation activities carried out in conjunction with the grant programs under this section.

(B) EXCEPTION.—No amount shall be available as provided in paragraph (1) for a fiscal year, if amounts are made available for such fiscal year by the National Institute of Justice for evaluation research of juvenile delinquency programs pursuant to subsection (b)(6) or (c)(6) of section 313.

(5) SEC. 206. GRANTS TO YOUTH ORGANIZATIONS.

(1) GRANT PROGRAM.—The Administrator may make grants to Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act) and National, Statewide, or community-based, nonprofit organizations in crime prone areas, such as Boys and Girls Clubs, Police Athletic Leagues, 4-H Clubs, YWCA, YMCA, Big Brothers and Big Sisters, and Kids ‘N Kops programs for the purposes of—

(1) providing constructive activities to youth during after school hours, weekends, and school vacations;

(2) providing supervised activities in safe environments to youth in those areas, including activities through parks and other recreation areas; and

(3) providing anti-alcohol and other drug education to prevent alcohol and other drug abuse among youth.
(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the governing body of the Indian tribe or the chief operating officer of a national, Statewide, or community-based nonprofit organization shall submit an application to the Administrator containing such information as the Administrator may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a grant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by an appropriate number of responsible adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs; and

(F) any additional statistical or financial information that the Administrator may reasonably require.

(c) GRANT AWARDS.—In awarding grants under this section, the Administrator shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime prone areas, including efforts to achieve an equitable geographic distribution of the grant awards.

(d) ALLOCATION.—Of the amounts made available to carry out this section—

(1) 20 percent shall be for grants to national or Statewide nonprofit organizations; and

(2) 80 percent shall be for grants to community-based, nonprofit organizations.

(e) CONTINUED AVAILABILITY.—Amounts made available under this section shall remain available until expended.

SEC. 207. GRANTS TO INDIAN TRIBES.

(a) IN GENERAL.—From the amount reserved under section 208(b) in each fiscal year, the Administrator shall make grants to Indian tribes for programs pursuant to the permissible purposes under section 205 and part B.

(b) APPLICATIONS.—

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

(2) PLANS.—Each application submitted under paragraph (1) shall include a plan for conducting projects described in section 205(a), which plan shall—

(A) detail the procedures that the Indian tribe performs law enforcement functions (as determined by the Secretary of the Interior);

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

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

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

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

(D) comply with the requirements of section 222(a)(2)(B), such subsection relating to consultation with a State advisory group and with the requirements of section 222(c), and

(E) contain such other information, and be subject to such additional requirements, as the Administrator may reasonably prescribe.

(b) EXCEPTION.—In awarding grants under this section, the Administrator shall consider—

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

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

(A) the relative juvenile population; and

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

(c) GRANT AWARDS.—

(1) IN GENERAL.—The competitive awards.—Except as provided in paragraph (2), the Administrator shall annually award grants under this section on a competitive basis. The Administrator shall enter into a grant agreement with each grant recipient under this section that specifies the terms and conditions of the grant.

(b) Period of Grant.—The period of each grant awarded under this section shall be 2 years.

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

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

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

(d) MODIFICATIONS OF PROCESSES.—The Administrator may prescribe requirements to provide for appropriate modifications to the plan preparation and application process specified in section 205(b) and a plan submitted in accordance with paragraph (1)(A); and

(b) MODIFICATION.—The grant recipients that receive a grant under this section shall be subject to the fiscal accountability requirements of section 205(b)(2) and (3).

(c) REPORTING REQUIREMENTS.—Each Indian tribe that receives a grant under this section shall make an application for a renewal grant under paragraph (2)(B).

(b) IN GENERAL.—Grants under this section shall be known as—

(a) ADMINISTRATIVE COSTS.—Amounts made available to a State under a grant under this section may be used by the State—

(1) to support the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide bilingual, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

(b) AUTHORITY TO MAKE GRANTS.—From the amounts reserved by the Administrator under section 208(b), the Administrator shall make a grant to a State in an amount determined under subsection (d), for use in accordance with subsection (c).

(c) USE OF GRANT AMOUNTS.—Amounts made available to a State under a grant under this section may be used by the State—

(1) to support the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide bilingual, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

(2) to ensure proper State training of personnel who answer and respond to telephone calls to hotlines described in paragraph (1); and

(3) to assist in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (1), including the utilization of Internet web pages or resources;

(4) to enhance State efforts to offer appropriate counseling services to individuals who may be considering suicide or threatening to do harm to themselves or others; and

SEC. 208. ALLOCATION OF GRANTS.

(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the amount allocated under section 291 to carry out section 205 in each fiscal year shall be allocated to the States as follows:

(1) 0.5 percent shall be allocated to each eligible State.

(2) The amount remaining after the allocation under subparagraph (A) shall be allocated among eligible States as follows:

(A) 50 percent of such amount shall be allocated proportionally based on the annual number of arrests for serious crimes committed in the eligible States by juveniles during the then most recently completed period of 3 consecutive calendar years for which sufficient information is available to the Administrator.

(b) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, from the amount allocated under section 291 to carry out section 205 and part B in each fiscal year—

(1) the Administrator shall reserve an amount equal to the amount which all Indian tribes that qualify for a grant under section 207 would collectively be entitled, if such tribes were collectively treated as a single entity for purposes of section 208(b), for grants for programs under section 207 that would be supported by the Administrator.

(2) the Administrator shall reserve 5 percent to make grants to States under section 209.

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

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

SEC. 209. CONFIDENTIAL REPORTING OF INDIVIDUALS SUSPECTED OF IMMINENT SCHOOL VIOLENCE.

(a) IN GENERAL.—Grants under this section shall be known as—

(b) AUTHORITY TO MAKE GRANTS.—From the amounts reserved by the Administrator under section 208(b), the Administrator shall make a grant to a State in an amount determined under subsection (d), for use in accordance with subsection (c).

(c) USE OF GRANT AMOUNTS.—Amounts made available to a State under a grant under this section may be used by the State—

(1) to support the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide bilingual, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;
(5) to further State efforts to publicize the services offered by the hotlines described in paragraph (1) and to encourage individuals to utilize those services.

(d) Allocation to States.—The total amount carried out in this section in each fiscal year shall be allocated to each State based on the proportion of the population of the State that is less than 18 years of age.

*PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS*

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

(a) In General.—The Administrator may make grants to and participate in the development of, or combinations thereof, to assist them in establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, demonstration, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve criminal justice system.

(b) Training and Technical Assistance.—

(1) In General.—With not to exceed 2 percent of the funds available to a State for any fiscal year, the Administrator shall carry out programs described in section 222(c) and implementation of the State plan approved under section 222(a)(1).

(2) Eligible Recipients.—Grants may be made to any public or private agency, and may be entered into under paragraph (1) only to public and private agencies, organizations, and individuals that have experience in providing such training and technical assistance, the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 222(a)(1).

**SEC. 222. STATE PLANS.**

(a) In General.—In order to receive formula grant funds under this part, a State shall submit a plan, in consultation with the State Advisory Group established by the State under subsection (b)(2)(A), for carrying out its purposes applicable to a 3-year period. A portion of any allocation of formula grants to a State shall be available to develop a State plan or for other activities associated with such State plan which are necessary for efficient administration, including monitoring, evaluation, and one full-time staff position. The State shall submit such performance reports to the Administrator, each of which shall describe progress in implementing programs contained in the original plan, and amendments necessary to update the plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations that the Administrator shall prescribe, a second plan shall be submitted.

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

(2) provide for evidence that the State agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in the State that is less than 75 percent of the funds available to the State under section 221, other than funds made available to the State advisory group under this section, are spent by the State for programs designed to effectuate the plan.

(3) provide for the active consultation with and participation of units of local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, to

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

(i) for youth who need temporary placement: crisis intervention, shelter, and after-care; and

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

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

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

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

(E) educational programs or supportive services for delinquents or other juveniles;

(F) expanding the use of probation officers;

(G) programs designed to develop and project plans relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community service, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities; and

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

(4) to the extent feasible and consistent with paragraph (5), provide for an equitable distribution of the services received with the State, including child protection agencies, mental health agencies, welfare services, health care agencies, public recreation agencies, and private nonprofit organizations and agencies;

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

(b) Training and Technical Assistance.—

(1) design for—

(i) an analysis of juvenile crime and delinquency problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State (including any geographical area in which an inability to function independent from such juveniles), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which these programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the State;

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

(iii) a plan for the concentration of State efforts, which shall coordinate all State juvenile prevention, correction, and delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile crime control and delinquency prevention programs, includ-
part of gangs whose membership is substan-
tially composed of youth;

"(J) programs and projects designed to pro-
vide for the treatment of youths’ dependence
on or abuse of alcohol or other addictive or
nonaddictive drugs;

"(K) boot camps for juvenile offenders;

"(L) community-based programs and serv-
ices to work with juveniles, their parents, and
other family members during and after incar-
ceration in order to strengthen families so that
such juveniles may be retained in their homes;

"(M) programs, activities (such as court-ap-
pointed advocates) that the State determines
will hold juveniles accountable for their acts
and decrease juvenile involvement in delin-
quent activities;

"(N) establishing policies and systems to
incorporate relevant child protective serv-
ices records into juvenile justice records for
purposes of establishing treatment plans for
juvenile offenders;

"(O) programs (including referral to lit-
eracy programs and social service programs) to
assist families with limited English-
speaking ability that include delinquent ju-
veniles to overcome language and other bar-
riers that may prevent the complete treat-
ment of such juveniles and the preservation of
their families;

"(P) programs that utilize multidisci-
plinary interagency case management and
information sharing, that enable the juvenile
justice and law enforcement agencies, schools,
and social service agencies to make more
informed decisions regarding early identifica-
tion, control, supervision, and treatment of juveniles who repeatedly com-
mit violent or serious delinquent acts;

"(Q) programs designed to prevent and re-
duce hate crimes committed by juveniles;

"(R) court supervised initiatives that ad-
dress the illegal possession of firearms by ju-
veniles; and

"(S) programs for positive youth develop-
ment that provide delinquent youth and youth at-risk of delinquency with—

"(i) a relationship with a caring adult (for example, mentor, tutor, coach, or
shelter youth worker);

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

"(iii) a healthy start;

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

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

"(ii) shall provide that—

"(A) juveniles who are charged with or who
have committed an offense that would not be
criminal if committed by an adult, exclud-
ing—

"(i) juveniles who are charged with or who
have committed a violation of section
922(x)(2) of title 18, United States Code, or of
a similar State law;

"(ii) juveniles who are charged with or who
have committed a violation of a valid court
order; and

"(iii) juveniles who are held in accordance
with the Interstate Compact on Juveniles as
enacted by the States and shall not be placed in secure detention facili-
ties or secure correctional facilities; and

"(B) juveniles—

"(i) who are not charged with any offense; and

"(ii) who are—

"(A) aliens; or

"(B) alleged to be dependent, neglected, or
abused;

shall not be placed in secure detention facili-
ties or secure correctional facilities;
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"(1) whether there is reasonable cause to believe that such juvenile violated such order; and
"(2) the appropriate placement of such juvenile pending disposition of the violation alleged;
"(21) specify a percentage, if any, of funds received under section 221 that the State will reserve for expenditure by the State to provide incentive grants to units of local government that reduce the case load of probation officers within such units;
"(22) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court;
"(23) unless the provisions of this paragraph are waived at the discretion of the Administrator in which instances for delinquent or other youth are organized primarily on a statewide basis, provide that at least 50 percent of funds received by the State under this section, other than funds made available to the State advisory group, shall be expended—
"(A) through programs of units of general local government for combinations thereof, to the extent such programs are consistent with the State plan; and
"(B) through programs of local private agencies to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of general local government or combination thereof;
"(24) provide for the establishment of youth tribunals and peer 'juries' in school districts in the State to promote zero tolerance policies with respect to misdemeanor offenses, such as vandalism, underage delinquency, and other antisocial behavior occurring on school grounds, including truancy, vandalism, underage drinking, and underage tobacco use;
"(25) provide for projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk for treatment of juvenile offenders, the treatment of juvenile delinquency, the investigation of juvenile crimes, or the administration of treatment programs, and shall include not less than 1 prosecutor and not less than 1 judge from a court with a juvenile crime or delinquency docket. The chairperson of the State Advisory Group shall not be a full-time employee of the Federal Government or the State government.
"(26) provide assurances that—
"(A) the State advisory group referred to in subsection (a) shall be a full-time employee of the Federal Government, on the nature, administration of juvenile justice programs, and shall be not less than $75,000 and not more than $100,000.
"(B) direct grant awards and other support to develop, test, and demonstrate new approaches to improve the juvenile justice system and reduce, prevent, and abate delinquent behavior, juvenile crime, and youth violence;
"(3) for research and evaluation efforts to discover and test methods and practices to improve the juvenile justice system and reduce, prevent, and abate delinquent behavior, juvenile crime, and youth violence; and
"(4) information, including information on best practices, consistent with purposes authorized under sections 204, 205, and 221;
National Institute of Justice (referred to in this part as the "Director"), in consultation with the Administrator.

(c) COORDINATION.—The activities of the National Institute for Juvenile Crime Control and Delinquency Prevention shall be coordinated with the activities of the National Institute of Justice.

(d) DUTIES OF THE INSTITUTE.—In general.—The Administrator shall transfer appropriated amounts to the National Institute of Justice, or to other Federal agencies, for the purposes of new research, demonstration, and training projects funded by the National Institute for Juvenile Crime Control and Delinquency Prevention, and for evaluation of discretionary programs of the Office of Juvenile Crime Control and Prevention.

(2) REQUIREMENTS.—Each evaluation and research study funded with amounts transferred under paragraph (1) shall—

(A) be independent in nature; and

(B) be awarded competitively; and

(C) employ rigorous and scientifically recognized methodologies, including peer review by nonparticipants.

(e) POWERS OF THE INSTITUTE.—In addition to the other powers, express and implied, the National Institute for Juvenile Crime Control and Delinquency Prevention may—

(1) request any Federal agency to supply such statistics, data, program reports, and other material as the National Institute for Juvenile Crime Control and Delinquency Prevention deems necessary to carry out its functions;

(2) make and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

(3) confer with and avail itself of the cooperation of the regional and state agencies of State, municipal, or other public or private local agencies;

(4) make grants and enter into contracts with public or private agencies, organizations, or individuals for the partial performance of any functions of the National Institute for Juvenile Crime Control and Delinquency Prevention; and

(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States Government, or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, to another Federal agency authorized to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information concerning juvenile delinquency and juvenile justice, and, for other purposes, consistent with the Violent and Repeat Juvenile Offender Account (established by Pub. L. 106-1), the Administrator shall—

(A) be independent in nature;

(B) be awarded competitively; and

(C) employ rigorous and scientifically recognized methodologies, including peer review by nonparticipants.

(f) INFORMATION FROM FEDERAL AGENCIES.—A Federal agency that receives a request from the National Institute for Juvenile Crime Control and Delinquency Prevention under subsection (e)(1) may cooperate with the National Institute for Juvenile Crime Control and Delinquency Prevention and shall, to the maximum extent practicable, consult with and furnish information and advice to the National Institute for Juvenile Crime Control and Delinquency Prevention.

SEC. 242. INFORMATION FUNCTION.

The Administrator, in consultation with the Director, shall—

(1) on a continuing basis, review reports, data, and standards relating to the juvenile justice system in the United States;

(2) serve as an information bank by collecting and synthesizing the knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency; and

(3) serve as a clearinghouse and information center for the preparation, publication, and dissemination of information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs (including drug and alcohol programs and gender-specific programs) and plans, availability of resources, training and educational programs, statistical data, and other pertinent data and information.

SEC. 242A. STATISTICAL ANALYSIS.

The Administrator, under the supervision of the Assistant Attorney General for the Office of Justice Programs, and in consultation with the Director, may—

(1) transfer funds to and enter into agreements with the Bureau of Justice Statistics or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, to another Federal agency authorized to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information concerning juvenile delinquency and juvenile justice, and, for other purposes, consistent with the Violent and Repeat Juvenile Offender Account (established by Pub. L. 106-1), and—

(A) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods that show promise in relation to the prevention and treatment of juvenile delinquency;

(B) encourage the development of demonstration projects experimenting with innovative techniques and methods to prevent and treat juvenile delinquency;

(C) establish or expand programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

(a) recognize courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education, vocational and special, job training, and recreation); and

(b) assist in the provision by the Administrator of best practices of information and assistance (including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel) in determining appropriate and appropriate treatment for each behavior;

(d) encourage the development of programs that, in addition to helping youth take responsibility for their behavior, through control and incarceration, if necessary, provide therapeutic intervention such as providing skills;

(5) encourage the development and establishment of programs to enhance the States’ capacity to address chronic serious and violent juvenile offenders who commit crimes such as rape, murder, firearms offenses, gang-related crimes, violent felonies, and serious drug offenses;

(6) prepare, in cooperation with education institutions, with Federal, State, and local agencies, and with appropriate individuals and private agencies, such studies as it considers to be necessary with respect to prevention of and intervention with juvenile violence and delinquency and the improvement of juvenile justice systems, including—

(A) evaluations of programs and interventions designed to prevent youth violence and juvenile delinquency;

(B) assessments and evaluations of the methodological approaches to evaluating the effectiveness of interventions and programs designed to prevent youth violence and juvenile delinquency;

(C) studies of the extent, nature, risk, and protective factors, and causes of youth violence and juvenile delinquency; and

(D) comparisons of youth adjudicated and treated by the juvenile justice system compared to juveniles waived to and adjudicated by the adult criminal justice system (including incarcerated in adult, secure correctional facilities);

(E) recommendations with respect to effective and ineffective primary, secondary, and tertiary prevention interventions, including for which juveniles, and under what circumstances (including circumstances concerning which the standards of the interventions, prevention efforts are effective and ineffective; and

(F) assessments of risk prediction systems designed to prevent juvenile used in making decisions regarding pretrial detention;

(G) disseminate the results of such evaluations and research and demonstration activities conducted under this section (a)(9); and

(H) make available to the public—

(i) data concerning—

(A) the results of research, demonstration, and evaluation activities referred to in subsection (a)(9); and

(ii) regular reports regarding each State’s objective measurements of youth violence, juvenile delinquency, the number, and trend of homicides committed by youths.
governments and to courts, public and private education and welfare institutions, and individuals in the planning, establishment, funding, operation, and evaluation of juvenile delinquency programs;

(2) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are working with or preparing to work with juveniles, juvenile offenders (including juveniles who commit hate crimes), and their families;

(3) develop, conduct, and provide for seminars, workshops, and training programs based on the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, prosecutors, and defense attorneys, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

(4) develop technical training teams to aid in the development of training programs in Courts, District Attorneys, and District Attorney’s offices, the States and to assist State and local agencies that work directly with juveniles and juvenile offenders; and

(5) provide technical assistance and training to jail, parole, and prison facilities and units of general local government.

SEC. 245. ESTABLISHMENT OF TRAINING PROGRAM.

(a) In General.—The Administrator shall establish a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency, including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles. In carrying out this program, the Administrator may make use of available State and local services, equipment, personnel, facilities, and the like.

(b) QUALIFICATIONS FOR ENROLLMENT.—Enrollees in the training program established under this section shall be drawn from law enforcement and correctional personnel (including volunteer lay personnel), teachers and other school personnel, probation officers, court personnel, counselors, child welfare workers, juvenile judges and judicial personnel, persons associated with law-related education, public recreation, and youth work, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.

SEC. 246. REPORT ON STATUS OFFENDERS.

Not later than September 1, 2002, the Administrator, through the National Institute of Justice, shall—

(1) conduct a study on the effect of incarceration on status offenders compared to similar situations individuals who are not placed in secure detention in terms of the continuation of their inappropriate or illegal conduct, delinquency, or future criminal behavior, and evaluating the safety of status offenders placed in secure detention; and

(2) submit to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate and the Chairman and Ranking Member of the Committee on Education and the Workforce of the House of Representatives a report on the results of the study conducted under paragraph (1).

SEC. 247. CONTESTED CASE FOR APPROVAL OF APPLICATIONS.

(a) In General.—Any agency, institution, or individual seeking to receive a grant, or enter into a contract under section 243, 244, or 245 shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator or the Director, as appropriate, may prescribe, and every application for assistance under section 243, 244, or 245 shall—

(b) APPLICATION CONTENTS.—In accordance with guidelines established by the Administrator or the Director, as appropriate, each application for assistance under section 243, 244, or 245 shall—

(1) set forth a program for carrying out 1 or more of the purposes set forth in section 243, 244, or 245, and specifically identify each such purpose such program is designed to carry out;

(2) provide that such program shall be administered by or under the supervision of the applicant;

(3) provide for the proper and efficient administration of such program;

(4) provide for regular evaluation of such program; and

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

(c) FACTORS IN CONSIDERATION.—In determining whether or not to approve applications for grants and contracts under this chapter, the Administrator or the Director, as appropriate, shall consider—

(1) whether the project uses appropriate and rigorous methodology, including appropriate samples, control groups, psychometrically sound measurement, and appropriate data analysis techniques;

(2) the experience of the principal and co-principal investigators in the area of youth violence and juvenile delinquency;

(3) the protection offered human subjects in the study, including informed consent procedures; and

(4) the cost-effectiveness of the proposed project.

(d) SELECTION PROCESS.—

(1) IN GENERAL.—

(A) COMPETITIVE PROCESS.—Subject to subparagraph (B), programs selected for assistance through grants or contracts under section 243, 244, or 245 shall be selected through a competitive process which shall be established by the Administrator or the Director, as appropriate, by rule. As part of such a process, the Administrator or the Director, as appropriate, shall:

(i) establish the evaluation procedures; and

(ii) announce the Federal Register—

(A) competitive process for assistance through grants or contracts under section 243, 244, or 245; and

(B) Waiver.—The competitive process described in subparagraph (A) shall not be required if the Administrator or the Director, as appropriate, makes a written determination waiving the competitive process with respect to a program to be carried out in an area with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency existed.

(2) REVIEW PROCESS.

(A) In General.—Programs selected for assistance through grants or contracts under this subsection shall be selected after a competitive process that provides potential grantees and contractors with not less than 90 days to submit applications for funds. Applications for funds shall be reviewed through a formal peer review process by qualified scientists with expertise in the fields of criminology, juvenile delinquency, sociology, psychology, behavioral research, and related areas. The peer review process shall conform to the process used by the National Institutes of Health, the National Institute of Justice, or the National Science Foundation.

(B) ESTABLISHMENT OF PROCESS.—Such process shall be established by the Administrator or the Director, as appropriate, in consultation with the Directors and other appropriate officials of the National Institutes of Health, the National Science Foundation, and the National Institute of Mental Health. Before implementation of such process, the Administrator or the Director, as appropriate, shall submit such process to such Directors, each of whom shall prepare and furnish to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate a final report containing their comments on such process as proposed to be established.

(6) EMERGENCY EXPEDITED CONSIDERATION.—In establishing the process required under paragraphs (1) and (2), the Administrator or the Director, as appropriate, shall provide for emergency expedited consideration of a proposed program if the Administrator or the Director, as appropriate, determines such action to be necessary in order to avoid delay that would preclude carrying out the program.

(e) EFFECT OF POPULATION.—A city shall not be denied assistance under section 243, 244, or 245 if the city’s population is not below the median population of the cities receiving such assistance.

(f) NOTIFICATION PROCESS.—Notification of grants and contracts made under sections 243, 244, and 245 (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the Administrator or the Director, as appropriate, to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate.

SEC. 248. STUDY OF VIOLENT ENTERTAINMENT.

(a) REQUIREMENT.—The National Institutes of Health shall conduct a study of the effects of violent video games and music on child development and youth violence.

(b) ELEMENTS.—The study under subsection (a) shall address—

(1) whether, and to what extent, violence in video games and music adversely affects the emotional and psychological development of juveniles; and

(2) whether violence in video games and music contributes to juvenile delinquency and youth violence.

PART D—GANG-FREE SCHOOLS AND COMMUNITIES: THE COMMUNITY-BASED GAN INTERVENTION

SEC. 251. DEFINITION OF JUVENILE.

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

SEC. 252. GANG-FREE SCHOOLS AND COMMUNITIES.

(a) IN GENERAL.—The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and implement projects to support programs and activities that involve families and communities and that are designed to carry out any of the following purposes—

(1) To prevent and to reduce the participation of juveniles in the activities of gangs

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that commit crimes. Such programs and activities—

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

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

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

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

“(v) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives for participating in the activities of gangs.

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

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

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

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

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

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

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

“(I) To reduce the availability of treatment services for which financial assistance is available under this section.

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

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

“(L) To provide grants to substance abuse treatment programs or organizations to carry out activities or programs that will substantially involve the families of juvenile gang members in carrying out such programs or activities; and

“(M) To provide grants to substance abuse treatment programs or organizations to carry out activities or programs that will substantially involve the families of juvenile gang members in carrying out such programs or activities.

“SEC. 253. COMMUNITY-BASED GANG INTERVENTION.

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

“(b) Activities.—(1) The Administrator shall make grants or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities under this section.

“(2) The Administrator shall make grants or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities under this section.

“(c) Duration.—(1) The Administrator shall make grants or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities under this section.

“(2) The Administrator shall make grants or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities under this section.

“(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out the provisions of this section $10,000,000.

“SEC. 254. GANG PREVENTION PROGRAMS.

“(a) Definitions.—In this section—

“(1) the term ‘community-based program’ means a program or activity that offers innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

“(2) the term ‘delinquent’ means a juvenile or adult who is accused of committing a serious crime and member who has been adjudicated as being delinquent.

“(b) Eligibility of Community-Based Programs.—Programs and activities for which grants and contracts are to be made under this section may include—

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

“(2) the hire of additional State and local prosecutors, the establishment and operation of programs, including multi-jurisdictional task forces, for the disruption of gangs and the prosecution of gang members;
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paraphrased, (6) and (32) of section 102 of the Community Services Block Grant Act (21 U.S.C. 802), be juvenile, provided through State and local health and social services agencies;

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

"(7) supporting activities to inform juveniles of the availability of treatment and services in the field of drug abuse and violence.

"(c) Approval of Applications.—

"(1) In General.—Any agency, organization, or institution desiring to receive a grant under this part shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

"(2) Application Contents.—In accordance with guidelines established by the Administrator, each application submitted under paragraph (1) shall—

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

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

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

"(D) provide for regular evaluation of such program or activity;

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

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

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

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

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

"(b) Priority.—In reviewing applications for grants and contracts under subsection (a), the Administrator shall give priority to applications—

"(1) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

"(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

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

"(i) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

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

"SEC. 254. PRIORITY.

"In making grants under this section the Administrator shall give priority to funding programs and activities described in subsections (a)(2) and (b)(1) of section 253.

"PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

"SEC. 261. GRANTS AND PROJECTS.

"(a) Authority To Make Grants.—The Administrator may make grants to, and enter into contracts with, States, units of local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

"(b) Use of Grants.—A grant made under subsection (a) may be used to pay all or part of the costs of the project for which such grant is made.

"SEC. 262. GRANTS FOR TRAINING AND TECHNICAL ASSISTANCE.

"(a) The Administrator may make grants to, and enter into contracts with, public and private agencies, organizations, and individuals to provide training and technical assistance to States, units of local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

"(b) ELIGIBILITY.

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

"SEC. 264. REPORTS.

"Each recipient of assistance pursuant to a grant or contract under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying out the projects for which the assistance was provided.

"PART F—MENTORING

"SEC. 271. MENTORING.

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

"(1) reduce juvenile delinquency and gang participation;

"(2) improve academic performance; and

"(3) reduce the dropout rate.

"SEC. 272. DEFINITIONS.

"In this part—

"(1) the term 'at-risk youth' means a youth at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities; and

"(2) the term 'mentor' means a person who works with at-risk youth on a one-to-one basis, providing a positive role model for the youth, establishing a supportive relationship with the young person, and enhancing the youth's ability to benefit from academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the youth to become a responsible adult.

"SEC. 273. GRANTS.

"(a) Local Educational Grants.—The Administrator shall make grants to local educational agencies and nonprofit organizations to establish and support programs and activities for the purpose of implementing mentoring programs that—

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

"(2) are intended to achieve 1 or more of the following goals:

"(A) Provide general guidance to at-risk youth.

"(B) Promote personal and social responsibility among at-risk youth.

"(C) Increase at-risk youth's participation in and enhance their ability to benefit from elementary and secondary education.

"(D) Discourage at-risk youth's use of illegal drugs, violence, and dangerous weapons, and other criminal activity.

"(E) Discourage involvement of at-risk youth in gangs.

"(F) Encourage at-risk youth's participation in community service and community activities.

"(b) Family-to-Family Mentoring Grants.—

"(1) Definitions.—In this subsection:

"(A) FAMILY-TO-FAMILY MENTORING PROGRAM.—The term 'family-to-family mentoring program' means a mentoring program that—

"(i) utilizes a 2-tier mentoring approach that matches volunteer families of at-risk youth to children who are the child or children of program participants; and

"(ii) has an afterschool program for volunteer and at-risk families.

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

"(C) QUALIFIED POSITIVE ALTERNATIVES PROGRAM.—The term 'qualified positive alternatives program' means a positive alternatives program that has established a family-to-family mentoring program, as of the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

"(D) AUTHORITY.—The Administrator shall make and enter into contracts with a qualified positive alternatives program.

"SEC. 274. REGULATIONS AND GUIDELINES.

"(a) Program Guidelines.—The Administrator shall issue program guidelines to implement this part. The program guidelines shall be effective only after a period for public notice and comment.

"(b) Model Screening Guidelines.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

"SEC. 275. USE OF GRANTS.

"(a) Permitted Uses.—Grants awarded under this part shall be used to implement mentoring programs, including—

"(1) hiring of mentoring coordinators and support staff;

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

"(3) reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and
"(4) such other purposes as the Administrator may reasonably prescribe by regulation.

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

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

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

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

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

"SEC. 276. PRIORITY.

"(a) In General.—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

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

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

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

"(b) Application of Priorities.—In making grants under this part, the Administrator shall give consideration to—

"(1) the geographic distribution (urban and rural) of applicants;

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

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

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

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

"SEC. 277. APPLICATIONS.

"An application for assistance under this part shall include—

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

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

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

"(4) an assurance that projects operated in secondary schools will provide youth with a variety of experiences and support, including—

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

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

"(C) assistance with homework assignments; and

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

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

"(A) academic assistance;

"(B) exposure to new experiences and activities that youth might not encounter on their own;

"(C) emotional support; and

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

"(7) the method by which mentors and youth will be recruited to the project;

"(8) the method by which prospective mentors will be screened; and

"(9) the training that will be provided to mentors.

"SEC. 278. GRANT CYCLES.

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

"SEC. 279. FAMILY MENTORING PROGRAM.

"(a) Definition.—In this section—

"(1) the term 'cooperative extension services' has the meaning given that term in section 1404 of the National Agricultural Research, Extension, and Education Act of 1977 (7 U.S.C. 3038);

"(2) the term 'family mentoring program' means a mentoring program that—

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

"(B) has a local advisory board to provide direction and advice to program administrators; and

"(3) the term 'qualified cooperative extension service' means a cooperative extension service that has established a family mentoring program, as of the date of enactment of this part, with the support of the National Institute of Justice and the U.S. Department of Justice's Office of Justice Programs.

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

"(c) Establishment of New Family Mentoring Programs.—

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

"(2) Matching Requirement and Source of Matching Funds.

"(A) In General.—The Administrator, in cooperation with the Secretary of Agriculture, may make a grant to a qualified cooperative extension service for the purpose of expanding and replicating family mentoring programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

"(B) Source of Match.—Matching funds for grants under this subsection may be derived from amounts made available to a State under subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 345), except that the total amount derived from Federal sources may not exceed 70 percent of the total cost of the program funded by the grant.

"(C) Source of Funds.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

"(D) Administration and Operations.—There is authorized to be appropriated for the administration and operation of the Office of Juvenile Crime Prevention such sums as may be necessary for each fiscal year.

"SEC. 291. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There is authorized to be appropriated to the extent provided in this title, and to carry out part B of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3786 et seq.), $1,000,000,000 for each of fiscal years 1999 through 2003.

"(b) Allocation of Appropriations.—Of the amount made available under subsection (a) for each fiscal year—

"(1) 500,000,000 shall be for programs under sections 1801 and 1803 of part B of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3786 et seq.), of which $50,000,000 shall be for programs under section 1803;

"(2) 75,000,000 shall be for grants for juvenile justice improvement programs pursuant to section 102 of the Violent Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3786); and

"(3) 200,000,000 shall be for programs under section 205 of part A of this title;

"(4) 20,000,000 shall be for programs under part B of this title;

"(5) 40,000,000 shall be for prevention programs under part C of this title—

"(A) of which $20,000,000 shall be for evaluation research of primary, secondary, and tertiary juvenile delinquency programs; and

"(B) of which $2,000,000 shall be for the study required by section 248;

"(6) 20,000,000 shall be for programs under parts D and E of this title; and

"(7) 20,000,000 shall be for programs under part F of this title, of which $3,000,000 shall be for programs under section 279 and $3,000,000 for programs under section 280.

"(c) Source of Sums.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

"SEC. 292. RELIGIOUS NONDISCRIMINATION: RESTRICTIONS ON USE OF AMOUNTS, PENALTIES.

"(a) Religious Nondiscrimination.—The provisions of section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) shall apply to programs under this part.

"(b) Restrictions on the Use of Amounts.—In this part, the term "behavior control"—

"(1) means any experimentation or research employing methods that—

"(A) IN GENERAL.—The amount of a grant under this subpart may not exceed 50 percent of the total cost of the programs funded by the grant.

"(B) SOURCE OF MATCH.—Matching funds for grants under this subpart must be derived from a private agency, institution or business.

"PART G—ADMINISTRATIVE PROVISIONS

"SEC. 291. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There is authorized to be appropriated to the extent provided in this title, and to carry out parts R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3786 et seq.), $100,000,000 for each of fiscal years 1999 through 2000.

"(b) Allocation of Appropriations.—Of the amount made available under subsection (a) for each fiscal year—

"(1) 500,000,000 shall be for programs under sections 1801 and 1803 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3786); and

"(2) 50,000,000 shall be for programs under section 205 of part A of this title;

"(3) 75,000,000 shall be for grants for juvenile justice improvement programs pursuant to section 102 of the Violent Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3786); and

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

"(5) 40,000,000 shall be for prevention programs under part C of this title—

"(A) of which $20,000,000 shall be for evaluation research of primary, secondary, and tertiary juvenile delinquency programs; and

"(B) of which $2,000,000 shall be for the study required by section 248;

"(6) 20,000,000 shall be for programs under parts D and E of this title; and

"(7) 20,000,000 shall be for programs under part F of this title, of which $3,000,000 shall be for programs under section 279 and $3,000,000 for programs under section 280.

"(c) Source of Sums.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

"(d) Administration and Operations.—There is authorized to be appropriated for the administration and operation of the Office of Juvenile Crime Prevention such sums as may be necessary for each fiscal year 1999 through 2004.

"(e) Availability of Funds.—Amounts made available pursuant to this section and allocated in accordance with this title in any fiscal year shall remain available until expended.

"SEC. 292. RELIGIOUS NONDISCRIMINATION: RESTRICTIONS ON USE OF AMOUNTS, PENALTIES.

"(a) Religious Nondiscrimination.—The provisions of section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) shall apply to programs under this part.

"(b) Restrictions on the Use of Amounts.—In this part, the term "behavior control"—

"(1) means any experimentation or research employing methods that—
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I involve a substantial risk of physical or psychological harm to the individual subject; and

"(II) are intended to modify or alter criminal and other antisocial behavior, including aversive therapy, drug therapy, chemotherapy (except as part of routine clinical care), physical therapy of mental disorders, electroconvulsive therapy, or physical punishment; and

"(ii) does not include a limited class of programs generally recognized as involving no such risk, including methadone maintenance, substance abuse treatment programs, psychological counseling, parent training, behavior contracting, survival skills training, restitution, or community service available under this title for taking the legal action against the Federal, State, or local agency or institution, or individual working for the Government, shall be individually liable for all legal expenses and any other expenses of the Government, including damages assessed by the jury against the Government agency, institution, or individual working for the Government, and any punitive damages.

"SEC. 293. ADMINISTRATIVE PROVISIONS.

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

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

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

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

"(c) APPLICABILITY OF CERTAIN OTHER CRIME CONTROL PROVISIONS.—Sections 801(a), 801(c), and 806 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711(a), 3711(c), and 3717) shall apply with respect to the administration of and compliance with this title, except that, for purposes of this title:

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

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

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

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

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

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

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

"(f) DEiciency.—To be eligible to receive assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required under subsection (b) assurances that in providing such services the applicant—

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

"(a) GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

"(1) in paragraph (5), by striking "accurate reporting of the problem nationally and to assist in the development of"; and

"(2) by striking paragraph (8) and inserting the following:

"(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;".

"(2) AUTHORITY TO MAKE GRANTS FOR CENTERS

AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

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

"(a) GRANTS FOR CENTERS AND SERVICES.—Sections 801(a), 801(c), and 806 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711(a), 3711(c), and 3717) shall apply with respect to the administration of and compliance with this title, except that, for purposes of this Act:

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

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

"(c) APPLICABILITY OF CERTAIN OTHER CRIME CONTROL PROVISIONS.—Sections 801(a), 801(c), and 806 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711(a), 3711(c), and 3717) shall apply with respect to the administration of and compliance with this title, except that, for purposes of this title:

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

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

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

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

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

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

"(2) in the program or activity there is failure to comply substantially with any provision of this title.
(1) provide qualified supervision of staff, including on-site supervision by appropriately trained staff;
(2) provide backup personnel for on-street staff;
(3) provide initial and periodic training of staff who provide such services; and
(4) conduct outreach activities for runaway and homeless youth, and street youth.

(2) eligible applicants that request grants of less than $200,000.

(e) AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-1) is amended—

(1) in the section heading, by striking “PURPOSE AND”; and
(2) in subsection (a), by striking “(a)”; and
(3) by striking subsection (b).

(f) ELIGIBILITY.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(a)(9)) is amended by inserting “, and” after “such project,” after “such project.”

(g) COORDINATION.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-21) is amended to read as follows:

SEC. 341. COORDINATION.

With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

(2) shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal entities and with the activities of entities that are eligible to receive grants under this title.

(h) AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-23) is amended—

(1) in the section heading, by inserting “EVALUATION,” after “RESEARCH;”.

(2) in subsection (a), by inserting “evaluation,” after “research;”.

(i) ASSISTANCE TO POTENTIAL GRANTEES.—

(1) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

(A) alleviating the problems of runaway and homeless youth;
(B) if applicable, assisting runaway and homeless youth to decide upon a future course of action; and

(2) in the case of projects funded under part B—

(A) the number and characteristics of homeless youth served by such projects;
(B) the types of activities carried out by such projects;
(C) the effectiveness of such projects in alleviating the problems of homeless youth;
(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;
(E) the effect of such projects in assisting homeless youth to decide upon future education, employment, and independent living;
(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and
(G) activities and programs planned by such projects for the following fiscal year.

(j) REPORTS.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

SEC. 381. REPORTS.

(a) IN GENERAL.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

(A) alleviating the problems of runaway and homeless youth;
(B) if applicable, or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;
(C) strengthening family relationships and encouraging stable living conditions for such youth; and

(2) in the case of projects funded under part B—

(A) the number and characteristics of homeless youth served by such projects;
(B) the types of activities carried out by such projects;
(C) the effectiveness of such projects in alleviating the problems of homeless youth;
(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;
(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;
(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and
(G) activities and programs planned by such projects for the following fiscal year.

(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

(1) the evaluations performed by the Secretary under section 386; and
(2) the descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.

(k) EVALUATION.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

SEC. 388. EVALUATION AND INFORMATION.

(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;
(2) collecting additional information for the report required by section 383; and
(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the center, project, and activities for which such grants are made.

(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary’s efforts to carry out evaluations, and to collect information, under this title.

(1) AUTHORIZATION OF APPROPRIATIONS.—

(a) IN GENERAL.—

(1) AUTHORIZATION.—There is authorized to be appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B. Section 388—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

(2) ALLOCATION.—

(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B. Section 388—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

(B) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated
under any other Act if the purpose of combining the payments make a single discretionary
grant, or a single discretionary pay-
ment, unless such funds are separately iden-
tified in all grants and contracts and are
used for the purposes specified in this title."

(m) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Run-
away and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(a) by striking the heading for part F;
(b) by redesignating part E as part F; and
(c) by inserting after part D the following:

"PART E—SEXUAL ABUSE PREVENTION
PROGRAM"

"SEC. 351. AUTHORITY TO MAKE GRANTS.

"(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution or sexual exploitation.

"(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Sec-
retary shall give priority to nonprofit private agencies with experience in providing services to runaway and homeless, and street youth."

(2) AUTHORIZATION OF APPROPRIATIONS.—

(a) Section 386 of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (c) of this section, is amended by adding at the end the following:

"(4) STREET-BASED SERVICES.—The term 'street-based services' means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

(4) physical and sexual assault.

(5) STREET YOUTH.—The term 'street youth' means an individual who—

(A) is

(i) a runaway youth; or

(ii) indefinitely or intermittently a home-
less youth; and

(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

(7) YOUTH AT RISK OF SEPARATION FROM
THE FAMILY.—The term 'youth at risk of separation from the family' means an individual—

(A) who is less than 18 years of age; and

(B) who has a history of running away from the family of such individual;

(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs."

(c) SEC. 304. NATIONAL CENTER FOR MISSING AND
EXPLOITED CHILDREN

SEC. 351. AUTHORITY TO MAKE GRANTS.

(1) in section 331, in the first sentence, by
adding "or to 14 years of the term, ‘homeless youth’ means an individual—"

(2) by striking the end and inserting the
following:

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(3) by adding at the end the following:

"(A) who is—"

"(i) not more than 21 years of age; and

(ii) for 14 years of the term, ‘homeless youth’ means an individual—"

"(A) who is—"

"(i) not more than 21 years of age; and

(ii) for 14 years of the term, ‘homeless youth’ means an individual—"

"(A) who is—"

"(i) not more than 21 years of age; and

(ii) for 14 years of the term, ‘homeless youth’ means an individual—"

"(A) who is—"
security personnel, and thereby helped to reduce child abductions in the United States by 82 percent; “(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 363 international child abductions, and providing greater support to parents in the United States; “(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children; “(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and “(21) the Center has been redesignated as the Nation’s missing children clearinghouse and resource center once every 3 years through a selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Delinquency Prevention of the Department of Justice through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Delinquency Prevention of the Department of Justice through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Delinquency Prevention of the Department of Justice through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice.

SEC. 395. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.— (a) DEFINITIONS.—In this section, unless otherwise provided or indicated by the context: (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Office of Juvenile Crime Control and Prevention established by operation of subsection (b). (2) ADMINISTRATOR OF THE OFFICE.—The term “Administrator of the Office” means the Administrator of the Office of Juvenile Crime Control and Prevention. (3) BUREAU OF JUSTICE ASSISTANCE.—The term “Bureau of Justice Assistance” means the bureau established under section 401 of the Omnibus Crime Control and Safe Streets Act of 1968. (4) FEDERAL AGENCY.—The term “Federal agency” has the meaning given the term “Federal agency” by section 201(1) of title 5, United States Code. (5) FUNCTION.—The term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program. (6) OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION.—The term “Office of Juvenile Crime Control and Prevention” means the office established by operation of subsection (b).
break in service, is appointed in the Office of Juvenile Justice and Delinquency Prevention to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the highest rate of pay for such position, for such period of time until such time as the incumbent resigns, is relieved of duty by the President, or an Administrator is appointed by the President, by and with the advice and consent of the Senate.

(f) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions in effect on the date of enactment of this Act until such time as the incumbent resigns, is relieved of duty by the President, or an Administrator is appointed by the President, by and with the advice and consent of the Senate, shall be made pursuant to such orders, as if such proceeding could have been discontinued, or revoked by a duly authorized official, a court of competent jurisdiction, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—

(A) IN GENERAL.—This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Office of Juvenile Justice and Delinquency Prevention with respect to functions transferred to the Office of Juvenile Crime Control and Prevention by this section; and

(B) that are in effect at the time this section takes effect, or were final before the date of enactment of this Act and are to become effective on or after the date of enactment of this Act, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Administrator, or other authorized official, a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION.—

Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this paragraph had not been enacted.

(4) SUITS NOT AFFECTED.—This section shall not affect any action or proceeding commenced by or against the Administrator, Office of Juvenile Justice and Delinquency Prevention, or by or against any individual in the official capacity of such individual as an officer of the Office of Juvenile Justice and Delinquency Prevention, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the promulgation of a regulation by the Office of Juvenile Justice and Delinquency Prevention relating to a function transferred under this section may be continued, to the extent authorized by this section, by the Office of Juvenile Crime Control and Prevention with respect to functions transferred under this section as if this section had not been enacted.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the authority under section 242A or 243 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended by this Act.

(g) TRANSITION.—The Administrator may utilize—

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

(2) funds appropriated for such functions transferred under operation of subsection (b), shall be considered to refer to the Office of Juvenile Crime Control and Prevention.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 3315 of title 5, United States Code, is amended by striking “Administrator, Office of Juvenile Justice and Delinquency Prevention” and inserting “Administrator, Office of Juvenile Crime Control and Prevention”.

(2) Section 3315(b) of title 18, United States Code, is amended by striking “Office of Juvenile Justice and Delinquency Prevention” and inserting “Office of Juvenile Crime Control and Prevention”.

(3) Subsections (a)(1) and (c) of section 3220 of title 39, United States Code, are each amended by striking “Office of Juvenile Justice and Delinquency Prevention” each place it appears and inserting “Office of Juvenile Crime Control and Prevention”.

(4) Section 462(f) of the Social Security Act (42 U.S.C. 603(f)) is amended by striking “Office of Juvenile Justice and Delinquency Prevention” and inserting “Office of Juvenile Crime Control and Prevention”.

(5) Sections 801(a), 804, 805, and 813 of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3712, 3785, 3786, 3789i) are amended by striking “Office of Juvenile Justice and Delinquency Prevention” each place it appears and inserting “Office of Juvenile Crime Control and Prevention”.

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13901 et seq.) is amended—

(A) in section 214(c)(1) by striking “262, 293, and 296 of part II of title II” and inserting “299B and 299E”;

(B) in section 214(c)(1) by striking “262, 293, and 296 of part II of title II” and inserting “299B and 299E”;

(C) in sections 217 and 222 by striking “Office of Juvenile Justice and Delinquency Prevention” each place it appears and inserting “Office of Juvenile Crime Control and Prevention”; and

(D) in section 223(c) by striking “section 262, 293, and 296” and inserting “sections 262, 299B, and 299E”.

(7) The Missing Children’s Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 492 by striking “Justice and Delinquency Prevention” and inserting “Crime and Delinquency Prevention” and “Crime and Delinquency Prevention” and inserting “Crime and Delinquency Prevention” and

(B) in subsections (a)(5)(B) and (b)(1)(B) of section 401 by striking “section 313” and inserting “section 313”.


(A) in section 217(c)(1) by striking “sections 262, 293, and 296 of part II of title II” and inserting “sections 299B and 299E”;

(B) in section 214(c)(1) by striking “sections 262, 293, and 296 of part II of title II” and inserting “sections 299B and 299E”;


(10) in subsections (a)(5)(B) and (b)(1)(B) of section 401 by striking “section 313” and inserting “section 313”.

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

SEC. 321. BLOCK GRANT PROGRAM.

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

SEC. 1991. PROGRAM AUTHORIZED.

The Attorney General shall make, subject to the availability of appropriations, grants to States for use by States and units of local government in planning, developing, administering, and evaluating projects, directly or through grants and contracts with public and private agencies, for the development of more effective investigation, prosecution, and punishment (including the imposition of graduated sanctions) of crimes or acts of delinquency committed by juveniles, programs to improve the administration of justice for and ensure accountability by juvenile offenders, and programs to reduce the risk factors (such as truancy, drug or alcohol use, and gang involvement) associated with juvenile crime or delinquency.

(b) USE OF GRANTS.—Grants under this section may be used by States and units of local government—

(1) for programs to enhance the identification, investigation, prosecution, and punishment of juvenile offenders, such as—

(A) the utilization of graduated sanctions;

(B) the utilization of short-term confinement of juvenile offenders;

(2) to ensure accountability by juvenile offenders for conduct in violation of State and local laws;

(3) (A) to reduce the incidence of violent juvenile offenders;

(B) to reduce the incidence of violent juvenile offenders; and

(4) (B) to reduce the incidence of violent juvenile offenders;

(5) to reduce the incidence of violent juvenile offenders; and

(B) the incarceration of violent juvenile offenders for extended periods of time;

(6) the hiring of juvenile public defenders, juvenile judges, juvenile probation officers, and juvenile correctional officers to implement the provisions of this title relating to juvenile crime and violence and ensure accountability of juvenile offenders; and

(7) for administrative support of the Office of Juvenile Crime Control and Prevention.

SEC. 322. DISCLOSURE OF PERSONAL INFORMATION.

The Attorney General shall disclose personal information relating to juvenile offenders, as defined in subsection (d) of section 2941 of title 28, United States Code, without the prior written consent of any juvenile offender to—

(1) the State and local government agency that awarded the grant described in subsection (a) to the grantee;

(2) any entity that serves as a fiscal agent to the grantee; and

(3) any other entity that provides services to the grantee related to the administration of this Part.
(12) for programs to seek to target, curb abuse case managers and programs in the mental health system institutional place-
m ents; or

(13) (A) STATE AND LOCAL DISTRIBUTION.—Sub-
paragraph (3).

(14) (B) LOCAL DISTRIBUTION.—From amounts reserved for local distribution under para-
graph (1), the State shall allocate to such units of local government an amount that bears the same ratio to the aggregate amount of such funds as—

(i) the sum of—

(aa) one-third; multiplied by

(bb) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

(ii) the sum of

(aa) one-third; multiplied by

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

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

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

(3) REALLOCATION.—The amount of any unit of local government’s allocation that is not available to such unit by operation of paragraph (2) shall be available to other
units of local government that are not affected by such operation in accordance with this subsection.

"(P) Unavailability of data for units of local government.—If the State has reason to believe that the reported rate of part 1 violent crimes is inaccurate, the State shall—

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

"(ii) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditure for the relevant years for the unit of local government.

"(G) Local government with allocations less than $5,000.—If, under this section, a unit of local government is allocated less than $5,000 for a payment period, the amount allocated shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

"(H) Relievable units.—

"(1) in general.—If a State does not qualify or apply for a grant under this section, by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 70 percent of the allocation that the State would have received for grants under this section, for such fiscal year to provide grants to eligible units that meet the requirements for funding under subparagraph (A). The Attorney General may by regulation require. The requirements for funding under subparagraph (A) are as follows:

"(i) paragraph (1) or (9) of subsection (b), except that, if amounts are allocated for purposes of subparagraph (B) for remodeling of short- or long-term facilities pursuant to subsection (b)(9), the unit of local government shall coordinate such expenditures with similar State expenditures;

"(ii) the amounts made available under subsection (a) shall be used for the purposes set forth in paragraphs (13), (14), or (15) of subsection (b), and not less than 50 percent shall be designated for—

"(I) the unit of local government shall coordinate such expenditures with similar State expenditures;

"(II) the amounts made available under subsection (a) shall be used for the purposes set forth in paragraphs (13), (14), or (15) of subsection (b), and not less than 50 percent shall be designated for—

"(i) apex violent crime units.

"(ii) the unit of local government shall coordinate such expenditures with similar State expenditures;

"(III) the unit of local government shall coordinate such expenditures with similar State expenditures;

"(IV) Federal funds shall constitute not more than 50 percent of the estimated construction or remodeling cost; and

"(V) the unit to determine the accuracy of the submitted data; and

"(VI) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditure for the relevant years for the unit of local government.

"(2) reservations of funds.—Notwithstanding subsection (c), the Attorney General may by regulation require. The requirements for funding under subparagraph (A) are as follows:

"(i) 0.5 percent shall be allocated to each eligible State.

"(ii) The amount remaining after the allocation under subparagraph (A) shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

"(3) Restrictions on use.—Amounts made available under this section shall be subject to the restrictions of subsections (a) and (b) of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974, except that the penalties in section 292(c) of such Act do not apply.

"(4) Grant applications.—With respect to the application requirements for the grant available under this section, the grant application shall be received for grants under this section, not less than 25 percent shall be used for the purposes set forth in paragraphs (13), (14), or (15) of subsection (b), and not less than 50 percent shall be designated for—

"(i) the unit of local government shall coordinate such expenditures with similar State expenditures;

"(ii) the amounts made available under subsection (a) shall be used for the purposes set forth in paragraphs (13), (14), or (15) of subsection (b), and not less than 50 percent shall be designated for—

"(I) technology, equipment, and training for judges, probation officers, and other court personnel to implement an account-

"(ii) the amounts made available under subsection (a) shall be used for the purposes set forth in paragraphs (13), (14), or (15) of subsection (b), and not less than 50 percent shall be designated for—

"(III) no funds expended pursuant to this subsection shall be allocated as follows:

"(A) 0.5 percent shall be allocated to each eligible State.

"(B) The amount remaining after the allocation under subparagraph (A) shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

"(2) Restrictions on use.—Amounts made available under this section shall be subject to the restrictions of subsections (a) and (b) of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974, except that the penalties in section 292(c) of such Act do not apply.

"(3) Applications.—To be eligible to receive a grant under this subsection, an Indian tribe or tribe shall submit to the Attorney General an in such form and containing such information as the Attorney General may by regulation require. The requirements for subsection (c) apply to grants under this subsection.

"(3) Management of data.—The Attorney General may by regulation require. The requirements for funding under subparagraph (A) are as follows:

"(i) The Attorney General, through the Director of the Bureau of Justice Statistics and with consultation and co-operation with the Office of Justice Programs and the Attorney General, upon application from a State (in such form and containing such information as the Attorney General may reasonably require) shall make grants to each eligible State to be used by the State exclusively for purposes of meeting the eligibility requirements of subsection (b).

"(ii) Eligibility.—A State is eligible for a grant under subsection (a) if its application provides assurances that, not later than 3 years after the date on which such application is submitted, the State will—

"(I) maintain, at the adult State central repository in accordance with the State’s established standards and penalties under applicable State law,

"(A) a fingerprint supported record of the adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would constitute the offense of murder, armed robbery, rape (except statutory rape), or a felony offense involving sex-marital violation, conspiracy to violate any of the offenses as are adult criminal history records for the same offenses, except that the record may include a notation of expungement pursuant to State law;

"(B) a fingerprint supported record of the adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would be a felony other than a felony described in subparagraph (A) that is equivalent to, and maintained and disseminated in the same manner for any criminal justice purpose as are adult criminal history records for the same offenses, except that the record may include a notation of expungement pursuant to State law; and

"(C) on a fingerprint record, a notation of the adjudication of delinquency of any juvenile who commits an act that, if committed by an adult, would be a felony other than a felony described in subparagraph (A) that is equivalent to, and maintained and disseminated in the same manner for any criminal justice purpose as are adult criminal history records for the same offenses, except that the record may include a notation of expungement pursuant to State law; and

"(ii) to hire additional judges, probation officers, other necessary court personnel, victims counselors, and public defenders for juvenile courts or adult courts with juvenile dockets, including courts with specialized juvenile drug offense or juvenile fire-arms offense dockets to reduce juvenile

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court backlogs, and provide additional services to make more effective systems of graduating juveniles designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders; and

(3) to provide funding to enable juvenile courts, parole officers, probation officers, and other units of local government to address drug, gang, and youth violence problems more effectively; and

(4) to provide funds to—

(A) effectively supervise and monitor juvenile offenders sentenced to probation or parole; and

(B) devise procedures for conditions of probation and parole imposed on juvenile offenders, including drug testing and payment of restitution.

(c) APPLICATION.—

(1) IN GENERAL.—Each State or unit of local government that applies for a grant under this section shall submit an application to the Attorney General, in such form and containing such information as the Attorney General may reasonably require.

(2) REQUIREMENTS.—In submitting an application for a grant under this section, a State or unit of local government shall provide assurances that the State or unit of local government will—

(A) give priority to the prosecution of violent juvenile offenders who have been affected by interstate criminal gang activity, transportation routes that are adversely affected by interstate criminal gang activity, such as illegal drug trafficking; and

(B) seek to reduce any backlogs in juvenile justice cases and provide additional services to make more effective systems of graduating juveniles designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders;

(C) give adequate consideration to the rights and needs of victims of juvenile offenders; and

(D) use amounts received under this section to supplement (and not supplant) State and local resources.

(d) ALLOCATION OF GRANTS.—

(1) ESTABLISHMENT.—The Attorney General shall—

(A) effectively supervise and monitor juvenile offenders; and

(B) provide for the technical assistance to recipients of or applicants for grants awarded under this section.

(2) CARRYOVER PROVISION.—Any amounts reserved for an amount to part I (I(t) that are not expended during that fiscal year shall remain available until expended, except that any amount reserved under this subsection for the succeeding fiscal year from amounts made available by appropriations shall be reduced by an amount equal to the amount that remains available.

(e) ACCOUNTABILITY.—A coalition shall—

(A) provide after-school safe haven and other programs are in place, such as programs that provide support communities that adopt a comprehensive approach to suppressing and preventing juvenile crime;

(B) replace such State, local, or other non-Federal funds and increase (but not supplant) the level of assistance.

(f) REPRESENTATIVE.—A coalition shall include—

(i) representatives from the business community; and

(ii) researchers who have studied criminal justice and can offer technical or other assistance.

(g) COORDINATED STRATEGY.—A coalition shall submit to the Attorney General, or the Attorney General’s designee, a comprehensive plan for reducing violent juvenile crime. To be eligible for consideration, a plan shall—

(i) ensure close collaboration among all members of the coalition in suppressing and preventing juvenile crime;

(ii) place heavy emphasis on coordinated enforcement initiatives, such as Federal and State programs that coordinate local police departments, prosecutors, and local community leaders to focus on the suppression of violent juvenile crime involving gangs;

(iii) ensure that there is close collaboration between police and probation officers in the supervision of juvenile offenders, such as initiatives that coordinate the efforts of parents, school officials, and police and probation officers to patrol the streets and make more visible visits to ensure that offenders comply with the terms of their probation; and

(iv) ensure that a program is in place to trace all firearms seized from crime scenes or offenders in an effort to identify illegal gun traffickers; and

(v) ensure that effective crime prevention programs are in place, such as programs that provide after-school safe havens and offer opportunities for at-risk youth to escape or avoid gang or other criminal activity, and to reduce recidivism.

(h) NONSUPPLANTING.—A coalition shall—

(i) establish a system to measure and report outcomes consistent with common indicators and evaluation protocols established by the Administrator and that receives the approval of the Administrator; and

(ii) devise a detailed model for measuring and evaluating the success of the plan of the coalition in reducing violent juvenile crime, and provide assurances that the plan will be evaluated on a regular basis to assess progress in reducing violent juvenile crime.

(i) GRANT AMOUNTS.—

(A) IN GENERAL.—The Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

(B) NONSUPPLANTING.—A coalition shall—

(i) receive an initial grant or a renewal grant under this section for that fiscal year.

(ii) provide funds to—

(A) provide additional services to make more effective systems of graduating juveniles designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders; and

(B) devise procedures for conditions of probation and parole imposed on juvenile offenders, including drug testing and payment of restitution.

(c) APPLICATION.—

(1) IN GENERAL.—Each State or unit of local government that applies for a grant under this section shall submit an application to the Attorney General, in such form and containing such information as the Attorney General may reasonably require.

(2) REQUIREMENTS.—In submitting an application for a grant under this section, a State or unit of local government shall provide assurances that the State or unit of local government will—

(A) give priority to the prosecution of violent juvenile offenders who have been affected by interstate criminal gang activity, transportation routes that are adversely affected by interstate criminal gang activity, such as illegal drug trafficking; and

(B) seek to reduce any backlogs in juvenile justice cases and provide additional services to make more effective systems of graduating juveniles designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders;

(C) give adequate consideration to the rights and needs of victims of juvenile offenders; and

(D) use amounts received under this section to supplement (and not supplant) State and local resources.

(d) ALLOCATION OF GRANTS.—

(1) ESTABLISHMENT.—The Attorney General shall—

(A) effectively supervise and monitor juvenile offenders; and

(B) provide for the technical assistance to recipients of or applicants for grants awarded under this section.

(2) CARRYOVER PROVISION.—Any amounts reserved for an amount to part I (I(t) that are not expended during that fiscal year shall remain available until expended, except that any amount reserved under this subsection for the succeeding fiscal year from amounts made available by appropriations shall be reduced by an amount equal to the amount that remains available.

(e) ACCOUNTABILITY.—A coalition shall—

(A) provide after-school safe haven and other programs are in place, such as programs that provide support communities that adopt a comprehensive approach to suppressing and preventing juvenile crime;

(B) replace such State, local, or other non-Federal funds and increase (but not supplant) the level of assistance.

(f) REPRESENTATIVE.—A coalition shall include—

(i) representatives from the business community; and

(ii) researchers who have studied criminal justice and can offer technical or other assistance.

(g) COORDINATED STRATEGY.—A coalition shall submit to the Attorney General, or the Attorney General’s designee, a comprehensive plan for reducing violent juvenile crime. To be eligible for consideration, a plan shall—

(i) ensure close collaboration among all members of the coalition in suppressing and preventing juvenile crime;

(ii) place heavy emphasis on coordinated enforcement initiatives, such as Federal and State programs that coordinate local police departments, prosecutors, and local community leaders to focus on the suppression of violent juvenile crime involving gangs;

(iii) ensure that there is close collaboration between police and probation officers in the supervision of juvenile offenders, such as initiatives that coordinate the efforts of parents, school officials, and police and probation officers to patrol the streets and make more visible visits to ensure that offenders comply with the terms of their probation; and

(iv) ensure that a program is in place to trace all firearms seized from crime scenes or offenders in an effort to identify illegal gun traffickers; and

(v) ensure that effective crime prevention programs are in place, such as programs that provide after-school safe havens and offer opportunities for at-risk youth to escape or avoid gang or other criminal activity, and to reduce recidivism.

(h) NONSUPPLANTING.—A coalition shall—

(i) establish a system to measure and report outcomes consistent with common indicators and evaluation protocols established by the Administrator and that receives the approval of the Administrator; and

(ii) devise a detailed model for measuring and evaluating the success of the plan of the coalition in reducing violent juvenile crime, and provide assurances that the plan will be evaluated on a regular basis to assess progress in reducing violent juvenile crime.

(i) GRANT AMOUNTS.—

(A) IN GENERAL.—The Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

(B) NONSUPPLANTING.—A coalition shall—

(i) receive an initial grant or a renewal grant under this section for that fiscal year.

(ii) provide funds to—

(A) provide additional services to make more effective systems of graduating juveniles designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders; and

(B) devise procedures for conditions of probation and parole imposed on juvenile offenders, including drug testing and payment of restitution.
IN GENERAL.—Two years after the date of implementation of the program established in this section, the Comptroller General of the United States shall submit to Congress a report reviewing the effectiveness of the program in suppressing and reducing violent juvenile crime in the participating communities.

SEC. 324. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

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

(1) in fiscal year 2001, $6,025,000,000; and
(2) in fiscal year 2002, $6,169,000,000.

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

SEC. 310002. DISCRETIONARY LIMITS.

For purposes of the allocations made for the discretionary category pursuant to section 352(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term ‘discretionary spending limit’ means—

(1) with respect to fiscal year 2001—
(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and
(B) for the violent crime reduction category: 
(i) $6,025,000,000 in new budget authority and $5,718,000,000 in outlays; and
(ii) $6,169,000,000 in new budget authority and $5,718,000,000 in outlays; and
(2) with respect to fiscal year 2002—
(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and
(B) for the violent crime reduction category: 
(i) $6,169,000,000 in new budget authority and $5,718,000,000 in outlays; and
(ii) $6,316,000,000 in new budget authority and $5,718,000,000 in outlays; and
(3) for fiscal years 2003 through 2005—
(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and
(B) for the violent crime reduction category: 
(i) $6,316,000,000 in new budget authority and $5,718,000,000 in outlays; and
(ii) $6,458,000,000 in new budget authority and $6,452,000,000 in outlays; and
(4) for fiscal year 2006—
(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and
(B) for the violent crime reduction category: 
(i) $6,458,000,000 in new budget authority and $6,452,000,000 in outlays; and
(ii) $6,583,000,000 in new budget authority and $6,583,000,000 in outlays; and
(5) for fiscal year 2007—
(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and
(B) for the violent crime reduction category: 
(i) $6,583,000,000 in new budget authority and $6,583,000,000 in outlays; and
(ii) $6,718,000,000 in new budget authority and $6,718,000,000 in outlays; and
(6) for fiscal year 2008—
(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and
(B) for the violent crime reduction category: 
(i) $6,718,000,000 in new budget authority and $6,718,000,000 in outlays; and
(ii) $6,852,000,000 in new budget authority and $6,852,000,000 in outlays.

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SEC. 325. REIMBURSEMENT OF STATES FOR COSTS OF INCARCERATING JUVENILE ALIENS.

(a) IN GENERAL.—Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a) by inserting ‘‘or illegal juvenile alien who has been adjudicated delinquent and has been committed to a correctional facility before who is in the United States unlawfully’’; and
(2) by adding at the end the following:

‘‘(f)juvenie alien defined.—In this section, the term ‘juvenie alien’ means an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act) who has been adjudicated delinquent and has been committed to a correctional facility before who is in the United States unlawfully’’.

(b) ANNUAL REPORT.—Section 332 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1366) is amended—

(1) by striking ‘‘and’’ at the end of paragraph (3); and
(2) by striking the period at the end of paragraph (4) and inserting ‘‘; and’’; and
(3) by adding at the end the following:

‘‘(c) number of illegal juvenile aliens that are committed to State or local juvenile correctional facilities, including the type of offense committed by each juvenie;’’.

(c) CONFORMING AMENDMENT.—Section 241(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(B)) is amended—

(1) by striking ‘‘or’’ at the end of clause (1); and
(2) by striking the period at the end of clause (3) and inserting ‘‘; and’’; and
(3) by adding at the end the following:

‘‘(b) a juvenile alien with respect to whom section 501 of the Immigration Reform and Control Act of 1986 applies’’.
TITLE I—Elementary and Secondary Education

SEC. 331. ALTERNATIVE EDUCATION.

Part D of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6421 et seq.) is amended by adding at the end the following:—

"Subpart 4—Alternative Education Demonstration Project Grants

SEC. 1441. PROGRAM AUTHORITY.

"(a) GRANTS.—

"(1) IN GENERAL.—From amounts appropriated under section 1449, the Secretary, in consultation with the Administrator, shall make grants to State educational agencies or local educational agencies for not less than 10 demonstration projects that enable the agencies to develop models for and carry out alternative education for at-risk youth.

"(2) CONSTRUCTION.—Nothing in this subpart shall be construed to affect the requirements of the Individuals with Disabilities Education Act.

"(b) DEMONSTRATION PROJECTS.—Each agency receiving a grant under this subpart may enter into a partnership with a private sector entity to provide alternative educational services to at-risk youth.

"(c) REQUIREMENTS.—Each demonstration project assisted under this subpart shall—

"(1) in the case of a State educational agency, have submitted a State plan under section 1435(a) that is approved by the Secretary;

"(2) in the case of a local educational agency, have submitted an application under section 1435(b) that is approved by the State educational agency;

"(3) certify that the agency will comply with the restrictions of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974;

"(4) explain the educational and juvenile justice needs of the community to be addressed by the project;

"(5) provide a detailed plan to implement the demonstration project; and

"(6) provide assurances and an explanation of the agency’s ability to continue the program funded by the demonstration project after the termination of Federal funding under this subpart.

"(d) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Grant funds provided under this subpart shall not constitute more than 35 percent of the cost of the demonstration project funded.

"(2) SOURCE OF FUNDS.—Matching funds provided under this subpart shall not constitute more than 35 percent of the cost of the demonstration project funded.

"(3) PRIORITY.—In awarding grants under this subpart, the Secretary may give priority to the States that—

"(A) have demonstrated a pattern of serious and persistent behavior problems in regular schools;

"(B) are at risk of dropping out of school;

"(C) have been convicted of a criminal offense or committed delinquency for an act of juvenile delinquency, and are under a court’s supervision;

"(D) have demonstrated that continued enrollment in a regular classroom—

"(i) poses a physical threat to other students; or

"(ii) inhibits an atmosphere conducive to learning and teaching;

"(E) provide for an accelerated learning, in a safe, secure, and disciplined environment, including—

"(i) basic curriculum focused on mastery of essential skills, including targeted instruction in basic skills required for secondary school graduation; and

"(ii) emphasis on—

"(I) personal, academic, social, and workplace skills; and

"(II) behavior modification;

"(F) APPLICABILITY.—Except as provided in subsections (c) and (e) of section 1442, the provisions of sections 1440(c), 1442, and 1431, and subparts 1 and 2, shall not apply to this subpart.

"(g) DEFINITION OF ADMINISTRATOR.—In this subpart, the term ‘Administrator’ means the Administrator of the Office of Juvenile Crime Control and Prevention of the Department of Justice.

SEC. 1442. APPLICATIONS; GRANTEE SELECTION.

"(a) APPLICATIONS.—Each State educational agency and local educational agencies seeking a grant under this subpart shall submit an application in such form, and containing such information, as the Secretary, in consultation with the Administrator, may reasonably require.

"(b) SELECTION OF GRANTEES.—

"(1) IN GENERAL.—The Secretary shall select the State educational agencies and local educational agencies to receive grants under this subpart on an equitable geographic basis, including selecting agencies that serve urban, suburban, and rural populations.

"(2) MINIMUM.—The Secretary shall award a grant under this subpart to not less than 1 agency serving a population with a significant percentage of at-risk students.

"(3) PRIORITY.—In awarding grants under this subpart, the Secretary may give priority to State educational agencies and local educational agencies in the application submitted under subsection (a) that the State has a policy of equitably distributing resources among school districts in the State.

"(c) QUALIFICATIONS.—To qualify for a grant under this subpart, a State educational agency or local educational agency shall—

"(1) in the case of a State educational agency, have submitted a State plan under section 1435(a) that is approved by the Secretary;

"(2) in the case of a local educational agency, have submitted an application under section 1435(b) that is approved by the State educational agency;

"(3) certify that the agency will comply with the restrictions of section 292 of the Juvenile Justice and Delinquency Prevention Act of 1974;

"(4) explain the educational and juvenile justice needs of the community to be addressed by the project;

"(5) provide a detailed plan to implement the demonstration project; and

"(6) provide assurances and an explanation of the agency’s ability to continue the program funded by the demonstration project after the termination of Federal funding under this subpart.

"(d) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—Grant funds provided under this subpart shall not constitute more than 35 percent of the cost of the demonstration project funded.

"(2) SOURCE OF FUNDS.—Matching funds provided under this subpart shall not constitute more than 35 percent of the cost of the demonstration project funded.

"(3) PRIORITY.—In awarding grants under this subpart, the Secretary may give priority to the States that—

"(A) have demonstrated a pattern of serious and persistent behavior problems in regular schools;

"(B) are at risk of dropping out of school;

"(C) have been convicted of a criminal offense or committed delinquency for an act of juvenile delinquency, and are under a court’s supervision;

"(D) have demonstrated that continued enrollment in a regular classroom—

"(i) poses a physical threat to other students; or

"(ii) inhibits an atmosphere conducive to learning and teaching;

"(E) provide for an accelerated learning, in a safe, secure, and disciplined environment, including—

"(i) basic curriculum focused on mastery of essential skills, including targeted instruction in basic skills required for secondary school graduation; and

"(ii) emphasis on—

"(I) personal, academic, social, and workplace skills; and

"(II) behavior modification;

"(F) APPLICABILITY.—Except as provided in subsections (c) and (e) of section 1442, the provisions of sections 1440(c), 1442, and 1431, and subparts 1 and 2, shall not apply to this subpart.

"(g) DEFINITION OF ADMINISTRATOR.—In this subpart, the term ‘Administrator’ means the Administrator of the Office of Juvenile Crime Control and Prevention of the Department of Justice.

SEC. 1443. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $15,000,000 for each of fiscal years 2001, 2002, and 2003.

Subtitle D—Parenting as Prevention

SEC. 341. SHORT TITLE.

This subtitle shall be cited as the “Parenting as Prevention Act.”

SEC. 342. ESTABLISHMENT OF PROGRAM.

The Secretary of Health and Human Services, in consultation with the Attorney General, the Secretary of Education, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, and the Secretary of Defense shall establish a parenting support and education program as provided in sections 343, 344, and 345.

SEC. 343. NATIONAL PARENTING SUPPORT AND EDUCATION COMMISSION.

(a) ESTABLISH COMMISSION.—The Secretary of Health and Human Services shall establish a National Parenting Support and Education Commission (hereinafter referred to as the “Commission”) to identify the best practices for parenting and to provide practical parenting advice for parents and caregivers based on the best available research data. She shall provide the Commission with necessary staff and other resources to fulfill its duties.

(b) MEMBERSHIP OF COMMISSION.—The Secretary shall appoint the Commission after consultation with the cabinet members identified in section 342. The Commission shall consist of the following members—

(1) an adolescent representative;

(2) a parent representative;

(3) an expert in brain research;

(4) experts in child development, youth development, early childhood education, primary education, and secondary education;

(5) an expert in children’s mental health;

(6) an expert on children’s health and nutrition;

(7) an expert on child abuse prevention, diagnosis, and treatment;

(8) a representative of parenting support programs;

(9) a representative of parenting education;

(10) a representative from law enforcement;

(11) an expert on firearm safety programs;

(12) a representative from a nonprofit organization that delivers services to children and their families which may include a faith based organization; and

(13) such other representatives as the Secretary deems necessary.

(c) DUTIES OF COMMISSION.—The Commission shall—

(1) identify best parenting practices for parents and caregivers of young children on topics including but not limited to brain stimulation, developing healthy attachments and social relationships, anger management and conflict resolution, character development, discipline, access to television and other entertainment including computers, firearms safety, mental

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health, health care and nutrition including breastfeeding, promoting and encouraging reading on long learning habits and recognition and treatment of developmental and behavioral problems;

(2) Identify best parenting practices of adolescents and pre-adolescents on topics including but not limited to methods of addressing peer pressure with respect to underage drinking, sexual relations, illegal drug use, and other negative behavior; developing healthy social and family relationships; exercising discipline; controlling access to television and entertainment, including computers, video games, and movies; firearm safety; encouraging success in school; and other issues of concern to parents of adolescents;

(3) Identify best parenting practices and resources available for parents and caregivers of children with special needs including fetal alcohol syndrome, fetal alcohol effect, mental illness, autism, retardation, learning disabilities, behavioral disorders, chronic illness, and physical disabilities; and

(4) Parenting support and education programs and the data evaluating them and make recommendations to the Secretary and the Congress on which are most effective and should receive Federal support within 18 months of appointment.

(b) STAFF AND EDUCATION COUNCIL.—To be eligible to receive Federal funding, the Governor of each State shall appoint a State Parenting Support and Education Council—

(1) with at least one member who has expertise in brain development and child development and education, one or more who are appropriate to the identified needs of the State, one who is a representative of Indian tribes, and one who is a representative of Indian children.

(2) Children in all States, but no State shall allocate more than two percent of its total statewide population, the Governor shall set aside two percent for Indian tribes as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act, as amended; 25 U.S.C. 450b (e) which shall be distributed based on the percentage of Indian children in each tribe except that with respect to Alaska, the funds shall be distributed to the nonprofit entities described in section 419(a)(1)(B) of the Social Security Act pursuant to section 1102 of title 42, Public Law 198-193, 101 Stat. 2159, 2169; 42 U.S.C. 615(a)(5) which shall be allocated based on the percentage of Alaska Native children in each region.

(c) GRANTS.—Grants may be made for:

(1) Parenting support to promote early brain development and childhood development and education including—

(A) assistance to schools to offer classroom instruction on brain stimulation, child development, and early childhood education; and

(B) training programs developed by the Council or another entity that reflect best parenting practices;

(2) Development and distribution of referral information and services available to children and families at the local level, including eligibility criteria;

(3) Volunteer hospital visits for perinatal women and in-home visits for children, adolescents, adults, and families exposed to negative brain stimulation or experiencing such stress.

(4) Parenting support for adolescents and youth including funds for services and support for parents and other caregivers of young people being served by a range of educational, social service, mental health, health, runaway and homeless youth programs.

Programs may include the Boys and Girls Club, YMCA and YWCA, after school programs, day care programs, or other community based organizations. Eligible activities may include parent-caregiver support groups, peer support groups, workshops, seminars or discussion groups on problems facing adolescents, advocates and mentors to help parents understand and work with school, the courts, and various treatment programs. If such services may include child care, respite care, pediatric care, child abuse prevention programs, nutrition programs, fostering of children, and violence intervention programs.

(5) Grants may be made for:  

(A) development of parenting resource centers including—

(i) a database which may contain a list of resources related to the provision of comprehensive services available to children and their families including Federal, State, and local government and nonprofit services available to children. Such services may include child care, respite care, pediatric care, child abuse prevention programs, nutrition programs, foster care, adoption, and safety training programs, caregiver training and education, and other related programs;

(B) a national toll free anonymous parent hotline with 24 hour access and advice including referral to local community based services;

(C) respite care for parents with special needs, single mothers, and at-risk youth.

(d) REPORTING.—Each entity that receives a grant under this section shall submit a report every 2 years to the Council describing the program it has developed, the number of parents and children served, and the success of the program using specific performance measures.

(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amounts received by a State may be used to pay administrative expenses of the Council in implementing the grant program.

(f) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for parenting support and education programs.

(g) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated such sums as are necessary for fiscal year 2000 and subsequent fiscal years.

SEC. 345. GRANTS TO ADDRESS THE PROBLEM OF VIOLENCE RELATED STRENGTHS TO PARENTS AND CHILDREN.

(a) FINDINGS.—The Congress finds that a child's brain is wired between the ages of 0-3. A child's ability to learn, develop healthy family and social relationships, resist peer pressure, and control violent impulses depends on the quality and quantity of brain stimulation a child receives. Research shows that children exposed to negative brain stimulation in the form of physical and sexual abuse and violence in the community can cause the brain to be miswired making it difficult for the child to be successful in life. Intervention early in a child's life to correct the miswiring is much more successful than adult rehabilitation efforts.

(b) IN GENERAL.—The Secretary shall award grants, enter into contracts or cooperative agreements with public and nonprofit private entities, as well as to Indian tribes, Native Hawaiians, and Alaska Native nonprofit corporations to establish national and regional centers of excellence on psychological trauma response and to identify the best practices for treating psychiatric and behavioral disorders associated with psychological trauma. Research shows that children exposed to negative brain stimulation in the form of physical and sexual abuse and violence in the community can cause the brain to be miswired making it difficult for the child to be successful in life. Intervention early in a child's life to correct the miswiring is much more successful than adult rehabilitation efforts.

(c) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the identifying best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that  

(1) work with children, adolescents, adults, and families who are survivors and witnesses of violence and abuse by children, domestic, school, and community violence;

(2) work with children, adolescents, adults, and families who are survivors and witnesses of violence and abuse by children, domestic, school, and community violence;

(g) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts, or cooperative agreements under subsection (a) work with children, adolescents, adults, and families who are survivors and witnesses of violence and abuse by children, domestic, school, and community violence.

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TITLE IV—VOLUNTARY MEDIA AGREEMENTS FOR CHILDREN'S PROTECTION

Subtitle A—Children and the Media

SEC. 401. SHORT TITLE

This subtitle may be cited as the "Children's Protection Act of 1999".

SEC. 402. FINDINGS

Congress makes the following findings:

(1) Television is seen and heard in nearly every United States home and is a pervasive presence in the daily lives of Americans. The average American home has 2 TV sets, and a television is tuned on in the average American home 7 hours every day.

(2) Television plays a particularly significant role in the lives of children. Figures provided by Nielsen Research show that children between the ages of 2 years and 11 years spend an average of 21 hours in front of a television each week.

(3) Television has an enormous capability to influence perceptions, especially those of children, of the values and behaviors that are common and acceptable in society.

(4) The influence of television is so great that its images and messages often can be harmful to the development of children. Social science research amply documents a strong correlation between the exposure of children to televised violence and a number of behavioral and psychological problems.

(5) Members of the National Association of Broadcasters, articulated this sense of responsibility as follows:

(A) "In selecting program subjects and themes, great care must be exercised to be sure that representation are made in good faith and not for the purpose of sensationalism or to shock or exploit the audience or appeal to prurient interests or morbid curiosity."

(B) "Broadcasters have a special responsibility toward children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the development of children to help them achieve a sense of the world at large and informed adjustments to their society."

(C) "Violence, either for psychological, or may only be projected in responsible hands, not used exploitatively. Programs involving violence present the consequences of its use to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional."

(D) "The presentation of marriage, family, and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly."

(E) "Above and beyond the requirements of the law, broadcasters must consider the family atmosphere in which many of their programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and reasonable manner."

(6) Routine show that more than 80 percent of such video games are cast in the role of shooter, with games among their favorites.

(7) Music is another extremely pervasive and popular form of entertainment. Americans. The average American home has 2.5 television sets, and a television is turned on in the average American home 7 hours every day.

(8) Members of the National Association of Broadcasters, articulated this sense of responsibility as follows:

(A) "Broadcasters have a special responsibility toward children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the development of children to help them achieve a sense of the world at large and informed adjustments to their society."

(B) "Broadcasters have a special responsibility toward children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the development of children to help them achieve a sense of the world at large and informed adjustments to their society."

(C) "Violence, physical, or psychological, may only be projected in responsible hands, not used exploitatively. Programs involving violence present the consequences of its use to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional."

(D) "The presentation of marriage, family, and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly."

(E) "Above and beyond the requirements of the law, broadcasters must consider the family atmosphere in which many of their programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and reasonable manner."

(9) This code of conduct, the Television Code of the National Association of Broadcasters, articulated this sense of responsibility as follows:

(A) "In selecting program subjects and themes, great care must be exercised to be sure that representation are made in good faith and not for the purpose of sensationalism or to shock or exploit the audience or appeal to prurient interests or morbid curiosity."

(B) "Broadcasters have a special responsibility toward children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the development of children to help them achieve a sense of the world at large and informed adjustments to their society."

(C) "Violence, physical, or psychological, may only be projected in responsible hands, not used exploitatively. Programs involving violence present the consequences of its use to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional."

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(10) The National Association of Broadcasters abandoned the code of conduct in 1983 after three provisions of the code restricting the sale of advertising were challenged by the Department of Justice on antitrust grounds and a Federal district court issued a summary judgment against the National Association of Broadcasters regarding one of the provisions on those grounds. However, none of the programming standards of the code were challenged.

(11) While the code of conduct was in effect, its programming standards were never found to have violated any antitrust law.

(12) Since the National Association of Broadcasters abandoned the code of conduct, programming standards on broadcast and cable television have deteriorated dramatically.

(13) In the absence of effective programming standards, public concern about the impact of television on children, and on society as a whole, has risen substantially. Polls routinely show that 69 percent of Americans are worried by the increasingly graphic nature of sex, violence, and vulgarity on television and by the amount of programming that openly sanctions or glorifies criminal, antisocial, and degrading behavior.

(14) At the urging of Congress, the television industry has taken some steps to respond to public concerns about programming standards and content. The broadcast television industry agreed in 1992 to adopt a set of guidelines "proscribing gratuitous or excessive portrayals of violence". Shortly thereafter, both the broadcast and cable television industries agreed to conduct an audit of the violent content in their programming and make those reports public.

(15) In 1996, the television industry as a whole made a commitment to develop a comprehensive rating system to label programming that may be harmful or inappropriate for children. That system was implemented at the beginning of 1999.

(16) Despite these efforts to respond to public concern about the impact of television on children, millions of Americans, especially the most popular are extremely violent. One recent study by Strategic Research Research found that 64 percent of teenagers played video or personal computer games on a regular basis. Other surveys of children as young as elementary school age found that almost half of them list violent computer games among their favorites.

(17) Music is another extremely pervasive and popular form of entertainment. American children and teenagers listen to music more than any other demographic group. The Journal of America's reported that between the 7th and 12th grades the average teenager listens to 10,500 hours of rock
SEC. 406. DEFINITIONS.

1) PERSON IN THE ENTERTAINMENT INDUSTRY.—The term ‘person in the entertainment industry’ means any of the following:

(a) Exemption.—Subject to subsection (b), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the entertainment industry for the purpose of developing and disseminating voluntary guidelines designed—

(1) to alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing violence, content, criminal behavior, or other subjects that are not appropriate for children; or

(2) to promote telecast material that is educational, informational, or otherwise beneficial to the development of children.

(b) Limitation.—The exemption provided in subsection (a) shall not apply to any joint discussion, consideration, review, action, or agreement which—

(1) results in a boycott of any person; or

(2) concerns the purchase or sale of advertising, television, radio, or other advertising space or time.

2) INTERNET.—The term ‘Internet’ means—

(a) the term as defined in subsection (a)(3), of section 6(b) of the Federal Trade Commission Act (15 U.S.C. 45).
(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(39) SPECIAL REGISTRATION.—The term ‘special registrant’ means a person to whom a license has been issued.

(38) SPECIAL LICENSE.—The term ‘special licensee’ means a person to whom a special license has been issued.

(37) SPECIAL REGISTRANT.—The term ‘special registrant’ means a person to whom a special registration has been issued.

(b) VARIOUS LICENSES.—

(1) SPECIAL LICENSES; SPECIAL REGISTRATIONS.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

"(35) GUN SHOW.—The term ‘gun show’ means a gun show or event described in section 923(j).

(34) SPECIAL LICENSE.—The term ‘special license’ means a license issued under section 923(m).

(33) SPECIAL LICENSEE.—The term ‘special licensee’ means a person to whom a special license has been issued.

(32) SPECIAL REGISTRANT.—The term ‘special registrant’ means a person to whom a special registration has been issued.

(c) TIME LIMITATION.—

(2) WITHIN 3 YEARS.—The Secretary shall—

(i) contain a certification by the applicant a license which, subject to the provisions of this chapter and other applicable provisions of law, entitles the licensee to conduct business during the 3-year period that begins on the date on which the license is issued.

(ii) PERMITTED ACTIVITY.—Under a special license does not relieve an applicant or licensee, as a matter of State or local law, from compliance with State or local law described in clause (i).

(iii) TIMING.—On approval of the application under subparagraph (A) if the application meets the requirements of subparagraph (D).

(iv) ISSUANCE OF LICENSE.—On approval of the application, the Secretary shall issue to the applicant a license which, subject to the provisions of this chapter and other applicable provisions of law, entitles the licensee to conduct business during the 3-year period that begins on the date on which the license is issued.

(v) TIME LIMIT.—The Secretary shall—

(i) PROVE OR DENY.—The Secretary shall approve or deny an application under subparagraph (A) not later than 60 days after the Secretary receives the application.

(ii) TIME LIMIT.—If the Secretary fails to approve or disapprove an application under subparagraph (A) within the time specified by clause (i), the applicant may bring an action under section 1361 of title 28 to compel the Secretary to act.

(iv) USE OF SPECIAL REGISTRANTS.—

(i) IN GENERAL.—A person not licensed under this chapter who desires to transfer a firearm at a gun show in the person’s State of residence to another person who is a resident of the same State, may use (but shall not be required to use) the services of a special registrant to determine the eligibility of the prospective transferee to possess a firearm by having the transferee provide the special registrant at the gun show, on a special and limited-purpose form that the Secretary shall prescribe for use by a special registrant—

(1) the name, age, address, and other identifying information of the prospective transferee (or, in the case of a prospective transferee that is a corporation or other business entity, the identity and principal and local place of business of the prospective transferee); and

(2) proof of verification of the identity of the prospective transferee as required by section 922(t)(1)(C).

(v) ACTION BY THE SPECIAL REGISTRANT.—

(i) MAKE INQUIRY.—The special registrant shall—

(A) IN GENERAL.—A person who is not licensed under this chapter (other than a licensed collector) and who wishes to perform instant background checks for the purposes of meeting the requirements of section 922(t) at a gun show may submit to the Secretary an application for a special registration.

(B) CONTENTS.—An application under subparagraph (A) shall—

(i) contain a certification by the applicant that—

(A) the applicant meets the requirements of subparagraphs (A) through (D) of subsection (d); and

(BB) as part of a gunsmith or firearm repair business, shall—

(1) have in his possession a current and valid, expires, or is revoked.

(II) transmit the records to the Secretary upon renewal of valid registration a fee of $50 for 3 years, and upon renewal of valid registration a fee of $50 for 3 years, the Secretary shall issue to the applicant a special registration, and notify the Attorney General of the United States of the issuance of the special registration.

(iii) PERMITTED ACTIVITY.—Under a special registration, a special registrant may conduct instant check screening during the 3-year period that begins with the date on which the registration is issued.

(f) PROTECTION AGAINST.—

(1) IN GENERAL.—The Secretary shall approve or deny an application under subparagraph (A) not later than 60 days after the Secretary receives the application.

(ii) FAILING TO COMPLY.—If the Secretary fails to approve or disapprove an application under subparagraph (A) within the time specified by clause (i), the applicant may bring an action under section 1361 of title 28 to compel the Secretary to act.

(2) USE OF SPECIAL REGISTRANTS.—

(i) IN GENERAL.—A person not licensed under this chapter who desires to transfer a firearm at a gun show in the person’s State of residence to another person who is a resident of the same State, may use (but shall not be required to use) the services of a special registrant to determine the eligibility of the prospective transferee to possess a firearm by having the transferee provide the special registrant at the gun show, on a special and limited-purpose form that the Secretary shall prescribe for use by a special registrant—

(1) the name, age, address, and other identifying information of the prospective transferee (or, in the case of a prospective transferee that is a corporation or other business entity, the identity and principal and local place of business of the prospective transferee); and

(2) proof of verification of the identity of the prospective transferee as required by section 922(t)(1)(C).

(ii) ACTION BY THE SPECIAL REGISTRANT.—

(i) MAKE INQUIRY.—The special registrant shall—

(A) IN GENERAL.—A person who is not licensed under this chapter (other than a licensed collector) and who wishes to perform instant background checks for the purposes of meeting the requirements of section 922(t) at a gun show may submit to the Secretary an application for a special registration.

(B) CONTENTS.—An application under subparagraph (A) shall—

(i) contain a certification by the applicant that—

(A) the applicant meets the requirements of subparagraphs (A) through (D) of subsection (d); and

(BB) as part of a gunsmith or firearm repair business, shall—

(1) have in his possession a current and valid, expires, or is revoked.

(iii) PERMITTED ACTIVITY.—Under a special registration, a special registrant may conduct instant check screening during the 3-year period that begins with the date on which the registration is issued.

(f) PROTECTION AGAINST.—

(1) IN GENERAL.—The Secretary shall approve or deny an application under subparagraph (A) if the application meets the requirements of subparagraph (B).

(ii) ISSUANCE OF REGISTRATION.—On approval of the application, the Secretary shall—

(1) issue a special registration under section 923(m).''.
special registrant is not subject to any of the requirements imposed on licensees by this chapter, including those in section 922(t) and paragraphs (1)(A) and (3)(A) of subsection (g) with respect to the proposed transfer of a firearm.

(3) **NO CAUSE OF ACTION OR STANDARD OF CONDUCT.**

"(A) IN GENERAL.—Nothing in this subsection—

(i) creates a cause of action against any special registrant or any other person, including the transferee, for any civil liability; or

(ii) establishes any standard of care.

(B) EVIDENCE.—Notwithstanding any other provision of law, except to give effect to the provisions of paragraph (3)(vi), evidence regarding the use or nonuse by a transferee of the services of a special registrant under this paragraph shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity for the purposes of establishing liability based on a negligent entrustment on any other theory of harm caused by a product or by negligence.

"(4) IMMUNITY.—

(A) DEFINITION.—In this paragraph—

(i) the term ‘qualified civil liability action’ means a civil action brought by any person against a person described in subparagraph (B) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party;

(ii) the term ‘qualified civil liability action’ shall not include an action—

(B) IMMUNITY.—Notwithstanding any other provision of law, a person who—

(i) is a special registrant who performs a background check in the manner prescribed in this subsection at a gun show;

(ii) a license or special licensee who acquires a firearm at a gun show from a non-licensee, for transfer to another nonlicensee in attendance at the gun show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of a firearm under this chapter; or

(iii) a nonlicensee person disposing of a firearm who uses the services of a person described in clause (i) or (ii) shall be entitled to immunity from civil liability action as described in subparagraph (B).

(C) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court—

(i) brought against a transferee convicted under section 922(h), or a comparable State felony law, by a person directly harmed by the transferee’s criminal conduct, as defined in section 922(h); or

(ii) brought against a transferee for negligent entrustment or negligence per se.

(D) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.

(E) REVOCATION.—A special license or special registration shall be subject to revocation for violation of the requirements of this chapter, as determined by the Secretary.

(F) BOND.—Any person who violates section 923(m)(1) shall be fined under this title, imprisoned not more than 5 years, or both.

SEC. 502. **CLARIFICATION OF AUTHORITY TO CONDUCT FIREARM TRANSACTIONS AT GUN SHOWS.**

Section 923 of title 18, United States Code, is amended by inserting subsection (j) and inserting the following:

"(j) GUN SHOWS.—

(i) **GUN SHOWS.**—

(I) **IN GENERAL.**—A licensed importer, licensed manufacturer, or licensed dealer may, under regulations promulgated by the Secretary, conduct business at a temporary location, other than the location specified on the license, described in paragraph (3) of this subsection, if the location is not in the State specified on the license, a licensee may display any firearm, and take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (3) of this subsection.

(ii)** **QUALIFIED GUN SHOWS OR EVENTS.**—A gun show or an event shall qualify as a temporary location if—

1. the gun show or event is one which is sponsored, for profit or not, by an individual, national, State, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

2. the gun show or event has 20 percent or more firearm exhibitors out of all exhibitors.

(iii) **FIREARM EXHIBITOR.**—The term ‘firearm exhibitor’ means any person, corporation, or other entity to include, but is not limited to, a gun show or an event shall qualify as a temporary location—

(I) shall include the location of the sale or other disposal of a firearm, firearm accessories, or ammunition;

(II) shall be entered in the permanent records of the licensee; and

(III) shall be retained at the location premises specified in paragraph (3).

(iv) **VEHICLES.**—Nothing in this subsection authorizes a licensee to conduct business in or from any motorized or towed vehicle.

(v) **NO SEPARATE FEE.**—Notwithstanding subsection (a), a separate fee shall not be required of a licensee with respect to business conducted under this subsection.

(vi) **INSPECTIONS AND EXAMINATIONS.**—

(I) **AT A TEMPORARY LOCATION.**—Any inspection or examination of inventory or records under this chapter by the Secretary at a temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at the temporary location.

(II) **NO REQUIREMENT.**—Nothing in this subsection authorizes the Secretary to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed distributor, other than the information specified in paragraph (4).

(vii) **NO EFFECT ON OTHER RIGHTS.**—Nothing in this subsection diminishes in any manner any right by display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of this subsection, including the right of a licensee to conduct business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of the other licensee.

SEC. 503. **INSTANT CHECK** GUN TAX AND GUN OWNER PRIVACY.

(a) **PROHIBITION OF GUN TAX.**—

(1) **IN GENERAL.**—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

"§ 540B. Prohibition of background check fee.

"(a) **IN GENERAL.**—No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a)(3) of title 18).

"(b) **CIVIL REMEDIES.**—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney’s fee.

(2) **CONFORMING AMENDEMENT.**—The analysis for chapter 33 of title 28, United States Code, is amended by inserting in section 540A the item relating to section 540A the following:

"§ 540B. Prohibition of background check fee.

(b) **PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.**—

(1) **IN GENERAL.**—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 931. Gun owner privacy and ownership rights.

"(a) **IN GENERAL.**—Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States shall—

1. perform any national instant criminal background check on any person through the system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) (referred to in this section as the ‘system’) if the system does not require and result in the immediate destruction of all information, in any form whatsoever or through any medium, relative to any person if the person is determined, through the use of the system, not to be prohibited by subsection (g) or (n) of section 922 or by State law from receiving a firearm; or

2. continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

(A) the National Instant Check System index complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

(B) the system does not apply the exceptions under subsection (j)(2) or paragraph (2) or (3) of subsection (k) of section 552a of title 5, United States Code, except if specifically identified and information is provided for a particular law enforcement investigation or specific criminal enforcement matter.

(b) **APPLICABILITY.**—Subsection (a)(1) does not apply to the retention or transfer of information relating to—

1. any unique identification number provided by the national instant criminal background check system; or

2. the date on which that number is provided.

(c) **CIVIL REMEDIES.**—Any person aggrieved by a violation of this section may...
bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.

(2) CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 101. Gun owner privacy and ownership rights.

(c) PROVISION RELATING TO PAY AND OTHER TRANSACTIONS.—

(1) REPEAL.—Section 655 of title VI of the Treasurers' and Governmental Employees' Retirement Act of 1960 (45 Stat. 582) is repealed.

(2) COMMENCEMENT OF FINE.—The amendment made by subsection (a) of this section takes effect on the date of enactment of this Act.

(3) EFFECTIVE DATE.—(a) SECTIONS 501 AND 502.—The amendments made by sections 501 and 502 shall take effect on the date that is 30 days after the date of enactment of this Act.

(b) SECTIONS 503 TO 506.—The amendments made by section 503 take effect on the date of enactment of this Act, except that the amendment made by subsection (a) of that section takes effect on October 4, 2004.

TITLE VI—RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

SEC. 601. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.

(a) JUVENILE WEAPONS PENALTIES.—Section 922(q) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking "Whoever" at the beginning of the first sentence, and inserting in lieu thereof, "Except as provided in paragraph (6) of this subsection, whoever"; and

(2) in paragraph (6), by amending it to read as follows:

"(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

"(i) a juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with the condition of probation, if—

"(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x)) that is a violation of law, and that person is directing the ranching or farming activities as described in paragraph (2).

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun;

"(B) ammunition that is suitable for use only in a handgun;

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.

"(3) This subsection does not apply to—

"(A) a temporary transfer of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a minor; or

"(B) a transfer by inheritance of title (but not possession) of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile;

"(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile;

"(D) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile;

"(E) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile;

"(F) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile;

"(G) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile;

"(H) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile;

"(I) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile;

"(J) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile; or

"(K) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile.

"(4) A handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when the lawful owner, the Government or the police or the juvenile, seeks the return of the firearm.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may exercise the jurisdictional power of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown or upon the request of the defendant.

"(7) For purposes of this section only, the term 'large capacity ammunition feeding device' includes—
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device’ has the same meaning as in section 922(a)(31) and includes small automatic devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994.”

SEC. 602. EFFECTIVE DATE.

(a) In general.—This Act and [the] amendments made by this title shall take effect 180 days after the date of enactment of this Act.

TITLE VII—ASSAULT WEAPONS

SEC. 701. SHORT TITLE.

This Act may be cited as the “Juvenile Assault Weapon Loophole Closure Act of 1999.”

SEC. 702. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “(1) Except as provided in paragraph (2)” and inserting “(1)(A) Except as provided in subparagraph (B)”;

(2) in paragraph (2), by striking “(2) Paragraph (1)” and inserting “(2) Subparagraph (A)”;

(3) by inserting before paragraph (3) the following new paragraph (2):

“(2) It shall be unlawful for any person to import a large capacity ammunition feeding device.”;

and

(4) in paragraph (4), by striking “(1)” each place it appears and inserting “(1)(A)”; and

(B) by striking “(2)” and inserting “(1)(B)”.

SEC. 703. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking “manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994”.

SEC. 704. EFFECTIVE DATE.

This title and the amendments made by this title except sections 702 and 703 shall take effect 180 days after the date of enactment of this Act.

TITLE VIII—EFFECTIVE GUN LAW ENFORCEMENT

Subtitle A—Criminal Use of Firearms by Felons

SEC. 801. SHORT TITLE.

This subtitle may be referred to as the “Criminal Use of Firearms by Felons (CUFF) Act”.

SEC. 802. FINDINGS.

Congress finds the following:

(1) Tragedies such as those occurring recently in the communities of Pearl, Mississippi, Paducah, Kentucky, Jonesboro, Arkansas, Springfield, Oregon, and Littleton, Colorado are terrible reminders of the vulnerability of innocent individuals to random and senseless acts of criminal violence.

(2) The United States Congress has responded to the problem of gun violence by passing numerous criminal statutes and by supporting the development of law enforcement programs designed both to punish the criminal misuse of weapons and also to deter individuals from undertaking illegal acts.

(3) In 1986, the Administration initiated an innovative program known as Project Achilles. The concept behind the initiative was that the illegal possession of firearms was the Achilles heel or the area of greatest vulnerability of criminals. By aggressively prosecuting criminals with guns in Federal court, Departments of Justice were subject to stiffer penalties and expedited prosecutions. The Achilles program was particularly effective in removing the most violent criminals from our streets.

(4) In 1991, the Administration expanded its efforts to remove criminals with guns from our streets with Project Triggerlock. Triggerlocks were added to the Achilles program and committed the Department of Justice resources to the prosecution effort. Under the program, every United States Attorney who directed a program involving Federal, State, and local investigators to look for gang and drug cases that could be prosecuted as Federal weapon violations. Congress appropriated additional funds to allow a large number of new law enforcement officers and Federal prosecutors to target these gun and drug offenders. In 1992, approximately 2,500 persons were prosecuted under this initiative.

(5) Since 1993, the number of “Project Triggerlock” type gun prosecutions pursued by the Department of Justice has fallen to approximately 3,807 prosecutions in 1998. This is a decline of over 40 percent in Federal prosecutions of criminals with guns.

(6) The trend of criminal prosecution in the Federal criminal justice system works to deter criminal behavior because the Federal system is known for speedier trials and longer prison sentences.

(7) The deterrent effect of Federal gun prosecutions has been demonstrated recently by successful programs, such as “Project Triggerlock”. This resulted in a 22 percent decrease in violent crime since 1994.

(8) The Department of Justice’s failure to prosecute the illegal use of guns under existing Federal law undermines the significant deterrent effect that these laws are meant to produce.

(9) The Department of Justice already possesses a vast array of Federal criminal statutes that, if used aggressively to prosecute wrongdoers, would significantly reduce both the threat of, and the incidence of, criminal gun violence.

(10) As an example, the Department of Justice has the statutory authority in section 922(q) of title 18, United States Code, to prosecute individuals who bring guns to school zones. Although the Administration stated that over 6,000 students were expelled last year for the jurisdiction, the Department reports prosecuting only 8 cases under section 922(q) in 1998.

(11) The Department of Justice is also empowered in section 922(q) of title 18, United States Code, to prosecute adults who transfer handguns to juveniles. In 1998, the Department of Justice reports having prosecuted only 6 individuals under this provision.

(12) The Department of Justice’s utilization of existing prosecutorial power is one of the most significant steps that can be taken to reduce the number of criminal acts involving guns, and represents a better response to the problem of criminal violence than the enactment of new, symbolic laws, which, if current Departmental trends hold, would likely be underutilized.

SEC. 803. CRIMINAL USE OF FIREARMS BY FELONS PROGRAM.

(a) In general.—Not later than 90 days after the date of enactment of this Act, the Attorney General and the Secretary of the Treasury shall determine which jurisdictions specified in subsection (d) a program that meets the requirements of subsections (b) and (c). The program shall be known as the “Criminal Use of Firearms by Felons (CUFF) Program.”

(b) Program elements.—Each program established under subsection (a) shall, for the jurisdiction concerned—

(1) provide for coordination with State and local law enforcement officials in the identification of violations of Federal firearms laws;

(2) provide for the establishment of agreements with State and local law enforcement officials for the referral to the Bureau of Alcohol, Tobacco and Firearms and the United States Attorney for prosecution of persons arrested for violations of section 922(a)(6), 922(a)(7), 922(g)(1), 922(g)(2), 922(g)(3), 922(i), 922(q), or 922(v) of title 18, United States Code, or section 5861(d) or 5861(h) of the Internal Revenue Code of 1986, relating to firearms;

(3) require that the United States Attorney designate not less than 1 Assistant United States Attorney to prosecute violations of Federal firearms laws;

(4) provide for the hiring of agents for the Bureau of Alcohol, Tobacco, and Firearms to investigate violations of the provisions referred to in paragraph (2) and section 922(a)(5) of title 18, United States Code, relating to firearms; and

(5) ensure that each person referred to the United States Attorney under paragraph (2) be charged with a violation of the most serious Federal firearm offense consistent with the act committed.

(c) Public education campaign.—As part of the program for a jurisdiction, the United States Attorney shall carry out, in cooperation with local civic, community, law enforcement, and religious organizations, an extensive media and public outreach campaign focused in high-crime areas to—

(1) educate the public about the severity of penalties for violations of Federal firearms laws; and

(2) encourage law-abiding citizens to report the possession of illegal firearms to authorities.

(d) Covered jurisdictions.—The jurisdictions specified in this subsection are the following:

(1) The 10 jurisdictions with a population equal to or greater than 100,000 persons that had the highest total number of violent crimes according to the FBI uniform crime report for 1998.

(2) The 15 jurisdictions with such a population as specified in paragraph (1), with the highest per capita rate of violent crime according to the FBI uniform crime report for 1998.

SEC. 804. ANNUAL REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report containing the following information:

(1) The number of Assistant United States Attorneys hired under the program under this subtitle during the year preceding the year in which the report is submitted in order to prosecute violations of Federal firearm laws in Federal court.

(2) The number of individuals indicted for such violations during that year by reason of the program.

(3) The number of individuals held without bond in anticipation of prosecution by reason of the program.

(4) The number of individuals convicted of violations of Federal firearm laws.

SEC. 805. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations.—There are authorized to be appropriated to—

...
carry out the program under section 803 of $50,000,000 of which—
(1) $40,000,000 shall be used for salaries and expenses of Assistant United States Attorneys and Bureau of Alcohol, Tobacco, and Firearms agents; and
(2) $10,000,000 shall be available for the public relations campaign required by subsection (c) of that section.

(b) Firearm Interdiction Initiative.—
(1) The Assistant United States Attorneys hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall investigate and prosecute violations of Federal firearms laws in accordance with section 803(b)(3).
(2) The Bureau of Alcohol, Tobacco, and Firearms agents hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall, to the maximum extent practicable, concentrate their investigations on violations of Federal firearms laws in accordance with section 803(b)(4).
(3) It is the sense of Congress that amounts made available under this section for the public education campaign required by section 803(c) should, to the maximum extent practicable, be matched with State or local funds for similar educational programs.

(c) Authorization of Additional Appropriations.—In addition to amounts made available under subsection (a), there is authorized to be appropriated to the Administrative Office of the United States Courts such sums as may be necessary to carry out this subtitle.

Subtitle D—Apprehension and Treatment of Armed Violent Criminals

SEC. 811. APPREHENSION AND PROCEDURAL TREATMENT OF ARMED VIOLENT CRIMINALS

(a) Preliminary Detention for Possession of Firearms or Explosives by Convicted Felons.—Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking “or” at the end of subparagraph (B);
(2) by striking “and” at the end of subparagraph (C) and inserting “or”; and
(3) by adding at the end following:

“(D) an offense that is a violation of section 924(a)(1) or 922(g) relating to possession of explosives or firearms by convicted felons.”;

(b) Firearms Possession by Violent Felons and Serious Drug Offenders.—Section 929(a)(2) of title 18, United States Code, is amended—

(1) by striking “Whoever” and inserting “(A) Except as provided in subparagraph (B), any person who ”; and
(2) by adding at the end following:

“(B) Notwithstanding any other provision of law, the district court shall not grant a probationary sentence to a person who has more than 1 previous conviction for a violent felony or a serious drug offense, committed under different circumstances.”;

Subtitle E—Youth Crime Gun Interdiction Initiatives

SEC. 821. YOUTH CRIME GUN INTERDICTION INITIATIVE

(a) In General.

(1) Extension of Number of Cities.—The Secretary of the Treasury shall endeavor to expand the number of cities and counties directly participating in the Youth Crime Gun Interdiction Initiative (in this section referred to as the “YCGII”) to 75 cities or counties by October 1, 2000, to 150 cities or counties by October 1, 2002, and to 250 cities or counties by October 1, 2003.

(2) Selection.—Cities and counties selected for participation in the YCGII shall be selected by the Secretary of the Treasury and in consultation with Federal, State, and local law enforcement officials.

(b) Identification of Individuals.—

(1) In General.—The Secretary of the Treasury shall require that information provided by the YCGII, facilitate the identification and prosecution of individuals illegally trafficking firearms to prohibited individuals.

(2) Sharing of Information.—The Secretary of the Treasury shall share information derived from the YCGII with States and local law enforcement authorities through online computer access, as soon as such capability is available.

(c) Grant Awards.—

(1) IN GENERAL.—The Secretary of the Treasury shall award grants (in the form of funds or equipment) to States, cities, and counties for purposes of assisting such entities in the tracing of firearms and participation in the YCGII.

(2) Use of Grant Funds.—Grants made under this part shall be used to—

(A) hire or assign additional personnel for the gathering, submission and analysis of tracing data submitted to the Bureau of Alcohol, Tobacco and Firearms under the YCGII;

(B) hire additional law enforcement personnel for the purpose of identifying and arresting individuals illegally trafficking firearms.

(C) purchase additional equipment, including automatic data processing equipment and computer software and hardware, for the timely submission and analysis of tracing data.

Subtitle F—Firearms Possession by Violent Juvenile Offenders

SEC. 841. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS

(a) Definition.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting “(A)” after “(20)”;

(2) by redesignating subparagraphs (A) and (B) as clauses (1) and (2) respectively; and

(3) by inserting after subparagraph (A) the following:

“(B) For purposes of subparagraphs (d) and (g) of section 922, the term ‘act of violent juvenile delinquency’ means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(F)(I) of title 18, United States Code.”;

(c) Elements of Annual Report.—With respect to each case described in subsection (b), the report submitted under subsection (a) shall include information indicating—

(1) whether in any such case, a decision has been made not to charge an individual with a violation of section 922 of title 18, United States Code, or any other violation of Federal criminal law;

(2) in any case described in paragraph (1), the reason for such failure to seek or obtain a charge under section 922 of title 18, United States Code;

(3) whether in any case described in subsection (b), an indictment, information, or other charge has been brought against any person, or the matter is pending;

(4) whether a plea agreement of any kind has been in effect made not to charge an individual with a violation of section 922 of title 18, United States Code;

(5) in any case described in paragraph (4) in which the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code, whether a plea agreement of any kind has been entered into with such charged individual;

(6) whether any plea agreement described in paragraph (5) required that the individual plead guilty, to enter a plea of nolo contendere, or otherwise cause a court to enter a conviction against that individual in violation of section 922 of title 18, United States Code;

(7) in any case described in paragraph (6) in which the plea agreement did not require that the individual plead guilty, to enter a plea of nolo contendere, or otherwise cause a court to enter a conviction against that individual in violation of section 922 of title 18, United States Code, identification of the charges to which that individual pled guilty, and the reason for the failure to seek or obtain a conviction under that section; and

(8) in the case of an indictment, information, or other charge described in paragraph (3), in which the charging document did not contain a count or counts alleging a violation of section 922 of title 18, United States Code, the nature of the other charges brought and the result of any trial of such other charges as have been brought (guilty, not guilty, mistrial); and

(9) in the case of an indictment, information, or other charge described in paragraph (3), in which the charging document did contain a count or counts alleging a violation of section 922 of title 18, United States Code, the nature of the other charges brought and the result of any trial of such other charges as have been brought (guilty, not guilty, mistrial).
(d) the offense of which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

(ii) during the same course of conduct in violating section 922(a)(2), the juvenile violates section 922(x)(2) with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony.

(C) TRANSFER TO A JUVENILE.—A person other than a juvenile who knowingly violates section 922(x)(1) shall be fined under this title, imprisoned not less than 1 year and not more than 5 years, or both; or

(i) if the person sold, delivered, or otherwise transferred a handgun, ammunition, or semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title and imprisoned not less than 10 and not more than 20 years.

(D) CASES IN UNITED STATES DISTRICT COURT.—A person under subparagraph (B)(iii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult.

(E) NO RELEASE AT AGE 18.—No juvenile sentenced to a term of imprisonment shall be released from custody solely for the reason that the juvenile has reached the age of 18 years.

UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

(X) JUVENILES.—

(1) DEFINITION OF JUVENILE.—In this subsection, the term ‘juvenile’ means a person who is less than 18 years of age.

(2) TRANSFER TO JUVENILES.—It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferee knows or has reasonable cause to believe is a juvenile—

(A) a handgun;

(B) ammunition that is suitable for use only in a handgun; or

(C) a semiautomatic assault weapon.

(3) POSSESSION BY A JUVENILE.—It shall be unlawful for any person who is a juvenile to knowingly possess—

(A) a handgun;

(B) ammunition that is suitable for use only in a handgun; or

(C) a semiautomatic assault weapon.

(4) APPLICATION.—

(A) IN GENERAL.—This subsection does not apply to—

(i) if the conditions stated in subparagraph (B) or (C) are met and

(ii) if the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, shall be returned to the lawful owner when the handgun, ammunition, or semiautomatic assault weapon is possessed and used by the juvenile.

(B) IN SPECIFIC CASES.—A juvenile shall be fined under this title, imprisoned not more than 10 years, or both, if—

(i) the offense of which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

(ii) during the same course of conduct in violating section 922(a)(2), the juvenile violates section 922(x)(2) with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony.

(C) TRANSFER TO A JUVENILE.—A person other than a juvenile who knowingly violates section 922(x)(1) shall be fined under this title, imprisoned not less than 1 year and not more than 5 years, or both; or

(i) if the person sold, delivered, or otherwise transferred a handgun, ammunition, or semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title and imprisoned not less than 10 and not more than 20 years.

(D) CASES IN UNITED STATES DISTRICT COURT.—A person under subparagraph (B)(iii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult.

(E) NO RELEASE AT AGE 18.—No juvenile sentenced to a term of imprisonment shall be released from custody solely for the reason that the juvenile has reached the age of 18 years.

UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

(X) JUVENILES.—

(1) DEFINITION OF JUVENILE.—In this subsection, the term ‘juvenile’ means a person who is less than 18 years of age.

(2) TRANSFER TO JUVENILES.—It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferee knows or has reasonable cause to believe is a juvenile—

(A) a handgun;

(B) ammunition that is suitable for use only in a handgun; or

(C) a semiautomatic assault weapon.

(3) POSSESSION BY A JUVENILE.—It shall be unlawful for any person who is a juvenile to knowingly possess—

(A) a handgun;

(B) ammunition that is suitable for use only in a handgun; or

(C) a semiautomatic assault weapon.

(4) APPLICATION.—

(A) IN GENERAL.—This subsection does not apply to—

(i) if the conditions stated in subparagraph (B) or (C) are met and

(ii) if the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, shall be returned to the lawful owner when the handgun, ammunition, or semiautomatic assault weapon is possessed and used by the juvenile.

(B) IN SPECIFIC CASES.—A juvenile shall be fined under this title, imprisoned not more than 10 years, or both, if—

(i) the offense of which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

(ii) during the same course of conduct in violating section 922(a)(2), the juvenile violates section 922(x)(2) with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony.

(C) TRANSFER TO A JUVENILE.—A person other than a juvenile who knowingly violates section 922(x)(1) shall be fined under this title, imprisoned not less than 1 year and not more than 5 years, or both; or

(i) if the person sold, delivered, or otherwise transferred a handgun, ammunition, or semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title and imprisoned not less than 10 and not more than 20 years.

(D) CASES IN UNITED STATES DISTRICT COURT.—A person under subparagraph (B)(iii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult.

(E) NO RELEASE AT AGE 18.—No juvenile sentenced to a term of imprisonment shall be released from custody solely for the reason that the juvenile has reached the age of 18 years.
"(B) may use the contempt power to enforce hearings in and out of court; and
"(C) may excuse attendance of a parent or legal guardian of a juvenile defendant for good cause.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SUBTITLE G—General Firearm Protections

SEC. 851. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IMPROVEMENTS.

(a) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—The Attorney General shall expedite—

(A) not later than 90 days after the date of enactment of this section, a study of the feasibility of developing—

(i) a single fingerprint convicted offender database in the Federal criminal records system maintained by the Federal Bureau of Investigation; and

(ii) procedures under which a licensed firearm dealer may voluntarily transmit to the National Instant Check System a single digitized fingerprint for prospective firearms transfers;

(B) the provision of assistance to States, under the National Ballistics Identification Technology Act of 1998 (12 Stat. 1871), in gaining access to records in the National Instant Check System disclosing the disposition of State criminal investigations; and

(C) development of a procedure for the collection of data identifying persons who are prohibited from possessing a firearm by section 922 of title 18, United States Code, including persons adjudicated as a mental defective, persons committed to a mental institution, and persons subject to a domestic violence restraining order.

(b) CONSIDERATIONS.—In developing procedures under paragraph (1), the Attorney General shall consider the privacy needs of individuals.

(b)(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended, by inserting after subsection (a)(17) the following:

"(aa) with respect to a transferee described in section 921(a)(35) of this chapter, a person who—

(A) has, in conducting the affairs of a business, a duty to provide a secure gun storage or safety device;

(B) is the owner of, or has control of a secure gun storage or safety device;

(C) is the employer of a person who has a duty to provide a secure gun storage or safety device in connection with the discharge of the person’s duties; and

(D) the transferee would otherwise be required under section 921(a)(13) of title 18, United States Code, to provide a secure gun storage or safety device;"

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 852. STOLEN FIREARMS.

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended, by inserting after subsection (d)(1) the following:

"(2) In subsection (c)(1), by striking ''10 years.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 1003. FIREARMS SAFETY.

(a) UNLAWFUL ACTS.—

(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended, by inserting after subsection (y) the following:

"(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

(A) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, of a handgun; or

(B) transfer to any person of a handgun, and who uses a secure gun storage or safety device, as described in section 922(a)(35) of this chapter, for that handgun.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the—

(A) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, of a handgun; or

(B) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (1) of a handgun for law enforcement purposes (whether on or off duty); or

(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in subsection (y)(1).

(3) SPECIAL RULE.—In determining whether a person is in lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be
entitled to immunity from a civil liability action arising out of this paragraph or any civil liability action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of a handgun under a third party donor program.

(ii) The handgun was possessed and controlled by the licensee.

(iii) The handgun was possessed and controlled in a manner that satisfied the definition of negligent entrustment or negligence per se.

(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license is effective upon the suspension or revocation of a license by a court or administrative agency.

(3) RULE OF CONSTRUCTION.—Nothing in this Act is intended to preclude any administrative remedies that are otherwise available to the person who the Secretary seeks, intends, or is instructed to impose.

SEC. 1105. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

(a) NONAPPLICATION OF PROVISIONS.—The provisions of this section shall not apply to any disciplinary records transferred from a private, parochial, or other nonpublic school.

(b) DISCIPLINARY RECORDS.—Not later than 2 years after the date of enactment of this Act, each State receiving Federal funds under this Act shall provide to the Secretary that the State has a procedure in effect that facilitates the transfer of disciplinary records by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled in such school, or who is enrolled in such school full-time or part-time.

SEC. 1106. SCHOOL VIOLENCE RESEARCH.

The Attorney General shall establish at the National Center for Rural Law Enforcement in Little Rock, Arkansas, a research center that shall serve as a resource center or clearinghouse for school violence research. The research center shall conduct, compile, and publish school violence research and otherwise conduct activities related to school violence research, including—

(1) establishing a clearinghouse for school violence research and otherwise conduct activities related to school violence research,

(2) the identification and development of strategies to prevent school violence;

(3) the development and implementation of curricula designed to assist local educational agencies and law enforcement agencies in the prevention of or response to school violence;

(4) the identification and development of strategies to prevent school violence;

(5) the development and implementation of curricula designed to assist local educational agencies and law enforcement agencies in the prevention of or response to school violence;

(6) the identification and development of strategies to prevent school violence;

(7) the development and implementation of curricula designed to assist local educational agencies and law enforcement agencies in the prevention of or response to school violence.

SEC. 1106. NATIONAL CHARACTER ACHIEVEMENT AWARD.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to individuals under the age of 18, on behalf of the Congress, a National Character Achievement Award, consisting of medal of appropriate design, with ribbons and appurtenances, honoring those individuals for distinguishing themselves as a model of good character.

(b) DESIGN AND STRIKING.—For the purposes of this award referred to in subsection (a), the Secretary of the Treasury shall—

(1) design and strike a medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(2) PROVISIONAL EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.
SEC. 1107. NATIONAL COMMISSION ON CHARACTER DEVELOPMENT.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Character Development (referred to in this section as the Commission).

(b) MEMBERSHIP.—

(1) POINTING AUTHORITY.—The Commission shall consist of 36 members, of whom—

(A) 12 shall be appointed by the President;

(B) 12 shall be appointed by the Speaker of the House of Representatives; and

(C) 12 shall be appointed by the President pro tempore of the Senate, on the recommendation of the majority and minority leaders of the Senate.

(2) COMPOSITION.—The President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall each appoint as members of the Commission—

(A) 1 parent;

(B) 1 student;

(C) 2 representatives of the entertainment industry (including the segments of the industry relating to audio, video, and multimedia entertainment);

(D) 2 members of the clergy;

(E) 2 representatives of the information or technology industry;

(F) 1 federal law enforcement official;

(G) 2 individuals who have engaged in academic research with respect to the impact of cultural influences on child development and juvenile crime; and

(H) 1 representative of a grassroots organization engaged in community and child intervention programs.

(3) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) DUTIES OF THE COMMISSION.—

(1) STUDY.—The Commission shall study and make recommendations with respect to the impact of current cultural influences (as of the date of the study) on the process of developing and instilling the key aspects of character such as trustworthiness, honesty, integrity, an ability to keep promises, loyalty, respect, responsibility, fairness, a caring nature, and good citizenship.

(2) REPORTS.—

(A) INTERIM REPORTS.—The Commission shall submit to the President and Congress such interim reports relating to the study as the Commission considers to be appropriate.

(B) FINAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit a final report to the President and Congress that shall contain a detailed statement of the findings and conclusions of the Commission resulting from the study, together with recommendations for such legislation and administrative actions as the Commission considers to be appropriate.

(d) CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(e) POWERS OF THE COMMISSION.

(1) A Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal Agency or any branch, department, or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(5) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privileges.

(3) PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2000 and 2001.

SEC. 1108. JUVENILE ACCESS TO TREATMENT.

(a) COORDINATED JUVENILE SERVICES.

(1) In general.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall conduct, with the Center for Substance Abuse of the Substance Abuse and Mental Health Services Administration, the implementation of a coordinated juvenile services program for State or local juvenile justice agencies or State or local substance abuse and mental health agencies, and child service agencies to coordinate the delivery of services to children among these agencies. Any public agency may serve as the lead entity for the consortium.

(2) Detail of government employees.—Any Federal employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privileges.

(b) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section such sums as may be necessary for each of fiscal years 2000 and 2001.
CONGRESSIONAL RECORD—SENATE

TITLe X11—TEACHER LIABILITY PROTECTION ACT

SEC. 1201. SHORT TITLE.
This title may be cited as the “Teacher Liability Protection Act of 1999”.

SEC. 1202. FINDINGS AND PURPOSE.
(a) FINDINGS.—Congress makes the following findings:
(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation’s elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

SEC. 1203. PREEMPTION AND ELECTION OF STATE NON-APPLICABILITY.
(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NON-APPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of any State.

SEC. 1204. LIMITATION ON LIABILITY FOR TEACHERS.
(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (d), no teacher shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—
(1) the teacher was acting within the scope of the teacher’s employment or responsibilities related to providing educational services;
(2) the actions of the teacher were carried out in conformity with the laws, rules and regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;
(3) each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(b) LIABILITY PROTECTION FOR TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.
(1) In general.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant determined in accordance with paragraph (2) for the harm to the claimant.

(c) LIMITATION ON LIABILITY FOR SCHOOL OR GOVERNMENTAL ENTITY.
(1) In general.—Each defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant’s harm.

(d) AMOUNT OF LIABILITY.
(1) In general.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant’s harm.

(e) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.
(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher within the scope of the teacher’s responsibilities to a school or government entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an act of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

SEC. 1205. LIABILITY FOR NONECONOMIC LOSS.
(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher’s responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.
(1) IN GENERAL.—Each defendant who is a teacher shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant determined in accordance with paragraph (2) for the harm to the claimant with respect to which that defendant is liable.

SEC. 1206. DEFINITIONS.
For purposes of this title:
(1) ECONOMIC LOSS.—The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other noneconomic losses of any kind or nature.

(2) HARM.—The term “harm” includes physical, nonphysical, economic, and non-economic losses.

(3) NON-ECONOMIC LOSSES.—The term “non-economic losses” means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other noneconomic losses of any kind or nature.

(4) SCHOOL.—The term “school” means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 1410 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), or a home school.

(5) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any State, territory, or possession.

(6) TEACHER.—The term “teacher” means a teacher, instructor, principal, administrator,
or other educational professional, that works in a school.

SEC. 1307. EFFECTIVE DATE.
(a) In general.—This title shall take effect 90 days after the date of enactment of this Act.
(b) Application.—This title applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

TITLE XIII—VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

SEC. 1301. SHORT TITLE.
This title may be cited as the ‘‘Violence Prevention Training for Early Childhood Educators Act.’’

SEC. 1302. PURPOSE.
The purpose of this title is to provide grants to institutions that carry out early childhood education training programs to enable the institutions to include violence prevention training as part of the preparation of individuals pursuing careers in early childhood development and education.

SEC. 1303. FINDINGS.
Congress makes the following findings:
(1) Aggressive behavior in early childhood is the single best predictor of aggression in later life.
(2) Aggressive and defiant behavior predictive of later delinquency is increasing among our Nation’s youngest children. Without prevention efforts, higher percentages of juveniles are likely to become violent juvenile offenders.
(3) Research has demonstrated that aggression is primarily a learned behavior that develops through observation, imitation, and direct experience. Therefore, children who experience violence as victims or as witnesses are at increased risk of becoming violent themselves.
(4) In a study at a Boston city hospital, 1 out of every 10 children seen in the primary care clinic endured a serious injury, a stabbing before the age of 6, with 50 percent of the children witnessing in the home and 50 percent of the children witnessing in the streets.
(5) A study in New York found that children who had been victims of violence within their families were 24 percent more likely to report violent behavior as adolescents, and adolescents who had grown up in families where partner violence occurred were 21 percent more likely to report violent delinquency than individuals not exposed to violence.
(6) Aggression can become well-learned and predictive of later delinquency as individuals develop a short circuiting of the fear response for violence.
(7) Violence prevention programs for very young children yield economic benefits. By providing health and stability to the individual child and the child’s family, the programs may reduce expenditures for medical care, special education, and involvement with the judicial system.
(8) Primary prevention can be effective. When teachers teach young children interpersonal problem-solving skills and other forms of conflict resolution, children are less likely to demonstrate problem behavior in their schools.
(9) There is evidence that family support programs in families with children from birth through 5 years of age are effective in preventing delinquency.

SEC. 1304. DEFINITIONS.
In this title:
(A) At-risk child.—The term ‘‘at-risk child’’ means a child who has been affected by violence through direct exposure to child abuse, other domestic violence, or violence in the community.
(B) Early childhood education training program.—The term ‘‘early childhood education training program’’ means a program that—
(i) trains individuals to work with young children in early child development programs or elementary schools;
(ii) provides professional development to individuals working in early child development programs or elementary schools;
(iii) provides training to become an early childhood education teacher, an elementary school teacher, a school counselor, or a child care provider;
(iv) leads to a bachelor’s degree or an associate’s degree, a certificate for working with young children (such as a Child Development Associate’s degree or an equivalent credential), or, in the case of an individual with such a degree, certificate, or credential, provides professional development.
(C) Elementary school.—The term ‘‘elementary school’’ has the meaning given in the term in section 1101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1221).
(D) Violence Prevention.—The term ‘‘violence prevention’’ means—
(i) preventing violent behavior in children;
(ii) identifying and preventing violent behavior in at-risk children; or
(iii) identifying and ameliorating violent behavior in children who act out violently.

SEC. 1305. PROGRAM AUTHORIZED.
(a) Grant Authority.—The Secretary of Education is authorized to award grants to institutions that carry out early childhood education training programs and have applications approved under section 1306 to enable the institutions to provide violence prevention training as part of the early childhood education training program.
(b) Amount.—The Secretary of Education shall award a grant under this title in an amount that is not less than $500,000 and not more than $1,000,000.
(c) Duration.—The Secretary of Education shall award a grant under this title for a period of not less than 3 years and not more than 5 years.

SEC. 1306. APPLICATION.
(a) Application Required.—Each institution desiring a grant under this title shall submit to the Secretary of Education an application, at such time, in such manner, and accompanied by such information as the Secretary of Education may require.
(b) Contents.—Each application shall—
(1) describe the violence prevention training programs and have applications approved under section 1306 to enable the institutions to provide violence prevention training as part of the early childhood education training program.
(2) contain a comprehensive plan for the activities and services, including a description of—
(A) the goals of the violence prevention training program;
(B) the curriculum and training that will prepare students for careers which are described in the plan;
(C) the recruitment, retention, and training of students;
(D) the methods used to help students find employment in their fields;
(E) the methods for assessing the success of the violence prevention training program; and
(F) the sources of financial aid for qualified students;
(g) contain an assurance that the institution has the capacity to implement the plan; and
(h) contain an assurance that the plan was determined in consultation with agencies and organizations that will assist the institution in carrying out the plan.

SEC. 1307. SELECTION PRIORITIES.
The Secretary of Education shall give priority to awarding grants to institutions carrying out violence prevention programs that include 1 or more of the following components:
(1) Preparation to engage in family support (such as parent education, service referral, and literacy training).
(2) Preparation to engage in community outreach or collaboration with other services in the community.
(3) Preparation to use conflict resolution training with children.
(4) Preparation to work in economically disadvantaged communities.
(5) Recruitment of economically disadvantaged students.
(6) Carrying out programs of demonstrated effectiveness in the type of training for which assistance is sought, including programs funded under section 586 of the Higher Education Act of 1965 (as such section was in effect prior to October 7, 1998).

SEC. 1308. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated for each of the fiscal years 2000 through 2004:
TITLE XIV—PREVENTING JUVENILE DELINQUENCY THROUGH CHARACTER EDUCATION

SEC. 1401. PURPOSE.
The purpose of this title is to support the work of community-based organizations, local educational agencies, and schools in providing children and youth with alternatives to delinquency through strong school-based and after school programs that—
(1) are organized around character education;
(2) reduce delinquency, school discipline problems, and truancy; and
(3) improve student achievement, overall school performance, and youths’ positive involvement in their community.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.
(a) In general.—There are authorized to be appropriated—
(1) $15,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out school-based programs under section 1403; and
(2) $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the after school programs under section 1404.
(b) Source of funding.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

SEC. 1403. SCHOOL-BASED PROGRAMS.
(a) In general.—The Secretary, in consultation with the Attorney General, is authorized to award grants to schools, or local educational agencies that enter into a partnership with a school, to support the development of character education programs in the schools in order to—
(1) reduce delinquency, school discipline problems, and truancy; and
(2) improve student achievement, overall school performance, and youths’ positive involvement in their community.

(b) APPLICATIONS.—Each school or local educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(1) CONTENTS.—Each application shall include—

(A) a description of the community to be served and the needs that will be met with the program in that community;

(B) a description of how the program will reach young at-risk of delinquency;

(C) a description of the activities to be assisted, including—

(i) how parents, teachers, students, and other members of the community will be involved in the design and implementation of the program;

(ii) the character education program to be implemented, including methods of teacher training and parent education that will be used or developed;

(iii) how the program will coordinate activities assisted under this section with other youth serving activities in the larger community;

(D) a description of the goals of the program;

(E) a description of how progress toward the goals and meeting the purposes of this title, will be measured; and

(F) an assurance that the school or local educational agency will provide the Secretary with continuing support for their participation.

SEC. 1404. AFTER SCHOOL PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, shall authorize to award grants to community-based organizations to enable the organizations to provide youth with alternative activities, in the after school or out of school hours, that include a strong character education component.

(b) ELIGIBLE COMMUNITY-BASED ORGANIZATIONS.—The Secretary only shall award a grant under this section to a community-based organization that has a demonstrated capacity to provide after school or out of school programs to youth, including youth serving organizations, businesses, and other community groups.

(c) APPLICATIONS.—Each community-based organization desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(1) a description of the community to be served and the needs that will be met with the program in that community;

(2) a description of how the program will identify and recruit at-risk youth for participation in the program, and will provide continuing support for their participation;

(3) a description of the activities to be assisted, including—

(A) how businesses, students, and other members of the community will be involved in the design and implementation of the program;

(B) how character education will be incorporated into the program; and

(C) how the program will coordinate activities assisted under this section with activities of other community-based organizations;

(4) a description of the goals of the program;

(5) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(6) an assurance that the community-based organization will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. 1405. GENERAL PROVISIONS.

(a) DURATION.—Each grant under this title shall be awarded for a period of not to exceed 5 years.

(b) PLANNING.—A school, local educational agency or community-based organization may use grant funds provided under this title for not more than 1 year for the planning and design of the program to be assisted.

(c) SELECTION OF GRANTEES.—

(1) CRITERIA.—The Secretary, in consultation with the Attorney General, shall select, through a peer review process, community-based organizations, schools, and local educational agencies to receive grants under this title on the basis of the quality of the applications submitted and taking into consideration such factors as—

(A) the quality of the activities to be assisted;

(B) the extent to which the program fosters in youth the elements of character and reaches youth at-risk of delinquency;

(C) the extent to which the program assesses the success of the program;

(D) the likelihood the goals of the program will be realistically achieved;

(E) the experience of the applicant in providing similar services; and

(F) the coordination of the program with larger community efforts in character education.

(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this title in a manner that ensures, to the extent practicable, that programs assisted under this title serve different areas of the United States, including urban, suburban and rural areas, and serve at-risk populations.

(d) USE OF FUNDS.—Grant funds under this title shall be used to support the work of community-based organizations, schools, or local educational agencies in providing children and youth with alternatives to delinquency through strong school-based, after school, or out of school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy;

(3) improve student achievement, overall school performance, and youths’ positive involvement in their community.

(e) DEFINITIONS.—

(1) IN GENERAL.—The terms used in this Act have the meanings given the terms in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1001).

(2) CHARACTER EDUCATION.—The term ‘character education’ means an organized educational program that works to reinforce elements of character, including—

(a) care about others;

(b) civic virtue and citizenship;

(c) justice and fairness;

(d) respect, responsibility, and trustworthiness.

(f) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

TITLE XV—VIOLENT OFFENDER DNA IDENTIFICATION ACT OF 1999

SEC. 1501. SHORT TITLE.

This title may be cited as the ‘Violent Offender DNA Identification Act of 1999’.

SEC. 1502. ELIMINATION OF CONVICTED OFFENDER DNA BACKLOG.

(a) DEPARTMENTAL PLANS.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Secretary of the Federal Bureau of Investigation shall submit to the Congress a plan to—

(A) identify and recruit at-risk youth for participation in the America’s Choice program; and

(B) coordinate activities with other Community-Based Organizations.

(2) OBJECTIVE.—The objective of the plan developed under paragraph (1) shall be to eliminate the backlog of convicted offender DNA samples awaiting analysis in State or local forensic laboratories by performing DNA analyses of DNA samples collected from convicted offenders.

(b) PLAN CONDITIONS.—The plan developed under subsection (a) shall—

(1) require that each laboratory performing DNA analyses satisfy quality assurance standards and utilize state-of-the-art testing methods, as set forth by the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice; and

(2) require that each DNA sample collected and analyzed be accessible only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) for judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) IMPLEMENTATION OF PLAN.—Subject to the availability of appropriations under subsection (a), the Secretary shall require that the plan developed pursuant to subsection (a) be implemented in a manner that will provide for their entry into the Combined DNA Indexing System (CODIS).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretaries of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, and the District of Columbia, and the States, including urban, suburban and rural areas. Appropriations under subsection (a) shall—

(1) be available without limitation for expenses directly related to the activities of the Department of Justice, at such time and in such manner as the Director of the Federal Bureau of Investigation determines necessary for the fulfillment of the responsibilities of the Secretary under this Act; and

(2) be used for the purposes of accomplishing the objectives of this Act.

(e) EXPANSION OF DNA IDENTIFICATION INDEX.—Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended to read as follows:

‘(2) the Director of the Federal Bureau of Investigation, in coordination with the Secretary of Health and Human Services, and the Director of the Bureau of Justice Statistics, shall submit to the Congress a plan to—

(A) identify and recruit at-risk youth for participation in the America’s Choice program; and

(B) coordinate activities with other Community-Based Organizations.

(f) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

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(1) in subsection (a)(1), by striking "persons convicted of or adjudicated delinquent for acts of juvenile delinquency, including qualifying offenses (as defined in subsection (d)(1));" and inserting "in any category identified under paragraph (4)(B)(i));" and

(2) by striking "...at regular intervals of not to exceed 180 days," and inserting "semiannual"; and

(3) by adding at the end the following:

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(d) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT OFFENDERS.—

(1) DEFINITIONS.—In this subsection—

(A) the term 'crime of violence' has the meaning given such term in section 924(c)(3) of title 18, United States Code; and

(B) the term 'qualifying offense' means a criminal offense or act of juvenile delinquency included on the list established by the Director of the Federal Bureau of Investigation under paragraph (2)(A).

(2) REGULATIONS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Director of the Federal Bureau of Investigation, in consultation with the Director of the Bureau of Prisons, the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), and the Chief of Police of the Metropolitan Police Department of the District of Columbia, shall by regulation establish—

(I) a list of qualifying offenses; and

(II) standards and procedures for—

(i) the analysis of DNA samples collected from individuals convicted of or adjudicated delinquent for acts of juvenile delinquency; and

(ii) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in clause (I); and

(III) with respect to juveniles, the expungement of DNA identification records and DNA analyses described in subclause (II) from the index established by this section in any circumstance in which the underlying adjudication for the qualifying offense has been expunged.

(B) STANDARDS INCLUDED.—The list established under subparagraph (A)(I) shall include—

(i) each criminal offense or act of juvenile delinquency described in clause (I); and

(ii) each criminal offense under the District of Columbia Code that constitutes a crime of violence; and

(iii) any other felony offense under Federal law or the District of Columbia Code, as determined by the Director of the Federal Bureau of Investigation.

(3) FEDERAL OFFENDERS.—

(A) COLLECTION OF SAMPLES FROM FEDERAL PRISONERS.—

(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who, before or after this subsection takes effect, has been convicted of or adjudicated delinquent for a qualifying offense.

(ii) TIME AND MANNER.—The Director of the Bureau of Prisons shall specify the time and manner of collection of DNA samples under this subparagraph.

(B) COLLECTION OF SAMPLES FROM FEDERAL SUPERVISED RELEASE, PAROLE, OR PROBATION.—

(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the agency responsible for the supervision under Federal law of an individual on supervised release, parole, or probation (other than an individual described in paragraph (4)(B)(i)) shall collect a DNA sample from each individual who, before or after this subsection takes effect, has been convicted of or adjudicated delinquent for a qualifying offense. The Director of the Bureau of Prisons shall report to the Secretary of Defense the number of DNA samples collected under this subsection.

(ii) REGULATIONS.—Beginning 180 days after the date of enactment of this subsection, the Secretary of Defense shall collect a DNA sample from each individual under the supervision by, the District of Columbia, or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997, as appropriate, and the Chief of Police of the Metropolitan Police Department of the District of Columbia, shall by regulation establish—

(I) a list of qualifying offenses; and

(II) standards and procedures for—

(iii) the analysis of DNA samples collected from individuals convicted of or adjudicated delinquent for acts of juvenile delinquency; and

(iv) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in clause (I).

(4) DISTRICT OF COLUMBIA OFFENDERS.—

(A) OFFENDERS IN CUSTODY OF DISTRICT OF COLUMBIA.—

(i) IN GENERAL.—The Government of the District of Columbia may—

(I) identify 1 or more categories of individuals who are in the custody of, or under supervision by, the District of Columbia, from whom DNA samples should be collected; and

(II) collect a DNA sample from each individual in any category identified under clause (i).

(ii) DEFINITION.—In this subparagraph, the term 'District of Columbia' includes any individual in the custody of, or under supervision by, the District of Columbia.

(B) DISTRICT OF COLUMBIA OFFENDERS ON SUPERVISED RELEASE , PAROLE, OR PROBATION.—

(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 shall collect a DNA sample from each individual described in paragraph (4)(B)(i)).

(ii) REGULATIONS.—Beginning 180 days after the date of enactment of this subsection, the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 shall collect a DNA sample from each individual who is under the supervision of the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997.

(5) WAIVER; COLLECTION PROCEDURES.—

(A) COLLECTION OF SAMPLES.—Notwithstanding any other provision of this subsection, a person or agency responsible for the collection of DNA samples under this subsection may—

(i) waive the collection of a DNA sample from an individual under this subsection if and only if the person or agency determines that sampling or collection will be in the best interest of the individual.

(ii) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

(iii) IN GENERAL.—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (d) who fails to cooperate in the collection of that sample shall—

(A) guilty of a class A misdemeanor; and

(B) punished in accordance with title 18, United States Code.

(6) AMOUNTS PAID.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection, the Secretary of Defense shall pay the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), and the Chief of Police of the Metropolitan Police Department of the District of Columbia, as reimbursement for any costs incurred in implementing such subsection, as determined by the Attorney General.

(B) TIME AND MANNER.—The Secretary of Defense shall pay the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), and the Chief of Police of the Metropolitan Police Department of the District of Columbia, as reimbursement for any costs incurred in implementing such subsection, as determined by the Attorney General.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(i) to the Department of Justice to carry out subsection (d) of this section (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such subsection, as determined by the Attorney General) and section 3(d) of the Violent Offender DNA Identification Act of 1999—

(A) $6,600,000 for fiscal year 2000; and

(B) such sums as may be necessary for each of fiscal years 2001 through 2004;

(ii) to the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), such sums as may be necessary for each of fiscal years 2000 through 2004; and

(iii) to the Department of Defense to carry out subsection (c)—

(A) $50,000,000 for fiscal year 2000; and

(B) $300,000 for each of fiscal years 2001 through 2004.

(C) CONDITIONS OF RELEASE.—

(1) COLLECTION OF SAMPLES.—Section 3563(a) of title 18, United States Code, is amended—
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(A) in paragraph (7), by striking "and" at the end and inserting "nor"; and

(B) in paragraph (8), by striking the period at the end and inserting "and"; and

(C) by inserting after paragraph (8) the following:

"(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132)."

(2) CONDITIONS OF SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting before "The court shall also order" the following: "The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132)."

(3) CONDITIONS OF RELEASE GENERALLY.—If the collection of a DNA sample from an individual on probation, parole, or supervised release pursuant to a conviction or adjudication of an act of juvenile delinquency occurred shall only apply to an adjudication of an act of violent juvenile delinquency that occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter,".

(e) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—(A) in paragraph (8), by striking "or" at the end and inserting "and"; and

(B) in paragraph (9), by striking the period at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) who has committed an act of violent juvenile delinquency."; and

(d) APPLICATION REQUIREMENTS.—(1) DNA IDENTIFICATION GRANTS.—Section 210305(a)(1)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended by striking ", at regular intervals of not to exceed 180 days," and inserting "; and".

(TITLE XVI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 1601. PROHIBITION ON FIREARMS POSSESS- SHOLD BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 522(a)(20) of title 18, United States Code, is amended—

(1) by inserting "(A)" after "(20)";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(3) by inserting after subparagraph (A) the following:

"(B) For purposes of subsections (d) and (g) of section 922, the term 'act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteen birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been accepted. The subsections of section 3559(c)(3) shall not apply to this paragraph."; and

(i) in the undesignated paragraph following subparagraph (A) of paragraph (3) of subsection (a), by striking "What constitutes" and all that follows through "this chapter,")", inserting the following: "(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been revoked or set aside, for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter,".

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking "or" at the end; and

(B) in paragraph (9), by striking the period at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) who has committed an act of violent juvenile delinquency."; and

(2) in subsection (g)—

(A) in paragraph (8), by striking "or" at the end; and

(b) short title.—This section may be cited as the "Safe Students Act."
(g) Report to Congress.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Attorney General shall prepare and submit to the appropriate committees of Congress a report concerning the manner in which grantees have used amounts received under a grant under this section.

SEC. 1603. STUDY OF MARKETING PRACTICES OF FIREARMS INDUSTRY
(a) In General.—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the firearms industry, with respect to children.

(b) Issues Examined.—In conducting the study under subsection (a), the Commission and the Attorney General shall examine the extent to which the firearms industry advertises and promotes its products to juveniles, including in media outlets in which minors comprise a substantial percentage of the audience.

(c) Report.—Not later than one year after the date of enactment of this Act, the Office and the Commission shall submit to Congress a report on the study conducted under subsection (a).

SEC. 1604. PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.
(a) Requirement To Provide.—Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) Surveys of Provision of Software or Systems.
(1) Surveys.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers.

(2) Frequency.—The surveys required by paragraph (1) shall be completed as follows:
(A) One shall be completed not later than one year after the date of the enactment of this Act.
(B) One shall be completed not later than three years after that date.

(c) Fees.—The fee, if any, charged by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the software or system, or the cost of the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) Applicability.—The requirement described in subsection (a) shall become effective only if:
(1) one year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 1 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers;
(2) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 10 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers;
or
(3) 5 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(D) that less than 50 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) Internet Service Provider Defined.—In this section, the term "Internet service provider" means a service provider as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

SEC. 1605. APPLICATION OF SECTION 923 (j) AND (m).
Notwithstanding any other provision of this Act, except as provided in section 923(j) of title 18, United States Code, as amended by this Act, shall be applied by amending in subsections (j) and (m) the following:
(1) In subsection (j) amend—
(A) paragraph (2) (A), (B) and (C) to read as follows:
(A) In General.—A temporary location referred to in this section is a location for a gun show, or event in the State specified on the license, at which firearms, firearms accessories and related items may be bought, sold, traded, and displayed, in accordance with Federal, State, and local laws.
(B) locations out of state.—If the location is not in the State specified on the license, a copy of the license shall be retained at the premises specified on the license.''

(2) In subsection (m), amend—
(A) paragraph (2)(E)(i) to read as follows:
(i) IN GENERAL.—A person not licensed to possess a firearm, the transferee to possesses a firearm, the transferee to possesses a firearm, the transferee to possesses a firearm.

(3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 10 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(4) 5 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(D) that less than 50 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

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SEC. 1606. CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUB-
LICLY OWNED SITES.

(a) Findings.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the Establishment Clause of the Constitution of the United States, and that the design and construction of any memorial that is placed on
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May 26, 1999

the campus of a public school in order to honor the memory of any person slain on the campus at a time in which a religious symbol, motif, or saying does not occur to be advanced and consolidated with the number of comments received and the specific nature of the concerns raised within the comments, shall be provided to the Chairmen of the Senate and House Judiciary Committees, the Senate and House Education Committees, the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House of Representatives. Further, the comments received shall be retained by the office and shall be made available to any member of the general public upon request.

SEC. 1610. AIMEE’S LAW.

(a) SHORT TITLE.—This section may be cited as “Aimee’s Law.”

(b) DEFINITIONS.—In this section:

(1) DANGEROUS SEXUAL OFFENSE.—The term “dangerous sexual offense” means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) MURDER.—The term “murder” has the meaning given the term under applicable State law.

(3) RAPE.—The term “rape” has the meaning given the term under applicable State law.

(4) SEXUAL ABUSE.—The term “sexual abuse” has the meaning given the term under applicable State law.

(5) SEXUALLY EXPPLICIT CONDUCT.—The term “sexually explicit conduct” has the meaning given the term under applicable State law.

(6) SHIPMENT.—The term “shipment” means the transfer of a person’s body from one location to another.

(7) VICTIM.—The term “victim” means any person who has been the victim of a violent crime.

SECT. 1608. INTERSTATE SHIPMENT AND DELIVERY OF INTOXICATING LIQUORS.

Chapter 59 of title 18, United States Code, is amended:

(1) short title.—This section may be cited as “Aimee’s Law.”

(b) by the Attorney General to receive comments. Comments shall, every six months, prepare an accurate summary of all comments received by the office. This summary shall include details about the number of comments received and the specific nature of the concerns raised within the comments, and shall be provided to the Chairmen of the Senate and House Judiciary Committees, the Senate and House Education Committees, the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House of Representatives. Further, the comments received shall be retained by the office and shall be made available to any member of the general public upon request.

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SEC. 1615. CALLER IDENTIFICATION SERVICES TO ELEMENTARY AND SECONDARY SCHOOLS AS PART OF UNIVERSAL SERVICE OBLIGATION.

(a) CLARIFICATION.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by striking—

"(B) the percentage of cases in each State in which the Federal law enforcement assistance funds collected by the State during the preceding calendar year for murder, rape, and any sex offense, who has a prior conviction for 1 of those offenses in another State.

(C) STATE APPLICATIONS.—In order to receive any amount transferred under paragraph (1) it shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the Attorney General. In consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(d) COLLECTION OF RECIDIVISM DATA.—

(1) In general.—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) REPORT.—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(A) the information collected under paragraph (1) to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1) was greater than the percentage of cases in which such an individual was convicted of another such offense in another State during the preceding calendar year.

SEC. 1616. PARENT LEADERSHIP MODEL.

(a) IN GENERAL.—The Administrator of the Office of Juvenile Crime Control and Prevention is authorized to make a grant to a national organization to provide technical assistance, best practice strategies, program materials and other necessary support for a mutual support, parental leadership, and prevention effort by young Americans: Provided, That none of such funds may be used—

(1) for any project that is a part of the services that are in the definition of universal service under section 254(h)(1)(B) of the Communications Act of 1934; and

(2) for programs to be supported by such services under that section.

SEC. 1617. NATIONAL MEDIA CAMPAIGN AGAINST VIOLENCE.

There is authorized to be appropriated to the National Crime Prevention Council not to exceed $25,000,000, to be expended without fiscal-year limitation, for a 2-year national media campaign, to be conducted in consultation with national, state-wide, or community based youth organizations, Boys and Girls Clubs of America, and to be targeted to parents (and other caregivers) and to youth, to reduce and prevent violent criminal behavior by young Americans: Provided, That none of such funds may be used—

(1) to propose, influence, favor, or oppose any change in any statute, rule, regulation, treaty, or other provision of law; or

(2) for any partisan political purpose; or

(3) to feature any elected officials, persons seeking elected office, cabinet officials, or Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213; or

(4) in any way that otherwise would violate the provisions of title 2 of the United States Code: Provided further, That, for purposes hereof, "violent criminal behavior by young
CONGRESSIONAL RECORD—SENATE

May 26, 1999

Sen. John D. Rockefeller IV. S. 2691—A bill to establish a grant program to support crime victim compensation and assistance programs, and for other purposes.

Mr. ROCKEFELLER. Mr. President, I rise to recognize the introduction of S. 2691, a bill to establish a grant program to support crime victim compensation and assistance programs. The bill would provide funds for direct assistance to victims of crime, enhance the ability of states and local governments to meet the needs of crime victims, and improve the delivery of services to crime victims. The bill would also establish a grant program to support crime victim compensation and assistance programs.

The bill is sponsored by Senator Feingold, and I thank him for his leadership on this important issue.

S. 2691 would provide grants to states and local governments to support crime victim compensation and assistance programs. The bill would authorize the Secretary of Justice to make grants to states and local governments to support crime victim compensation and assistance programs. The grants would be used to support programs that provide financial assistance to crime victims, including programs that provide legal assistance, medical assistance, and other forms of support.

S. 2691 would also establish a grant program to support crime victim compensation and assistance programs. The grant program would provide funds to states and local governments to support programs that provide financial assistance to crime victims, including programs that provide legal assistance, medical assistance, and other forms of support. The grants would be awarded to states and local governments that meet certain eligibility criteria, including the requirement that the state or local government have a comprehensive crime victim compensation and assistance program.

S. 2691 would strengthen the existing crime victim compensation and assistance programs by providing greater flexibility and resources to support crime victim compensation and assistance programs. The bill would authorize the Secretary of Justice to make grants to states and local governments to support programs that provide financial assistance to crime victims, including programs that provide legal assistance, medical assistance, and other forms of support. The grants would be awarded to states and local governments that meet certain eligibility criteria, including the requirement that the state or local government have a comprehensive crime victim compensation and assistance program.

The bill is supported by a wide range of organizations, including the National Center for Victims of Crime, the National Council of Victim Assistance, and the National Association of Criminal Defense Lawyers. I urge my colleagues to support S. 2691, and I look forward to working with Senator Feingold and others to ensure that crime victim compensation and assistance programs are adequately funded and supported.

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S. 2691 would provide grants to states and local governments to support crime victim compensation and assistance programs. The bill would authorize the Secretary of Justice to make grants to states and local governments to support programs that provide financial assistance to crime victims, including programs that provide legal assistance, medical assistance, and other forms of support. The grants would be awarded to states and local governments that meet certain eligibility criteria, including the requirement that the state or local government have a comprehensive crime victim compensation and assistance program.

S. 2691 would strengthen the existing crime victim compensation and assistance programs by providing greater flexibility and resources to support crime victim compensation and assistance programs. The bill would authorize the Secretary of Justice to make grants to states and local governments to support programs that provide financial assistance to crime victims, including programs that provide legal assistance, medical assistance, and other forms of support. The grants would be awarded to states and local governments that meet certain eligibility criteria, including the requirement that the state or local government have a comprehensive crime victim compensation and assistance program.

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(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 945 of title 18, United States Code, is amended by adding at the end the following:

(d) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ‘alien’ has the same meaning in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

(B) the term ‘nonimmigrant visa’ has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

(2) EXCEPTIONS.—Subsections (d)(5)(B) and (1)(5)(B) of section 842 do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

(A) admitted to the United States for lawful hunting or sporting purposes;

(B) a foreign military personnel on official assignment to the United States;

(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State;

(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business;

(E) a foreign individual entering the United States on a visa issued under section 101(a)(21) of the Immigration and Nationality Act or section 1221(a)(12) of the Immigration Act of 1952 (8 U.S.C. 1182(a)(12));

(F) a foreign individual who has been at least 180 days before the date on which the petition is submitted under this paragraph, unless the individual demonstrates that nonimmigrant status was not available to the individual at the time of the petition and the foregone stay would be for a purpose of education; and

(G) a foreign individual who has been lawfully admitted to the United States for a continuous period of at least 6 months before the date on which the petition is submitted under this paragraph.

(3) waives—

(A) IN GENERAL.—Any individual who has been lawfully admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the适用ability of subsection (d)(5)(B) or (1)(5)(B) of section 842, if—

(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

(ii) the Attorney General approves the petition.

(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (1) of section 842, as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (1) of section 842, as applicable.

SEC. 1623. BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH RESEARCH.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) NATURE OF RESEARCH.—Funds made available for the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) ROLE OF THE OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH.—Pursuant to this section, the Director of the National Institutes of Health shall—

(1) carry out a coordinated program of research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with State and Federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and nongovernmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the status of research and make recommendations to Congress regarding such research.

(d) AUTHORIZATION.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out the provisions of this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant funding for behavioral and social science activities at the National Institutes of Health.

SEC. 1624. SENSE OF THE SENATE REGARDING FAST PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) the well-being of all people of the United States is preserved and enhanced when young people are given the guidance and support needed to live healthy and productive lives;

(2) adult mentors can play an important role in ensuring that young people become healthy, productive, successful members of society;

(3) at-risk young people with mentors are 46 percent less likely to begin using illegal drugs than at-risk young people without mentors;

(4) at-risk young people with mentors are 27 percent less likely to begin using alcohol than at-risk young people without mentors;

(5) at-risk young people with mentors are 33 percent less likely to skip school than at-risk young people without mentors, and 73 percent of students with mentors report that their mentors helped raise their goals and expectations; and

(6) there are many employees of the Federal Government who would like to serve as youth or family mentors but are unable to leave their jobs to participate in mentoring programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should issue an Executive Order allowing all employees of the Federal Government to use a maximum of 1 hour each week of excused absence or administrative leave to serve as mentors in youth or family mentoring programs.

SEC. 1625. FAMILIES AND SCHOOLS TOGETHER PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Office of Juvenile Justice and Delinquency in the Department of Justice.

(2) FAST PROGRAM.—The term ‘FAST program’ means a program that addresses the urgent social problems of youth violence and chronic juvenile delinquency by building and enhancing juveniles’ relationships with their families, peers, teachers, school staff, and other members of the community by bringing together parents, schools, and communities to help—

(A) at-risk children identified by their teachers to succeed;

(B) enhance the functioning of families with at-risk children;

(C) prevent alcohol and other drug abuse in the family; and

(D) reduce the stress that their families experience from daily life.

(b) AUTHORIZATION.—In consultation with the National Governors Association, the National Association of State Directors of Education, and the Secretary of the Department of Health and Human Services, the Administrator shall carry out a Family and Schools Together program to promote FAST programs.

(c) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Administrator, in consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of
Health and Human Services shall develop regulations concerning the distribution of the funds for FAST programs.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $9,000,000 for each of the fiscal years 2000 through 2004.

(2) ALLOCATION.—Of amounts appropriated under paragraph (1)—

(A) 83.33 percent shall be available for the implementation of local FAST programs; and

(B) 16.67 percent shall be available for research and evaluation of FAST programs.

SEC. 1626. AMENDMENTS RELATING TO VIOLENT CRIME IN INDIAN COUNTRY AND ACT OF 1989 EXCLUSIVE FEDERAL JURISDICTION.

(a) ASSAULTS WITH MARITIME AND TERRITORIAL JURISDICTION.—Section 113(a)(3) of title 18, United States Code, is amended by striking "with intent to do bodily harm, and".

(b) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "an offense with respect to which a maximum statutory term of imprisonment under section 1363 is greater than 5 years," after "a felony under chapter 109A."); and

(2) by adding at the end the following:

"(c) Nothing in this section shall limit the inherent power of an Indian tribe to exercise criminal jurisdiction over any Indian with respect to any offense committed within Indian country, subject to the limitations on punishment under section 2237(1) of the Criminal Code of 1948;"

(c) RACKETEERING ACTIVITY.—Section 1961(1)(A) of title 18, United States Code, is amended by inserting "(or would have been so chargeable except that the act or threat was committed in Indian country, as defined in section 1151, or in any other area of exclusive Federal jurisdiction)" after "chargeable under State law"

(d) MANSLAUGHTER WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES.—Section 1114(b) of title 18, United States Code, is amended by striking "ten years" and inserting "20 years".

(e) EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—The second undesignated paragraph of section 1931 of title 18, United States Code, is amended by striking "so embezzled," and inserting "embezzled,".

SEC. 1627. FEDERAL JUDICIARY PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Federal Judiciary Protection Act of 1999".

(b) ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES.—Section 1114 of title 18, United States Code, is amended by striking "ten" and inserting "six".

(c) EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—The second undesignated paragraph of section 1931 of title 18, United States Code, is amended by striking "so embezzled," and inserting "embezzled,".

SEC. 1628. LOCAL ENFORCEMENT OF LOCAL ALASKA VILLAGES.

(a) FINDINGS.—Congress finds that—

(1) violent crimes in remote Alaska villages are a serious matter of public safety, whereas bounty hunters are important matter of public safety, whereas bounty hunters are

(b) GRANT OF FEDERAL FUNDS.—(1) The Attorney General is authorized to provide to the State of Alaska funds for State law enforcement to be effective.

(2) Funds provided to the State of Alaska under this section shall be in addition to and shall not disqualify the State, local governments, or Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, as amended; 25 U.S.C. 450c (1986)) from Federal funds available under other authority.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $15,000,000 for fiscal year 2000;

(B) $17,000,000 for fiscal year 2001;

(C) $18,000,000 for fiscal year 2002.

(2) SOURCE OF FUNDS.—Amounts authorized to be appropriated under this subsection may be derived from the Violent Crime Reduction Trust Fund.

SEC. 1629. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to create, expand or diminish, or in any way affect the jurisdiction of an Indian tribe in the State of Alaska.

SEC. 1630. BOUNTY HUNTER ACCOUNTABILITY AND QUALITY ASSISTANCE.

(a) FINDINGS.—Congress finds that—

(1) bounty hunters, also known as bail enforcement officers or recovery agents, provide law enforcement officers and the courts with valuable assistance in recovering fugitives from justice;

(2) regardless of the differences in their duties, the public has had difficulty in discerning the difference between law enforcement officers and bounty hunters;

(3) the availability of bail as an alternative to the pretrial detention or unsecured release of criminal defendants is important to the effective functioning of the criminal justice system; and

(4) the safe and timely return to custody of fugitives who violate bail contracts is an important matter of public safety, as is the return of any other fugitive from justice;

(5) bail bond agents are widely regulated by the States, whereas bounty hunters are largely unregulated;

(6) the public safety requires the employment of qualified, well-trained bounty hunters; and
(7) in the course of their duties, bounty hunters may even move in and affect interstate commerce.

(b) DEFINITIONS.—In this section—

(1) the term "bail bond agent" means any retail seller of a bond to secure the release of a criminal defendant pending judicial proceedings, unless such person also is self-employed to obtain the recovery of any fugitive from justice who has been released on bail; and

(2) the term "bounty hunter"—

(A) means any person whose services are engaged, either as an independent contractor or as an employee of a bounty hunter employer, to obtain the recovery of any fugitive from justice who has been released on bail; and

(B) does not include any—

(i) law enforcement officer acting under color of law;

(ii) attorney, accountant, or other professional licensed under applicable State law;

(iii) employee whose duties are primarily internal audit or credit functions;

(iv) person engaged in the performance of official duties as a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code); or

(v) bail bond agent;

(3) the term "bounty hunter employer"—

(A) means any person that—

(i) employs 1 or more bounty hunters; or

(ii) provides, as an independent contractor, for consideration, the services of 1 or more bounty hunters (which may include the services of a person who is self-employed or who is an employee of a bounty hunter employer); and

(B) does not include any bail bond agent; and

(4) the term "law enforcement officer" means a public officer or employee authorized under applicable Federal or State law to conduct or engage in the prevention, investigation, prosecution, or adjudication of criminal offenses, including any public officer or employee engaged in corrections, parole, or probation functions, or the recovery of any fugitive from justice.

(c) MODEL GUIDELINES.—

(1) in GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall develop model guidelines for the State control and regulation of bounty hunters, bounty hunter employers, or bail bond agents.

(2) RECOMMENDATIONS.—The guidelines developed pursuant to paragraph (1) shall include recommendations of the Attorney General regarding whether—

(A) a person seeking employment as a bounty hunter should be required to submit to a fingerprint-based background check prior to entering into the performance of duties pursuant to employment as a bounty hunter; or

(B) bounty hunters and bounty hunter employers shall be required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bounty hunter; and

(C) bounty hunters and bounty hunter employers should be required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bounty hunter; and

(3) the official recognition of bounty hunters from other States.

(3) EFFECT OF RATIONALE.—The guidelines published under paragraph (1) shall include an analysis of the estimated effect, if any, of the adoption of the guidelines by the States on—

(A) the cost and availability of bail; and

(B) the bail bond agent industry.

(4) NO REGULATORY AUTHORITY.—Nothing in this section shall be construed to authorize the promulgation of any Federal regulation relating to bounty hunters, bounty hunter employers, or bail bond agents.

(5) PUBLICATION OF GUIDELINES.—The Attorney General shall publish model guidelines developed pursuant to paragraph (1) in the Federal Register.

SEC. 1631. ASSISTANCE FOR UNINCORPORATED NEIGHBORHOOD WATCH PROGRAMS.

(a) IN GENERAL.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796(d)(d)) is amended—

(1) in paragraph (10), by striking "and" at the end; and

(2) in paragraph (11), by striking the period at the end and inserting the following:

"(11) any bona fide newsreel or news television program; or

"(12) provide assistance to unincorporated neighborhood watch organizations approved by the appropriate local police or sheriff's department, in an amount equal to not more than $1,950 per organization, for the purchase of citizen band radios, street signs, magnetic signs, flashlights, and other equipment relating to neighborhood watch patrols.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking clause (vi) and inserting the following:

"(vi) $325,625,000 for fiscal year 2000;"; and

(2) in subparagraph (B) by inserting after "the following:" the following: "Of amounts made available to States in each fiscal year $14,625,000 shall be used to carry out section 1701(d)(12)."

SEC. 1632. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings—

(1) The Nation's highest priority should be to ensure that children begin school ready to learn.

(2) New scientific research shows that the electrical activity of brain cells actually changes the physical structure of the brain itself and that without a stimulating environment, a baby's brain will suffer. At birth, a baby's brain contains 100,000,000,000 neurons, roughly as many nerve cells as there are stars in the Milky Way, but the wiring pattern between these neurons develops over time. Children who play very little or are rarely touched develop brains that are 20 to 30 percent smaller than normal for their age.

(3) This scientific research also conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual abilities will result in tremendous benefits for children, families, and the Nation.

(4) Since more than 50 percent of the mothers of children under the age of 3 now work outside of the home, society must change to provide new supports so young children receive the attention and care that they need.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal funding for early childhood development collaboratives should be a priority in the Federal budget for fiscal year 2000 and subsequent fiscal years.

SEC. 1633. PROHIBITION ON PROMOTING VIOLENCE ON FEDERAL PROPERTY.

(a) GENERAL RULE.—A Federal department or agency that—

(1) considers a request from an individual or entity for the use of any property, facility, equipment, or personnel of the department or agency, or for any other cooperation from the department or agency, to film a motion picture or television production for commercial purposes; and

(2) makes a determination as to whether granting a request described in paragraph (1) is consistent with—

(A) United States policy;

(B) the mission or interest of the department or agency; or

(C) the public interest; shall not grant such a request without considering whether such motion picture or television production glorifies or endorses wanton and gratuitous violence.

(b) EXCEPTION.—Subsection (a) shall not apply to—

(1) any bona fide newsreel or news television production; or

(2) any public service announcement.

SEC. 1634. PROVISIONS RELATING TO PAWN SHOPS AND SPECIAL LICENSEES.

(a) NOTWITHSTANDING any other provision of this Act, the repeal heretofore effected by paragraph (2) of subsection (c) with the heading "Provision Related to Pawn and Other Transactions" of section 503 of title V with the heading "General Firearm Provisions" shall be null and void.

(b) NOTWITHSTANDING any other provision of this Act, section 923(m)(1), of title 18, United States Code, as heretofore provided, is amended by adding at the end the following subparagraph:

"(F) COMPLIANCE.—Except as to the State and local planning and zoning requirements, provisions of law which are not otherwise prohibited by this section shall continue to apply to prohibited items in the same manner in which they would have applied to non-prohibited items prior to the enactment of this Act.".

SEC. 1635. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) FINDINGS.—Congress finds—

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

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

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

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

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

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

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

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

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

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

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

"’931. Regulation of firearms transfers at gun shows .—"

(A) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

(2) pays a registration fee, in an amount determined by the Secretary.

(B) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

(1) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1) of the vendor containing a photograph of the vendor; and

(2) before commencement of the gun show, requires each gun show vendor to sign—

(A) a ledger with identifying information concerning the vendor; and

(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe; and

(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

(C) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

(1) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer assists a person who is subject to the requirement of paragraph (1)—

(A) shall be on a form specified by the Secretary by regulation; and

(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

(2) criminal background checks .—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any nonlicensed vendor.

(D) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

(1) IN GENERAL.—If any part of a firearm transferred at a gun show takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

(2) CHARGING FEES .—A person who is subject to the requirement of paragraph (1)—

(A) shall not receive the firearm from the transferee until the transferee pays the reasonable transfer fee that the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B); and

(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

(E) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who receives a notification that the transfer would violate section 922(t) in delivering the firearm to the nonlicensed transferee, and notify the nonlicensed, or unlicensed, and the nonlicensed transferee—

(A) of such compliance; and

(B) if the transfer subject to the requirements of section 922(t), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferee, and notify the nonlicensed, or unlicensed, and the nonlicensed transferee—

(1) enter such information about the firearm as the Secretary may require by regulation into a separate record book;

(2) record the transfer on a form specified by the Secretary;

(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t)) in delivering the firearm to the nonlicensed transferee, and notify the nonlicensed, or unlicensed, or the nonlicensed transferee—

(A) of such compliance; and

(B) if the transferee subject to the requirements of section 922(t), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferee, and notify the nonlicensed, or unlicensed, and the nonlicensed transferee—

(1) IN GENERAL.—If any part of a firearm transferred at a gun show takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter.
hours the place of business of any gun show promoter and any place where a gun show is held for the purpose of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purpose of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.

(c) Increased Penalties for Serious Record-Keeping Violations.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

(3A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 10 years, or both; or

(3B) If the violation described in subparagraph (A) is in relation to an offense—

(i) under paragraph (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.

(f) Increased Penalties for Violations of Criminal Background Check Requirements.—

(1) Penalties.—Section 924 of title 18, United States Code, is amended by adding at the end the following:

(7A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

(7B) Whoever knowingly violates subsection (b) or (c) of section 931 shall be—

(i) fined under this title, imprisoned not more than 5 years, or both; and

(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

(C) Whoever willfully violates section 931(d), shall be—

(i) fined under this title, imprisoned not more than 2 years, or both; and

(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months, and may revoke the registration of that person under section 931(a); and

(ii) impose a civil fine in an amount equal to not more than $10,000.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

"931. Regulation of firearms transfers at gun shows."; and

(B) in the first sentence of section 923(b), by striking "a gun show or event" and inserting "an event"; and

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

"(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purpose of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purpose of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.".

(2) Elimination of Certain Elements of Offense.—Section 922(t)(5) of title 18, United States Code, is amended by striking "and, at the time and all that follows through "State law.""

(g) Gun Owner Privacy and Prevention of Fraud and Abuse of System Information.—Section 922(t) of title 18, United States Code, is amended by adding after the provision described in subsection (a)(6) of section 922 the following:

"(B) If the violation described in subparagraph (A) is in relation to an offense—

(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.

(h) Effective Date.—This section (other than subsection (i) and the amendments made by this section) shall take effect 180 days after the date of enactment of this Act.

(i) Inapplicability of Other Provisions.—Notwithstanding any other provision of this Act, the provisions of the title headed "GENERAL PROVISIONS" (as added by the amendment of Mr. Craig number 332) and the provisions of the title headed "APPLICATION OF SECTION 923 (A) AND (M)" (as added by the amendment of Mr. Hatch number 344) shall be null and void.

SEC. 1636. APPROPRIATE INTERVENTIONS AND SERVICES; CLARIFICATION OF FEDERAL LAW.

(a) Appropriate Interventions and Services.—School personnel shall ensure that immediate appropriate interventions and services, including mental health interventions and services, are provided to a child removed from school for any act of violence, including carrying or possessing a weapon to or at a school, on school premises, or to or at a school function under the law of a State or local educational agency.

(b) Clarification of Federal Law.—Nothing in Federal law shall be construed—

(1) to prohibit an agency from reporting a crime committed by a child, including a child with a disability, to appropriate authorities; or

(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to a crime committed by a child, including a child with a disability.

(c) Authorization of Appropriations.—

(1) Authorization.—There are authorized to be appropriated to pay the costs of the interventions and services provided under subsection (b) such sums as may be necessary for each of the fiscal years 2000 through 2004.

(2) Distribution.—The Secretary of Education shall provide for the distribution of the funds made available under paragraph (1)—

(A) to States for a fiscal year in the same manner as the Secretary makes allocations to States under section 401(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 711(b)) for the fiscal year; and

(B) to local educational agencies for a fiscal year in the same manner as funds are distributed to local educational agencies under section 413(d)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 713(d)(3)) for the fiscal year.

SEC. 1637. SAFE SCHOOLS.

(a) Amendments.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

(1) SHORT TITLE.—Section 422(d) is amended by replacing "Gun-Free" with "Safe", and "1994" with "1999".

(2) REQUIREMENTS.—Section 417(b)(1) is amended by inserting after "determined" the following: "to be in possession of felonious quantities of an illegal drug, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or"

(3) DEFINITIONS.—Section 417(b)(4) is amended by replacing "Definition" with "Definitions" in the catchline, by replacing "section" in the matter under the catchline with "part", by redesignating the matter under the catchline after the comma as subparagraph (A), by replacing the period with a semicolon, and by adding new subparagraphs (B), (C), and (D) as follows:

(B) The term 'illegal drug' means a controlled substance, as defined in section 802(6) of the Controlled Substances Act of 1970 (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law and

(C) The term 'illegal drug paraphernalia' means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act

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(21 U.S.C. 863(d)), except that the first sentence shall be amended by inserting ‘‘or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.),’’ before the period.

'(D) the term ‘‘felonious quantities of an illegal drug’’ means any quantity of an illegal drug—

(i) possession of which quantity would, under Federal, State, or local law, either constitute a felony or indicate an intent to distribute; or

(ii) that is possessed with an intent to distribute.

(4) REPORT TO STATE.—Section 14601(d)(2)(C) is amended by inserting ‘‘illegal drugs or’’ before ‘‘weapons’’.

(5) REPLACEMENT.—Section 1461 is amended by striking subsection (f).

(6) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—Section 14602(a) is amended by replacing ‘‘served’’ by ‘‘under the jurisdiction of’’, and by inserting after ‘‘who’’ the following: ‘‘is in possession of an illegal drug, or illegal drug paraphernalia, property within the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who’’.

(7) DATA AND POLICY DISSEMINATION UNDER IDEA.—Section 14603 is amended by inserting ‘‘current’’ before ‘‘policy’’, by striking ‘‘in effect on October 20, 1994’’, by striking all matters after ‘‘schools’’ and inserting a period thereof, and by inserting before ‘‘engaging’’ the following: ‘‘possessing illegal drugs, or illegal drug paraphernalia on school property, or in vehicles operated by employees at agents of, schools or local educational agencies, or’’.

(b) COMPLIANCE DATE; REPORTING.—(1) States shall have 2 years from the date of enactment to comply with the requirements established in the amendments made by subsection (a).

(2) Not later than 3 years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

(c) DISSEMINATION.—(1) Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall report a analysis of the strengths and weaknesses of programs and procedures for disciplining of children with disabilities.

SEC. 1638. SCHOOL COUNSELING.

Section 10102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6002) is amended to read as follows:

SEC. 10102. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING DEMONSTRATION.

'(a) COUNSELING DEMONSTRATION.—

'(1) IN GENERAL.—The Secretary may award grants under this section to local educational agencies to enable the local educational agencies to establish or expand elementary school counseling programs.

'(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

'(A) demonstrate the greatest need for new or expanded counseling services among the children in the schools served by the applicant;

'(B) propose the most promising and innovative approaches for initiating or expanding school counseling; and

'(C) show the greatest potential for replication and dissemination.

'(b) REPORT.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

'(4) DURATION.—A grant under this section shall be awarded for a period not to exceed 3 years.

'(5) MAXIMUM GRANT.—A grant under this section shall not exceed $400,000 for any fiscal year.

'(b) APPLICATIONS.—

'(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary that meets the requirements, if applicable, would be served by such information as the Secretary may reasonably require.

'(2) Contents.—An application for a grant under this section shall—

'(A) describe the school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

'(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

'(C) describe the program to be used to evaluate the outcomes and effectiveness of the program;

'(D) describe the collaborative efforts to be undertaken in the preparation of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

'(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of school counselors, school psychologists, and school social workers;

'(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

'(G) describe how any diverse cultural populations, if applicable, would be served through the program;

'(H) assure that the funds made available under this section for one year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

'(I) describe how any diverse cultural populations, if applicable, would be served through the program;

'(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

'(K) ensure a team approach to school counseling by maintaining a ratio in the elementary schools of the local educational agency that does not exceed 1 school counselor to 230 students, 1 school social worker to 800 students, and 1 school psychologist to 1,000 students; and

'(L) ensure that school counselors, school psychologists, or school social workers paid from funds made available under this section shall devote at least 85 percent of the total worktime at the school in activities directly related to the counseling process and not more than 15 percent of such time on administrative tasks that are associated with the counseling program.

'(3) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 14701, but in no case later than January 30, 2003.

'(4) DISSEMINATION.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

'(5) LIMIT ON ADMINISTRATION.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

'(d) DEFINITIONS.—For purposes of this section—

'(1) the term ‘‘school counselor’’ means an individual who has documented competence in counseling children and adolescents in a school setting and who—

'(A) possesses State licensure or certification granted by an independent professional regulatory authority;

'(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

'(C) possesses a minimum of a master’s degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

'(2) the term ‘‘school psychologist’’ means an individual who—

'(A) possesses a minimum of 60 graduate school hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised
subsection B—James Guelff Body Armor Act

SEC. 1641. SHORT TITLE.

This subtitle may be cited as the "James Guelff Body Armor Act of 1999".

SEC. 1642. FINDINGS.

Congress finds that—

(1) nationally, police officers and ordinary citizens are facing increased danger as criminals use more deadly weaponry, body armor, and other sophisticated assault gear;

(2) crime at the local level is exacerbated by the interstate movement of body armor and other assault gear;

(3) there is a traffic in body armor moving in or otherwise affecting interstate commerce, and existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(4) recent incidents, such as the murder of San Francisco Police Officer James Guelff by an assailant wearing body armor and a 1997 bank shoot out in north Hollywood, California, between police and 2 heavily armed suspects outfitted in body armor, demonstrate the real threat of terrorism and existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(5) of the approximately 1,200 officers killed in the line of duty since 1980, more than 30 percent could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest;

(6) the Department of Justice has estimated that 25 percent of State and local police are not protected by body armor to compensate for an estimated national productivity safety threat by criminals who wear body armor during the commission of a violent crime;

(7) the Federal Government is well-equipped to grant local police departments access to body armor that is no longer needed by Federal agencies; and

(8) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to enact legislation to regulate interstate commerce that affects the integrity and safety of our communities.

SEC. 1643. DEFINITIONS.

In this subtitle:

(1) BODY ARMOR.—The term "body armor" means any product sold or offered for sale, in interstate commerce that affects the integrity and safety of our communities.

(2) PROHIBITION.—It shall be unlawful for any person—

(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for the purpose of endangering the lives of any person;

(3) EMPLOYER.—In this subsection, the term "employer" means any person who—

(A) violates any of subsections (a) through (d) of section 1981(a) or 1981(b) of title 42, United States Code; or

(b) PENALTIES.—Section 841 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "person who

(2) by striking the period at the end and inserting the following: "person who—

(3) by adding at the end the following:

(D) an offense under State law that would be a Federal offense under this section if it occurred within the special maritime and territorial jurisdiction of the United States.

(2) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(3) LAW ENFORCEMENT AGENCY.—The term "law enforcement agency" means an agency of the United States, a State, or a political subdivision of a State, authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

SEC. 1644. AMENDMENT OF SENTENCING GUIDELINES WITH RESPECT TO BODY ARMOR.

(a) SENTENCING ENHANCEMENT.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement, in accordance with section 3D1.1, for any offense in which the defendant used body armor.

(b) APPLICABILITY.—No amendment made to the Federal Sentencing Guidelines pursuant to this section shall apply if the Federal offense in which the body armor is used constitutes a violation of, attempted violation of, or conspiracy to violate the civil rights of any person under sections 242, 243, 247, or 249 of title 18, United States Code, or a violation of title 42, section 1985, United States Code.

SEC. 1645. PROHIBITION OF PURCHASE, USE, OR DISTRIBUTION OF BODY ARMOR BY VIOLENT FELONS.

(a) DEFINITION OF BODY ARMOR.—Section 921(a)(8) of title 18, United States Code, is amended by adding at the end the following:

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

(b) PROHIBITION.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

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

"(3) and safety of our communities.

SEC. 1643. DEFINITIONS.

In this subtitle:

(1) BODY ARMOR.—The term "body armor" means any product sold or offered for sale, in interstate commerce that affects the integrity and safety of our communities.

(2) PROHIBITION.—It shall be unlawful for any person—

(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for the purpose of endangering the lives of any person;

(3) EMPLOYER.—In this subsection, the term "employer" means any person who—

(A) violates any of subsections (a) through (d) of section 1981(a) or 1981(b) of title 42, United States Code; or

(b) PENALTIES.—Section 841 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "person who

(2) by striking the period at the end and inserting the following: "person who—

(3) by adding at the end the following:

(D) an offense under State law that would be a Federal offense under this section if it occurred within the special maritime and territorial jurisdiction of the United States.

(2) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(3) LAW ENFORCEMENT AGENCY.—The term "law enforcement agency" means an agency of the United States, a State, or a political subdivision of a State, authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

SEC. 1644. AMENDMENT OF SENTENCING GUIDELINES WITH RESPECT TO BODY ARMOR.

(a) SENTENCING ENHANCEMENT.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement, in accordance with section 3D1.1, for any offense in which the defendant used body armor.

(b) APPLICABILITY.—No amendment made to the Federal Sentencing Guidelines pursuant to this section shall apply if the Federal offense in which the body armor is used constitutes a violation of, attempted violation of, or conspiracy to violate the civil rights of any person under sections 242, 243, 247, or 249 of title 18, United States Code, or a violation of title 42, section 1985, United States Code.

SEC. 1645. PROHIBITION OF PURCHASE, USE, OR DISTRIBUTION OF BODY ARMOR BY VIOLENT FELONS.

(a) DEFINITION OF BODY ARMOR.—Section 921(a)(8) of title 18, United States Code, is amended by adding at the end the following:

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

(b) PROHIBITION.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

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

"(3) and safety of our communities.

SEC. 1643. DEFINITIONS.

In this subtitle:

(1) BODY ARMOR.—The term "body armor" means any product sold or offered for sale, in interstate commerce that affects the integrity and safety of our communities.
local law enforcement agency, if such body armor is (1) in serviceable condition and (2) surplus property.

(c) NOTICE TO ADMINISTRATOR.—The head of a Federal agency who donates body armor under this section shall submit to the Administrator of General Services a written notice identifying the amount of body armor donated and each State or local law enforcement agency that received the body armor.

(d) DONATION BY CERTAIN OFFICERS.—

(1) DEPARTMENT OF JUSTICE.—In the administration of this section with respect to the Department of Justice, in addition to any other officer of the Department of Justice designated by the Attorney General, the following officers may act as the head of a Federal agency:

(A) The Administrator of the Drug Enforcement Administration.

(B) The Director of the Federal Bureau of Investigation.

(C) The Commissioner of the Immigration and Naturalization Service.

(D) The Director of the United States Marshals Service.

(2) DEPARTMENT OF THE TREASURY.—In the administration of this section with respect to the Department of the Treasury, in addition to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:

(A) The Director of the Bureau of Alcohol, Tobacco, and Firearms.

(B) The Commissioner of Customs.

(C) The Director of the United States Secret Service.

SEC. 1647. ADDITIONAL FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Officer Dale Claxton of the Cortez, Colorado, Police Department was shot and killed by bullets that passed through the windshield of his police car after he stopped a stolen truck, and his life may have been saved if his police car had been equipped with bullet resistant equipment.

(2) The number of law enforcement officers who are killed in the line of duty.

(3) According to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty.

(4) The Federal Bureau of Investigation estimates that the risk of fatal injury to law enforcement officers while not wearing bullet resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an armor vest.

(5) According to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) The executive committee for Indian Country Law Enforcement Improvements reports that violence in Indian country has risen sharply despite a decrease in the national crime rate, and has concluded that there is a "public safety crisis in Indian country.

(b) PURPOSE.—The purpose of this chapter is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with bullet-resistant equipment and video cameras.

SEC. 1648. MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT; BULLET RESISTANT EQUIPMENT AND FOR VIDEO CAMERAS.

(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet resistant equipment for use by State, local, and tribal law enforcement officers.

(b) USES OF FUNDS.—Grants awarded under this section shall be—

(1) distributed directly to the State, unit of local government, or Indian tribe; and

(2) used for the purchase of bullet resistant equipment for law enforcement officers in the jurisdiction of the grantee.

(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

(1) has the greatest need for bullet resistant equipment based upon the percentage of law enforcement officers in the department who do not have access to a vest;

(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation;

(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–119) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of bullet resistant equipment, but did not, or does not expect to use such funds for such purpose.

SEC. 2512. APPLICATIONS.

(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (Public Law 104–119) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of bullet resistant equipment, but did not, or does not expect to use such funds for such purpose.

SEC. 2513. DEFINITIONS.

In this subpart—

(1) the term 'equipment' means wind shield glass, car panels, shields, and protective gear;

(2) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

(3) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

(4) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(e)); and

(5) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

Subpart C—Grant Program for Bullet Resistant Equipment

SEC. 2521. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet resistant equipment for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.
as the Director may reasonably require.

(1) The greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video recording system.

(2) Has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation.

(3) Has not received a block grant under the Local Law Enforcement Block Grant program described under the heading ‘Violent Crime Reduction Programs, State and Local Law Enforcement Assistance’ of the Department of Justice, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

(4) The term ‘unit of local government’ means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(5) The term ‘State’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

(6) The term ‘Indian tribe’ means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

(b) Authorization of Appropriations.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) by striking the item relating to the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) and inserting the following:

"(A) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subparagraph A of that part;

(2) $40,000,000 for each of fiscal years 2000 through 2002 for grants under subparagraph B of that part; and

(3) $5,000,000 for each of fiscal years 2000 through 2002 for grants under subparagraph C of that part.

(c) Clerical Amendments.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in paragraph (2), by inserting before the period the words ‘‘Section 1641.’’;

(2) in the second paragraph, by striking ‘‘5 years’’ and inserting ‘‘10 years’’.

2511. Program authorized.

2512. Applications.

2513. Eligibility.

2514. Preapplication.

2515. Definitions.


2518. Use of Funds.

2519. Violation of Grant or Contract Conditions.

2520. Enforcement of Program.

2521. Program authorized.

2522. Applications.

2523. Definitions.


2525. Use of Funds.

2526. Violation of Grant or Contract Conditions.

2527. Enforcement of Program.

2528. Program authorized.


2530. Use of Funds.

2531. Program authorized.
SEC. 1653. NATIONAL ANIMAL TERRORISM AND ECOTERRORISM INCIDENT CLEARINGHOUSE.

(a) IN GENERAL.—The Director shall establish and maintain a national clearinghouse for information on incidents of crime and terrorism—

(1) committed against or directed at any animal enterprise;

(2) committed against or directed at any animal because of such person's perceived connection with or support of any enterprise or activity described in paragraph (1) or (2).

(b) CLEARINGHOUSE.—The clearinghouse established under subsection (a) shall—

(1) accept, collect, and maintain information on incidents described in subsection (a) that is submitted to the clearinghouse by Federal, State, and local law enforcement agencies, by law enforcement agencies of foreign countries, and by victims of such incidents;

(2) collate and index such information for purposes of cross-referencing; and

(3) upon request from a Federal, State, or local law enforcement agency, or from a law enforcement agency of a foreign country, provide such information to assist in the investigation of an incident described in subsection (a).

(c) SCOPE OF INFORMATION.—The information maintained by the clearinghouse for each incident shall, to the extent practicable, include—

(1) the date, time, and place of the incident;

(2) details of the incident;

(3) any available information on suspects or perpetrators of the incident; and

(4) any other relevant information.

(d) DESIGN OF CLEARINGHOUSE.—The clearinghouse shall be designed for maximum ease of use by participating law enforcement agencies.

(e) PUBLICITY.—The Director shall publicize the existence of the clearinghouse to law enforcement agencies by appropriate means.

(f) RESOURCES.—In establishing and maintaining the clearinghouse, the Director may—

(1) through the Attorney General, utilize the resources of any other department or agency of the Federal Government; and

(2) accept assistance and information from private organizations or individuals.

(g) COORDINATION.—The Director shall carry out the Director's responsibilities under this section in cooperation with the Director of the Bureau of Alcohol, Tobacco, and Firearms.

(h) DEFINITIONS.—In this section—

(1) the term ‘animal enterprise’ has the same meaning as in section 43 of title 18, United States Code.

(2) the term ‘Director’ means the Director of the Bureau of Investigation.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal years 2000, 2001, 2002, and 2003 such sums as are necessary to carry out this section.

Subtitle D—Jail-Based Substance Abuse Treatment Programs.

SEC. 1654. JAIL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS.

(a) USE OF GRANT AMOUNTS FOR NONRESIDENTIAL SUBSTANCE ABUSE TREATMENT GRANTS TO PROVIDE AFTERCARE SERVICES.—Section 1901 of part S of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff et seq.) is amended by adding at the end the following:

"(f) USE OF GRANT AMOUNTS FOR NONRESIDENTIAL SUBSTANCE ABUSE TREATMENT.—A State may use amounts received under this part to provide nonresidential substance abuse treatment aftercare services for inmates or parolees that meet the requirements of subsections (c) and (d), if the chief executive officer of the State certifies to the Attorney General that the State is providing, and will continue to provide, an adequate level of residential treatment services."

(b) JAIL-BASED SUBSTANCE ABUSE TREATMENT.—Part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff et seq.) is amended by adding at the end the following:

"SEC. 1906. JAIL-BASED SUBSTANCE ABUSE TREATMENT.

(a) DEFINITIONS.—In this section—

"(1) the term ‘jail-based substance abuse treatment program’ means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—

(1) directed at the substance abuse problems of prisoners;

(2) intended to develop the cognitive, behavioral, social, vocational, and other skills of prisoners to address the substance abuse and related problems of prisoners; and

(3) the term ‘local correctional facility’ means any correctional facility operated by a unit of local government.

(b) AUTHORIZATION.—

"(1) IN GENERAL.—Not less than 10 percent of the total amount made available to a State under a grant for any fiscal year may be used by the State to make grants to local correctional facilities in the State for the purpose of assisting jail-based substance abuse treatment programs established by those local correctional facilities.

(2) FEDERAL SHARE.—The Federal share of a grant made by a State under this section to a local correctional facility may not exceed 75 percent of the total cost of the jail-based substance abuse treatment program described in the application submitted under subsection (c) for the fiscal year for which the program receives assistance under this section.

(c) APPLICATIONS.—

"(1) IN GENERAL.—To be eligible to receive a grant from a State under this section for a jail-based substance abuse treatment program, the chief executive of a local correctional facility shall submit to the State, in such form and containing such information as the State may reasonably require, an application that meets the requirements of paragraphs (2) and (3).

"(2) APPLICATION REQUIREMENTS.—Each application submitted under paragraph (1) shall include—

(1) a description of the manner in which the jail-based substance abuse treatment program assists inmates or parolees that meet the requirements of paragraph (1) in meeting the requirements of subparagraph (B), for a period of not less than 1 year following the end of the period during which the participant completed the jail-based substance abuse treatment program; or

(2) the date on which the participant completed the jail-based substance abuse treatment program.

ii) the local correctional facility will—

(A) coordinate the documentation of the program between local correctional facility representatives and the appropriate State and local alcohol and substance abuse agencies; and

(B) implement (or continue to require) urinalysis or other proven reliable forms of substance abuse testing of individuals participating in the program, including the testing of individuals released from the jail-based substance abuse treatment program who remain in the custody of the local correctional facility; and

(iii) carry out the program in accordance with guidelines, which shall be established by the State, in order to guarantee each participant in the program access to treatment and, upon completion of the program, to continual care if transferred to a different local correctional facility within the State;

(b) written assurances that Federal funds received by the local correctional facility from the State under this section will be supplemented, and not to supplant, non-Federal funds otherwise available to the State for the costs of the jail-based substance abuse treatment programs assisted with amounts made available under this section; and

(c) a description of the manner in which amounts received by the local correctional facility from the State under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services provided to the local correctional facility by the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

(d) REVIEW OF APPLICATIONS.—

"(1) IN GENERAL.—Upon receipt of an application under subsection (c), the State shall—

(1) review the application to ensure that the application, and the jail-based residential substance abuse treatment program for which a grant under this section is sought, meet the requirements of this section; and

(2) if so, make an affirmative finding in writing that the jail-based substance abuse treatment program for which assistance is sought meets the requirements of this section.

(2) APPROVAL.—Based on the review conducted under paragraph (1), not later than 90 days after the date on which an application is submitted under subsection (c), the State shall—

(1) approve the application, disapprove the application, or request a continued evaluation of the application for an additional period of 90 days; and

(2) notify the applicant of the action taken under subparagraph (A) and, with respect to any denial of an application under paragraph (A), afford the applicant an opportunity for reconsideration.

(e) ELIGIBILITY FOR PREFERENCE WITH APPROPRIATIONS.—

"(A) IN GENERAL.—In making grants under this section, a State shall give preference to applications from local correctional facilities that ensure that each participant in the jail-based substance abuse treatment program for which a grant under this section is sought, is required to participate in an aftercare services program that meets the requirements of subparagraph (B), for a period of not less than 1 year following the early release of—

(1) the date on which the participant completes the jail-based substance abuse treatment program; or

(2) the date on which the participant is released from the correctional facility at the end of the participant's sentence or is released on parole.
(b) AFTERCARE SERVICES PROGRAM REQUIRED.—The Secretary shall make grants to States for the purpose of providing comprehensive aftercare services programs, that give priority to individuals who have completed a jail-based substance abuse treatment program, and other activities that are necessary to prevent relapse and provide reentry services to former inmates, including components of comprehensive approaches, based on substance abuse treatment programs and other human service and rehabilitation programs that may assist in the rehabilitation of program participants, such as—

(1) educational and job training programs;
(2) parole supervision programs;
(3) half-way house programs; and
(4) participation in self-help and peer group programs; and

(iv) assists in placing jail-based substance abuse treatment programs and other activities that are necessary to prevent relapse and provide reentry services to former inmates, including components of comprehensive approaches, based on substance abuse treatment programs and other human service and rehabilitation programs that may assist in the rehabilitation of program participants, such as—

(1) educational and job training programs;
(2) parole supervision programs;
(3) half-way house programs; and
(4) participation in self-help and peer group programs; and

(ii) involves the coordination between the jail-based substance abuse treatment program and other human service and rehabilitation programs that may assist in the rehabilitation of program participants, such as—

(1) educational and job training programs;
(2) parole supervision programs;
(3) half-way house programs; and
(4) participation in self-help and peer group programs; and

(b) NO EFFECT ON STATE ALLOCATION.—Nothing in this section shall be construed to affect the allocation of amounts to States under section 1904(a).

(c) TECHNICAL AMENDMENT.—The table of contents for this subchapter shall be amended by inserting the following:

“1105. Jail-based substance abuse treatment programs.”

Subtitle E—Safe School Security

SECTION 1555. SHORT TITLE.

This subtitle may be cited as the “Safe School Security Act of 1999.”

SECTION 1556. ELIGIBILITY OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SNAPSHOT.—The School Security Technology Center shall—

(1) IN GENERAL.—The Secretary of Education, and the Secretary of Energy shall carry out this section—

(b) FUNCTIONS.—The functions of the School Security Technology Center shall be to establish a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security. The School Security Technology Center shall also conduct and publish research on school security, coalesce data from victim groups, and monitor and report on schools that implement school security strategies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

SEC. 1657. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

“SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

(a) IN GENERAL.—

(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall make grants to local educational agencies to carry out the security strategies described in the application submitted under subsection (c).

(2) ADMINISTRATION.—Each local educational agency that receives a grant under this section shall carry out all activities relating to the administration of the grant amount, including reviewing the manner in which the amount is expended, processing, monitoring the progress of the program as submitted, financial reporting, technical assistance, grants accounting, auditing, and fund disbursement.

(b) AUTHORIZATION OF APPROPRIATIONS.—For purposes of subparagraph (A), an aftercare services program meets the requirements of this paragraph if the program—

(2) PERFORMANCE REVIEW.—The Attorney General, the Secretary of Education, the Secretary of Health and Human Services, and the Secretary of the Treasury, shall review the performance of the jail-based substance abuse treatment program assisted under this section, in order to verify the compliance of local correctional facilities with the requirements of this section.

(c) TECHNICAL AMENDMENT.—The table of contents for this Act is amended by inserting the following:

“1906. Jail-based substance abuse treatment programs.”

Subtitle E—Safe School Security

SECTION 1555. SHORT TITLE.

This subtitle may be cited as the “Safe School Security Act of 1999.”

SECTION 1556. ELIGIBILITY OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SNAPSHOT.—The School Security Technology Center shall—

(1) IN GENERAL.—The Secretary of Education, and the Secretary of Energy shall carry out this section—

(b) FUNCTIONS.—The functions of the School Security Technology Center shall be to establish a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security. The School Security Technology Center shall also conduct and publish research on school security, coalesce data from victim groups, and monitor and report on schools that implement school security strategies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

SEC. 1657. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

“SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

(a) IN GENERAL.—

(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall make grants to local educational agencies to carry out the security strategies described in the application submitted under subsection (c).

(2) ADMINISTRATION.—Each local educational agency that receives a grant under this section shall carry out all activities relating to the administration of the grant amount, including reviewing the manner in which the amount is expended, processing, monitoring the progress of the program as submitted, financial reporting, technical assistance, grants accounting, auditing, and fund disbursement.

(b) AUTHORIZATION OF APPROPRIATIONS.—For purposes of subparagraph (A), an aftercare services program meets the requirements of this paragraph if the program—

(2) PERFORMANCE REVIEW.—The Attorney General, the Secretary of Education, the Secretary of Health and Human Services, and the Secretary of the Treasury, shall review the performance of the jail-based substance abuse treatment program assisted under this section, in order to verify the compliance of local correctional facilities with the requirements of this section.

(c) TECHNICAL AMENDMENT.—The table of contents for this Act is amended by inserting the following:

“1906. Jail-based substance abuse treatment programs.”
shall be punished as provided under subsection (b) of this section.

"(2) The circumstance referred to in paragraph (1) is that—

"(A) such person knows or has reason to know that such notice or advertisement will be translated into another state or foreign commerce by computer; or

"(B) such notice or advertisement is transported in interstate or foreign commerce by computer.

"(b) Penalties.—Any individual who violates, or attempts or conspires to violate, this subsection shall be fined not more than $1,000, but if such person has one prior conviction under this section, or under the laws of any State relating to the same offense, such person shall be fined not more than $5,000, but if such person has 2 or more prior convictions under this section, or under the laws of any State relating to the same offense, such person shall be fined not more than $25,000, and if such person has 3 or more prior convictions under this section, or under the laws of any State relating to the same offense, such person shall be punished by death, or imprisoned for any term of years or for life.

"(c) Defenses.—It is an affirmative defense to any proceeding involving this section if the proponent proves by a preponderance of the evidence that—

"(1) the advertisement or notice came from—

"(A) a web site, notice or advertisement operated by a person licensed—

"(i) as a manufacturer, importer, or dealer under section 922 of this title; or

"(ii) under chapter 41 of this title; and

"(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that sales or transfers of the product or information will be made in accord with Federal, State and local law applicable to the buyer or transferee, and such notice includes, in the case of firearms or ammunition, that the firearms transfers will only be made through persons licensed under the Gun Control Act of 1968; and

"(2) the advertisement or notice came from—

"(A) a web site, notice or advertisement operated by a person licensed—

"(i) as a manufacturer, importer, or dealer under section 923 of this title; or

"(ii) under chapter 41 of this title; and

"(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that sales or transfers of the product or information will be made in accord with Federal, State and local law applicable to the buyer or transferee, and such notice includes, in the case of firearms or ammunition, that the firearms transfers will only be made through persons licensed under the Gun Control Act of 1968; and

"(3) the advertisement or notice came from—

"(A) a web site, notice or advertisement operated or created by a person not licensed as stated in paragraph (1); and

"(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that the sales or transfers of the product or information—

"(i) will be made in accord with Federal, State and local law applicable to the buyer or transferee; or

"(ii) will be made to a person licensed under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; and

"(3) the advertisement or notice came from—

"(A) a web site, notice or advertisement operated or created by a person not licensed as stated in paragraph (1); and

"(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that the sales or transfers of the product or information—

"(i) will be made in accord with Federal, State and local law applicable to the buyer or transferee; or

"(ii) will be made to a person licensed under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; and

"(3) the advertisement or notice came from—

"(A) a web site, notice or advertisement operated or created by a person not licensed as stated in paragraph (1); and

"(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that the sales or transfers of the product or information—

"(i) will be made in accord with Federal, State and local law applicable to the buyer or transferee; or

"(ii) will be made to a person licensed under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; and

"(3) the advertisement or notice came from—

"(A) a web site, notice or advertisement operated or created by a person not licensed as stated in paragraph (1); and

"(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that the sales or transfers of the product or information—

"(i) will be made in accord with Federal, State and local law applicable to the buyer or transferee; or

"(ii) will be made to a person licensed under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; and

"(3) the advertisement or notice came from—

"(A) a web site, notice or advertisement operated or created by a person not licensed as stated in paragraph (1); and

"(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that the sales or transfers of the product or information—

"(i) will be made in accord with Federal, State and local law applicable to the buyer or transferee; or

"(ii) will be made to a person licensed under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; and

SEC. 1654. EFFECTIVE DATE.

The amendments made by sections 1661–1663 shall take effect beginning on the date that is 180 days after the enactment of this Act.

Subtitle G—Partnerships for High-Risk Youth

SEC. 1671. SHORT TITLE.

This subtitle may be cited as the "Partnerships for High-Risk Youth Act".

SEC. 1672. FINDINGS.

Congress finds that—

"(1) violent juvenile crime rates have been increasing in urban United States schools, causing many high-profile deaths of young, innocent school children;

"(2) in 1994, there were 2,700,000 arrests of persons under age 18 (a third of whom were under age 15), up from 1,700,000 in 1991;

"(3) while crime is generally down in many urban and suburban areas, crime committed by teenagers has spiked sharply over the past few years;

"(4) there is no single solution, or panacea, to the problem of rising juvenile crime;

"(5) there will soon be over 34,000,000 teenagers in the United States, which is 26 percent higher than the number of such teenagers in 1990 and the largest number of teenagers in the United States to date;

"(6) in order to ensure the safety of youth in the United States, the Nation should begin by exploring effective methods of curtailing the rise in violent Juvenile crimes in United States schools, such as use of faith-based and grass-roots initiatives; and

"(7)(A) a strong partnership among law enforcement, law juvenile and family courts, schools, businesses, charitable organizations, families, and the religious community can create a community environment that supports the youth of the Nation and reduces the occurrence of juvenile crime; and

"(B) the development of character and strong moral values will—

(i) greatly decrease the likelihood that youth will fall victim to the temptations of crime; and

(ii) improve the lives and future prospects of high-risk youth and their communities.

SEC. 1673. PURPOSES.

The purposes of this subtitle are as follows:

"(1) To establish a national demonstration project to promote learning about successful youth interventions, with programs carried out by institutions that can identify and employ effective approaches for improving the lives of high-risk youth and their communities.

"(2) To document best practices for conducting successful interventions for high-risk youth, based on the results of local initiatives.

"(3) To produce lessons and data from the operating experience from those local initiatives that will—

(A) provide information to improve policy in the public and private sectors; and

(B) promote the operational effectiveness of other local initiatives throughout the United States.

SEC. 1674. ESTABLISHMENT OF DEMONSTRATION PROJECT.

(a) In GENERAL.—The Attorney General shall establish and carry out a demonstration project.

(b) TEC HNICAL AND CONFORMING AMENDMENTS.—The analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 930 the following:

"391. Criminal firearms and explosives solicitation.

SEC. 1655. ELIGIBILITY.

(a) In GENERAL.—To be eligible to receive a grant under section 1664, a partnership—

"(1) shall submit an application to the Attorney General for a demonstration project; and

"(2) shall enter into a memorandum of understanding with the Attorney General.

(b) SELECTION CRITERIA.—In making grants under section 1664, the Attorney General shall consider—

"(1) CORE FEATURES.—An eligible partnership that includes representatives of local government, juvenile detention service providers, law enforcement, probation officers, youth street workers, and local educational agencies, and religious institutions that have resident-to-membership percentages of at least 40 percent; and

"(2) THE FEDERAL SHARE.—The Federal share of the cost described in subsection (a) shall be 70 percent.

"(3) THE NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash.

SEC. 1675. ELIGIBILITY.

(a) In GENERAL.—To be eligible to receive a grant under section 1674, a partnership—

"(1) shall submit an application to the Attorney General for a demonstration project; and

"(2) shall enter into a memorandum of understanding with the Attorney General.

(b) SELECTION CRITERIA.—In making grants under section 1674, the Attorney General shall consider—

"(1) CORE FEATURES.—An eligible partnership that includes representatives of local government, juvenile detention service providers, law enforcement, probation officers, youth street workers, and local educational agencies, and religious institutions that have resident-to-membership percentages of at least 40 percent; and

"(2) THE FEDERAL SHARE.—The Federal share of the cost described in subsection (a) shall be 70 percent.

"(3) THE NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash.

SEC. 1676. USES OF FUNDS.

(a) PROGRAMS.—To carry out its programs.

"(1) CORE FEATURES.—An eligible partnership that receives a grant under section 1674 shall use the funds made available through the grant to carry out an intervention program that includes the following core features:

"(A) TARGET GROUP.—The program will target a group of youth (including young adults) who—

(i) are at high risk of—

(I) leading lives that are unproductive and negative;

(II) not being self-sufficient; and

(III) becoming incarcerated; and

(ii) are likely to cause pain and loss to other individuals and their communities.
SEC. 1681. SHORT TITLE.

This subtitle may be cited as the “National Youth Violence Commission Act”.

SEC. 1682. ESTABLISHMENT OF COMMISSION.

(a) Establishment of Commission.—There is established a commission to be known as the National Youth Violence Commission (hereinafter referred to in this subtitle as the “Commission”). The Commission shall—

(1) be composed of 16 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this subtitle.

(b) MEMBERSHIP.—

(1) PERSONS ELIGIBLE.—Except for those members who hold the offices described under paragraph (2)(A), and those members appointed under paragraph (2)(C)(i) and (D)(iv), the members of the Commission shall be individuals who have expertise, by both experience and training, in matters to be studied by the Commission. The members of the Commission shall be well-known and respected among their peers in their respective fields of expertise.

(c) APPOINTMENTS.—The members of the Commission shall be appointed for the life of the Commission as follows:

(A) Four shall be appointed by the President of the United States, including—

(i) the Surgeon General of the United States;

(ii) the Attorney General of the United States;

(iii) the Secretary of the Department of Health and Human Services; and

(iv) the Secretary of the Department of Education.

(B) Four shall be appointed by the Speaker of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of child or adolescent psychology;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(A) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement; and

(B) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(iv) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(v) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(vi) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(vii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(viii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(ix) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(x) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(xi) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(xii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(xiii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(xiv) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(xv) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(xvi) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(xvii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(xviii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(xix) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(xx) 1 member who meets the criteria for eligibility in paragraph (1) in the field of criminal justice, including—

(2) RESERVATION.—The National Center for Neighborhood Enterprise may use not more than 20 percent of the amounts appropriated pursuant to subsection (a) in any fiscal year for administrative costs, technical assistance and training, comprehensive support services, and evaluation of participating grassroots organizations.
(ii) 1 member who meets the criteria for eligibility, as determined by the Committee, in the field of parenting and family studies.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (2) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) COMMISSION.—

(A) CHAIREDNESS.—The appointing authorities under paragraph (2) shall jointly designate 1 member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 45 days after enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(1) the date of the appointment of the last member of the Commission; or

(ii) the date on which appropriated funds are available for the Commission.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum. In the event of any vacancy in the Commission, the remaining members may act for the purposes of section 1693. A member shall be deemed to have voted if the member requests to appear before the Commission and pursuant to section 1694(a), takes the testifying oath or other applicable law.

(D) RULES.—The Commission may adopt rules for the conduct of its business in the same manner as the original appointment not later than 30 days after the later of—

(i) the date of the appointment of the last member of the Commission; or

(ii) the date on which appropriated funds are available for the Commission.

(E) any impact upon incidents of youth violence, the Commission shall study any matter that the Commission determines relevant to evaluating the requirements of paragraph (1), including at a minimum—

(A) the level of involvement and awareness of teachers and school administrators in the lives of their students and any impact of such involvement and awareness on incidents of youth violence;

(B) trends in family relationships, the level of involvement and awareness of parents in the lives of their children, and any impact of such relationships, involvement, and awareness on incidents of youth violence;

(C) the alienation of youth from their schools, families, and peer groups, and any impact of such alienation on incidents of youth violence;

(D) the availability of firearms to youth, including any illegal means by which youth acquire such firearms, and any impact of such availability on incidents of youth violence;

(E) any impact upon incidents of youth violence of the failure to execute existing laws designed to prevent access to certain firearms, and the illegal purchase, possession, or transfer of certain firearms;

(F) the effect upon youth of depictions of violence in the media and any impact of such depictions on incidents of youth violence; and

(G) the availability to youth of information regarding the construction of weapons, including any illegal means by which youth construct weapons, and any impact of such information on incidents of youth violence.

(3) TESTIMONY OF PARENTS AND STUDENTS.—In determining the root causes of incidents of youth violence, the Commission shall, pursuant to section 1694(a), test the testimony of parents and students to learn and memorialize their views and experiences regarding incidents of youth violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress regarding the causes of youth violence and recommend any other rules for the conduct of research under section 1693. Not later than 1 year after the date on which the Commission first submits the report required under section 1694(e); and

(b) IN GENERAL.—Not later than 1 year after the date on which the Commission first submits the report required under section 1694(e); and

(b) ANY OTHER RULES.—The Commission shall transmit to the Attorney General a confidential, written request for the Attorney General a confidential, written request for the Attorney General.

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SEC. 1695. COMMISSION PERSONNEL MATTERS.

(a) STAFF.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay payable to level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall be without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 1696. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this subtitle such sums as may be necessary to carry out the purposes of this subtitle. Any sums appropriated under this section shall be subject to the provisions of subchapter I of chapter 57 of title 5, United States Code, without fiscal year limitation, until expended.

SEC. 1697. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the report under section 1691 of this title.

Subtitle J—School Safety

SEC. 1698. SHORT TITLE.

This subtitle may be cited as the "School Safety Act of 1999".