

A BILL

To deter and punish serious gang and violent crime,
promote accountability in the juvenile justice system,
prevent juvenile and youth crime,
and for other purposes

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

Section 1. Short title; table of contents.

(a) Short title.--This Act may be cited as the "Anti-Gang and Youth Violence Act of 1997".

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TITLE I--FINDINGS AND PURPOSES

Section 1001. Findings.

(1) The rate of juvenile crime remains unacceptably high, as does the abuse and trafficking of drugs by and to juveniles;

(2) the prevalence of gangs and gang-related violence has increased drastically over the last decade and remains a serious concern;

(3) the prevalence of illegal gun markets fuels use of illegal guns by juveniles, and the number of juvenile homicides involving guns has increased dramatically in the past several years;

(4) there is an increasing and urgent need to better understand the causes of crime and violence committed by juveniles and young adults, and to identify those initiatives and strategies that are effective in reducing and preventing juvenile and youth crime;

(5) accurate statistical information, collected, analyzed, and disseminated in a timely manner is necessary to the nation's ability to fully understand, assess, and address issues related to youth violence;

(6) where appropriate the federal government needs to be able to better prosecute and hold accountable juveniles who commit certain serious felonies;

(7) state and local prosecutors face serious backlogs in cases involving young violent offenders, especially gang members, many of whom are repeat offenders;

(8) juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities are overburdened and have not been able to effectively process, detain, sentence, protect, or treat juveniles offenders;

(9) victims and witnesses of juvenile crimes need to be better protected by the justice system and be able to more fully participate in juvenile proceedings;

(10) emphasis should be placed on preventing youth from committing crime;

(11) the federal government has a unique and vital role in providing the leadership, focus, and resources needed to successfully address gangs, youth violence and juvenile crime; and

(12) the high incidence of juvenile crime in the United States results in an enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile crime constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the federal government to reduce and prevent this type of crime.

Section 1002. Declaration of purpose and policy.--

(a) The federal government, through enforcement and funding initiatives, plays an essential role in combating juvenile crime, gang violence, and drug use and assisting the victims of juvenile crime. The federal government has a unique and comprehensive function that includes fortifying and creating new, stronger, and more effective alliances with states, Indian tribes, cities, counties, and communities in the fight against juvenile crime, its

causes, and consequences.

(b) It is the purpose of this Act --

(1) to strengthen, in appropriate cases, federal prosecutions of serious and violent juvenile offenders by: providing federal prosecutors with the discretion to transfer juvenile offenders to adult criminal court; expanding the categories of serious felonies for which a juvenile can be prosecuted as an adult in federal court to include certain firearms and drug offenses, violent crimes, and conspiracy; and permitting an adjudication of delinquency for a serious drug trafficking offense to qualify as a predicate offense under the Armed Career Criminal Act;

(2) to target illegal gun use and gun markets, gang involvement, gang violence, drug use, drug trafficking and drug-related crime;

(3) to hold juvenile offenders accountable for their actions by ensuring accountability-based graduated sanctions are applied for every violation of the law;

(4) to implement a comprehensive and effective effort that provides necessary resources and other support for state, tribal, and local juvenile crime enforcement, intervention, sanction, and prevention initiatives;

(5) to assist state and local communities in effectively and efficiently addressing and preventing juvenile substance-abuse and drug-related juvenile crime;

(6) to promote research, evaluation, and information and

data collection procedures and activities that identify and disseminate information on effective programs and initiatives that combat juvenile crime;

(7) to test promising strategies and programs that reduce or prevent juvenile crime, and establish flexible demonstration programs that effectively support state and local initiatives to prevent and reduce juvenile crime;

(8) to maintain fundamental safeguards to protect juveniles from harm while in custody;

(9) to provide resources for courts to address violent juveniles and similarly use expanded corrections options for juvenile offenders who pose serious danger to the community and to other, less dangerous juvenile offenders;

(10) to protect witnesses and victims of juvenile crime from intimidation and expand victim access to juvenile proceedings; and

(11) to establish a new Office of Juvenile Crime Control and Prevention within the Office of Justice Programs to provide leadership, resources, and coordination for state, local, and Indian tribal efforts.

Section 1003. Definitions.

(a) Section 901 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791, et seq.) is amended by adding after paragraph (23) the following new paragraphs--

"(26) 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 maintain community and consumer participation in the planning operation, and evaluation of their programs that may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services;

"(27) the term 'federal juvenile delinquency program' means any juvenile delinquency program that is conducted, directly, or indirectly, or is assisted by any federal department or agency;

"(28) the term 'juvenile delinquency program' means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity to help prevent juvenile delinquency;

"(29) the term 'combination' as applied to states or units of local government means any grouping or joining together of such states or units for the purpose of preparing, developing, or implementing a program, initiative, or activity under this title;

"(30) the term 'secure detention facility' means any public or private residential facility that--

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

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

"(31) the term 'secure correctional facility' means any public or private residential facility that--

"(A) uses construction fixtures 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;

"(32) the term 'serious crime' means criminal homicide, forcible rape or other sex offenses punishable as a felony, hate crimes, mayhem, kidnaping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, drug trafficking, firearms violations, or arson punishable as a felony;

"(33) the term 'treatment' includes, but is not limited

to medical, educational, special education, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public, including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and susceptibility to addiction or use;

"(34) the term 'valid court order' means a court order given by a juvenile court judge to a juvenile--

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

"(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 or to Indian juvenile offenders under the Indian Civil Rights Act (25 U.S.C. 1301 et seq.);

"(C) with respect to whom an appropriate public or private agency, before a disposition of confinement in a secure detention facility or a secure correctional facility, has reviewed the behavior of such juvenile, its causes, the dispositional alternatives available, and has submitted to the court a report and recommendation.

"(35) 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.

"(36) the term 'nonprofit organization' means an organization described in section 501(c)(3) of title 26 of the United States Code that is exempt from taxation under Section 501(a) of title 26 of the United States Code.

"(37) the term 'council' means the Coordinating Council on Juvenile Crime Control and Prevention established at Section 2701(d) of the Anti-Gang and Youth Violence Act of 1997.

"(38) the term 'young violent offenders' has the meaning given that term under 42 United States Code 13868.

"(39) the term 'Indian tribe' means an Indian or Alaskan native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to 25 United States Code 479a-1.

"(40) the term 'Indian tribal government' means the legally recognized leadership of an Indian tribe, band, nation, pueblo, village, or community.

"(41) the term 'prosecutor' means a prosecutor's office or that entity of a state government, or any political subdivision thereof, or of an Indian tribal government, that has, or routinely exercises, direct responsibility for the

prosecution of criminal offenders.

(b) Section 901(a)(21) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791, et seq.) is amended by -

(1) inserting the words "or juvenile" between the words "criminal" and "justice" the first time they appear; and

(2) striking the words "the criminal justice system" the last time they appear and inserting in their place the words "either the criminal or juvenile justice systems.".

TITLE II--TARGETING VIOLENT GANG, GUN AND DRUG CRIMES

Subtitle A--Federal Prosecutions Targeting Violent Gangs, Gun Crimes and Illicit Gun Markets, and Drugs

Part 1--Targeting Gang and Other Violent Crimes

Section 2111. Increased penalties under the RICO law for gang and violent crimes.

Section 1963(a) of title 18, United States Code, is amended by striking "or imprisoned not more than 20 years (or for life if the violation is based on a racketeering activity for which the maximum penalty includes life imprisonment), or both," and inserting "or imprisoned not more than the greater of 20 years or the statutory maximum term of imprisonment (including life) applicable to a racketeering activity on which the violation is based, or both,".

Section 2112. Increased penalty and broadened scope of statute against violent crimes in aid of racketeering.

Section 1959(a) of title 18, United States Code, is amended --

(1) by inserting "or commits any other crime of violence"

before "or threats to commit a crime of violence";

(2) in paragraph (4) by inserting "committing any other crime of violence or for" before "threatening to commit a crime of violence", and by striking "five" and inserting "ten";

(3) in paragraph (5) by striking "for not more than ten years" and inserting "for any term of years or for life".

(4) in paragraph (6) by striking "or" before "assault resulting in serious bodily injury", by inserting "or any other crime of violence" after those same words, and by striking "three" and inserting "ten"; and

(5) by inserting "(as defined in section 1365 of this title)" after "serious bodily injury" the first place it appears.

Section 2113. Facilitating the prosecution of car-jacking offenses.

Section 2119 of title 18, United States Code, is amended by striking ", with the intent to cause death or serious bodily harm".

Section 2114. Facilitation of RICO prosecutions.

Section 1962(d) of title 18, United States Code, is amended by adding at the end "For purposes of this subsection, it is not necessary to establish that the defendant agreed personally to commit any acts of racketeering activity."

Section 2115. Elimination of the statute of limitations for murder and class A offenses.

(a) Section 3281 of title 18, United States Code, is amended to read as follows:

"Sec. 3281. Capital offenses and Class A felonies involving murder

"An indictment for any offense punishable by death or an indictment or information for a Class A felony involving murder (as defined in section 1111 of this title or as defined under applicable state law in the case of an offense under section 1963(a) of this title involving racketeering activity described in section 1961(1)) of this title) may be found at any time without limitation.".

(b) The amendment made by subsection (a) shall apply to any offense for which the applicable statute of limitations had not run as of the date of enactment of such subsection.

(c) Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

"§3295. Class A violent and drug trafficking offenses

"Except as provided in section 3281, no person shall be prosecuted, tried, or punished for a Class A felony that is a crime of violence or a drug trafficking crime (as defined in section 924(c) of this title) unless the indictment is returned or the information is filed within 10 years after the commission of the offense.".

(d) The amendment made by subsection (c) shall apply to any offense for which the applicable statute of limitations had not run as of the date of enactment of such subsection.

(e) The table of sections for chapter 213 of title 18, United States Code, is amended by (1) in the item relating to section 3281, inserting "and Class A felonies involving murder" before the period, and (2) adding at the end the following: "3295. Class A

violent and drug trafficking offenses."

Section 2116. Forfeiture for crimes of violence, racketeering and obstruction of justice.

(a) Civil forfeiture.--Section 981(a)(1) of title 18, United States Code, is amended by adding the following sub-paragraph:

"(H) Any proceeds of a crime of violence (as defined in Section 16), an offense under chapter 95 (racketeering), or any offense under chapter 73 (obstruction of justice), or a conspiracy to commit such offense, any property used to facilitate such offense, and any property traceable to such property.

(b) Criminal forfeiture.--Section 982(a) of title 18, United States Code, is amended by inserting the following new paragraph:

"(9) The court, in imposing a sentence on a person convicted of a crime of violence (as defined in Section 16), an offense under chapter 95 (racketeering), or any offense under chapter 73 (obstruction of justice), or a conspiracy to commit such offense, shall order the person to forfeit to the United States any proceeds derived from such offense, any property used or intended to be used to commit such offense, and any property traceable to such property."

**Part 2--Targeting Serious Gun Crimes
and Protecting Children from Gun Violence**

Section 2121. Gun ban for dangerous 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 (i) and (ii);
- (3) by inserting after subparagraph (A) the following new subparagraph:

"(B) For purposes of section 922(d), (g) and (s) of this chapter, the term 'act of juvenile delinquency' means an adjudication of delinquency 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 drug offense or violent felony (as defined in section 3559(c)(2) of this title), on or after the date of enactment of this paragraph."; and

- (4) by striking "What constitutes" through the end and inserting the following:

"What constitutes a conviction of such a crime or an adjudication of 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 delinquency which has been expunged or set aside or for which a person has been pardoned or has had civil rights restored by the jurisdiction in which the conviction or adjudication of delinquency occurred shall nevertheless be considered a conviction or adjudication of delinquency unless (i) the expunction, set aside, pardon or restoration of civil rights is directed to a specific person, (ii) the State

authority granting the expunction, set aside, pardon or restoration of civil rights has expressly determined that the circumstances regarding the conviction and the person's record and reputation are such that the person will not act in a manner dangerous to public safety, and (iii) the expunction, set aside, pardon, or restoration of civil rights expressly authorizes the person to ship, transport, receive or possess firearms. The requirement of this subparagraph for an individualized restoration of rights shall apply whether or not, under State law, the person's civil rights were taken away by virtue of the conviction or adjudication."

(b) Prohibition.--Section 922 of title 18, United States Code is amended--

(1) in subsection (d)--

(A) by striking "or" at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) who has committed an act of juvenile delinquency.";

(2) in subsection (g)--

(A) by striking "or" at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting "; or", and

(C) by inserting after paragraph (9) the following:

"(9) who has committed an act of juvenile delinquency."; and

(3) in subsection (s)(3)(B)--

(A) by striking "and" at the end of clause (vi);

(B) by inserting "and" after the semicolon at the end of clause (vii); and

(C) by inserting after clause (vii) the following:

"(viii) has not committed an act of juvenile delinquency.".

Section 2122. Locking devices for firearms.

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

"(33) The term "locking device" means:

"(A) a device that when installed on a firearm and secured by means of a key or mechanically, electronically, or electro-mechanically operated combination lock prevents the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically, or electro-mechanically operated combination lock; or

"(B) a mechanical, electrical, or electro-mechanical locking mechanism incorporated into the design of the firearm that prevents discharge of the weapon by anyone not having access to the key or other device designed to unlock and allow discharge of the firearm.".

(b) Sale of locking devices by federal firearms licensees.

--Section 922, title 18, United States Code, is amended by adding at the end the following:

"(y) It shall be unlawful for any licensed importer, manufacturer,

manufacturer, or licensed dealer to sell or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, or licensed dealer) unless the transferee is provided with a locking device that prevents the firearm from discharging."

(c) Penalties.--Section 924 is amended--

(1) in subsection (a)(1) by striking "or (f)" and inserting "(f), or (o)"; and

(2) by adding at the end a new subsection (o) to read as follows:

"(o) The Secretary may, after notice and opportunity for hearing, suspend or revoke any license issued under this chapter or may subject the licensee to a civil penalty of not more than \$10,000 if the holder of such license has knowingly violated section 922(y). The Secretary's actions under this subsection may be reviewed only as provided in section 923(f).

(d) Effective date.--The amendments made by this section shall be effective 180 days after the date of enactment.

Section 2123. Enhanced penalties for discharging or possessing a firearm during a crime of violence or drug trafficking crime.

(a) Sections 924(c)(1) and 929(a)(1) of title 18, United States Code, are each amended by striking "uses or carries a firearm" and inserting "possesses a firearm."

(b) Section 924(c)(1) of title 18, United States Code, is further amended by inserting "or if the firearm is discharged or is used to cause serious bodily injury (as defined in section 1365 of this title)," before "to imprisonment for ten years".

Section 2124. Juvenile handgun possession.

Section 924(a)(6) of title 18, United States Code, is amended

--

(1) by striking subparagraph (A) and inserting the following:

"(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than one year, or both, and for a second or subsequent violation, or for a first violation committed after an adjudication of delinquency for an act that, if committed by an adult, would be a serious violent felony (as defined in section 3559(c) of this title), shall be fined under this title, imprisoned not more than five years, or both.";

(2) in clause (i) of subparagraph (B), by striking "one year" and inserting "five years"; and

(3) in clause (ii) of subparagraph (B), by striking "not more than 10 years" and inserting "not less than three nor more than 10 years".

Section 2125. Increased penalty for firearms conspiracy.

Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(o) Except as otherwise provided in this section, a person who conspires to commit an offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which is the

object of the conspiracy."

Part 3--Targeting Illicit Gun Markets

Section 2131. Certain gang-related firearms offenses as RICO predicates.

Section 1961(1) of title 18, United States Code, is amended by inserting after "891-894 (relating to extortionate credit transactions)," the following: "section 924(a) insofar as such offense is a violation of section 922(a)(1), (a)(6), (i), (j), (k), (o), (q), (u), (v), or (x)(1), or section 924(b), (g), (h), (k), (l), or (m) (relating to firearms violations),".

Section 2132. Felony treatment for offenses tantamount to aiding and abetting unlawful purchases.

Section 924(a)(3) of title 18, United States Code, is amended by striking the period and inserting "; but if the violation is in relation to an offense (i) under subsection (b)(1) or (b)(3) of section 922, shall be fined under this title, imprisoned not more than five years, or both, or (ii) under subsection (a)(6) or (d) of section 922, shall be fined under this title, imprisoned not more than ten years, or both."

Section 2133. Secure storage of firearms inventories.

(a) Storage requirements.--Section 923 is amended by adding at the end the following:

"(m) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer (other than a dealer as defined in

section 921(a)(11)(B)) to store any firearms in their business inventory in a manner not in conformity with regulations issued by the Secretary. In issuing such regulations, the Secretary shall take into consideration the type and quantity of the firearms to be stored, as well as the standards of safety and security recognized in the firearms industry.

(b) Penalties.--Section 924 is amended--

(1) in subsection (a)(1) by striking "or (f)" and inserting "(f), or (o)"; and

(2) by adding at the end a new subsection (o) to read as follows:

"(o) The Secretary may, after notice and opportunity for hearing, suspend or revoke any license issued under this chapter or may subject the licensee to a civil penalty of not more than \$10,000 if the holder of such license has knowingly violated section 923(m). The Secretary's actions under this subsection may be reviewed only as provided in section 923(f)."

(c) Condition of licensing.--Section 923(d)(1)(F) is amended:

(1) in subclause (II) by striking "and" the second time it appears;

(2) in clause (iii) by striking "license." and inserting "license; and"; and

(3) by adding at the end a new clause (iv) to read as

follows:

"(iv) within 30 days after the application is approved the firearms inventory of the business will be stored in compliance with section 923(m) and regulations issued thereunder.

(d) Effective date.--The amendments made by this section shall be effective 180 days after the date of enactment.

Section 2134. Suspension of federal firearms licenses and civil penalties for willful violations of the Gun Control Act.

Sections 923(e) and (f) of title 18, United States Code, are amended to read as follows:

"(e) The Secretary may, after notice and opportunity for hearing, suspend or revoke any license issued under this section, or may subject the licensee to a civil penalty of not more than \$10,000 per violation, if the holder of such license has willfully violated any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter. The Secretary may, after notice and opportunity for hearing, suspend or revoke the license of, or assess a civil penalty of not more than \$10,000 on, a dealer who willfully transfers armor piercing ammunition. The Secretary may at any time compromise, mitigate, or remit the liability with respect to any willful violation of this chapter or any rule or regulation prescribed by the Secretary under this chapter. The Secretary's actions under this subsection may be

reviewed only as provided in subsection (f) of this section.

"(f)(1) Any person whose application for a license is denied and any holder of a license which is suspended or revoked or who is assessed a civil penalty shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied or upon which the license was suspended or revoked or the civil penalty assessed. Any notice of a suspension or revocation of a license shall be given to the holder of such license before the effective date of the suspension or revocation.

"(2) If the Secretary denies an application for a license, or suspends or revokes a license, or assesses a civil penalty, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial, suspension, revocation, or assessment. In the case of a suspension or revocation of a license, the Secretary shall, upon the request of the holder of the license, stay the effective date of the suspension or revocation. A hearing under this paragraph shall be held at a location convenient to the aggrieved party.

"(3) If after a hearing held under paragraph (2) the Secretary decides not to reverse his decision to deny an application or suspend or revoke a license or assess a civil penalty, the Secretary shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a

petition with the United States district court for the district in which he resides or has his principal place of business for a de novo judicial review of such denial, suspension, revocation, or assessment. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding whether or not such evidence was considered at the hearing held under paragraph (2). If the court decides that the Secretary was not authorized to deny the application or to suspend or revoke the license or to assess the civil penalty, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court."

Section 2135. Transfer of firearm to commit a crime of violence.

Section 924(h) of title 18, United States Code, is amended by inserting "or having reasonable cause to believe" after "knowing".

Section 2136. Increased penalty for knowingly receiving firearm with obliterated serial number.

Section 924(a) of title 18, United States Code, is amended--

(1) in subparagraph (a)(1)(B) by striking "(k),"; and

(2) in paragraph (2) by inserting "(k)," after "(j),".

Section 2137. Amendment of the sentencing guidelines for transfers of firearms to prohibited persons.

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 increase the base

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offense level for offenses subject to section 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition) to assure that a person who transferred a firearm or ammunition and who knew or had reasonable cause to believe that the transferee was a prohibited person is subject to the same base offense level as the transferee. This provision shall not require the same offense level for the transferor and transferee to the extent that the transferee's base offense level is subject to an additional increase on the basis of a past criminal conviction of either a crime of violence or a controlled substance offense.

Section 2138. Forfeiture of firearms used in crimes of violence and felonies.

(a) Civil forfeiture.--Section 981(a)(1) of title 18, United States Code, is amended by inserting after subparagraph (C) the following:

"(D) Any firearm (as defined in Section 921(a)(3) of this title) used or intended to be used to commit or to facilitate the commission of any crime of violence (as defined in Section 16 of this title) or any felony under federal law."

(b) Criminal forfeiture.-- Section 982(a) of title 18, United States Code, is amended by inserting after subparagraph (2) the following:

"(3) The court, in imposing a sentence on a person convicted

of any crime of violence (as defined in Section 16 of this title) or any felony under federal law, shall order that the person forfeit to the United States any firearm (as defined in Section 921(a)(3) of this title) used or intended to be used to commit or to facilitate the commission of the offense."

(c) Disposal of forfeited property.--Section 981(c) of title 18, United States Code, is amended by adding at the end the following sentence:

"Any firearm forfeited pursuant to subsection (a)(1)(D) or section 982(a)(3) of this title shall be disposed of by the seizing agency in accordance with law."

(d) Authority to forfeit property under Section 924(d).--Section 924(d) of title 18, United States Code, is amended by adding the following new paragraph:

"(4) Whenever any firearm is subject to forfeiture under this section because it was involved in or used in a violation of subsection (c), the Secretary of the Treasury shall have the authority to seize and forfeit, in accordance with the procedures of the applicable forfeiture statute, any property otherwise forfeitable under the laws of the United States that was involved in or derived from the crime of violence or drug trafficking crime described in subsection (c) in which the forfeited firearm was used or carried."

(e) 120-day rule for administrative forfeiture.--Section

924(d)(1) of title 18, United States Code, is amended by adding the following after the last sentence: "If the government institutes an administrative forfeiture action within the 120-day period, and a claim is then filed that requires that a judicial forfeiture action be filed in federal court, the government must file the judicial action within 120 days of the filing of the claim. The time during which any related criminal indictment or information is pending shall not be counted in calculating any 120-day period referred to in this subsection."

Section 2139. Forfeiture for gun trafficking.

(a) Civil forfeiture.--Section 981(a)(1) of title 18, United States Code, is amended by adding the following sub-paragraph:

"(G)(i) Any conveyance used or intended to be used to commit a gun trafficking offense, or conspiracy to commit such offense, any proceeds of such offense or conspiracy, and any property traceable to such property.

(ii) For the purposes of this section, a gun trafficking offense is a violation of any of the following sections of this title involving five or more firearms: section 922(i) (transporting stolen firearms); section 924(g) (travel with a firearm in furtherance of racketeering); section 924(k) (stealing a firearm); and section 924(m) (interstate travel to promote firearms trafficking).

(b) Criminal forfeiture.--Section 982(a) of title 18, United

States Code, is amended by inserting the following new paragraph:

"(6) The court, in imposing a sentence on a person convicted of a gun trafficking offense, as defined in Section 981(a)(1)(G), or a conspiracy to commit such offense, shall order the person to forfeit to the United States any conveyance used or intended to be used to commit such offense, and any property traceable to such conveyance."

**Part 4--Targeting Serious Drug Crimes and
Protecting Children from Drugs**

Section 2141. Increased penalties for using minors to distribute drugs.

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

(1) in subsection (b) by striking "one year" and inserting "three years";

(2) in subsection (c) by striking "one year" and inserting "five years"; and

(3) by amending subsection (e) to read as follows:

"(e) Probation prohibited

"In the case of any sentence imposed under this section, probation shall not be granted."

Section 2142. Increased penalties for distributing drugs to minors.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended --

(1) in subsection (a) by striking "one year" and inserting "three years";

(2) in subsection (b) by striking "one year" and inserting "five years"; and

(3) in subsections (a) and (b), by striking "under twenty-one" and inserting "under eighteen".

Section 2143. Increased penalty for drug trafficking in or near a school or other protected location.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended --

(1) in subsection (a) by striking "one year" and inserting "three years"; and

(2) in subsection (b) by striking "three years" each time it appears and inserting "five years".

Section 2144. Serious juvenile drug trafficking offenses as Armed Career Criminal Act predicates.

Section 924(e)(2)(A) of title 18, United States Code, is amended --

(1) by striking "or" at the end of clause (i);

(2) by inserting "or" at the end of clause (ii); and (3) by adding at the end the following:

"(iii) any act of juvenile delinquency that if committed by an adult would be a serious drug offense described in this paragraph;".

Section 2145. Attorney General authority to reschedule certain drugs posing imminent danger to public safety.

Section 201(h) of the Controlled Substances Act (21 U.S.C. 811)(h)) is amended --

(1) in paragraph (1) by striking "if the substance is not listed in any other schedule in section 812 of this title or" and by inserting "or the rescheduling of a previously scheduled substance" after "the scheduling of a substance"; and

(2) in paragraph (2) by inserting "or rescheduling" after "scheduling" each time it appears.

Section 2146. Increased penalties for using federal property to grow or manufacture controlled substances.

(a) Section 401(b)(5) of the Controlled Substances Act (21 U.S.C. 841(b)(5)) is amended to read as follows:

"(5) Any person who violates subsection (a) of this section by cultivating or manufacturing a controlled substance on any property in whole or in part owned by or leased to the United States or any department or agency thereof shall be subject to twice the maximum punishment otherwise authorized for the offense."

(b) The United States Sentencing Commission shall amend the sentencing guidelines pursuant to 28 U.S.C. 994 to insure that violations of section 401(b)(5) of the Controlled Substances Act are punished substantially more severely than if the violation had not occurred on federal property.

Section 2147. Clarification of length of supervised release terms in controlled substance cases.

Sections 401(b)(1)(A), (B), (C), and (D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), (B), (C), and (D)) are each amended by striking "Any sentence" and inserting "Notwithstanding section 3583 of title 18, any sentence".

Section 2148. Technical correction to ensure compliance of sentencing guidelines with provisions of all federal statutes.

Section 994(a) of title 18, United States Code, is amended by striking "consistent with all pertinent provisions of this title and title 18, United States Code," and inserting "consistent with all pertinent provisions of any federal statute".

Subtitle D. Drug testing, treatment, and supervision of incarcerated offenders.

Section 20105(b) of the Violent Crime Control and Law Enforcement Act of 1994 is stricken in its entirety and replaced with the following--

"(b) ADDITIONAL REQUIREMENTS--

"(1) To be eligible to receive a grant under Section 20103 or Section 20104, a state shall--

"(A) provide assurances to the Attorney General that the state has implemented or will implement not later than 18 months after the date of the enactment of this subtitle, policies that provide for the recognition of the rights of crime victims; and

"(B) no later than September 1, 1998, have a program of controlled substance testing and intervention for appropriate categories of convicted offenders during periods of incarceration and criminal justice supervision, with sanctions including denial or revocation of release for positive controlled substance tests, consistent with guidelines issued by the Attorney General.

"(2) Notwithstanding any other provision of this subtitle, funds provided under sections 20103 and 20104 may be applied to the cost of offender controlled substance testing and intervention programs during periods of incarceration and criminal justice supervision, consistent with guidelines issued by the Attorney General."

**Subtitle B--Grants to Prosecutors' Offices to Target
Gang Crime and Violent Juveniles**

Section 2201. Authority to make grants to prosecutors' offices to combat gang crime and youth violence.

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 adding after paragraph (4), the following new paragraphs--

"(5) to allow the hiring of additional prosecutors, so that more cases can be prosecuted and backlogs reduced;

"(6) to provide funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

"(7) to provide funding to assist prosecutors with funding for technology, equipment, and training to assist prosecutors in reducing the incidence of, and increase the successful identification and speed of prosecution of young violent offenders; and

"(8) to provide funding to assist prosecutors in their efforts to engage in community prosecution, problem solving, and conflict resolution techniques through collaborative efforts with police, school officials, probation officers, social service agencies, and community organizations.".

Section 2202. Recipients.

Subtitle Q of title III of the Violent Crime and Control and Law Enforcement Act of 1994 (42 U.S.C. 31701) is amended by striking in section 31701, paragraph (a) the words "or local prosecutors" and inserting in their place the words "local prosecutors, or combination thereof,".

Section 2203. Authorization of appropriations.

Subtitle Q of title II of the Violent Crime and Control and Law Enforcement Act of 1994 (42 U.S.C. 31701) is amended by striking current section 31707 in its entirety and adding the following new section--

"Section 31709. Authorization of Appropriations.--There are authorized to be appropriated to carry out this subtitle, and to

remain available until expended--

"(1) \$100,000,000 for fiscal year 1998; and

"(2) \$100,000,000 for fiscal year 1999; and

"(3) such sums as may be necessary for each of the
fiscal years 2000 and 2001."

Section 2204. Training, technical assistance, research,
statistics, and evaluation.

Subtitle Q of title III of the Violent Crime Control and Law
Enforcement Act of 1994 (42 U.S.C. 31701) is amended by--

(1) inserting after section 31706, the following new sections

--

"Section 31707. Training and technical assistance

"Two percent of all funds appropriated for this subtitle
shall be set aside for training and technical assistance
consistent with this subtitle, including providing funds to
training and technical assistance providers to assist
organizations listed in section 31701(a) of this subtitle
implement programs authorized under section 31702 of this
subtitle.

"Section 31708. Research, statistics, and evaluation

"Ten percent of all funds appropriated for this subtitle
shall be set aside for research, statistics, and evaluation
activities consistent with this subtitle."; and

(2) Redesignating section 31708 as section 31710.

Subtitle C--Youth Violence Courts

Section 2301. Creation of youth violence courts.

Section 210602 of subtitle F of title XXI of the " Violent Crime Control and Law Enforcement Act of 1994" (42 U.S.C. 14161) is amended--

(1) by redesignating subsections (a), (b), (c), and (d) as paragraphs (1), (2), (3), and (4) respectively;

(2) by redesignating paragraphs (1), (2), (3), (4), and (5) as subparagraphs (A), (B), (C), (D), and (E), respectively; and

(3) by inserting before newly designated paragraph (1), the following--

"(a) State and Local Court Assistance--"; and

(4) by adding after newly designated subsection (a), the following new subsection--

"(b) Youth Violence Courts--

"(1) Authority to Make Grants and Enter Into Contracts.

"(A) The Attorney General is authorized to award grants and enter into cooperative agreements and contracts with states, state courts, local courts, units of local government, Indian tribes, and tribal courts to plan, develop, implement, and administer programs to adjudicate and better manage

juvenile and youthful violent offenders within state, tribal, and local court systems.

"(B) Initiatives funded under this paragraph may include--

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

"(ii) the establishment of drug court programs for juveniles so as to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to provide the integrated administration of other sanctions and services as enumerated under the provisions of 42 United States Code 3796ii(2);

"(iii) the establishment of courts of specialized or joint jurisdiction as deemed appropriate by a jurisdiction's chief judicial officer; and

"(iv) the establishment of programs aimed at the enhanced and improved adjudication of juvenile offenders, including innovative

programs involving the courts, prosecutors, public defenders, probation offices, and corrections agencies.".

"(2) Application

"The Attorney General shall establish guidelines governing the administration of this program. Such guidelines shall include the manner and content of applications for funding under this program, as well as procedures and methods for the distribution of funds distributed under this program.

"(3) Federal share

"The federal share of any individual grant made under this program may not exceed 75 percent. Further, in-kind contributions, pursuant to the discretion of the Attorney General may constitute a portion, or all, of the nonfederal share of a grant made under this program. With regard to grants to Indian tribes, the Attorney General may allow other federal funds to constitute all or a portion of the nonfederal share.

"(4) Geographic distribution

"The Attorney General shall ensure that, to the extent reasonable and practicable, an equitable

geographic distribution of grant awards is made.

"(5) Training and technical assistance

"Two percent of all funds appropriated for this part shall be set aside for use by the Attorney General for training and technical assistance consistent with this program.

"(6) Research, statistics, and evaluation

"Ten percent of all funds appropriated for this part shall be set aside for use by the Attorney General for research, statistics, and evaluation activities consistent with this program.

"(7) Report

"Recipients of federal funds under this program shall submit to the Attorney General reports as may be reasonably required to describe progress achieved in carrying programs funded under this program.

"(8) Authorization of appropriations

"There are authorized to be appropriated to carry out this program to remain available until expended \$50,000,000 for fiscal year 1998 and such sums as may be necessary for each of the fiscal years 1999, 2000, and 2001."

**TITLE III--PROTECTING WITNESSES TO HELP
PROSECUTE GANGS AND OTHER VIOLENT CRIMINALS**

Section 3001. Interstate travel to engage in witness intimidation or obstruction of justice.

Section 1952 of title 18, United States Code, is amended --

(1) by redesignating subsections (b) and (c) as (c) and (d), respectively; and

(2) by adding a new subsection (b), as follows:

"(b) Whoever travels in interstate or foreign commerce with intent by 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, and thereafter engages or endeavors to engage in such conduct, shall be fined under this title or imprisoned not more than ten years, or both; and if serious bodily injury (as defined in section 1365 of this title) results, shall be so fined or imprisoned for not more than twenty years, or both; and if death results, shall be so fined and imprisoned for any term of years or for life, or both, and may be sentenced to death."

Section 3002. Expanding pretrial detention eligibility for serious gang and other violent criminals.

(a) Section 3142(f)(1)(D) of title 18, United States Code, is

amended by inserting after the semicolon "for purposes of this subparagraph, the term 'convicted' includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency;".

(b) 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 the period at the end of subparagraph (C) and inserting "; or"; and

(3) by adding after subparagraph (C) the following:

"(D) an offense that is a violation of section 842(i) or 922(g) of this title (relating to possession of explosives or firearms by convicted felons and other categories of prohibited persons).".

(c) Section 3142(g)(3)(B) of title 18, United States Code, is amended--

(1) by inserting "(i)" after "the person"; and

(2) by inserting the following before the semicolon:

", or (ii) was a member of or participated in a criminal street gang, racketeering enterprise, or other criminal organization".

Section 3003. Conspiracy penalty for obstruction of justice offenses involving victims, witnesses, and informants.

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

adding at the end a new subsection, as follows:

"(i) Whoever conspires to commit any offense defined in this section or section 1513 of this title shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy."

TITLE IV--PROTECTING VICTIMS' RIGHTS

Section 4001. Access of victims and public to records of crimes committed by juvenile delinquents.

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

(1) in subsection (a), by striking "Throughout and upon" and all that follows through the colon and inserting the following: "Throughout and upon completion of the juvenile delinquency proceeding pursuant to 5032(a), the court records of the original proceeding shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:";

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

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

"(6) communications with any victim of such juvenile delinquency, or in appropriate cases with the official representative of the victim, in order to apprise such victim or representative of the status or disposition of the proceeding or in order to effectuate any other provision of

law or to assist in a victim's, or the victim's official representative's, allocution at disposition.";

(4) in subsection (c), inserting before the comma and after "relating to the proceeding" the phrase "other than necessary docketing data"; and

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

"(e) Whenever a juvenile has been adjudicated delinquent for an act that if committed by an adult would be a felony or for a violation of section 924(a)(6), the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation. The court shall also transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication. The fingerprints, photograph, and other records and information relating to a juvenile described in this subsection, or to a juvenile who is prosecuted as an adult pursuant to sections 5032(b) or (c), shall be made available in the manner applicable to adult defendants.

"(f) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of

records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist."

Section 4002. Victims of Child Abuse Act extension of authorizations.

Section 13004 of title 42, United States Code, is amended by striking the words "1994, 1995, and 1996." each time they appear and replacing them with the words "1998, 1999, 2000, and 2001."

TITLE V--FEDERAL PROSECUTION OF SERIOUS AND VIOLENT JUVENILE OFFENDERS

Section 5001. Short title.

This title may be cited as the "Enhanced Prosecution of Dangerous Juvenile Offenders Act of 1997."

Section 5002. Delinquency proceedings or criminal prosecutions in District Courts.

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

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

"(a)(1) A juvenile alleged to have committed an offense

against the United States or an act of juvenile delinquency may be surrendered to State authorities or proceeded against as a juvenile under this subsection, or tried as an adult in the circumstances described in subsections (b) and (c).

"(2) Such juvenile may be proceeded against as a juvenile in a court of the United States under this subsection for offenses committed within the special maritime and territorial jurisdiction of the United States for which the maximum authorized term of imprisonment does not exceed six months, or if the Attorney General after investigation certifies to the appropriate United States district court that--

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

"(ii) the offense charged is described in subsections (b)(2), (b)(3) or (e), and

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

"(3) If, where required, the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

"(4) If a juvenile alleged to have committed an act of

juvenile delinquency is not surrendered to the authorities of a state pursuant to this section, any proceedings against the juvenile shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, and shall be open to the public, except that the court may exclude all or some members of the public from the proceedings if required by the interests of justice or if other good cause is shown. Even if all or some of the members of the public are excluded from the proceedings, the proceedings shall be open to victims of the alleged offense and their relatives and legal guardians unless required by the interests of justice or otherwise good cause is shown. The Attorney General shall proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

"(b) A juvenile may be prosecuted as an adult--

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

"(2) if the juvenile is alleged to have committed an act on or after the day the juvenile attains the age of 16 years which if committed by an adult would be a serious violent felony or a serious drug offense as described in section 3559(c)(2) and (c)(3) or a conspiracy or attempt under section

406 of the Controlled Substances Act or under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 846 or 963) to commit an offense described in section 3559(c)(2);

"(3) if the juvenile is alleged to have committed an act, which is not described in paragraph (b)(2), on or after the day the juvenile attains the age of 16 years and which if committed by an adult would be--

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

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

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

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

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

"(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or an offense punishable under

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

"(c)(1) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act on or after the day on which the juvenile has attained the age of 13 years but before the juvenile has attained the age of 16 years, which if committed by an adult would be an offense described in paragraphs (b)(2) and (b)(3), upon approval of the Attorney General or the Attorney General's designee.

"(2) Any such designee shall be at a level not lower than a Deputy Assistant Attorney General.

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

notified the Attorney General in writing of its election that prosecution may take place under this subsection.

"(d) A determination to approve or not to approve, or to institute or not to institute, a prosecution under paragraphs (b) or (c) shall not be reviewable in any court except as described in subsection (f).

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

"(f)(1) In any prosecution of a juvenile under paragraph (b)(3) or (c)(1), upon motion of the defendant, the court in which criminal charges have been filed shall after a hearing determine whether to issue an order that the defendant should be transferred to juvenile status and proceeded against under paragraph (a)(2).

"(2) A motion by a defendant under paragraph (f)(1) shall not be considered unless filed not later than 20 days after the date on which the defendant initially appears through counsel or expressly waives the right to counsel and elects to proceed pro se.

"(3) The court shall not order the transfer of a defendant to juvenile status under this paragraph unless the defendant establishes by clear and convincing evidence or

information that removal to juvenile status would be in the interest of justice. In making a determination under paragraph (1), the court shall 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, involving the use or distribution of controlled substances or firearms;

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

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

"(D) the extent and nature of the prior 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 the behavioral problems of the juvenile.

"(4) An order of the court made in ruling on a motion by a defendant to transfer a defendant to juvenile status under this paragraph 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 of

this title from an order of a district court removing a defendant to juvenile status. 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.

"(5) No statement made by a defendant during or in connection with a hearing under this subsection shall be admissible against the defendant in any criminal prosecution, except for impeachment purposes or in a prosecution for perjury or giving a false statement.

"(6) The rules concerning the receipt and admissibility of evidence shall be the same as prescribed in subsection 3142(f) of this title."

(b) Conforming amendment to adult sentencing section.--Section 3553 of title 18, United States Code, is amended by adding at the end the following:

"(g) Limitation on applicability of statutory minimums in certain prosecutions of persons under the age of 16.--Notwithstanding any other provision of law, in the case of a juvenile alleged to have committed an act on or after the day on which the juvenile has attained the age of 13 years but before the juvenile has attained the age of 16 years, which if committed by an adult would be an offense described in paragraph 5032(b)(3) or of subsection 5032(e) of this title, the court shall impose a sentence pursuant to guidelines promulgated by the United States Sentencing

Commission under section 994 of title 28 without regard to any statutory minimum sentence, if the court finds at sentencing, after the Government has been afforded the opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(2) of this title."

(c) Conforming amendment to definitions section.--Section 5031 of title 18, United States Code, is amended by adding at the end the following: "As used in this chapter, the term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized indian tribe."

Section 5003. Custody prior to appearance before judicial officer.

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

"§5033. Custody prior to appearance before judicial officer

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

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

Section 5004. Technical and conforming amendments to Section 5034.

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

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

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

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

(4) by inserting at the beginning of such section before those paragraphs the following: "In a proceeding under section 5032(a)--".

Section 5005. Speedy trial.

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

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

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

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

Section 5006. Disposition; availability of increased detention, fines and supervised release for juvenile offenders.

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

"§ 5037. Disposition

"(a) In a proceeding under section 5032(a) of this title, if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile no later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e). A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition. After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to section 994 of title 28, the court shall enter an order of restitution pursuant to section 3556 of this title, and place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an

adult. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

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

"(c) The term for which official detention (other than supervised release) may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of--

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

"(2) ten years; or

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

"Section 3624 of this title is applicable to an order placing a juvenile in detention.

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

"(e) If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney. The agency or entity shall make a complete study of the alleged or adjudicated delinquent to ascertain the juvenile's personal traits, capabilities, background, previous delinquency or criminal experience, mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court the attorneys for the juvenile and the Government the results of the study within 30 days after the commitment of the juvenile, unless the court grants additional time. Time spent in custody under this subsection shall be excluded for purposes of section 5036 of this title. If the juvenile has not been committed for the study, the probation office shall obtain the report under sections 3154 and 3672 of this title and submit the results of the study in like manner and within the same time period."

Section 5007. Technical amendments of Sections 5031 and 5034.

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

(b) Section 5034. --Section 5034 of title 18, United States Code, is amended by striking "magistrate" each place it appears and inserting "judicial officer".

TITLE VI--INCARCERATION OF JUVENILES IN THE FEDERAL SYSTEM

Section 6001. Detention of juveniles prior to disposition or sentencing.

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

"§ 5035. Detention prior to disposition or sentencing

"(a)(1) A juvenile 16 years of age or older prosecuted pursuant to paragraphs (b)(2) or (b)(3) of section 5032, if detained at any time prior to sentencing, shall be detained in such suitable place as the Attorney General may designate. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

"(2) A juvenile less than 16 years of age prosecuted pursuant to subsections (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a

reasonable distance of, the district in which the juvenile is being prosecuted. If such a facility is not available, such a juvenile may be detained in any other suitable facility located within, or within a reasonable distance of, such district. If no such facility is available, such a juvenile may be detained in any other suitable place as the Attorney General may designate.

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

"(b) A juvenile proceeded against under section 5032(a) shall not be detained prior to disposition in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

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

Section 6002. Rules governing the commitment of juveniles.

Section 5039 of title 18, United States Code, is amended to read as follows:

"§ 5039. Commitment

"(a) The Attorney General shall not cause any person less than 18 years of age adjudicated delinquent under section 5032(a), or any person less than 16 years of age convicted of an offense to be placed or retained in an adult jail or correctional facility in which the person has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges, except for placement in a community-based facility.

"(b) Every juvenile adjudicated delinquent who has been committed shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment."

TITLE VII--OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION

Section 7001. Short title.

This title may be cited as the "Juvenile Crime Control and Prevention State and Local Assistance Act of 1997."

**Subtitle A--Creation of the Office of Juvenile
Crime Control and Prevention**

Section 7101. Establishment of Office.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711, et seq.) is amended by adding after part Y, the following new part:

"PART Z--OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION

"Section 2701. Establishment of Office

"(a) Office--There is established within the Office of Justice Programs, United States Department of Justice, an "Office of Juvenile Crime Control and Prevention ."

"(b) Director--The Office of Juvenile Crime Control and Prevention will be headed by a Director appointed by the President, by and with the advice and consent of the Senate, who shall report to and operate under the general supervision and direction of the Assistant Attorney General for the Office of Justice Programs. The Assistant Attorney General for the Office of Justice Programs shall have overall authority for the operation and administration of the Office of Juvenile Crime Control and Prevention.

"(c) Functions--The Office of Juvenile Crime Control and Prevention shall establish and administer policies, initiatives, and programs to address the reduction, control, and prosecution of juvenile crime; the juvenile justice system; youth violence; and other purposes consistent with the Anti-Gang and Youth

Violence Act of 1997. Actions taken by the Director of the Office of Juvenile Crime Control and Prevention to fulfill these functions shall be exercised with the approval of the Assistant Attorney General for the Office of Justice Programs.

“(d) Coordination of Federal Efforts--The Attorney General is authorized to establish a body that shall be known as the Coordinating Council on Juvenile Crime Control and Prevention. The Coordinating Council shall be comprised of those members of the Cabinet, or the heads of component agencies, designated by the Attorney General, whose functions and responsibilities affect the health, welfare, education, and general well-being of juveniles and youth, and an equal number of members, who shall be appointed by the Attorney General with the approval of the federal members of the Council, who are practitioners in the field of juvenile justice and who are not officers or employees of the United States. These practitioner members shall serve pursuant to the relevant provisions of 5 United States Code 5703. The Coordinating Council shall be responsible for ensuring coordination and cooperation among those federal agencies who have the aforementioned jurisdiction; and the Council will help ensure that juvenile crime prevention programs are complementary and not duplicative. The Coordinating Council shall offer program and policy advice to the President and agencies within the Executive Branch.

"Section 2702. Administration ,

"(a) Withholding Grant Funds--Whenever the Director of the Office of Juvenile Crime Control and Prevention, after giving reasonable notice and opportunity for a hearing to a recipient of financial assistance under title VII of the Anti-Gang and Youth Violence Act of 1997 (hereinafter, "Act"), finds that the program or activity for which the grant, contract, or agreement involved has been so changed that it no longer complies with this title or finds that in the operation of such program or activity there is failure to substantially comply with the provisions of this Act, the Director of the Office of Juvenile Crime and Control and Prevention is authorized to initiate such actions and proceedings to withhold grant funds as appropriate.

"(b) Confidentiality of Program Records--Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to title VII of the Anti-Gang and Youth Violence Act of 1997 (hereinafter, "Act") may not be disclosed without the consent of the service recipient or legally authorized representative, or as may be necessary to carry out this Act. Under no circumstances may program reports or findings available for public dissemination contain the actual names of individual service recipients.

"(c) Restriction on Use of Funds--No funds paid to any public or private agency, institution, or individual under title

VII of the Anti-Gang and Youth Violence Act of 1997, either directly or through a state or local agency, may be used for construction unless:

“(1) the Director of the Office of Juvenile Crime Control and Prevention determines that such use is necessary to carry out the purposes of that Act;

“(2) such funds provide no more than 50 percent of the costs of any given construction project; and

“(3) construction projects are limited to the construction of innovative, community-based facilities for 20 or fewer persons.

“Section 2703. Continuation of rules, authorities, and proceedings

“(a) Continuing Status until Otherwise Affected--All orders, determinations, rules, regulations, policies, and instructions of or pertaining to the Office of Juvenile Justice and Delinquency Prevention that are in effect on the date of enactment of title VII of the Anti-Gang and Youth Violence Act of 1997 shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the Attorney General, or the Assistant Attorney General for the Office of Justice Programs, or the Director of the Office of Juvenile Crime Control and Prevention, as appropriate with respect to their functions under this Act or by operation of law. Further, unless otherwise specified established in accordance

with section 3301 of this Act, all research, evaluations, and studies operating under grants, cooperative agreements, or contracts awarded or administered by the Office of Juvenile Justice and Delinquency Prevention underway at the date of enactment of title VII of the Anti-Gang and Youth Violence Act of 1997 shall continue to be administered by the Office of Juvenile Crime Control and Prevention until their scheduled expiration. Furthermore, nothing in this subsection shall be taken as in anyway negating the effect of section 3301 of this title.

“(b) Obligations by the Assistant Attorney General for the Office of Justice Programs of Previously Appropriated, Unused or Reversionary Funds, or Presently Appropriated Funds for the Continuation of Projects or Purposes of this Act--The Director of the Office of Juvenile Crime Control and Prevention under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs may award new grants, enter into new contracts or cooperative agreements, approve comprehensive plans for the fiscal year beginning October 1, 1997, and otherwise obligate previously appropriated, unused or reversionary funds, or funds appropriated for the fiscal year beginning October 1, 1997, for the continuation of projects authorized under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) in accordance with the provisions of that Act, as in effect on the day of enactment of

the Anti-Gang and Youth Violence Act of 1997, or for purposes consistent with the provisions of the Anti-Gang and Youth Violence Act of 1997.

“(c) Carry Over of Management and Administration Funds--All funds appropriated for the management and administration expenses of the Office of Juvenile Justice and Delinquency Prevention, and remaining available for use at the time of enactment of title VII of the Anti-Gang and Youth Violence Act of 1997, shall be carried over for use until expended for the management and administration expenses of the Office of Juvenile Crime Control and Prevention.

“(d) Pending Suits, Actions, or Other Proceedings Unaffected--The adoption of title VII of the Anti-Gang and Youth Violence Act of 1997 shall not affect any suit, action, or other proceeding commenced by or against the government of the United States before the date of enactment of said title.

“(e) Appropriated Funds Available for Audit Matters and Continuing Programs and Projects--Nothing in the Anti-Gang and Youth Violence Act of 1997 shall prevent the utilization of funds appropriated for the purposes of this Act for all activities necessary or appropriate for the review, audit, investigation, and judicial or administrative resolution of audit matters, for those grants or contracts awarded under this Act. The final disposition and dissemination of programs and projects approved under the Juvenile Justice and Delinquency Prevention Act of 1974

(42 U.S.C. 5601 et seq.) in accordance within this title, as in effect before the date of enactment of the Anti-Gang and Youth Violence Act of 1997, which continue in operation beyond the date of enactment of this Act, may be carried out with funds appropriated for purposes of this Act.

“(f) Transfer of Personnel Pursuant to Performance of Functions--Except as otherwise provided for by the Anti-Gang and Youth Violence Act of 1997, the personnel employed on the date of enactment of the Anti-Gang and Youth Violence Act of 1997 by the Office of Juvenile Justice and Delinquency Prevention are transferred to the Office of Juvenile Crime Control and Prevention.

“(g) Continuation of Incumbent Administrator--Notwithstanding any other provision of law, the individual serving as Administrator of the Office of Juvenile Justice and Delinquency Prevention on the date of enactment of the Anti-Gang and Youth Violence Act of 1997 shall become the Director of the Office of Juvenile Crime Control and Prevention.

Section 7102. Conforming amendments.

(a) Conforming amendment.--Sections 3783, 3784, 3787, 3788, 3789d, and 3789e of title 42, United States Code, are amended by inserting the words “Office of Juvenile Crime Control and Prevention” before the words “Bureau of Justice Statistics” each time they appear.

(b) Conforming amendment to the Omnibus Crime Control Act of 1968.--Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by replacing the words "Office of Juvenile Justice and Delinquency Prevention" with the words "Office of Juvenile Crime Control and Prevention" each time they appear.

Section 7103. Authorization of appropriations.

Section 1001(a) of title I of Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding after paragraph (22), the following new paragraph--

"(23) There are authorized to be appropriated, and remain available until expended, such sums as may be necessary for the operations of the Office of Juvenile Crime Control and Prevention as stipulated under title VII, subtitle A, of the Anti-Gang and Youth Violence Act of 1997, for the fiscal years 1998, 1999, 2000, and 2001.".

Subtitle B--Juvenile Crime Assistance

Section 7201. Formula grant assistance.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding after part Z, the following new part--

**"PART AA-JUVENILE CRIME CONTROL AND PREVENTION
FORMULA GRANT PROGRAM**

"Section 2801. Authority to make grants and enter into contracts

The Director of the Office of Juvenile Crime Control and Prevention under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs is authorized to award grants to states to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants, cooperative agreements, and contracts with public and private agencies for development and implementation of policies, initiatives, and programs that are designed to reduce, control, and prevent juvenile crime and violence and improve the juvenile justice system.

"Section 2802. Allocation of funds

"(a) Time; Basis; Amounts--

"(1) Subject to paragraph (2) and in accordance with regulations promulgated under this part, appropriated funds are authorized to be allocated annually among the states on the basis of relative population of people under the age of 18. If appropriated funds are not sufficient to permit such allocations, the minimum allocation level shall be adjusted accordingly.

"(2) Subject to the availability of appropriated funds, the amount allocated to each state for a fiscal year shall be not less than \$600,000, except that the amount

allocated to the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall be not less than \$200,000. If appropriated funds are not sufficient to permit such allocations, the minimum allocation level shall be adjusted accordingly.

“(b) Reallocation of unobligated funds--If any amount so allocated remains unobligated by the recipient at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Any amount so reallocated shall be in addition to the amounts already allocated and available to the states, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands for the same period.

“(c) Use of allocated funds for the development of state plans, limitations, and matching requirements--In accordance with regulations promulgated under this part, a portion of any allotment to any state under this part shall be made available to develop a state plan as set forth in section 2804 of this title or for other activities associated with such state plan, and to pay that portion of the expenditures that are necessary for efficient administration, including monitoring and evaluation. Not more than 10 percent of the total annual allotment of such state shall be made available for such purposes, except that any amount expended or obligated by such state, or by units of local

government or combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by any such state, or by such units of local government or combinations, from state and local funds, as the case may be. The state shall make available needed funds for planning and administration to units of local government or combinations thereof within the state on an equitable basis.

"Section 2803. Administration

"(a) The Director of the Office of Juvenile Crime Control and Prevention under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs is authorized to award grants and cooperative agreements and enter into contracts with public and private agencies, organizations, Indian tribal governments, and individuals to provide technical assistance to states, units of local governments, Indian tribal governments, and combinations thereof, and local private agencies to effectuate implementation of the state plan approved under section 2804 of this title, not to exceed two percent of the funds available in a fiscal year to implement this part.

"(b) Grants and contracts may be awarded under paragraph (a) only to public and private agencies, organizations, institutions, and individuals that have experience in providing such technical assistance. In providing such technical assistance, the

recipient of a grant or a contract under this subsection shall coordinate its activities with the state agency described in section 2804 of this title.

“(c) To be eligible to receive grant funds under this part, a state, unit of local government, or Indian tribal government must submit to the Director of the Office of Juvenile Crime Control and Prevention an application at such time, in such form, and containing such assurances and information as may be reasonably required.

“(d) The Director of the Office of Juvenile Crime Control and Prevention may issue whatever regulations and guidelines as are reasonably necessary to implement this part.

“Section 2804. Requirements

“(a) State planning--To receive formula grants under this part, a state shall submit an application and a plan for carrying out its purposes applicable to a three-year period. Such plan shall be amended annually to include new programs and activities adopted following state plan approval. The state shall submit annual reports to the Director of the Office of Juvenile Crime Control and Prevention that shall describe progress in implementing programs contained in the approved state plan and shall describe how state plan requirements were met. Further, in accordance with regulations that the Director of the Office of Juvenile Crime Control and Prevention shall prescribe, the plan

of a state that is applying for an award under section 2801 of this title shall:

“(1) designate a state agency responsible for supervising the preparation and administration of the state plan submitted under section 2804(a) of this title and provide for the creation or designation of an appropriate supervisory board, such as a state advisory group, that includes a balance of public and private sector representation and expertise from a variety of disciplines in juvenile justice, to establish policies and priorities for the planning, selection, and award of funds received by the state agency pursuant to this title;

“(2) provide for the active consultation with and participation of units of local government, private agencies, or combinations thereof in the development of a state plan that takes into account the needs and requests of local governments;

“(3) provide for a comprehensive analysis of juvenile crime problems and juvenile justice and juvenile crime control and prevention needs and priorities with the state;

“(4) provide that at least 50 percent of all funds received by the state pursuant to this section shall be expended, unless the provisions of this paragraph are waived at the discretion of the Director of the Office of Juvenile

Crime Control and Prevention for any state in which the services for delinquent or other youth are organized on a statewide basis:

“(A) through programs of units of local government or combinations thereof, to the extent that such programs are consistent with the state plan;

“(B) through programs of local private agencies, to the extent that 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 local government or combination thereof; and

“(C) to provide funds for programs for Indian tribes that agree to attempt to comply with the requirements specified in sections 2804(b)(1), Section 2804(b)(3) and section 2804(b)(4) applicable to the detention and confinement of juveniles, in an amount that at least bears the same ratio to the aggregate amount to be expended through programs referred to in section 2804(a)(4)(A) and (B) of this title as the population under 18 years of age in the geographical areas in which such tribes perform such functions relative to the state population under 18 years of age.

"(5) provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and nonsecure facilities to insure that the requirements of section 2804(b)(1), section 2804(b)(3), and section 2804(b)(4) are met;

"(6) provide that the chief executive officer of a unit of local government may assign responsibility for the preparation and administration of the local government's part of a state plan to a multi-disciplinary regional planning agency (hereinafter in this part referred to as the "local agency") that can most effectively implement the purposes of this part and shall provide for supervision of the programs funded under this subtitle by that local agency;

"(7) provide for an equitable distribution of the assistance received under section 2802 of this part within the state;

"(8) provide that not less than 75 percent of the funds available to the state under section 2802 of this title shall be used for the prevention, treatment, and accountability measures that have demonstrated effectiveness or a promise of effectiveness in addressing youth crime and improving the systems' response to it;

"(9) provide assurances that youth in the juvenile

justice system are treated equitably on the basis of gender, race, religion, family income, and mentally, emotionally, or physically handicapping conditions;

“(10) provide for the establishment and administration of procedures protecting the rights of recipients of services under this part, and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the state plan;

“(11) provide that fair and equitable arrangements shall be made to protect the interests of employees affected by assistance under this part and shall provide for the terms and conditions of such protective arrangements established pursuant to this section, and such protective arrangements shall, to the extent feasible, include, without being limited to, such provisions as may be necessary for--

“(A) the preservation of rights, privileges, and benefits (including the continuation of pension rights and other benefits) under existing collective-bargaining agreements or otherwise;

“(B) the continuation of collective-bargaining rights;

“(C) the protection of individual employees against a worsening of their positions with respect to their employment;

"(D) assurances of employment to employees of any state or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of the title; and

"(E) training and retraining programs;

"(12) provide an appropriate level of funding for the development of an adequate research, training, and evaluation capacity within the state;

"(13) provide assurances that federal funds received under this part shall be used to supplement, not supplant, non-federal funds that would otherwise be available for activities funded under this part; and

"(14) contain such other terms and conditions as the Director of the Office of Juvenile Crime Control and Prevention may reasonably promulgate to assure the effectiveness of programs assisted under this part.

"(b) Fundamental juvenile protections--A state receiving funding under this title must:

"1) provide that juveniles who are accused or adjudicated for offenses that would not be criminal if committed by an adult other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18 of the United States Code or a similar state law), or alien juveniles in custody, or such

nonoffenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities; except that accused status offenders or nonoffenders in lawful custody can be held in a secure juvenile detention facility for up to 24 hours, exclusive of weekends and holidays, prior to an initial court appearance and for an additional 24 hours, exclusive of weekends and holidays, following an initial court appearance;

“(2) provide that the state shall submit an annual report to the Director of the Office of Juvenile Crime Control and Prevention containing a review of the progress made by the state to achieve the deinstitutionalization of juveniles described section 2804(b)(1) of this title and a review of the progress made by the state to provide that such juveniles, if placed in facilities, are placed in facilities that are: (i) the least restrictive alternatives appropriate to the needs of a child and the community; (ii) in reasonable proximity to the family and the home communities of such juveniles; and (iii) provide the services described in 42 United States Code 3791(a)(26);

“(3) provide that juveniles alleged to be or found to be delinquent, and youth within the purview of subparagraph (1), shall not be detained or confined in any institution in

which they have contact with adult persons incarcerated because the adult persons have been convicted of a crime or are awaiting trial on criminal charges, or with the part-time or full-time security staff (including management) or direct-care staff of a collocated jail or lockup for adults unless such staff have been properly trained and certified to supervise juveniles; and

“(4) provide that--

“(A) no juvenile shall be detained or confined in any jail or lockup for adults, except as provided by regulations promulgated by the Director of the Office of Juvenile Crime Control and Prevention, that make exceptions with regard to the detention of juveniles accused of or adjudicated for non-status offenses who are in secure custody in such a facility for purposes of processing or while awaiting transfer to a juvenile facility, release, or court appearance for a period not to exceed six hours. Such exception may be extended to 48 hours, excluding weekends and holidays, provided that this exception is limited to areas that are in compliance with paragraph(3) and:

“(i) are outside a Standard Metropolitan Area and have no existing acceptable alternative placement available;

"(ii) are located where conditions of distance to be traveled or the lack of highway, road, or other ground transportation do not allow for a court appearance, transfer, or release within 48 hours, so that a brief (not to exceed 24 hours) delay is excusable;

"(iii) are located where conditions of safety exist (such as severely adverse, life threatening weather conditions that do not allow for reasonably safe travel), in which case the time for a court appearance transfer to an alternative placement, or release may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel; or

"(B) in the case of a juvenile accused of a non-status offense may be detained or confined in a jail or lockup for adults provided that such jail or lockup for adults is in compliance with paragraph (3) and;

"(i) is outside a Standard Metropolitan Area;

"(ii) the juvenile consents;

"(iii) the parent or legal guardian of the juvenile consents;

"(iv) the counsel for the juvenile concurs;

"(v) the court reviews and approves the detention or confinement; and;

"(vi) the court approval of such detention or confinement is subject to review every seven days.

"(5) address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population. However, this paragraph neither establishes nor requires numerical standards or quotas in order for a jurisdiction to achieve or meet this requirement.

"(c) Nonsubmission, nonqualification, or waiver of state plan--

"(1) In the event that any state chooses not to submit a plan, fails to submit a plan, or submits a plan or modification that the Director of the Office of Juvenile Crime Control and Prevention, after reasonable notice and opportunity for hearing, determines does not meet the requirements of this part, the Director of the Office of Juvenile Crime Control and Prevention shall endeavor to make 50 percent of that state's allotment under the provisions of

section 2802 or remaining allotment, available to local public and private and nonprofit agencies with that state for purposes described in this part. The Director shall make funds that remain available after such disbursement are made, and any other unobligated funds, available on an equitable basis to those states that provide the protections required under subsection 2804(b) of this part.

"(2) The Director of the Office of Juvenile Crime Control and Prevention is authorized at the request of a state pursuant to its state plan, to waive, in whole or in part, any state plan requirement and/or implementing regulation as appropriate to test innovative programs and methods to meet the needs of juveniles in the juvenile justice system.

"Section 2805. Failure to meet requirements

"If a state fails to fully meet one or more of the requirements of section 2804(b)(1), section 2804(b)(3), section 2804(b)(4), and section 2804(b)(5) of this title in any fiscal year beginning with fiscal year 1998, the amount allotted under section 2802 of this title to said state shall be reduced by 50 percent unless, the Director of the Office of Juvenile Crime Control and Prevention has reasonably determined that the state:

"(1) has substantially met each requirement with respect to which the state had not fully met the

requirement; or :

"(2) has made, through appropriate change to state law a commitment to meeting these requirements; and

"(3) has submitted a plan sufficient to fully meet the each requirement; and

"(4) has met any other appropriate stipulations as the Director of the Office of Juvenile Crime Control and Prevention may promulgate by regulation.

"Section 2806. Training and technical assistance

"Two percent of all funds appropriated for this part shall be set aside for use by the Director of the Office of Juvenile Crime Control and Prevention for training and technical assistance consistent with this part.

"Section 2807. Research, statistics, and evaluation

"Ten percent of all funds appropriated for this part shall be set aside, consistent with part FF, for use by the Director of the Office of Juvenile Crime Control and Prevention for research, statistics, and evaluation activities consistent with this part.

"Section 2808. Authorization of appropriations

"There are authorized to be appropriated to carry out this part, to remain available until expended--

"(1) \$80,000,000 for fiscal year 1998; and

"(2) such sums as may be necessary for each of the fiscal years 1999, 2000, and 2001."

Section 7202. Indian tribal grants.

(a) Indian tribal grant program.--Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding after part AA, the following new part:

"PART BB--INDIAN TRIBAL GRANTS PROGRAMS

"Section 2901. Authority to make grants and contracts

"The Director of the Office of Juvenile Crime Control and Prevention, under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs, is authorized to award grants and to and enter into cooperative agreements and contracts with Indian tribal governments and other public and private agencies, or combinations thereof, to assist Indian tribal governments in planning, establishing, operating, coordinating, and evaluating projects directly for the development and implementation of policies, initiatives, and programs that are designed to reduce, control, and prevent juvenile crime; to assist Indian juveniles who have had contact with, or are at risk of having contact with, the juvenile justice system, including tribal courts; and to improve the juvenile justice system.

"Section 2902. Eligibility requirements

"In order to receive grants under this part, an Indian tribal government shall:

"(1) use such funds for planning, researching,

developing, coordinating, implementing, and evaluating initiatives and programs applicable to prevent, control, and reduce juvenile crime;

"(2) provide assurances that federal funds received under this part shall be used to supplement, not supplant, nonfederal funds that would otherwise be available for activities funded under this part; and

"(3) comply with such other requirements as the Director of the Office of Juvenile Crime Control and Prevention may reasonably prescribe to assure the effectiveness of this part.

"Section 2903. Application

"(a) In general.--The Director of the Office of Juvenile Crime Control and Prevention shall issue whatever requirements for applications submitted under this part as the Director of the Office of Juvenile Crime Control and Prevention determines to be appropriate.

"(b) Guideline authority.--The Director of the Office of Juvenile Crime Control and Prevention may issue guidelines as necessary to carry out this part.

"Section 2904. Federal share

"The federal share of a grant made under this part shall be 100 percent of the total amount awarded.

"Section 2905. Training and technical assistance

"Two percent of all funds appropriated for this part shall be set aside for use by the Director of the Office of Juvenile Crime Control and Prevention for training and technical assistance consistent with this part.

"Section 2906. Research, statistics, and evaluation

"Ten percent of all funds appropriated for this part shall be set aside, consistent with Part FF, for use by the Director of the Office of Juvenile Crime Control and Prevention for research, statistics, and evaluation activities consistent with this part.

"Section 2907. Report

"Recipients of federal funds pursuant to this part shall submit to the Director of the Office of Juvenile Crime Control and Prevention such reports as may be reasonably requested to describe progress achieved in carrying programs funded under this part.

"Section 2908. Authorization of appropriations

"There are authorized to be appropriated to carry out this part to remain available until expended--

"(1) \$6,000,000 for fiscal year 1998; and

"(2) such sums as may be necessary for each of the fiscal years 1999, 2000, and 2001."

(b). Increase in support for correctional facilities on Indian tribal land.--Section 13709 of title 42, United States Code is amended--

(1) in subsection (a)(2) by striking the number "0.2" and inserting in its place the number "2.0"; and

(2) in subsection (b) by striking the word "jails" and inserting in its place the words "correctional facilities".

Section 7203. At-risk children grant program.

The Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding after part BB, the following new part--

"PART CC--AT-RISK CHILDREN'S INITIATIVE

"Section 3001. Authority to make grants and enter into contracts

The Director of the Office of Juvenile Crime Control and Prevention under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs and in consultation with the Department of Health and Human Services and the Department of Education is authorized to award grants to states, to be distributed by states for use by local units of government, Indian tribes, and locally based public and private agencies and organizations, for the purpose of developing, implementing, and operating school and community-based programs for the reduction and prevention of truancy, school violence, and juvenile crime.

"Section 3002. Use of funds

Grants awarded pursuant to section 3001 may be used to support locally based prevention and early intervention efforts

to assist juveniles who have had, or who are at risk of having, contact with the juvenile justice system. Funds provided under this part may be used for: truancy reduction; school drop-out prevention; juvenile curfew enforcement; school safety; juvenile mentoring; violence reduction strategies, such as dispute resolution; intensive supervision services; job and life skills training; family strengthening interventions; early childhood services; after-school programs for juveniles and tutoring programs; recreation and parks programs; parent training; health and mental health services; alcohol and substance abuse services; restitution and community services activities; leadership development; accountability and responsibility education; and other efforts that will lower or prevent truancy, school violence, and juvenile crime.

"Section 3003. Eligibility

"(a) To receive funds pursuant to section 3001, the chief executive officer of a state must certify to the Director of the Office of Juvenile Crime Control and Prevention that the state complies with the plan requirements set out in section 2804 of this part.

"b) Further, to receive funds pursuant to section 3001, chief executive of a state must designate to the Director of the Office of Juvenile Crime Control and Prevention a single state agency or official who shall be responsible for the coordination

and administration of this part.,

"c) The Director of the Office of Juvenile Crime Control and Prevention may issue additional guidelines with respect to state and local eligibility consistent with this part.

"Section 3004. Local planning requirement

"(a) Units of local government participating under this part must utilize a local planning board.

"(b) The board established pursuant to subsection (a) shall--

"(1) be appointed or designated by the chief executive of the participating jurisdiction;

"(2) consist of representatives of the community and a balance of public and private agencies and organizations;

"(3) be responsible for developing, on behalf of the participating jurisdiction, a three-year plan outlining the jurisdiction's plans and strategies and programs to develop a balanced prevention and early intervention plan consistent with section 3002 of this part; and

"(4) provide the plan referenced in paragraph (3) as part of any application submitted from public or private entities within the participating jurisdiction.

"(c) Plans submitted by participating jurisdictions must be certified by the chief executive officer of the participating jurisdiction and submitted to the state agency or organization

designated by the chief executive officer of the state under section 3003(b).

"(d) The plans must show evidence of coordination with other local truancy, school violence, and juvenile crime programs.

"(e) The Director of the Office of Juvenile Crime Control and Prevention may issue guidelines with respect to with respect to local planning requirements consistent with this part.

"Section 3005. Administration

"The Director of the Office of Juvenile Crime Control and Prevention shall establish guidelines governing the administration and the manner and content of applications for funding under this part. Such guidelines shall include procedures and methods for the distribution of funds distributed under this part.

"Section 3006. Federal share

"For any grant made under this program, the state/local contribution shall be 50 percent. Further, in-kind contributions, pursuant to the discretion of the Director of the Office of Juvenile Crime Control and Prevention may constitute a portion, or all, of the nonfederal share of a grant made under this part. With regard to grants to Indian tribes, the Director of the Office of Juvenile Crime Control and Prevention may allow other federal funds to constitute all or a portion of the

nonfederal share.

"Section 3007. Training and technical assistance

"Two percent of all funds appropriated for this part shall be set aside for use by the Director of the Office of Juvenile Crime Control and Prevention for training and technical assistance consistent with this part.

"Section 3008. Research, statistics, and evaluation.

"Ten percent of all funds appropriated for this part shall be set aside, consistent with Part FF, for use by the Director of the Office of Juvenile Crime Control and Prevention for research, statistics, and evaluation activities consistent with this part.

"Section 3009. Report

"Recipients of federal funds pursuant to this part shall submit to the Director of the Office of Juvenile Crime Control and Prevention such reports as may be reasonably requested to describe progress achieved in carrying programs funded under this part.

"Section 3010. Authorization of appropriations

"There are authorized to be appropriated to carry out this part to remain available until expended--

"(1) \$75,000,000 for fiscal year 1998; and

"(2) such sums as may be necessary for each of the fiscal years 1999, 2000, and 2001."

Section 7204. Developing, testing, and demonstrating promising programs.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding after part CC, the following new part--

**"PART DD--DEVELOPING, TESTING, AND DEMONSTRATING
PROMISING NEW PROGRAMS**

"Section 3101. Authority to make grants and contracts

"(a) The Director of the Office of Juvenile Crime Control and Prevention under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs is authorized to make grants to states, units of local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, and/or reduction of juvenile crime. Such programs shall be those considered to possess a high probability of improving the juvenile justice system, as well as efforts that may include prevention, early intervention, and/or reduction of juvenile crime.

"(b) The Director of the Office of Juvenile Crime Control and Prevention under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs is authorized to award grants to and enter into cooperative agreements and contracts with public and private agencies,

organizations, and individuals to provide technical assistance to states, units of local government, Indian tribal governments, local private entities or agencies, or any combination thereof to effectuate implementation of applications approved under this part.

"Section 3102. Eligibility requirements

Under this part, public and private agencies, Indian tribal governments, or organizations, institutions, individuals are eligible to apply.

"Section 3103. Applications

"(a) Generally--an application shall be submitted at such time, in such form, and containing such information as the Director of the Office of Juvenile Crime Control and Prevention may reasonably require.

"(b) Guideline Authority--The Director of the Office of Juvenile Crime Control and Prevention may issue guidelines necessary to carry out this part.

"Section 3104. Federal share

"The federal share of a grant made under this part shall be 100 percent of the total amount awarded.

"Section 3105. Geographic distribution

"The Director of the Office of Juvenile Crime Control and Prevention shall ensure that, to the extent reasonable and practicable, an equitable geographic distribution of grant awards

is made.

"Section 3106. Training and technical assistance

"Two percent of all funds appropriated for this part shall be set aside for use by the Director of the Office of Juvenile Crime Control and Prevention for training and technical assistance consistent with this part.

"Section 3107. Research, statistics, and evaluation

"Ten percent of all funds appropriated for this part shall be set aside, consistent with part FF, for use by the Director of the Office of Juvenile Crime Control and Prevention for research, statistics, and evaluation activities consistent with this part.

"Section 3108. Report

"Recipients of federal funds pursuant to this part shall submit to the Director of the Office of Juvenile Crime Control and Prevention such reports as may be reasonably requested to describe progress achieved in carrying programs funded under this part.

"Section 3109. Authorization of appropriations

"There are authorized to be appropriated to carry out this part to remain available until expended --

"(1) \$24,000,000 for fiscal year 1998; and

"(2) such sums as may be necessary for each of the fiscal years 1999, 2000, and 2001."

Section 7205. Incentive grant programs.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U. S.C. 3711 et seq.) is amended by adding after part DD, the following new part--

"PART EE--INCENTIVE GRANT PROGRAMS

"Section 3201. Authority to make grants and enter into contracts

"The Director of the Office of Juvenile Crime Control and Prevention under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs is authorized to make grants to states that receive an allocation under section 2802 of this title, in an amount to be determined based on each qualifying state's proportion of the total population of juveniles in all qualifying states. Such funds may be used by the state acting directly or through grants, cooperative agreements and contracts with public or private agencies, institutions, individuals, or Indian tribes, for program purposes authorized under section 3203 of this title.

"Section 3202. Eligibility requirements

"The state agency designated under section 2804 of this title is eligible to apply under this part. The applicant shall provide assurances that the state has, either at the time of application, or within 12 months from the time of application:

"(1) implemented a system of accountability-based graduated sanctions applicable to juveniles within the

juvenile justice system designed to hold such juveniles accountable for their actions and to protect local communities from the effects of juvenile crime by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent; and

“(2) designed a system for juvenile delinquency history record information collection, storage, and dissemination that will ensure that such records will be available for such purposes as provided by state or tribal law.

“Section 3203. Applications

“(a) Generally--To request funds under this part, the state agency shall submit an application to the Director of the Office of Juvenile Crime Control and Prevention in such form and containing such information as the Director of the Office of Juvenile Crime Control and Prevention may reasonably require.

“(b) Specific Requirements--In addition to any other requirements that may be specified by the Director of the Office of Juvenile Crime Control and Prevention, an application for a grant under this part shall:

“(1) include a long-term strategy and detailed implementation plan;

“(2) identify related governmental or community initiatives that complement or will be coordinated with the

initiative or program; .

"(3) certify that there has been appropriate consultation with all affected agencies or governmental entities and that there will be appropriate coordination with said agencies or entities in the implementation of the initiative or program;

"(4) ensure that federal funds received under this part shall be used to supplement, not supplant, nonfederal funds that would otherwise be available for activities funded under this section. With regard to grants to Indian tribes, the Director of the Office of Juvenile Crime Control and Prevention may allow other federal funds to constitute all or a portion of the nonfederal share; and

"(5) specify plans for obtaining necessary support for continuing the funded program following the conclusion of federal support.

"(c) Guideline Authority--The Director of the Office of Juvenile Crime Control and Prevention may issue guidelines as are necessary to carry out this part.

"Section 3204. General uses

"A state, unit of local government, or Indian tribal government that receives a grant pursuant to this part must use said grant funds for one or more of the following purposes:

"(1) for the effectuation of paragraphs (1) and/or (2)

of section 3202 of this part;

“(2) for the advancement of initiatives and programs that are designed to prevent or intervene in the unlawful possession, distribution, or sale of a firearms by or to juveniles, including law enforcement and prosecution strategies and programs;

“(3) for the implementation of programs and activities that facilitate the collection, dissemination, and use of data and information regarding juvenile crime;

“(4) for the implementation of new programs and activities that enhance the ability of state and local jurisdictions to track, intervene with, and control serious, violent, and chronic juvenile offenders, such as assessment, aftercare, intensive supervision, SHOCAP programs, and targeted gang intervention programs;

“(5) for the implementation of comprehensive program services in juvenile detention and correctional facilities;

“(6) for any other purpose related to juvenile crime prevention, control, and/or reduction as the Director of the Office of Juvenile Crime Control and Prevention shall determine, such as rural juvenile crime prevention, innovative local law enforcement and juvenile-focuses community policing, gender-specific services, and hate crime prevention and intervention; and

"(7) planned and implemented programs, policies, and procedures that address efforts to prevent and reduce and disproportionate confinement of minority juveniles when it exists within the juvenile justice system.

"Section 3205. Federal share

"The federal share of any individual grant made pursuant to this part may not exceed 75 percent. Further, in-kind contributions, pursuant to the discretion of the Director of the Office of Juvenile Crime Control and Prevention, may constitute a portion, or all, of the nonfederal share of a grant made under this part. With regard to grants to Indian tribes, the Director of the Office of Juvenile Crime Control and Prevention may allow other federal funds to constitute all or a portion of the nonfederal share.

"Section 3206. Training and technical assistance

"Two percent of all funds appropriated for this part shall be set aside for use by the Director of the Office of Juvenile Crime Control and Prevention for training and technical assistance consistent with this part.

"Section 3207. Research, statistics, and evaluation

"Ten percent of all funds appropriated for this part shall be set aside, consistent with part FF, for use by the Director of the Office of Juvenile Crime Control and Prevention for research, statistics, and evaluation activities consistent with this part.

"Section 3208. Report

"Recipients of federal funds pursuant to this part shall submit to the Director of the Office of Juvenile Crime Control and Prevention such reports as may be reasonably requested to describe progress achieved in carrying programs funded under this part.

"Section 3209. Authorization of appropriations

"There are authorized to be appropriated to carry out this part to remain available until expended--

"(1) \$17,000,000 for fiscal year 1998; and

"(2) such sums as may be necessary for each of the fiscal years 1999, 2000, and 2001."

Section 7206. Research, statistics, and evaluation.

(a) Short title.-- This section may be cited as the "Youth Violence Reduction Research Act of 1997."

(b) Research, statistics, evaluation.--Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. et seq.) is amended by adding after part EE, the following new part--

"PART FF - RESEARCH, STATISTICS, AND EVALUATION"

"Section 3301. Federal effort

"(a) Research and Evaluation--The Director of the Office of Juvenile Crime Control and Prevention under the supervision and direction of the Assistant Attorney General for the Office of

Justice Programs is authorized to:

"(1) transfer funds to and enter into agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, to another federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation to address the reduction, control, and prevention of juvenile crime; the juvenile justice system; youth violence and other purposes consistent with Anti-Gang and Youth Violence Act of 1997; and

"(2) plan and identify, in consultation with the Director of the National Institute of Justice, the purposes and goals of all grants, contracts, or agreements to be supported under this subsection.

"(b) Statistical Analysis--The Director of the Office of Juvenile Crime Control and Prevention under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs is authorized to:

"(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 by law to undertake statistical work in juvenile justice matters, for

the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile crime; the juvenile justice system; youth violence and other purposes consistent with Anti-Gang and Youth Violence Act of 1997; and

“(2) plan and identify, in consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all grants, contracts, or agreements to be supported under this subsection.

“Section 3302. Authorization of appropriations

“(a) In addition to such sums as authorized in other parts of Title VII of the Anti-Gang and Youth Violence Act of 1997, there are authorized to be appropriated for purposes authorized pursuant to section 3301(a) of this title to be available until expended --

“(1) \$6,000,000 for fiscal year 1998; and

“(2) such sums as may be necessary for each of the fiscal years 1999; 2000; and 2001.

“(b) In addition to such sums as authorized in other parts of title VII of the Anti-Gang and Youth Violence Act of 1997, there are authorized to be appropriated for purposes authorized pursuant to section 3301(b) of this title to be available until expended--

“(1) \$3,000,000 for fiscal year 1998; and

"(2) such sums as may be necessary for each of the fiscal years 1999; 2000; and 2001."

Section 7207. Training and technical assistance.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding after part FF, the following new part--

"PART GG--TRAINING AND TECHNICAL ASSISTANCE

"Section 3401. Authority to make grants and contracts

"(a) Training.--The Director of the Office of Juvenile Crime Control and Prevention, under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs, is authorized to:

"(1) develop and implement programs and initiatives for the purpose of educating representatives and personnel from public and private agencies, including practitioners in the field of juvenile justice, law enforcement, the courts, corrections, the schools, and related services, in programs and practices consistent with the goals and purposes of the Anti-Gang and Youth Violence Act of 1997; and

"(2) award grants to and into cooperative agreements and contracts with public and private agencies, institutions, and organizations, including universities and other academic institutions, for the purpose of educating representatives and personnel from public and private

agencies, including practitioners in the field of juvenile justice, law enforcement, the courts, corrections, the schools, and related services, in programs and practices consistent with the goals of the Anti-Gang and Youth Violence Act of 1997.

“(b) Technical Assistance.--The Director of the Office of Juvenile Crime Control and Prevention under the supervision of the Assistant Attorney General for the Office of Justice Programs is authorized to:

“(1) develop and implement programs and initiatives for the purpose of providing technical assistance to representatives and personnel from public and private agencies and organizations, including practitioners in the field of juvenile justice, law enforcement the courts, corrections, the schools, and related services, in the establishment, implementation, and operation of programs and practices funded under, and consistent with the Anti-Gang and Youth Violence Act of 1997; and

“(2) award grants to and enter into cooperative agreements and contracts with public and private agencies, institutions, and organizations, including universities and other academic institutions, for the purpose of providing technical assistance to representatives and personnel from public and private agencies, including practitioners in the

field of juvenile justice, law enforcement, the courts, corrections, the schools, and related services in the establishment, implementation, and operation of programs and practices funded under, and consistent with the Anti-Gang and Youth Violence Act of 1997.

“(c) Information Dissemination.--The Director of the Office of Juvenile Crime Control and Prevention under the supervision of the Assistant Attorney General for the Office of Justice Programs is authorized to:

“(1) review reports and data relating to juvenile justice in the United States and internationally, as appropriate, collect data and information from studies and research into all aspects of juvenile delinquency and crime, its causes, prevention, and treatment, and serve as a clearinghouse and information center for the preparation, publication, and dissemination of information regarding juvenile crime, including state and local prevention and treatment programs, plans, resources, training and technical assistance programs, resources, and other pertinent data and information.

“(2) award grants to and enter into cooperative agreements and contracts with public and private agencies, institutions, and organizations, including universities and other academic institutions, for the purpose of

disseminating information to representatives and personnel from public and private agencies, including practitioners in the field of juvenile justice, law enforcement, the courts, corrections, the schools, and related services in the establishment, implementation, and operation of programs and practices funded under, and consistent with the Anti-Gang and Youth Violence Act of 1997.

"Section 3402. Applications

"The Director of the Office of Juvenile Crime Control and Prevention shall establish guidelines governing the manner and content of applications for funding under this part.

"Section 3403. Administration

"The Director of the Office of Juvenile Crime Control and Prevention under the supervision and direction of the Assistant Attorney General for the Office of Justice Programs shall establish guidelines governing the administration of this part. Such guidelines shall include procedures and methods for the distribution of funds, including the awarding of grants, cooperative agreements and contracts, made under this part.

"Section 3404. Authorization of appropriations

"There are authorized to be appropriated to carry out this part to be available until expended--

"(1) \$10,000,000 for fiscal year 1998; and

"(2) such sums as may be necessary for each of the

fiscal years 1999; 2000; and 2001.”.

SUBTITLE C--MISSING AND EXPLOITED CHILDREN

Section 7301. Extension of authorization and uses of funds.

Section 5777 of title 42, United States Code, is amended by--

(a) striking the words “1993, 1994, 1995, and 1996.” and inserting in their place the words “1998, 1999, 2000, and 2001.”; and

(b) by designating the subsection beginning with the words “To carry out the provisions of” as subsection (a); and

(c) by adding after newly designated subsection (a), the following new subsection--

“(b) Of the funds appropriated under this subchapter, 10 percent shall be set aside for research, statistics, and evaluation consistent with the purposes of this subchapter; and two percent shall be set aside for training consistent with this subchapter.”.

Section 7302. Corrections.

Subchapter IV of 42 United States Code is amended by--

(1) striking 42 United States Code 5778(a)(b); and

(2) in 42 United States Code 5773(b)--

(A) striking the word “making” the first time it appears and inserting in its place the word “awarding”; and

(B) inserting the words "or cooperative agreements" between the word "grant" and the word "to" the first time they appear; and

(C) striking the word "coordinating" the first time it appears and inserting in its place the word "coordinate".

Section 7303. Conforming amendment.

Subchapter IV of title 42, United States Code, is amended by--

(1) the word "Administrator" is replaced with the word "Director" anywhere it appears; and

(2) the words "Office of Juvenile Justice and Delinquency Prevention" are replaced with the words "Office of Juvenile Crime Control and Prevention" anywhere they appear; and

(3) the words "Administrator of the Office of Juvenile Justice and Delinquency Prevention" are replaced with the words "Director of the Office of Juvenile Crime Control and Prevention" anywhere they appear.