drops, creams, and suppositories * * * but no medicine in the United States is smoked.

Proponents of marijuana argue that our compassion for those suffering physical ailments should override our common sense and steadfastness in combating illegal drugs.

With regard to cancer, proponents argue that marijuana will decrease the nausea associated with chemotherapy. The Truth is that marijuana contains cancer-causing substances, many of which are in higher concentrations than in tobacco. The National Cancer Institute reports that new drugs have been shown more effective than marijuana.

With regard to AIDS, proponents argue that smoking marijuana will relieve the physical wasting aspects of the disease. The Truth is smoking, whether tobacco or marijuana or crack cocaine, has been shown to increase the risk of developing bacterial pneumonia in HIV-positive immune-compromised patients.

After 30 years of research, we know that marijuana impairs learning and memory, perception and judgement. It impairs complex motor skills and judgement of speed and time. Among chronic users it decreases drive and ambition.

Finally, marijuana use among our young people is increasing * * * alarmingly so. From 1992 to 1996, marijuana use increased by 253 percent among 8th graders, 151 percent among 10th graders, and 84 percent among 12th graders.

We should not let our compassion for the terminally ill and those in chronic pain to deceive us into treating a dangerous drug as medicine. Support the resolution opposing marijuana as medicine.

Mr. NADLER. Mr. Speaker and I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, today we are debating a nonbinding resolution that would express the sense of the Congress that because marijuana is a Schedule One controlled substance, and therefore an illegal drug, then its use for medicinal purposes should be prohibited. This is absurd. Medical use of marijuana is a public health issue; it is not part of the war on drugs. Marijuana has been proven to relieve the pain and suffering of seriously ill patients. It is unconscionable to deny an effective medication to those in need.

It would seem that the Speaker of the House and the distinguished Chairman of our own Crime Subcommittee once agreed with that position. In 1981, Representative NEWT GINGRICH and Representative BILL MCCOLLUM, co-sponsored H.R. 4498, a bill introduced by the late Congressman Stuart McKinney, that would allow the medicinal use of marijuana. In 1985, Chairman MCCOLLUM again co-sponsored H.R. 2282, a bill reintroduced by Congressman McKinney, which would have allowed the medicinal use of marijuana. I, along with many others, would be very interested to learn why our colleagues changed their minds.

Mr. Speaker, prestigious groups such as the National Academy of Sciences, the American Public Health Association, and the British Medical Association have endorsed the medical use of marijuana. I would like to refer my colleagues to an article that was published by the Journal of the American Medical Association (JAMA, June 21, 1995–Vol. 272, No. 23) for more detailed information regarding the legislative and medical history regarding the medicinal use of marijuana.

Most recently, a National Institutes of Health report released in August of 1997 urged the federal government to play an active role in facilitating clinical evaluations of medical marijuana. More than 30 medical groups, including the ones I have previously cited, have endorsed prescriptive access to marijuana, under a physician's supervision. Several medical groups, including the American Medical Association and the American Cancer Society have endorsed a physician's right to recommend or discuss marijuana therapy with their patients.

Several published studies have found that the best established medical use of marijuana is as an anti-nauseant for cancer chemotherapy. In addition, these same studies have found that medicinal use of marijuana has helped in treating patients with glaucoma, chronic muscle pain, multiple sclerosis, epilepsy, spinal cord injury, and paraplegia. Tens of thousands of cancer and AIDS patients use medical marijuana, and they report that it is effective in reducing the nausea and vomiting associated with cancer and AIDS treatment. In a 1990 survey, 44 percent of oncologists said they had suggested that a patient smoke marijuana for relief of the nausea induced by chemotherapy.

Mr. Speaker, I would like to address the question of a state's right to implement policy that the voters of those states have supported. Many states have held, or are planning to hold, state referenda on the use of medical marijuana. Two states, California and Arizona, have successfully passed legislation to allow the prescribed use of marijuana for medicinal purposes. The voters of these states have spoken and in our democratic system they must be respected. Those on the other side of the aisle seem to constantly remind us of the power of big government over the ability of states to make their own policies. Who is championing big government now? Where are all the state's rights supporters on this issue?

Finally, Mr. Speaker, permitting the medical use of marijuana to alleviate the pain and suffering of people with seriously ill conditions does not send the wrong message to children or anyone else. It simply says that we are compassionate and intelligent enough to respect the rights of patients and the medical community to administer what is medically appropriate care. It is time for this Congress to acknowledge that a ban on the medicinal use of marijuana is scientifically, legally, and morally wrong.

Mr. DIXON. Mr. Speaker, I rise to express my opposition to H.J. Res. 117. The voters of California have showed their support for allowing doctors to recommend marijuana for seriously ill patients by voting for the state's Proposition 215 in November 1996. House Joint Resolution 117 attempts to infringe upon the decisions of California citizens by expressing Congress' opposition to the medicinal use of marijuana. While I did not support the California initiative, I oppose this resolution which attempts to nullify their choice.

Ms. PELOSI. Mr. Speaker, I rise in opposition to H.J. Res. 117 because this bill accomplishes nothing in the war on drug abuse other than highlight the misplaced emphasis of the country's anti-drug efforts. The bill seeks to tell voters how to cast their votes, and disregards the votes of over five million people in my state. It focuses on arrests and prosecution rather than education and treatment as the answer to drug abuse. And it seeks to make criminals of people in pain because of serious illnesses. This is no war on drugs. It is political grandstanding.

H.J. Res. 117 disregards the proven medicinal uses of marijuana, including increasing the appetites of people with AIDS who have wasting syndrome, and reducing nausea and vomiting resulting from chemotherapy.

Opponents of medicinal marijuana argue that there are other ways to ingest the active ingredient in marijuana, including the use of synthetic THC. However we know that the oral drug containing THC does not work for all people. The logic of the authors of this legislation therefore seems to be that a very ill person should be sent to jail because he or she used the smokable form of a drug whose active ingredient is currently licensed for oral use.

Voters in my home state passed an initiative authorizing seriously ill patients to take marijuana upon the recommendation of a licensed physician. Proposition 215 has provided as many as 11,000 Californians who suffer from AIDS and other debilitating diseases with safe and legal access to a drug that makes life a little more bearable. Fifty-six percent of the electorate voted for Prop 215. The voters have spoken, and there is no need for federal intrusion on this matter. Thousands of constituents in my district struggling with AIDS and cancer will tell you that choosing the appropriate medical treatment should be a decision for public health officials, physicians and patients. Congress would do well to stay out of the prescription business.

Mr. Speaker, I look forward to the day when we can pass truly effective measures to address drug abuse in our country. According to the Legal Action Center, over half of federal drug control spending is dedicated to the criminal justice system, and only 18% goes to drug treatment. To effectively fight the war on drug abuse we must get our priorities in order and fund treatment and education. Today's legislation, which encourages making criminals of seriously ill people who seek proven therapy, is not a step towards controlling America's drug problem. I therefore oppose H.J. Res. 117.

The SPEAKER pro tempore. The time of the gentleman from Florida (Mr. MCCOLLUM) has expired.

The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and agree to the joint resolution (H.J. Res. 117), as amended.

The question was taken.

Mr. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1998

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2073) to authorize appropriations for the National Center for Missing and Exploited Children, as amended.

The Clerk read as follows:

S. 2073

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Juvenile Crime Control and Delinquency Prevention Act of 1998''.

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

TITLE I—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 101. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

''FINDINGS

''SEC. 101. (a) The Congress finds the following:

''(1) There has been a dramatic increase in juvenile delinquency, particularly violent crime committed by juveniles. Weapons offenses and homicides are 2 of the fastest growing crimes committed by juveniles. More than ½ of juvenile victims are killed with a firearm. Approximately ⅕ of the individuals arrested for committing violent crime are less than 18 years of age. The increase in both the number of youth below the age of 15 and females arrested for violent crime is cause for concern.

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

''(A) quality prevention programs that—

''(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

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

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

''(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts. Without true reform, the criminal justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 30 percent.''.

SEC. 102. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

''PURPOSES

''SEC. 102. The purposes of this title and title II are—

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

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

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

SEC. 103. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking ''to help prevent juvenile delinquency'' and inserting ''designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior'',

(2) in paragraph (4) by inserting ''title I of'' before ''the Omnibus'' each place it appears,

(3) in paragraph (7) by striking ''the Trust Territory of the Pacific Islands,'',

(4) in paragraph (9) by striking ''justice'' and inserting ''crime control'',

(5) in paragraph (12)(B) by striking '', of any nonoffender,'',

(6) in paragraph (13)(B) by striking '', any non-offender,'',

(7) in paragraph (14) by inserting ''drug trafficking,'' after ''assault,'',

(8) in paragraph (16)—

(A) in subparagraph (A) by adding ''and'' at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking ''and'' at the end,

(11) in paragraph (23) by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(13) by adding at the end the following:

''(23) the term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

''(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

''(B) regular, remedial, special, and vocational education; and

''(C) counseling and treatment for substance abuse and other health and mental health problems;

''(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their

subsequent involvement with the juvenile justice system;

''(25) the term 'violent crime' means—

''(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

''(B) aggravated assault committed with the use of a firearm;

''(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

''(27) the term 'related complex of buildings' means 2 or more buildings that share—

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

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

SEC. 104. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending the heading of part A to read as follows:

''PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION'',

(2) in section 201(a) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention'', and

(3) in subsections section 299A(c)(2) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention''.

SEC. 105. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1) by striking the last sentence,

(2) in subsection (b)—

(A) in paragraph (3) by striking ''and of the prospective'' and all that follows through ''administered'',

(B) by striking paragraph (5), and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively,

(3) in subsection (c) by striking ''and reports'' and all that follows through ''this part'', and inserting ''as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency'',

(4) by striking subsection (i), and

(5) by redesignating subsection (h) as subsection (f).

SEC. 106. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is repealed.

SEC. 107. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in paragraph (2)—

(A) by inserting ''and'' after ''priorities,'', and

(B) by striking '', and recommendations of the Council'',

(2) by striking paragraphs (4) and (5), and inserting the following:

''(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.'', and

(3) by redesignating such section as section 206.

SEC. 108. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''amount, up to $400,000,'' and inserting ''amount up to $400,000'',

(II) by inserting a comma after ''1992'' the 1st place it appears,

(III) by striking ''the Trust Territory of the Pacific Islands,'', and

(IV) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000'',

(ii) in subparagraph (B)—

(I) by striking ''(other than part D)'',

(II) by striking ''or such greater amount, up to $600,000'' and all that follows through ''section 299(a) (1) and (3)'',

(III) by striking ''the Trust Territory of the Pacific Islands,'',

(IV) by striking ''amount, up to $100,000,'' and inserting ''amount up to $100,000'', and

(V) by inserting a comma after ''1992'',

(B) in paragraph (3) by striking ''allot'' and inserting ''allocate'', and

(2) in subsection (b) by striking ''the Trust Territory of the Pacific Islands,''.

SEC. 109. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2nd sentence by striking ''challenge'' and all that follows through ''part E'', and inserting '', projects, and activities'',

(B) in paragraph (3)—

(i) by striking '', which—'' and inserting ''that—'',

(ii) in subparagraph (A)—

(I) by striking ''not less'' and all that follows through ''33'', and inserting ''the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and'',

(II) by inserting '', in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws'' after ''State'',

(III) in clause (i) by striking ''or the administration of juvenile justice'' and inserting '', the administration of juvenile justice, or the reduction of juvenile delinquency'',

(IV) in clause (ii) by striking ''include—'' and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

''represent a multidisciplinary approach to addressing juvenile delinquency and may include—

''(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

''(II) such other individuals as the chief executive officer considers to be appropriate; and'', and

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (C) by striking ''justice'' and inserting ''crime control'',

(iv) in subparagraph (D)—

(I) in clause (i) by inserting ''and'' at the end,

(II) in clause (ii) by striking ''paragraphs'' and all that follows through ''part E'', and inserting ''paragraphs (11), (12), and (13)'', and

(III) by striking clause (iii), and

(v) in subparagraph (E) by striking ''title—'' and all that follows through ''(ii)'' and inserting ''title,'',

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking '', other than'' and inserting ''reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding'' after ''section 222'', and

''(ii) in subparagraph (C) by striking ''paragraphs (12)(A), (13), and (14)'' and inserting ''paragraphs (11), (12), and (13)'',

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting '', including in rural areas'' before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking ''for (i)'' and all that follows through ''relevant jurisdiction'', and inserting ''for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State'',

(II) by striking ''justice'' the second place it appears and inserting ''crime control'', and

(III) by striking ''of the jurisdiction; (ii)'' and all that follows through the semicolon at the end, and inserting ''of the State; and'',

(ii) by amending subparagraph (B) to read as follows:

''(B) contain—

''(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

''(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

''(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system;'', and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

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

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking '', specifically'' and inserting ''including'',

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) by amending subparagraph (B) to read as follows:

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

(iii) in subparagraph (C) by striking ''juvenile justice'' and inserting ''juvenile crime control'',

(iv) by amending subparagraph (D) to read as follows:

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

(v) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking ''juveniles, provided'' and all that follows through ''provides; and'', and inserting the following:

''juveniles—

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

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

(vi) by amending subparagraph (F) to read as follows:

''(F) expanding the use of probation officers—

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

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

(vii) by amending subparagraph (G) to read as follows:

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

(viii) in subparagraph (H) by striking ''handicapped youth'' and inserting ''juveniles with disabilities'',

(ix) by amending subparagraph (K) to read as follows:

''(K) boot camps for juvenile offenders;'',

(x) by amending subparagraph (L) to read as follows:

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

(xi) by amending subparagraph (M) to read as follows:

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

(xii) by amending subparagraph (N) to read as follows:

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

(xiii) in subparagraph (O)—

(I) in striking ''cultural'' and inserting ''other'', and

(II) by striking the period at the end and inserting a semicolon, and

(xiv) by adding at the end the following:

''(P) a system of records relating to any adjudication of juveniles less than 18 years of age who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult, that is—

''(i) equivalent to the records that would be kept of adults arrested for such conduct, including fingerprints and photographs;

''(ii) submitted to the Federal Bureau of Investigation in the same manner as adult records are so submitted;

''(iii) retained for a period of time that is equal to the period of time records are retained for adults; and

''(iv) available on an expedited basis to law enforcement agencies, the courts, and school officials (and such school officials shall be subject to the same standards and penalties that law enforcement and juvenile justice system employees are subject to under Federal and State law, for handling and disclosing such information);

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

''(R) programs designed to prevent and reduce hate crimes committed by juveniles.'',

(I) by amending paragraph (12) to read as follows:

''(12) shall, in accordance with rules issued by the Administrator, provide that—

''(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

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

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

''(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

''(B) juveniles—

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

''(ii) who are—

''(I) aliens; or

''(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;'',

(J) by amending paragraph (13) to read as follows:

''(13) provide that—

''(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

''(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles;'',

(K) by amending paragraph (14) to read as follows:

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

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

''(i) for processing or release;

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

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

''(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

''(i) in which—

''(I) such juveniles do not have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

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

''(ii) that—

''(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget);

''(II) has no existing acceptable alternative placement available;

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

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

''(C) juveniles who are accused of nonstatus offenses and who are detained or confined in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

''(i) such jail or lockup—

''(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

''(II) has no existing acceptable alternative placement available;

''(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

''(iii) the juvenile has counsel, and the counsel representing such juvenile has an opportunity to present the juvenile's position regarding the detention or confinement involved to the court before the court approves such detention or confinement; and

''(iv) detaining or confining such juvenile in accordance with this subparagraph is—

''(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile;

''(II) required to be reviewed periodically, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention or confinement; and

''(III) for a period preceding the sentencing (if any) of such juvenile;'',

(L) in paragraph (15)—

(i) by striking ''paragraph (12)(A), paragraph (13), and paragraph (14)'' and inserting ''paragraphs (11), (12), and (13)'', and

(ii) by striking ''paragraph (12)(A) and paragraph (13)'' and inserting ''paragraphs (11) and (12)'',

(M) in paragraph (16) by striking ''mentally, emotionally, or physically handicapping conditions'' and inserting ''disability'',

(N) by amending paragraph (19) to read as follows:

''(19) provide assurances that—

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

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

''(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;'',

(O) by amending paragraph (23) to read as follows:

''(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;'',

(P) by amending paragraph (24) to read as follows:

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

''(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

''(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

''(C) not later than 48 hours during which such juvenile is so held—

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

''(ii) such court shall conduct a hearing to determine—

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

''(II) the appropriate placement of such juvenile pending disposition of the violation alleged;'',

(Q) in paragraph (25) by striking the period at the end and inserting a semicolon,

(R) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(S) by adding at the end the following:

''(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units, and

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

(2) by amending subsection (c) to read as follows:

''(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a) in any fiscal year beginning after September 30, 1998, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

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

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

(3) in subsection (d)—

(A) by striking ''allotment'' and inserting ''allocation'', and

(B) by striking ''subsection (a) (12)(A), (13), (14) and (23)'' each place it appears and inserting ''paragraphs (11), (12), (13), and (22) of subsection (a)''.

SEC. 110. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2nd part I as part F, and

(4) by inserting after part B the following:

''PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

''SEC. 241. AUTHORITY TO MAKE GRANTS.

''The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

''(1) projects that assist in holding juveniles accountable for their actions, including the use of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

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

''(3) educational projects or supportive services for delinquent or other juveniles—

''(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

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

''(C) to assist in identifying learning difficulties (including learning disabilities);

''(D) to prevent unwarranted and arbitrary suspensions and expulsions;

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

''(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other handicapped juveniles; or

''(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies;

''(4) projects which expand the use of probation officers—

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

''(B) to ensure that juveniles follow the terms of their probation;

''(5) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

''(6) community-based projects and services (including literacy and social service programs) which work with juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

''(7) projects designed to provide for the treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

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

''(9) projects which provide for an initial intake screening of each juvenile taken into custody—

''(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

''(B) to provide appropriate interventions to prevent such juvenile from committing subsequent offenses;

''(10) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

''(11) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering services to juveniles;

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

''(13) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

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

''(15) family strengthening activities, such as mutual support groups for parents and their children;

''(16) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

''(17) programs that focus on the needs of young girls at-risk of delinquency or status offenses; and

''(18) other activities that are likely to prevent juvenile delinquency.

''SEC. 242. ALLOCATION.

''Funds appropriated to carry out this part shall be allocated among eligible States as follows:

''(1) Fifty percent of such amount shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

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

''SEC. 243. ELIGIBILITY OF STATES.

''(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

''(1) An assurance that the State will use—

''(A) not more than 5 percent of such grant, in the aggregate, for—

''(i) the costs incurred by the State to carry out this part; and

''(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

''(B) the remainder of such grant to make grants under section 244.

''(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

''(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

''(4) An assurance that each eligible entity described in section 244(a) that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

''(5) Such other information and assurances as the Administrator may reasonably require by rule.

''(b) APPROVAL OF APPLICATIONS.—

''(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

''(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

''(A)(i) the State submitted a plan under section 223 for such fiscal year; and

''(ii) such plan is approved by the Administrator for such fiscal year; or

''(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

''SEC. 244. GRANTS FOR LOCAL PROJECTS.

''(a) SELECTION FROM AMONG APPLICATIONS.—(1) Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State in accordance with subsection (b) to carry out projects and activities described in section 241.

''(2) For purposes of making such grants, the State shall give special consideration to eligible entities that—

''(A) propose to carry out such projects in geographical areas in which there is—

''(i) a disproportionately high level of serious crime committed by juveniles; or

''(ii) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

''(B)(i) agreed to carry out such projects or activities that are multidisciplinary and involve 2 or more eligible entities; or

''(ii) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

''(C) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

''(b) RECEIPT OF APPLICATIONS.—(1) Subject to paragraph (2), a unit of general local government shall submit to the State simultaneously all applications that are—

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

''(B) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

''(2) If an application submitted to such unit by an eligible entity satisfies the requirements specified in subparagraphs (A) and (B) of paragraph (1), such entity may submit such application directly to the State.

''SEC. 245. ELIGIBILITY OF ENTITIES.

''(a) ELIGIBILITY.—Subject to subsections (b) and except as provided in subsection (c), to be eligible to receive a grant under section 244, a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority), nonprofit private organization, unit of general local government, or social service provider, and or other entity with a demonstrated history of involvement in the prevention of juvenile delinquency, shall submit to a unit of general local government an application that contains the following:

''(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (14) of section 241 as specified in, such application.

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

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

''(b) REVIEW AND SUBMISSION OF APPLICATIONS.—Except as provided in subsection (c), an entity shall not be eligible to receive a grant under section 244 unless—

''(1) such entity submits to a unit of general local government an application that—

''(A) satisfies the requirements specified in subsection (a); and

''(B) describes a project or activity to be carried out in the geographical area under the jurisdiction of such unit; and

''(2) such unit determines that such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

''(c) LIMITATION.—If an entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.''.

SEC. 111. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 110, the following:

''PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

''SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

''(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

''(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

''(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

''(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

''(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

''(iv) successful efforts to prevent recidivism;

''(v) the juvenile justice system;

''(vi) juvenile violence; and

''(vii) other purposes consistent with the purposes of this title and title I.

''(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

''(b) STATISTICAL ANALYSES..—The Administrator may—

''(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

''(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with 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 delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consist with the purposes of this title and title I.

''(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

''(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

''(e) INFORMATION DISSEMINATION.—The Administrator may—

''(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

''(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and

dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

''(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

''SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.

''(a) TRAINING.—The Administrator may—

''(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

''(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

''(b) TECHNICAL ASSISTANCE.—The Administrator may—

''(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

''(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.''.

SEC. 112. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

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

''SEC. 261. GRANTS AND PROJECTS.

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

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

''SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.

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

''SEC. 263. ELIGIBILITY.

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

''SEC. 264. REPORTS.

''Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.''.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and

(2) by striking subsections (a), (b), and (c), and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 1999, 2000, 2001, and 2002.

''(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

''(A) not more than 5 percent shall be available to carry out part A;

''(B) not less than 80 percent shall be available to carry out part B; and

''(C) not more than 15 percent shall be available to carry out part D.

''(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.

''(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.''.

SEC. 114. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking ''as are consistent with the purpose of this Act'' and inserting ''only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance'', and

(2) by adding at the end the following:

''(e) If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.''.

SEC. 115. USE OF FUNDS.

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking ''may be used for'',

(B) in paragraph (1) by inserting ''may be used for'' after ''(1)'', and

(C) by amending paragraph (2) to read as follows:

''(2) may not be used for the cost of construction of any facility, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.'',

(2) by striking subsection (b), and

(3) by redesignating subsection (c) as subsection (b).

SEC. 116. LIMITATION ON USE OF FUNDS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110, is amended adding at the end the following:

''SEC. 299F. LIMITATION ON USE OF FUNDS.

''None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.''.

SEC. 117. RULES OF CONSTRUCTION.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 116, is amended adding at the end the following:

''SEC. 299G. RULES OF CONSTRUCTION.

''Nothing in this title or title I shall be construed—

''(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

''(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.''.

SEC. 118. LEASING SURPLUS FEDERAL PROPERTY.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 117, is amended adding at the end the following:

''SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

''The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.''.

SEC. 119. ISSUANCE OF RULES.

Part F of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 118, is amended adding at the end the following:

''SEC. 299I. ISSUANCE OF RULES.

''The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.''.

SEC. 120. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking ''prescribed for GS–18 of the General Schedule by section 5332'' and inserting ''payable under section 5376'',

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93–415 (88 Stat. 1132–1143).

(b) CONFORMING AMENDMENTS.—(1) Section 5315 of title 5 of the United States Code is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(2) Section 4351(b) of title 18 of the United States Code is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(3) Subsections (a)(1) and (c) of section 3220 of title 39 of the United States Code is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention''.

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b(1) by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'',

(B) in section 214A(c)(1) by striking ''262, 293, and 296 of subpart II of title II'' and inserting ''299B and 299E'',

(C) in sections 217 and 222 by striking ''Office of Juvenile Justice and Delinquency Prevention'' each place it appears and inserting ''Office of Juvenile Crime Control and Delinquency Prevention'', and

(D) in section 223(c) by striking ''section 262, 293, and 296'' and inserting ''sections 262, 299B, and 299E''.

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking ''Justice and Delinquency Prevention'' and inserting ''Crime Control and Delinquency Prevention'', and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking ''section 313'' and inserting ''section 331''.

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking ''sections 262, 293, and 296 of subpart II of title II'' and inserting ''sections 299B and 299E'', and

(B) in section 223(c) by striking ''section 262, 293, and 296 of title II'' and inserting ''sections 299B and 299E''.

SEC. 121. REFERENCES.

In any Federal law (excluding this Act and the Acts amended by this Act), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

SEC. 201. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5) by striking ''accurate reporting of the problem nationally'' and inserting ''an accurate national reporting system to report the problem,'', and

(2) by amending paragraph (8) to read as follows:

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

SEC. 202. AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.

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

(1) by amending subsection (a) to read as follows:

''(a)(1) The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

''(2) Such services—

''(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

''(B) shall include—

''(i) safe and appropriate shelter; and

''(ii) individual, family, and group counseling, as appropriate; and

''(C) may include—

''(i) street-based services;

''(ii) home-based services for families with youth at risk of separation from the family; and

''(iii) drug abuse education and prevention services.'',

(2) in subsection (b)—

(A) in paragraph (2) by striking ''the Trust Territory of the Pacific Islands,'', and

(B) by striking paragraph (4), and

(3) by striking subsections (c) and (d).

SEC. 203. ELIGIBILITY.

Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8) by striking ''paragraph (6)'' and inserting ''paragraph (7)'',

(B) in paragraph (10) by striking ''and'' at the end,

(C) in paragraph (11) by striking the period at the end and inserting ''; and'', and

(D) by adding at the end the following:

''(12) shall submit to the Secretary an annual report that includes—

''(A) information regarding the activities carried out under this part;

''(B) the achievements of the project under this part carried out by the applicant; and

''(C) statistical summaries describing—

''(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

''(ii) the services provided to such youth by the project;

in the year for which the report is submitted.'', and

(2) by striking subsections (c) and (d) and inserting the following:

''(c) To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

''(2) provide backup personnel for on-street staff;

''(3) provide initial and periodic training of staff who provide such services; and

''(4) conduct outreach activities for runaway and homeless youth, and street youth.

''(d) To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

''(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

''(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

''(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

''(4) provide initial and periodic training of staff who provide home-based services; and

''(5) ensure that—

''(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

''(B) staff providing such services will receive qualified supervision.

''(e) To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

''(1) a description of—

''(A) the types of such services that the applicant proposes to provide;

''(B) the objectives of such services; and

''(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

''(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.''.

SEC. 204. APPROVAL OF APPLICATIONS.

Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

''APPROVAL OF APPLICATIONS

''SEC. 313. (a) An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

''(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

''(2) which areas of such State have the greatest need for such services.

''(b) The Secretary shall, in considering applications for grants under section 311(a), give priority to—

''(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

''(2) eligible applicants that request grants of less than $200,000.''.

SEC. 205. AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.

Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the heading by striking ''PURPOSE AND'',

(2) in subsection (a) by striking ''(a)'', and

(3) by striking subsection (b).

SEC. 206. ELIGIBILITY.

Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting '', and the services provided to such youth by such project,'' after ''such project''.

SEC. 207. AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the heading of such section by inserting ''EVALUATION,'' after ''RESEARCH,'',

(2) in subsection (a) by inserting ''evaluation,'' after ''research,'', and

(3) in subsection (b)—

(A) by striking paragraph (2), and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

SEC. 208. TEMPORARY DEMONSTRATION PROJECTS TO PROVIDE SERVICES TO YOUTH IN RURAL AREAS.

Section 344 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–24) is repealed.

SEC. 209. SEXUAL ABUSE PREVENTION PROGRAM.

Section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1922) is amended to read as follows:

''SEC. 40155. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF RUNAWAY, HOMELESS, AND STREET YOUTH.

''(a) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

''(1) by striking the heading for part F,

''(2) by redesignating part E as part F, and

''(3) by inserting after part D the following:

''PART E—SEXUAL ABUSE PREVENTION PROGRAM

''SEC. 351. AUTHORITY TO MAKE GRANTS.

''(a) The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse.

''(b) In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to non-profit private agencies that have experience in providing services to runaway and homeless, and street youth.'.

''(b) AUTHORIZATION OF APPROPRIATIONS.—Section 389(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by section 213 of the Juvenile Crime Control and Delinquency Prevention Act of 1998, is amended by adding at the end the following:

''(4) There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.'.''.

SEC. 210. ASSISTANCE TO POTENTIAL GRANTEES.

Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

SEC. 211. REPORTS.

Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

''REPORTS

''SEC. 381. (a) Not later than April 1, 1999, and at 2-year intervals thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

''(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

''(A) alleviating the problems of runaway and homeless youth;

''(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

''(C) strengthening family relationships and encouraging stable living conditions for such youth; and

''(D) assisting such youth to decide upon a future course of action; and

''(2) in the case of projects funded under part B—

''(A) the number and characteristics of homeless youth served by such projects;

''(B) the types of activities carried out by such projects;

''(C) the effectiveness of such projects in alleviating the problems of homeless youth;

''(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

''(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

''(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

''(G) activities and programs planned by such projects for the following fiscal year.

''(b) The Secretary shall include in the report required by subsection (a) summaries of—

''(1) the evaluations performed by the Secretary under section 386; and

''(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.''.

SEC. 212. EVALUATION.

Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

''EVALUATION AND INFORMATION

''SEC. 384. (a) If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

''(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

''(2) collecting additional information for the report required by section 383; and

''(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

''(b) Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.''.

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 389. (a)(1) There are authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.

''(2)(A) From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

''(B) Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

''(3) After reserving the amounts required by paragraph (2), the Secretary shall reserve the remaining amount (if any) to carry out parts C and D.

''(b) No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.''.

SEC. 214. CONSOLIDATED REVIEW OF APPLICATIONS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 384 the following:

''CONSOLIDATED REVIEW OF APPLICATIONS

''SEC. 385. With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

''(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

''(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.''.

SEC. 215. DEFINITIONS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 385, as added by section 214, the following:

''DEFINITIONS

''SEC. 386. For the purposes of this title:

''(1) The term 'drug abuse education and prevention services'—

''(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

''(B) may include—

''(i) individual, family, group, and peer counseling;

''(ii) drop-in services;

''(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

''(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

''(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

''(2) The term 'home-based services'—

''(A) means services provided to youth and their families for the purpose of—

''(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

''(ii) assisting runaway youth to return to their families; and

''(B) includes services that are provided in the residences of families (to the extent practicable), including—

''(i) intensive individual and family counseling; and

''(ii) training relating to life skills and parenting.

''(3) The term 'homeless youth' means an individual—

''(A) who is—

''(i) not more than 21 years of age; and

''(ii) for the purposes of part B, not less than 16 years of age;

''(B) for whom it is not possible to live in a safe environment with a relative; and

''(C) who has no other safe alternative living arrangement.

''(4) The term 'street-based services'—

''(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

''(B) may include—

''(i) identification of and outreach to runaway and homeless youth, and street youth;

''(ii) crisis intervention and counseling;

''(iii) information and referral for housing;

''(iv) information and referral for transitional living and health care services;

''(v) advocacy, education, and prevention services related to—

''(I) alcohol and drug abuse;

''(II) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

''(III) physical and sexual assault.

''(5) The term 'street youth' means an individual who—

''(A) is—

''(i) a runaway youth; or

''(ii) indefinitely or intermittently a homeless youth; and

''(B) spends a significant amount of time on the street or in other areas which increase the exposure of such youth to sexual abuse.

''(6) The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

''(7) The term 'youth at risk of separation from the family' means an individual—

''(A) who is less than 18 years of age; and

''(B)(i) who has a history of running away from the family of such individual;

''(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

''(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.''.

SEC. 216. REDESIGNATION OF SECTIONS.

Sections 371, 372, 381, 382, 383, 384, 385, and 386 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, 385, 386, 387, and 388, respectively.

SEC. 217. TECHNICAL AMENDMENT.

Section 331 of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended in the 1st sentence by striking ''With'' and all that follows through ''the Secretary'', and inserting ''The Secretary''.

TITLE III—REPEAL OF TITLE V RELATING TO INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

SEC. 301. REPEALER.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5681 et seq.), as added by Public Law 102–586, is repealed.

TITLE IV—MISCELLANEOUS AMENDMENTS

SEC. 401. NATIONAL RESOURCE CENTER AND CLEARINGHOUSE FOR MISSING CHILDREN.

(a) ALTERNATIVE AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to The National Center for Missing and Exploited Children, a nonprofit corporation organized under the laws of the District of Columbia, $5,000,000 for each of the fiscal years 1999, 2000, 2001, and 2002 to operate a national resource center and clearinghouse designed—

(1) to provide to State and local governments, public and private nonprofit agencies, and individuals information regarding—

(A) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing children and their families, and

(B) the existence and nature of programs being carried out by Federal agencies to assist missing children and their families,

(2) to coordinate public and private programs which locate, recover, or reunite missing children with their legal custodians,

(3) to disseminate nationally information about innovative and model missing children's programs, services, and legislation, and

(4) to provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of missing and exploited child cases and in locating and recovering missing children.

(b) CONFORMING AMENDMENTS.—Section 404(b) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)) is amended—

(1) by striking '', shall'',

(2) in paragraph (1)—

(A) in subparagraph (A) by inserting ''shall'' after ''(A)'', and

(B) in subparagraph (B) by striking ''coordinating'' and inserting ''shall coordinate'',

(3) in paragraph (2) by inserting ''for any fiscal year for which no funds are appropriated under section 2 of the Missing and Exploited Children Act of 1997, shall'' after ''(2)'',

(4) in paragraph (3) by inserting ''shall'' after ''(3)'', and

(5) in paragraph (4) by inserting ''shall'' after ''(4)''.

TITLE V—REFORMING THE FEDERAL JUVENILE JUSTICE SYSTEM

SEC. 501. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(g) As used in this section—

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

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

SEC. 502. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

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

''§ 5033. Custody prior to appearance before judicial officer

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

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

SEC. 503. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

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

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

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

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

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

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

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

SEC. 504. DETENTION PRIOR TO DISPOSITION OR SENTENCING.

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

''§ 5035. Detention prior to disposition or sentencing

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

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

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

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

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

SEC. 505. SPEEDY TRIAL.

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

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

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

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

SEC. 506. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

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

''§ 5037. Disposition

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

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

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

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

''(2) ten years; or

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

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

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

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

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

''(2) Such list shall—

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

''(B) include terms of confinement; and

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

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

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

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

SEC. 507. JUVENILE RECORDS AND FINGERPRINTING.

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

''§ 5038. Juvenile records and fingerprinting

''(a)(1) Throughout and upon the completion of the juvenile delinquency proceeding

under section 5032(a), the court shall keep a record relating to the arrest and adjudication that is—

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

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

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

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

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

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

SEC. 508. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND 5034.

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

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

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

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

SEC. 509. CLERICAL AMENDMENTS TO TABLE OF SECTIONS FOR CHAPTER 403.

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

''CHAPTER 403—JUVENILE DELINQUENCY

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

TITLE VI—APPREHENDING ARMED VIOLENT YOUTH

SEC. 601. ARMED VIOLENT YOUTH APPREHENSION DIRECTIVE.

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

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

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

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

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

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

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

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

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

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

(b) WAIVER AUTHORITY.—

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

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

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

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

(A) a violent crime; or

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

(2) section 924 of such title.

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

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

SEC. 701. SHORT TITLE.

This title may be cited as the ''Juvenile Accountability Block Grants Act of 1998''.

SEC. 702. BLOCK GRANT PROGRAM.

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

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

''SEC. 1801. PROGRAM AUTHORIZED.

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

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

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

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

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

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

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

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

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

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

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

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

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

''SEC. 1802. GRANT ELIGIBILITY.

''(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit to the Attorney General an application at such time, in such form, and

containing such assurances and information as the Attorney General may require by rule, including assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or will have in effect not later than 1 year after the date a State submits such application) laws, or has implemented (or will implement not later than 1 year after the date a State submits such application) policies and programs, that—

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

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

''(A) restitution;

''(B) community service;

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

''(D) fines; and

''(E) short-term confinement;

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

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

''(b) LOCAL ELIGIBILITY.—

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

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

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

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

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

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

''(a) STATE ALLOCATION.—

''(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part, the Attorney General shall allocate—

''(A) 0.25 percent for each State; and

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

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

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

''(b) LOCAL DISTRIBUTION.—

''(1) IN GENERAL.—Each State which receives funds under subsection (a)(1) in a fiscal year shall distribute not less than 75 percent of such amounts received among units of local government, for the purposes specified in section 1801. In making such distribution the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

''(A) the sum of—

''(i) the product of—

''(I) two-thirds; multiplied by

''(II) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

''(ii) the product of—

''(I) one-third; multiplied by

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

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

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

''(3) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

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

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

''(2) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditure for the relevant years for the unit of local government.

''(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $5,000.—If under this section a unit of local government is allocated less than $5,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

''(e) DIRECT GRANTS TO ELIGIBLE UNITS.—

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

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

''SEC. 1804. REGULATIONS.

''The Attorney General shall issue regulations establishing procedures under which an eligible State or unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

''SEC. 1805. PAYMENT REQUIREMENTS.

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

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

''(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c),

whichever is later.

''(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

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

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

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

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

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

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

"SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

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

"SEC. 1807. ADMINISTRATIVE PROVISIONS.

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

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

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

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

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

''(b) TITLE I PROVISIONS.—The administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

"SEC. 1808. DEFINITIONS.

''For the purposes of this part:

''(1) The term 'unit of local government' means—

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

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

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

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

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

''(5) The term 'law enforcement expenditures' means the expenditures associated with police, prosecutorial, legal, and judicial services, and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

''(6) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

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

"SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.

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

''(1) $500,000,000 for fiscal year 1999;

''(2) $500,000,000 for fiscal year 2000; and

''(3) $500,000,000 for fiscal year 2001.

''(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 1 percent of the amount authorized to be appropriated under subsection (a), with such amounts to remain available until expended, for each of the fiscal years 1999 through 2001 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this part, assuring compliance with the provisions of this part, and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

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

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

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

''Sec. 1801. Program authorized.
''Sec. 1802. Grant eligibility.
''Sec. 1803. Allocation and distribution of funds.
''Sec. 1804. Regulations.
''Sec. 1805. Payment requirements.
''Sec. 1806. Utilization of private sector.
''Sec. 1807. Administrative provisions.
''Sec. 1808. Definitions.
''Sec. 1809. Authorization of appropriations.''.

TITLE VIII—SPECIAL PRIORITY FOR CERTAIN DISCRETIONARY GRANTS

SEC. 801. SPECIAL PRIORITY.

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

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

TITLE IX—GRANT REDUCTION

SEC. 901. PARENTAL NOTIFICATION.

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

''(g) INFORMATION ACCESS.—

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

''(A) submits to the Attorney General, not later than 1 year after the date of the enactment of the Juvenile Crime Control Act of 1998, a plan that describes a process to notify parents regarding the enrollment of a juvenile sex offender in an elementary or secondary school that their child attends; and

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

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

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

TITLE X—GENERAL PROVISIONS

SEC. 1001. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to fiscal years beginning after September 30, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri (Mr. CLAY) control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that 10 minutes of the time that I control be controlled by the gentleman from Florida (Mr. MCCOLLUM).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2073, which authorizes appropriations for the National Center for Missing and Exploited Children, and I have a substitute which would replace the text of this bill which includes comprehensive reforms to our Nation's programs addressing juvenile crime.

Mr. Speaker, in 1995, juveniles accounted for 32 percent of the arrests for robberies, 23 percent of weapons violations, 15 percent of rapes, 13 percent of aggravated assaults and 9 percent of arrests for murder. These are staggering statistics that should draw our collective attention to the need for meaningful reform over our juvenile justice system.

Last year, the House passed H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act. This is an important bill that not only supports making juveniles accountable for their actions, but also provides funds to States and local communities in designing prevention programs to help young Americans turn their lives around.

The House has also passed H.R. 3, legislation from the Committee on the Judiciary to hold juveniles accountable for their actions. Together, these two bills presented a comprehensive approach to addressing juvenile crime in America today.

The Senate passed legislation amending portions of H.R. 1818, specifically amendments to the Missing Children's Assistance Act and the Runaway and Homeless Youth Act.

It is our intent to amend this legislation, S. 2073, to include the provisions of H.R. 1818 and H.R. 3 and to request a House/Senate conference to work out the differences between the two bills.

Mr. Speaker, over the past 2 years, we have seen a horrendous increase in

school violence in our country. I believe the number of students who have been killed in our Nation's schools by other students has shocked all of us. The well thought out provisions of H.R. 1818 provide support for States and local communities in addressing issues relating to juvenile crime, including school violence.

It places the design of prevention programs where it appropriately belongs, at the local level. Although it outlines a number of ways in which funds can be used, it does not restrict local innovation.

Earlier this year, the Subcommittee on Early Childhood, Youth and Families held a hearing on understanding violent children. This hearing focused on the factors that are likely to contribute to school violence and explored the backgrounds of children who commit the violent acts.

One key issue was discussed by most of the witnesses testifying at the hearing: The need for early identification of students with a potential for violence and then early intervention and prevention activities directed at those students. Schools could conduct these types of activities using funds provided under this act.

Mr. Speaker, we need to make communities and schools safe. Our goal is crime-free environments where children can play and learn. To reach this goal, we must act now to move legislation addressing juvenile crime. The end of the session is drawing near. We cannot afford to wait any longer. Parents, teachers, counselors and law enforcement personnel cannot continue to wait for us to act. Most importantly, our sons and daughters need our support in making playgrounds and neighborhoods safe again.

I believe we must take advantage of this opportunity to produce legislation which not only provides appropriate punishment for juvenile offenders but which provides a variety of intervention and prevention programs to prevent youth involvement in delinquent activities, and I urge the Members' support.

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the remainder of my time be controlled by the gentleman from Florida (Mr. MCCOLLUM).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this Republican ploy to strike the language in S. 2073 and replace it with both H.R. 1818 and H.R. 3.

H.R. 3 is a punitive, controversial measure from the Committee on the Judiciary, which does very little to prevent crime in America's streets. By contrast, H.R. 1818 is a bipartisan measure that includes thoughtful, effective crime prevention measures that will give juveniles real alternatives.

By combining these two House bills, we will virtually obliterate and ensure the obliteration of H.R. 1818's positive prevention measures. H.R. 1818 enjoyed very strong bipartisan support, which was evidenced by its overwhelming margin of passage, 413 to 14. The bill creates a new, more effective and streamline prevention and treatment program for juveniles. It also maintains a Federal role in juvenile justice research and evaluation, and it provides for the separation of juveniles from adults in correctional settings.

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H.R. 1818 was considered under suspension of the rules and was the product of several months of careful negotiation. By contrast, H.R. 3 would result in more juveniles being tried as adults in Federal court because it provides for the mandatory adult prosecution of 14-year-olds charged with serious violent felonies.

This is a far cry from the strong prevention-based philosophy of H.R. 1818. We cannot afford to toss our troubled juveniles into jail and throw away the keys. We must intervene first with the strong and flexible prevention measures that H.R. 1818 provides.

Mr. Speaker, I believe that H.R. 1818's promotion of prevention over punishment, substance over politics, shows what we as elected officials can do to produce fair, bipartisan legislation. Instead of looking to score cheap political points, let us do right by our Nation's troubled children and work to prevent juvenile crime.

Mr. Speaker, the combining of these bills is a Republican ploy to force Members who already opposed H.R. 3 to vote for it now. This amendment is an abuse of the suspension calendar. Members who voted against H.R. 3, or have concerns about the Draconian measures in S. 2073, should vote ''no'' on this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, as has been stated previously, contains the elements of two major youth crime bills and an effort to improve our juvenile justice system very dramatically as the work product of two different committees of this House.

Both of these bills in other forms, but very much the same language, have passed this body. H.R. 3, which passed this body some time ago in the last session of this Congress back last year, passed by a vote of 286 to 132. That is what constitutes sections 5 and 6 and 7 of this bill today.

Mr. Speaker, I want my colleagues to fully understand that many, the vast majority, voted for these provisions previously. We have had some difficulty getting the legislation represented by both of these previous bills into law. So, consequently, this is an effort to combine the two and perhaps be able to get something through the other body, as well as ours, and to the President's desk.

First of all, it is extremely important for us to recognize that we have a crisis in juvenile crime today in this Nation. Our juvenile justice system is truly broken because juvenile judges, juvenile prosecutors, juvenile probation officers, are overwhelmed by the caseload that is out there.

We find in the streets of America today young people committing crimes, oftentimes the traditional crimes we think of as going to juvenile court of doing something like spray painting graffiti on a warehouse wall or running over a parking meter, and not even seeing the police officer taking them into the juvenile authorities because the juvenile authorities are so overworked, they have to spend their time on the violent crime that we hear so much about in society today, that they are not focused and cannot take the time to focus on these lesser crimes.

Then when they are taken in, they may or may not receive any punishment at all. We have a lot of reports in some of our major urban areas where they do not receive any punishment, which is the reason why law enforcement hesitates to carry these young people in that commit misdemeanor crimes and wait for the really serious stuff, which may be many, many crimes down the road. Then those who do get some punishment frequently cannot be supervised, because there is no probation officer who has the time to do that and so on down the line.

As a net consequence, what I have learned as chairman of the Subcommittee on Crime in this House over the last 3 or 4 years is that we have a lot of young people who believe that there is no consequence to their juvenile acts when they go out and commit these relatively petty crime. The experts say in that case, since they may commit all kinds of these crimes and never get any punishment, never even be taken into the juvenile authorities, is it any wonder that when they are a little older and rob a 7–Eleven store with a gun that they do not hesitate to pull the trigger because they do not think that there is going to be any consequences.

So, what is in this bill that was in H.R. 3, which is the gist of that bill on juvenile justice reform, is an effort to hold these young people accountable, knowing and recognizing that the vast majority of juvenile justice problems are in the States, not at the Federal level. This is not a Federal bill in that sense. It is, instead, a bill that would provide for some effort to put some accountability in there by a grant program to the States and local communities for the purposes of promoting this accountability.

The funds that would be authorized in this bill are $500 million a year over 3 years for State and local communities to be able to spend for the purposes of increasing accountability in their juvenile justice systems for anything they want to. More judges, more

probation officers, more prosecutors, more juvenile detention facilities if that is what they need, but within the framework of juvenile justice for anything they want.

There are only a couple of provisions that they have to assure the Attorney General of the United States in order to get the grant money, the first and foremost of which is that the State would have to ensure that there is a sanction, some kind of punishment, for every delinquent or criminal act of a juvenile and that there will be an escalating greater sanction for every subsequent delinquent act that is more serious.

That is very critical. It does not exist today, unfortunately, in most communities and it needs to exist. That is the real reason for this part of the legislation, why H.R. 3 was passed, and why it is in this bill today. It is a grant program to provide those additional resources so that these overworked juvenile justice systems can be given a jump start, knowing that the States will have to pump even more money into the system, but at least saying we are out there to offer a helping hand of $500 million a year, which is a lot of money, to the States which comply with that.

They also would have to establish a system of records for juveniles adjudicated delinquent for a second offense that would be a felony if committed by an adult, which is a system equivalent to that maintained for adults that commit felonies.

They have to assure that State law does not prevent a juvenile court judge from issuing an order against a parent or guardian of a juvenile offender and from imposing sanctions for violation of that order, which most States already do.

The last one that is often talked about, but that is far milder than has been represented even here today, they have to assure the Attorney General that when juveniles commit an act after attaining the age of 15 years of age that would be a serious violent crime on only one of those four, murder, aggravated, sexual assault, and armed robbery with a firearm if committed by an adult, may be prosecuted as an adult within the discretion of the prosecutor, which is, of course, the law in almost all States today.

The heart of this is that we want money to go to the States to improve their juvenile justice systems. This is a grant program to do that. It is primarily attached to the principal string that they will start punishing and assure us that they are punishing juveniles for their first delinquent acts and then increase that punishment thereafter with the misdemeanor crimes to put consequences back into the law and stop a lot of these kids from committing the violent crimes that they do later. It is a very important bill and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MARTINEZ).

(Mr. MARTINEZ asked and was given permission to revise and extend his remarks.)

Mr. MARTINEZ. Mr. Speaker, I rise in opposition to the House substitute to S. 2073. Members on the other side of the aisle are politicizing what could have been a bipartisan debate on juvenile justice by incorporating the controversial H.R. 3 in the substitute.

It is certain that the House had bipartisan options at hand. The Senate version of S. 2073 would have reauthorized the Runaway and Homeless Youth Act and the National Center for Missing and Exploited Children. While I am a strong advocate of both programs and support their extension, I do not support H.R. 3, which is an overreaction.

On the other hand, one of the bills that we are using as a substitute to the Senate legislation is H.R. 1818, the Juvenile Justice Crime Control and Delinquency Prevention Act, which also reauthorizes these important programs and represents a truly bipartisan compromise in addressing juvenile justice.

Over a year ago, H.R. 1818 passed the House with near unanimous support. This legislation shows what we can do as elected officials to produce good public policy on a truly bipartisan basis. H.R. 1818 strengthens the vital provisions of the Juvenile Justice and Delinquency Prevention Act, embodied in the four core mandates, while providing flexibility to deal with the real life difficulties of dealing with juvenile offenders.

In addition, a dramatic positive new step is also taken by the creation of H.R. 1818's Community Prevention Block Grant. These funds will provide the vital tools necessary for our local communities to prevent juvenile crimes.

Unfortunately, legislation that lacks the overwhelming bipartisan mandate afforded to H.R. 1818 will also be incorporated in the House substitute to S. 2073. That legislation, H.R. 3, relies on punitive measures rather than the prevention efforts which are more successful and less costly. H.R. 3 espouses an extremist view of addressing juvenile crime, both by calling for the prosecution of more youths as adults and forcing juveniles to be housed with adult offenders.

This is in direct conflict with the provisions of H.R. 1818 which mandate total sight and sound separation of adults and juveniles in correctional facilities. These protections were first enacted in the JJDPA due to the overwhelming evidence that housing adults with youth together in the same correctional facility was dangerous and even lethal for juveniles.

Mr. Speaker, the facts are the suicide rate for youths in adult jails is eight times higher than that for children in juvenile detention centers. Most suicide attempts actually occur within the first hours of incarceration. In addition, youth who come in contact with adult inmates are often physically and sexually abused. I can attest that we could only be promoting recidivism by jailing youth offenders with adults, thus condemning these children to a lifetime of crime.

Therefore, despite myself strong support for H.R. 1818 and the Senate version of S. 2073, I must oppose the legislation before us today. I cannot support any measure that takes the irresponsible and hard-hearted approach to juvenile justice set forth in H.R. 3.

Mr. Speaker, I urge my colleagues to join me in voting against the House version of S. 2073.

Mr. MCCOLLUM. Mr. Speaker, may I inquire how much time each side has remaining. I believe I have adopted the time of the gentleman from Pennsylvania (Mr. GOODLING).

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Florida (Mr. MCCOLLUM) has 10 minutes remaining, and the gentleman from Missouri (Mr. CLAY) has 14 minutes remaining.

Mr. MCCOLLUM. Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. SCOTT) be allowed to manage the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SCOTT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in opposition to the motion to suspend the rules and pass the amended version of S. 2073. The original version of S. 2073 was a simple reauthorization of the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Act. This new version has added H.R. 3 and the good, effective crime prevention bill, H.R. 1818, but it is the provisions of H.R. 3 that are most egregious.

Mr. Speaker, it has been two Congresses since we started debating on how best to reduce juvenile delinquency in this country and today we still do not have a Federal juvenile justice policy that will assist States and communities in addressing this persistent problem.

Instead, Congress has elected to go the politically popular route and use sound bites to develop bad juvenile crime policy. Even prominent research organizations such as the RAND Institute finds that the popular sound bite, ''You do the adult crime, you do the adult time,'' has been shown to actually increase juvenile crime.

H.R. 3 has not changed much since it was last considered. Unlike H.R. 1818, it still allows children to be housed in adult prisons with adults, where they are five times more likely to be sexual assaulted, twice as likely to be beaten, and 50 percent more likely to be attacked with a weapon than children in a juvenile facility.

H.R. 3 requires States to prosecute children as young as 14 in the adult court system, which significance research shows will increase crime. Those crimes will be committed sooner and be more violent if we adopt this policy. Incredibly for the juveniles affected, the studies show that the adult time will actually be shorter than the juvenile time. That is right, the adult time will be shorter.

To add insult to injury, in most States the juvenile would be entitled to a preliminary hearing, giving the witnesses and the victims two trials to endure rather than one.

H.R. 3 also represents government intrusion at its worst. It would require 37 States to change their juvenile justice, laws including not only my State of Virginia but also California, Pennsylvania, Ohio, Texas and many others.

It is also important to understand that by bringing up S. 2073 in the House under a suspension of the rules as we are doing today the Senate no longer have to debate juvenile justice. They have a bill in the Senate, S. 10, which is similar to H.R. 3, and it has not been able to reach the floor because it cannot pass the ''Light of Day Test,'' because when daylight hits S. 10, no one likes what they see. It has been criticized by the National Governors' Association, the National District Attorneys Association, the Children's Defense Fund, and even the Chief Justice of the Supreme Court.

□ 1430

Mr. Speaker, this is the wrong way to establish a Federal juvenile crime policy. We should let the center continue to deliberate until they can pass a juvenile crime bill that actually reduces youth crime. Meanwhile, the House should defeat the motion to suspend the rules and, instead, pass a simple reauthorization of the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Acts.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I stand in somewhat of an unusual position today. I serve on the Subcommittee on Early Childhood, Youth and Families of the Committee on Education and the Workforce and have worked with the gentleman from California (Mr. MARTINEZ) and the gentleman from Virginia (Mr. SCOTT) on this bill, both in the last session of Congress and in this session, and on H.R. 1818, which is a part of this bill. And we were able to develop a bipartisan and important consensus that in reaching out to children, in particularly their juvenile period, that we need to try to reach these kids before they get to the level of serious crime and work through that problem; and that they deserve special set-aside counseling, both in prevention and after they have committed a crime.

But this has been merged with another bill, Mr. Speaker, which I also support, which says that for certain actions, such as if a juvenile shoots somebody and kills them, if they rape someone, or if they commit armed robbery with a firearm, and they are 15 years of age, that person is just as dead, just as raped, or had their life just as threatened as if that individual were 18. We have spent too much time worrying about some of these juveniles on the street without thinking about the people, particularly in a lot of our urban centers, who are terrorized by these young people; without thinking of the people working in many fast food places, that are now shutting down in my hometown of Fort Wayne and around this country, where people do not have places to get food, they do not have grocery stores in their area because a few individuals are terrorizing their neighborhoods.

Now, I do not necessarily agree completely with every part of the crime bill section of this, in the sense that I think we need rehabilitation programs. We have had a celebrated case in our State about a young girl who committed a murder. And, clearly, when an individual is 14, 15, 16, 17, they are going through somewhat of a different process. And as has been pointed out, they are going to be released and we need to work with them. But they need to be off the streets and held accountable for their crimes, because for a few people in this society, in many cases, it is questionable, quite frankly, in these rape cases and armed robberies, whether indeed any of the rehab programs are working, and many of these people are not coming off the street.

I am not arguing against prevention. I supported that bill; I helped develop that bill. I believe we have an excellent effort to try to reach more of these young people before they get to that step. But we are getting into a posture, it seems like in this government, where if someone apologizes, if they say they are sorry, if somehow somebody gives them a slap on the wrist or maybe gives them a sensor, that they are not held accountable for their actions in this country anymore. There should be a price to pay if someone shoots somebody, if they rape somebody, or if they use a gun in an armed robbery. They should be held accountable for that crime, and we are not doing it at this time.

Forty percent of people in the juvenile period of 15 until they reach adulthood are not serving sentences, and they are back out on the streets terrorizing the senior citizens in their neighborhood and the other kids. We had a little boy that was gunned down in Fort Wayne, and one a little bit older, as a gang was going through in a random shooting of a house trying to find another drug dealer. Can anybody get that little boy's life back?

I believe the person who pulls that trigger or who threatens to pull the trigger should be held accountable. Then, I also believe while they are in prison, we need to work with them and be sensitive to these young people being raped in prison and how we should separate them. But they should go to jail, they should do the time, and they should be held accountable. Because when they take another life or rape someone or assault someone, they need to be held accountable.

Mr. SCOTT. Mr. Speaker, I yield myself 30 seconds, prior to yielding to the gentleman from Rhode Island, to point out that when the gentleman talks about rape, robbery, and shooting, we need to point out that two-thirds of the juveniles treated as adults today are treated as adults for nonviolent offenses. We are already that far down the list.

There is no State that needs any direction from Congress to decide what to do about people who are shooting, raping and robbing with a firearm. In fact, for those affected by this bill, they will serve less time. And that is, obviously, not the accountability that we want to be talking about.

Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman from Virginia for yielding me this time, and I want to salute the gentleman from Virginia for all the good work that he does to preserve sound policy with respect to juvenile crime.

My colleagues, what we are doing today is wrong. We are taking a bill that is supposed to help missing and exploited children and runaway and homeless youth, we are taking this program and we are saddling it with a political agenda. We are taking these most vulnerable children in our society, the exploited children of this society, and we are exploiting them for political gain, and this time it is by the United States Congress that wants to beat its chest and say how tough they are on crime.

Every single knowledgeable person in this country who works in the area of juvenile crime will tell us that the kind of policy that the Republicans are trying to foist on this Congress is policy that simply does not work. How do we know this? The United States Senate will not even take up this draconian bill, a bill that would put 14-year-old children in the same prison as an adult criminal. They are not taking up this bill because they know it is barbaric.

So what are we doing today? We are trying to circumvent the proper process, to allow this Congress an opportunity to debate and fully understand this bill, by putting it on the suspension calendar and hoping no one will know that this Congress is taking missing and exploited children and using their political agenda to attach H.R. 3 onto this bill.

This bill is not about missing and exploited children any longer, it is about

a Republican agenda to make themselves look tough on crime when in actuality they are victimizing these poor children once again.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of S. 2073, the reauthorization of the Missing and Exploited Children and the Runaway and Homeless Youth Acts. This substitute includes H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act, which passed the House Committee on Education and the Workforce on which I serve.

This bill also contains and incorporates a very important provision that I sponsored that provides the National Center for Missing and Exploited Children with funds to serve as the Nation's primary resource center for child protection.

For more than 13 years, the National Center, a private nonprofit organization established by Congress in 1984, has been instrumental in locating and recovering missing children and preventing child abductions, molestations and sexual exploitations. The National Center is a vital resource for families and the approximately 17,000 law enforcement agencies in the United States in the search for missing children and the quest for child protection.

The Center has worked for clearinghouses in all 50 States in locating over 35,000 children and preventing child abductions, molestations and sexual exploitations. One of the National Center's success stories hit very close to my home. Last year it assisted local authorities in the recovery of two missing Delawarians who were located in Florida.

This bipartisan legislation also provides us with a balanced approach to addressing juvenile crime and endorses a concept of holding juveniles accountable for their crimes while also providing for prevention programs that can help young people turn their lives around.

Mr. Speaker, by adequately funding the National Center for Missing and Exploited Children, we can solidify our resources, hone our message, and assure every family and every law enforcement agency that we are committed to long-term child protection. I urge my colleagues to support passage of this legislation so we can move it to conference with the Senate soon.

Mr. SCOTT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. MCCARTHY.)

Mrs. MCCARTHY of New York. Mr. Speaker, I thank my colleague for yielding me this time. I rise in opposition to the motion to suspend the rules and pass S. 2073 as amended.

My work to end violence in this country has shown me that attacking violence requires a wide range of measures, including getting guns out of the hands of our young people. If we want to reduce juvenile crime, we must address guns and how kids get ahold of them. Since the House passed H.R. 3 and H.R. 1818 last year, unfortunately, there have been several tragic incidents of violence in our schools.

Last June, I introduced the Children's Gun Violence Prevention Act, common sense legislation to keep guns out of the hands of children. It has received broad support from both sides of the aisle and would take a major step towards reducing juvenile crime. Sadly, the process we are using today will give either chamber the chance to address my legislation or any steps we must take towards reducing gun violence. That is just not right.

Today may be our last chance to debate the issue of juvenile crime this year. If we fail to address gun violence as part of this effort, we will not be doing our job. If we are serious about reducing gun violence among our youth, and violence in general, then we have to do something about keeping our schools safe. We should defeat this motion, Mr. Speaker.

We want to do the right thing in this chamber, and sometimes, unfortunately, when we rush through things, we are not doing the right thing. I ask my colleagues to defeat this, to go back, and let us really do the right thing for our young people in this country.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, it was interesting today to listen to the gentleman from Indiana talk about accountability and referring to some specific incidents. I daresay that if we took the time in this debate and asked the gentleman if those juveniles who committed those crimes were incarcerated, the answer would be in the affirmative. That is because there is some good news out there.

We have certainly not achieved utopia. We have not arrived at the promised land. But as the gentleman from Florida, the chairman of the Subcommittee on Crime of the Committee on the Judiciary is fully apprised of, juvenile crime is down in this Nation. The States are doing some things that work, and it is important to understand that.

In fact, violent crime, which is committed generally by young males between the ages of 15 and 25, is dramatically down all over the country. But if this bill should pass, as amended, 40 States in this Nation are going to have to change their juvenile justice laws so that they can qualify for the hundreds of millions of dollars that would be forthcoming from H.R. 3, which is now part of this bill. They would have to change their juvenile justice laws even if they are working. And let me say that just simply makes no sense whatsoever.

For example, in the Commonwealth of Massachusetts, my home State, in the city of Boston, the capital city of Massachusetts, there has been an incredible drop in terms of juvenile crimes, and Boston is frequently cited as a model for the rest of the Nation. When I first became the district attorney for the metropolitan Boston area back in 1975, within the city of Boston itself there were 140 homicides. In this year it is projected that there will be less than 30 homicides.

So there are some good things happening. Yet, if we pass this particular bill, the Commonwealth of Massachusetts and some 40 other States would have to change their juvenile justice laws that are working to simply qualify for the Federal monies. That is wrong and it makes no sense.

□ 1445

Let me suggest that we vote ''no'' on this bill and demand a simple reauthorization of the National Center for Missing and Exploited Children as provided for in the original Senate bill.

Mr. SCOTT. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) who is a former judge, and I want to thank, as she is approaching the podium, the gentleman from Massachusetts (Mr. DELAHUNT), a former prosecutor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Virginia for his leadership, and I frankly thank the gentleman from Florida (Mr. MCCOLLUM) for the many times that we have debated this issue.

As he well knows, I was able to join him in the early part of my first coming to this Congress to hear from different communities on the concerns of juvenile delinquency or juvenile issues. I would simply say to the gentleman from Florida (Mr. MCCOLLUM), I would hope that we will have a further opportunity to address his concerns and as well really answer the devastation of juveniles who are facing difficult lives, and by that juveniles who come from dysfunctional families and juveniles who need more than being locked up and incarcerated.

Frankly, let me say to the gentleman from Virginia, knowing his hard work, I am prepared and think we all are prepared to support the original reauthorization of the Missing and Exploited Children and the Runaway and Homeless Youth Acts. In fact, H.R. 1818 that deals with prevention has the legislation in the right direction. It includes the support of the missing and exploited children which is so important to the survival of runaway children, children who are exploited and does a very fine job, but yet it also matches our concerns as so many Members have risen to the floor of the House to talk about the high numbers of juvenile crime. But what they have not done is recognize that H.R. 3, which is now incorrectly attached to the missing and exploited children's reauthorization, is not the answer but in fact experts will tell us that when we incarcerate children with adults, when we provide no

prevention, when we provide no treatment, when we have no support systems for their families, we do not have rehabilitation.

This country is too good, it is too good, and children are too good for us to throw them away. The leading headline of Emerge Magazine said, ''Teenagers are not as bad as we paint them.'' What they need is support systems like Girls and Boys Clubs. They need the Boy Scouts and Girl Scouts of America. They need the foster parent program. They need systems in Houston such as that authorized by Mayor Lee Brown, the after-school programs. They need parks opened.

H.R. 3 does not answer the question, what do we do about prevention? What do we do about a youngster who has been caught up in the web of crime but yet has the ability through treatment to be corrected?

This bill would house youthful offenders in the Federal system in close proximity to adult offenders and will place rigid mandates on the States that will preclude the majority of States from receiving Federal dollars.

One study has shown that juveniles who are waived to adult court recidivate sooner than those juveniles who are retained in juvenile court and are treated.

Let me just say, Mr. Speaker, in conclusion, I want to work with the Republicans. I want to work to bring down juvenile crime. This is a bad bill. We need to support H.R. 1818 for prevention and support the missing and exploited children's reauthorization separate from H.R. 3.

Mr. Speaker, thank you for the time to speak on this suspension bill today. I strongly support the original Reauthorization of Missing and Exploited Children and the Runaway and Homeless Youth Acts. The original Senate bill S. 2073 would provide important assistance to vulnerable children and Families.

However, Republicans are attempting to jeopardize this important reauthorization by attaching the provisions of H.R. 3, the controversial Violent and Juvenile Offender Act. By attaching these provisions, Republicans are attempting to add in conference S. 10, the controversial Violent and Repeat Juvenile Offender Act, that failed to receive Senate approval. This bill would house youthful offenders in the federal system in close proximity to adult offenders and will place rigid mandates on states that would preclude the majority of states from receiving federal dollars for juvenile justice programs.

I opposed this bill in the House once and I will oppose it here again today in this form. I oppose automatically trying any juvenile as an adult, and I believe that a juvenile court judge, not the legislature should make these decisions in a case by case basis. Furthermore, available studies show that transferring juveniles to adult court actually increases crime. One study has shown that juveniles who are waived to adult court recidivate sooner and more severely than juveniles who are retained in juvenile court who were comparable in terms of most serious offense for which the transfer was made, number of prior referrals to the juvenile justice system, most serious prior offense, age, gender and race.

For these reasons, I oppose the Republican's efforts to attach these dangerous provisions to the Senate Bill 2073. Adding H.R. 3 provisions to S. 2073 will only serve to doom the passage of S. 2073 and subvert the regular legislative process for consideration of S. 10. I urge all my colleagues to oppose the substitute version of S. 2073 on the Suspension Calendar today.

Mr. SCOTT. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Virginia (Mr. SCOTT) is recognized for 1 minute.

Mr. SCOTT. Mr. Speaker, in closing I would just like to recommend that we review the bill and would notice that the bill started off with a simple reauthorization of the National Center for Missing and Exploited Children and Runaway and Homeless Youth Act. We also had passed here legislation, H.R. 1818, a prevention bill which will protect children and also reduce crime which included the National Center and the Runaway and Homeless Youth Act. We should pass those. But unfortunately we have in this bill the addition of H.R. 3 which has the incredible result of giving children less time and increasing the crime rate with a study showing those increased crimes will be committed sooner and be more violent.

We need to vote ''no'' on this motion to suspend the rules and then pass the reauthorization of the National Center and the Runaway and Homeless Youth Act and then pass H.R. 1818 and forget about H.R. 3.

Mr. McCOLLUM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to make a clarification of some things that I think people have perhaps misunderstood about this legislation. It is a combined bill. It is two bills that have already passed the House. One of them is prevention, very heavy, very good, Office of Juvenile Justice, delinquency prevention is reauthorized and a lot of good things have come out of the committee that has jurisdiction over that.

Our committee that has jurisdiction over H.R. 3 is a juvenile justice bill dealing with helping the States to improve their juvenile justice systems that I believe are broken. There is nothing in this bill, nothing whatsoever, that would require or permit the commingling of juveniles who are incarcerated with adult prisoners. That has been a debate in the past, but I want to assure the Members there is nothing in here that does that. In fact, H.R. 1818 which is part of this bill actually has provisions that would prohibit it; and H.R. 3 which is incorporated is silent on that issue because it does not deal with that subject. But there is nothing in here to commingle.

Secondly, we already have passed a bill in the past Congress but it was not all the way through, we passed it in the House and now there is an appropriations that went through last year for $230 million under H.R. 3's auspices, the same basic qualifying language, or very close to it, and every State is qualified. So to say, as I think some seem to believe, that States would not qualify under this bill for the grant program, I think, is mistaken.

Thirdly, this is not a bill to lock people up for a long period of time who are juveniles, though there is a problem with that. This is a bill designed precisely for another reason. The H.R. 3 portion of this, juvenile justice, is to help repair the broken juvenile justice system by making sure the misdemeanor crimes, the spray painting, graffiti, the writing on a wall, the running over of a parking meter, the throwing of a rock through a window, that that type of offense gets the attention that it is not getting today; that kids get consequences back into their system again so that they know when they commit these minor crimes early on that they do not go on to commit greater crimes which is unfortunately the problem now because the juvenile justice systems are overworked.

But the reality is that the result of the system being overworked is that we have more juvenile offenders who are committing violent crimes than ever before. Only 10 percent of violent juvenile offenders, those who commit murder, rape, arson and assault, receive any sort of secure confinement today. Rates of secure confinement for violent juveniles are the same as they were in 1985 and actually decreased last year. Many juveniles receive no punishment at all. Nearly 40 percent of juvenile violent offenders who came into contact with the system the last time we saw the study have had their cases dismissed and the average length of institutionalization for a juvenile who has committed a violent crime is only 353 days. To me that says the system is truly broken in the sense that we are not dealing with the violent ones properly, and we are also not dealing with the ones who are not violent which is the basic thrust of this bill.

The reality, too, is because we are not dealing with the misdemeanor miscreants in this country properly, we get older teenagers, ages 17 to 19, who are the most violent age group of all. There is more murder and robbery committed in that 18-year-old age group than any other group, and teenagers generally account for the largest portion of all violent crime in America. Throughout the next decade, the experts all tell us there is going to be a tremendous upsurge in juvenile crime if we do not do something about it because the demographics show we are going to have a lot more teenagers.

This bill is a good bill. It is a balanced bill between prevention and juvenile justice and it is an effort to put consequences back into the juvenile justice system and help the States repair it. Essentially the H.R. 3 portion of this bill is a grant program already in part implemented by the appropriators last Congress that would go on for the next three years of $500 million a year to the States to do as they see

fit with that money to improve their juvenile justice systems, to hire more judges, more prosecutors, have more detention space, more probation officers, whatever they want to do, whatever they need to do, it is their choice. All they have to do to qualify essentially is to provide assurances to the Attorney General that they are punishing those early misdemeanor crimes.

I urge the adoption of this bill. It needs to be passed. It needs to be passed now.

Mr. GREENWOOD. Mr. Speaker, I rise today to support S. 2073, as amended. More than a year ago this House overwhelmingly passed H.R. 3 and H.R. 1818. H.R. 3, the Juvenile Crime Control Act of 1997, sponsored by Congressman BILL MCCOLLUM, focused on the punishment of juvenile offenders. H.R. 1818, The Juvenile Crime Control and Delinquency Prevention Act, provided a balance to punishment by focusing on prevention of juvenile delinquency. H.r. 1818 was designed to assist States and local communities to develop strategies to combat juvenile crime through a wide range of prevention and intervention programs. The Senate has yet to pass companion legislation and we have a limited number of days remaining in this session. I support the procedure we are using today to allow us to get to Conference with the Senate to produce legislation that provides both appropriate punishment for juvenile offenders and the development of intervention and prevention programs to prevent our children from becoming involved in delinquent activities.

H.R. 1818 is a bipartisan bill—it was the result of many hours of discussions between Congressmen RIGGS, MARTINEZ, SCOTT, and myself. The bill represents good policy. In developing this bill we attempted to strike a balance in dealing with children, young people who grow up and come before the juvenile justice system, and tried to recognize that some of these children, at ages 16 and 17, are already very vicious and dangerous criminals. Other children who come before the juvenile justice system are harmless and scared and running away from abuse at home. It is an extraordinarily difficult task to create a juvenile justice system in each of the states and in each of the counties that can respond to these very, very different young people caught up in the law.

We recognized that we needed to build some flexibility into the system, enough flexibility to allow the local officials to use their own good judgement based on the realities of each situation, and yet not give them so much flexibility that harm could be done to the child. We dealt with very sensitive issues like the deinstitutionalization of status offenders, how to address the over representation of minorities in the juvenile justice system, and determining the correct balance between block granting funds to the states and keeping some strings attached.

I believe we found that balance. We have found a way to provide the additional flexibility that our local officials need, still protect society from dangerous teenagers, while protecting scared kids from overly harsh treatment in our juvenile justice system.

A few months ago I chaired a Subcommittee on Early Childhood, Youth and Families hearing on ''Understanding Violent Children'' for Chairman RIGGS. Most witnesses testified to the need for early intervention and prevention programs directed at students with a potential for violence. This legislation will allow for those activities.

I urge my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2073, as amended.

The question was taken.

Mr. SCOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2073.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MAMMOGRAPHY QUALITY STANDARDS REAUTHORIZATION ACT OF 1998

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4382) to amend the Public Health Service Act to revise and extend the program for mammography quality standards, as amended.

The Clerk read as follows:

H.R. 4382

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mammography Quality Standards Reauthorization Act of 1998''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 354(r)(2) of the Public Health Service Act (42 U.S.C. 263b(r)(2)) is amended in each of subparagraphs (A) and (B) by striking ''1997'' and inserting ''2002''.

(b) TECHNICAL AMENDMENTS.—Section 354(r)(2) of the Public Health Service Act (42 U.S.C. 263b(r)(2)) is amended in subparagraph (A) by striking ''subsection (q)'' and inserting ''subsection (p)'', and in subparagraph (B) by striking ''fiscal year'' and inserting ''fiscal years''.

SEC. 3. APPLICATION OF CURRENT VERSION OF APPEAL REGULATIONS.

Section 354(d)(2)(B) of the Public Health Service Act (42 U.S.C. 263b(d)(2)(B)) is amended by striking ''42 C.F.R. 498 and in effect on the date of the enactment of this section'' and inserting ''part 498 of title 42, Code of Federal Regulations''.

SEC. 4. ACCREDITATION STANDARDS.

(a) IN GENERAL.—Section 354(e)(1)(B) of the Public Health Service Act (42 U.S.C. 263b(e)(1)(B)) is amended—

(1) in clause (i), by striking ''practicing physicians'' each place such term appears and inserting ''review physicians''; and

(2) in clause (ii), by striking ''financial relationship'' and inserting ''relationship''.

(b) DEFINITION.—Section 354(a) of the Public Health Service Act (42 U.S.C. 263b(a)) is amended by adding at the end the following:

''(8) REVIEW PHYSICIAN.—The term 'review physician' means a physician as prescribed by the Secretary under subsection (f)(1)(D) who meets such additional requirements as may be established by an accreditation body under subsection (e) and approved by the Secretary to review clinical images under subsection (e)(1)(B)(i) on behalf of the accreditation body.''.

SEC. 5. CLARIFICATION OF FACILITIES' RESPONSIBILITY TO RETAIN MAMMOGRAM RECORDS.

Section 354(f)(1)(G) of the Public Health Service Act (42 U.S.C. 263b(f)(1)(G)) is amended by striking clause (i) and inserting the following:

''(i) a facility that performs any mammogram—

''(I) except as provided in subclause (II), maintain the mammogram in the permanent medical records of the patient for a period of not less than 5 years, or not less than 10 years if no subsequent mammograms of such patient are performed at the facility, or longer if mandated by State law; and

''(II) upon the request of or on behalf of the patient, transfer the mammogram to a medical institution, to a physician of the patient, or to the patient directly; and''.

SEC. 6. DIRECT REPORTS TO PATIENTS.

Section 354(f)(1)(G)(ii) of the Public Health Service Act (42 U.S.C. 263b(f)(1)(G)(ii)) is amended by striking subclause (IV) and inserting the following:

''(IV) whether or not such a physician is available or there is no such physician, a summary of the written report shall be sent directly to the patient in terms easily understood by a lay person; and''.

SEC. 7. SCOPE OF INSPECTIONS.

Section 354(g)(1)(A) of the Public Health Service Act (42 U.S.C. 263b(g)(1)(A)) is amended in the first sentence—

(1) by striking ''certified''; and

(2) by inserting ''the certification requirements under subsection (b) and'' after ''compliance with''.

SEC. 8. DEMONSTRATION PROGRAM REGARDING FREQUENCY OF INSPECTIONS.

Section 354(g) of the Public Health Service Act (42 U.S.C. 263b(g)) is amended—

(1) in paragraph (1)(E), by inserting '', subject to paragraph (6)'' before the period; and

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

''(6) DEMONSTRATION PROGRAM.—

''(A) IN GENERAL.—The Secretary may establish a demonstration program under which inspections under paragraph (1) of selected facilities are conducted less frequently by the Secretary (or as applicable, by State or local agencies acting on behalf of the Secretary) than the interval specified in subparagraph (E) of such paragraph.

''(B) REQUIREMENTS.—Any demonstration program under subparagraph (A) shall be carried out in accordance with the following:

''(i) The program may not be implemented before April 1, 2001. Preparations for the program may be carried out prior to such date.

''(ii) In carrying out the program, the Secretary may not select a facility for inclusion in the program unless the facility is substantially free of incidents of noncompliance with the standards under subsection (f). The Secretary may at any time provide that a facility will no longer be included in the program.

''(iii) The number of facilities selected for inclusion in the program shall be sufficient to provide a statistically significant sample, subject to compliance with clause (ii).

''(iv) Facilities that are selected for inclusion in the program shall be inspected at such intervals as the Secretary determines will reasonably ensure that the facilities are maintaining compliance with such standards.''.