
JUVENILE CRIME CONTROL AND DELINQUENCY
PREVENTION ACT OF 1996

SEPTEMBER 12, 1996.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. GOODLING, from the Committee on Economic and Educational
Opportunities, submitted the following

R E P O R T

together with

MINORITY AND ADDITIONAL VIEWS

[To accompany H.R. 3876]

[Including cost estimate of the Congressional Budget Office]

The Committee on Economic and Educational Opportunities, to whom was referred the bill (H.R. 3876) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1997, 1998, 1999, and 2000; and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

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 1996”.

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

Sec. 1. Short title; table of contents.

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

Sec. 101. Findings.

Sec. 102. Purpose.

Sec. 103. Definitions.

Sec. 104. Name of office.

Sec. 105. Concentration of Federal effort.

Sec. 106. Coordinating Council on Juvenile Justice and Delinquency Prevention.

Sec. 107. Annual report.

Sec. 108. Allocation.

Sec. 109. State plans.

- Sec. 110. National Institute for Juvenile Justice and Delinquency Prevention.
- Sec. 111. Research, demonstration, and evaluation functions.
- Sec. 112. Technical assistance and training functions.
- Sec. 113. Establishment of training program.
- Sec. 114. Curriculum for training program.
- Sec. 115. Special studies and reports.
- Sec. 116. Grants and contracts for special emphasis prevention and treatment programs.
- Sec. 117. Considerations for approval of applications.
- Sec. 118. Gang-free schools and communities.
- Sec. 119. State challenge activities.
- Sec. 120. Repeaters.
- Sec. 121. Authorization of appropriations.
- Sec. 122. Administrative authority.
- Sec. 123. Use of funds.
- Sec. 124. Technical and conforming amendments.

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH

- Sec. 201. Findings.
- Sec. 202. Authority to make grants for centers and services.
- Sec. 203. Eligibility.
- Sec. 204. Approval of applications.
- Sec. 205. Authority for transitional living grant program.
- Sec. 206. Authority to make grants for research, demonstration, and service projects.
- Sec. 207. Temporary demonstration projects to provide services to youth in rural areas.
- Sec. 208. Sexual abuse prevention program.
- Sec. 209. Assistance to potential grantees.
- Sec. 210. Reports.
- Sec. 211. Evaluation.
- Sec. 212. Authorization of appropriations.
- Sec. 213. Consolidated review of applications.
- Sec. 214. Definitions.
- Sec. 215. Redesignation of sections.
- Sec. 216. Technical amendment.

TITLE III—AMENDMENTS TO THE MISSING CHILDREN'S ASSISTANCE ACT

- Sec. 301. Authorization of appropriations.
- Sec. 302. Special study and report.

TITLE IV—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

- Sec. 401. Duties and functions of the Administrator.
- Sec. 402. Grants for prevention programs.
- Sec. 403. Repeal of definition.
- Sec. 404. Authorization of appropriations.

TITLE V—GENERAL PROVISIONS

- Sec. 501. Effective date; application of amendments.

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 crime, particularly violent crime. Weapons offenses and homicides are the 2 fastest growing violent crimes committed by juveniles, and offenders under the age of 21 committing more than ¼ of all violent crime.

"(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, community-based organizations, 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 provide juveniles with the education and other skills they need to prevent their involvement in delinquency activities; and

"(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions for each delinquent act, requiring juveniles to make restitution for the damage caused by their delin-

quent 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 titles I, II, and V are—

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

“(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, and the dissemination of information, on effective programs for combating juvenile crime.”.

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 (4) by inserting “title I of” before “the Omnibus” each place it appears,

(2) in paragraph (7) by striking “the Trust Territory of the Pacific Islands,”

(3) in paragraph (9) by striking “justice” and inserting “crime control”,

(4) in paragraph (14) by inserting “drug trafficking,” after “assault,”

(5) in paragraph (16)—

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

(B) by striking subparagraph (C),

(6) by striking paragraph (17),

(7) 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,

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

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

(10) 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; and

“(24) 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.”.

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”, and
 - (B) in paragraph (5) by striking “parts C and D” each place it appears and inserting “part C”,
- (3) in subsection (c) by striking “and reports” and all that follows through “this part”, and insert “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”,
- (1) 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 crime, particularly violent crimes.”,

and
- (2) 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 “amount, up to \$600,000,” and inserting “amount up to \$600,000”,
 - (II) by striking “section 299(a) (1) and (3)” and inserting “paragraphs (1) and (3) of section 299(a),”,
 - (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—
 - (i) by striking “Such plan shall be amended” and inserting “Amendments to such plan shall be submitted”, and
 - (ii) by striking “and challenge” and all that follows through “part E”,
 - (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 crime”,

(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 crime 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, or nonprofit private organizations, particularly those 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)(C) by striking “paragraphs (12)(A), (13), and (14)” and inserting “paragraphs (11)(A), (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 crime problems in, and the juvenile crime 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 services for the prevention and treatment of juvenile delinquency in rural areas;

“(ii) a plan for providing needed mental health services to juveniles in the juvenile justice system; and

“(iii) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;”, 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 private agencies, 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) by striking “, specifically” and all that follows through “array of services”,

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

“(B) programs 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 for the damage caused by their delinquent acts, and of a system of graduated sanctions for juvenile delinquents that ensures a sanction for every delinquent act;”,

(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) expand the use of probation officers in order to permit nonviolent delinquent juveniles to remain at home with their families as an alternative to incarceration or institutionalization and, at the same time, to ensure that such juveniles follow the terms of their probation;"

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

"(G) one-to-one mentoring programs that are designed to link nonviolent 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 special 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) programs designed to prevent and reduce hate crimes committed by juveniles;"

(xiii) in subparagraph (O)—

(I) by 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, subject to the discretion of the State, that provides for the treatment as adults for purposes of prosecution, of juveniles under 18 years of age who commit an act that would be a violent crime if committed by an adult;

"(Q) 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 handing and disclosing such information); and

"(R) 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."

(I) in paragraph (12)(A)—

(i) by striking "law)." and inserting "law)", and

(ii) by inserting "except temporarily and to the extent necessary to reunite such juveniles with their parents or legal guardians" before the semicolon at the end,

(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 have been trained 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) at the election of the State, juveniles who are convicted as an adult of, or after a determination at a probable cause hearing are charged as an adult with, a violent crime; and

"(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance pursuant to a State law requiring such appearance within 48 hours after being taken into custody (excluding weekends and 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 have been trained 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 other ground transportation do not allow for court appearances within 24 hours so that a brief (not to exceed 48 hours) delay is excusable; or

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

(L) in paragraph (15)—

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

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

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

(N) by striking paragraph (19),

(O) in paragraph (23)—

(i) by inserting ", with relevant factors held constant," after "such proportion", and

(ii) by striking "general population;" and inserting "total population of juveniles who are brought into the juvenile justice system; and",

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

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

"(A) the appropriate agency that provides child protective services shall be promptly notified that such juvenile is held under such order;

"(B) not later than 24 hours after such juvenile is so taken into custody, an authorized representative of such agency shall interview, in person, such juvenile; and

"(C) not later than 72 hours after such juvenile is so taken into custody—

"(i) such representative shall submit a recommendation to the court that issued such order, regarding the proper treatment plan for such juvenile; and

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

"(I) whether there is reasonable cause to believe that such juvenile committed such status offense; and

"(II) the appropriate placement of such juvenile pending disposition of the status offense that is the subject of such order.", and

(Q) by redesignating paragraphs (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (20), (21), (22), (23), (24), and (25) as paragraphs (6) through (23), respectively,

(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)(A), (13), (14), and (21) of subsection (a) in any fiscal year beginning after September 30, 1996, 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)(A), (12), (13), and (21) of subsection (a)".

SEC. 110. NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 241 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651) is amended—

(1) in the heading by striking "JUSTICE" and inserting "CRIME CONTROL",

(2) in subsection (a) by striking "Justice" the second place it appears and inserting "Crime Control",

(3) in subsections (b) and (c) by striking "Juvenile Justice" and inserting "Juvenile Crime Control",

(4) in subsection (d)(2)—

(A) by inserting a comma after "personnel" the 1st place it appears, and

(B) by striking "personnel," and inserting "personnel", and

(5) in subsection (f)—

(A) in paragraph (1) by striking "and financial", and

(B) in paragraph (2)—

(i) in subparagraph (C) by striking "justice" and inserting "crime control", and

(ii) in subparagraph (E) by striking "justice" and inserting "crime control".

SEC. 111. RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS.

Section 243 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5653) is amended—

(1) in subsection (a)—

(A) by striking "Justice" and inserting "Crime Control",

(B) in paragraph (2) by inserting ", particularly to prevent serious crimes and violent crimes" before the semicolon at the end,

(C) in paragraph (3) by redesignating subparagraphs (i) and (ii) as subparagraphs (A) and (B), respectively,

(D) in paragraph (4) by striking "Encourage" and inserting "encourage",

(E) by amending paragraph (6) to read as follows:

"(6) provide for the evaluation of—

"(A) programs and interventions designed to prevent juvenile violence; and

"(B) all other juvenile delinquency programs assisted under this title;

in order to determine the results and the effectiveness of such programs and such interventions;”

(F) in paragraph (7)—

(i) by inserting “(particularly the prevention of serious crime and violent crime)” after “delinquency”;

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

“(B) assessments regarding —

“(i) the role of family violence, sexual abuse or exploitation, drug abuse within the family, media violence, the improper handling of juveniles placed in one State by another State, and the effectiveness of family-centered treatment programs, special education, remedial education, and recreation;

“(ii) the extent to which juveniles in the juvenile justice system are treated differently on the basis of sex, race, family composition, past delinquent behavior or family income, and

“(iii) the ramifications of such treatment on such juveniles and on the recidivism rate of such juveniles;”

(iii) in subparagraph (D)—

(I) by striking “(including” and all that follows through “recreational”, and

(II) by adding “and” at the end, and

(iv) by adding at the end the following:

“(E) examine the nature and extent to which States have opened juvenile delinquency proceedings, and records of such proceedings, to the public and the impact which the opening of such proceedings and records has on the recidivism rate of juveniles and on their post-adjudication involvement in school, success in employment, and relationship with family and community;”

(F) by amending paragraphs (10) and (11) to read as follows:

“(10) support research relating to reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups;

“(11) support research related to achieving a better understanding of the commission of hate crimes by juveniles;”

(G) in paragraph (12) by inserting “as such issues relate to the prevention of juvenile delinquency” before the semicolon at the end,

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

“(13) support research on—

“(A) the extent, nature, risk and protective factors, and causes of juvenile violence and juvenile delinquency; and

“(B) the effectiveness of restitution and graduated sanctions on reducing juvenile violence and juvenile delinquency;” and

(I) by redesignating paragraphs (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14), as added by Public Law 102-586 and as amended by this paragraph, as paragraphs (6) through (15), respectively, and

(2) in subsection (b)—

(A) in paragraph (1) by striking “subsection (a)(8)” and inserting “subsection (a)(9)”, and

(B) in paragraph (2) by striking “subsection (a)(9)” and inserting “subsection (a)(10)”.

SEC. 112. TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS.

Section 244 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654) is amended—

(1) by striking “Justice” and inserting “Crime Control”,

(2) in paragraph (2) by striking “(including juveniles who commit hate crimes)”, and

(3) in paragraph (3)—

(A) by inserting a comma after “judges”,

(B) by inserting a comma after “prosecutors”, and

(C) by striking “attorneys,,” and inserting “attorneys.”.

SEC. 113. ESTABLISHMENT OF TRAINING PROGRAM.

Section 245 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5655) is amended—

(1) in the 1st sentence of subsection (a) by striking “, including” and all that follows through “juveniles”, and

(2) in subsection (b)—

(A) by striking “persons associated with law-related education,”

- (B) by striking "and representatives" and inserting "representatives", and
- (C) by inserting ", and such other individuals as the Administrator considers to be appropriate" before the period at the end.

SEC. 114. CURRICULUM FOR TRAINING PROGRAM.

The last sentence of section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended by striking "and shall" and all that follows through "crimes".

SEC. 115. SPECIAL STUDIES AND REPORTS.

Section 248 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5662) is repealed.

SEC. 116. GRANTS AND CONTRACTS FOR SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS.

Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665) is amended—

- (1) in subsection (a)—
 - (A) in the matter preceding paragraph (1)—
 - (i) by striking "shall," and all that follows through "contracts with", and inserting "may, on a competitive basis, make grants to and contracts with", and
 - (ii) by striking "each" the 1st place it appears and inserting "any",
 - (B) in paragraph (2) by inserting "activities to ensure juvenile accountability for nonviolent criminal activities," after "including",
 - (C) in paragraph (3) by striking "and the quality of legal representation for such juveniles",
 - (D) by striking paragraphs (4), (7), and (8),
 - (E) in paragraph (9) by striking "including—" and all that follows through "to incarceration", and
 - (F) by redesignating paragraphs (5), (6), and (9) as paragraphs (4), (5), and (6), respectively,
- (2) in subsection (b)—
 - (A) in the matter preceding paragraph (1) by striking "(b)" and all that follows through "to—",
 - (B) in paragraph (1)—
 - (i) by striking "(1) improve" and inserting "(7) Improving", and
 - (ii) by striking the semicolon at the end and inserting a period,
 - (C) in paragraph (2)—
 - (i) by striking "(2) develop and implement" and inserting "(8) Developing and implementing", and
 - (ii) by striking the semicolon at the end and inserting a period,
 - (D) in paragraph (3)—
 - (i) by striking "(3) develop, implement, and support" and inserting "(9) Developing, implementing, and supporting", and
 - (ii) by striking the semicolon at the end and inserting a period,
 - (E) by striking paragraph (4),
 - (F) in paragraph (5)—
 - (i) by striking "(5) develop and implement" and inserting "(10) Developing and implementing", and
 - (ii) by striking the semicolon at the end and inserting a period,
 - (G) in paragraph (6)—
 - (i) by striking "(6) develop" and inserting "(11) Developing", and
 - (ii) by striking "to—" and all that follows through "(B)", and inserting "to", and
 - (iii) by striking "; or" and all that follows through "involved", and
 - (H) in paragraph (7) by striking "(7) develop and implement" and inserting "(12) Developing and implementing",
- (3) by striking subsections (c) and (d),
- (4) in subsection (e) by striking "the Trust Territory of the Pacific Islands," and
- (5) by redesignating subsection (e) and (f) as subsections (b) and (c), respectively.

SEC. 117. CONSIDERATIONS FOR APPROVAL OF APPLICATIONS.

Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665a) is amended—

- (1) in subsection (c)—

(A) in paragraph (1) by inserting “, and the potential for success,” after “effectiveness”;

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

“(4) the extent to which such program serves communities that have high rates of juvenile delinquency, violent juvenile crime, dropping out of school, high rates of unemployment among juveniles no longer attending elementary or secondary school, and juvenile participation in gangs; and”, and

(C) by redesignating paragraph (6) as paragraph (5),

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking subparagraph (B),

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

(iii) by striking “(1)(A)” and inserting “(1)”,

(B) in paragraph (2)—

(i) by striking “(2)(A)” and inserting “(2)”, and

(ii) by striking subparagraph (B), and

(C) by striking paragraph (3), and

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

“(f) Information on grants and contacts made available under this part shall be made available by the Administrator on request to the Chairman of the Committee on Economic and Educational Opportunities of the House of Representatives and to the Chairman of the Committee on the Judiciary of the Senate.”.

SEC. 118. GANG-FREE SCHOOLS AND COMMUNITIES.

Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667-5667d) is amended to read as follows:

“PART D—GANG-FREE SCHOOLS AND COMMUNITIES

“SEC. 271. AUTHORIZATION OF GRANTS.

“The Administrator may make grants to, or contracts with, public and nonprofit private agencies and organizations to establish and carry out programs designed to prevent and reduce 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. Such programs may be school- or community-based and shall involve, to the extent practicable, families and other community members, such as law enforcement personnel and members of the business community, in the activities conducted under such programs. Such programs may include—

“(1) educational activities that strengthen a juvenile’s ties to the school and the community;

“(2) mentoring projects;

“(3) job training and other activities that provide juveniles with the skills necessary to become productive members of society;

“(4) projects that coordinate services to be provided to juveniles and their families, including educational services, substance abuse treatment services, health and mental health services, and other social services;

“(5) projects to prevent gang-related activities from endangering the safety of students and disrupting the learning environment in elementary and secondary schools;

“(6) projects that involve local law enforcement personnel in gang prevention and intervention activities, particularly activities that focus on preventing the unlawful use of firearms;

“(7) effective substance abuse treatment for juveniles in such gangs, and other interventions to reduce rates of drug abuse recidivism and gang participation; and

“(8) such other projects and activities related to the prevention of juvenile participation in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs.

“SEC. 272. APPLICATIONS.

“(a) SUBMISSION OF APPLICATIONS.—Applications for grants and contracts under section 271 shall be submitted to the Administrator and shall—

“(1) describe the program to be carried out with a grant or contract made under such subsection; and

“(2) contain such other information and assurances as the Administrator may require.

“(b) **SELECTION OF APPLICATIONS FOR APPROVAL.**—From among applications submitted in accordance with subsection (a), the Administrator shall—

“(1) approve applications for grants and contracts to carry out programs in both urban and rural areas, in locations where juvenile gang-related, drug-related, and firearm-related crime is frequent and serious; and

“(2) give priority to applications for grants and contracts to carry out programs that have the greatest potential for success, private sector support, and broad-based community support.”.

SEC. 119. STATE CHALLENGE ACTIVITIES.

Part E of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667c) is repealed.

SEC. 120. REPEALERS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) by striking parts F, G, and H,

(2) by striking part I, as added by section 2(i)(1)(C) of Public Law 102-586 (106 Stat. 5006), and

(3) by redesignating part I, as so redesignated by section 2(i)(1)(A) of Public Law 102-586 (106 Stat. 5006), as part E.

SEC. 121. 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) There are authorized to be appropriated to carry out this title (other than part D) \$225,000,000 for fiscal year 1997 and such sums as may be appropriate for fiscal years 1998, 1999, and 2000.

“(b) There are authorized to be appropriated to carry out part D \$10,000,000 for fiscal year 1997 and such sums as may be appropriate for fiscal years 1998, 1999, and 2000.

“(c) Of such sums as are appropriated for a fiscal year to carry out this title (other than part D)—

“(1) not to exceed 5 percent or \$5,000,000, whichever is less, shall be available to carry out part A;

“(2) not less than 70 percent shall be available to carry out part B; and

“(3) 25 percent or \$25,000,000, whichever is less, shall be available to carry out part C.”.

SEC. 122. 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, but the Administrator may not establish rules, regulations, or procedures applicable to compliance with paragraphs (11)(A), (13), (14), or (21) of section 223(a)”, and

(2) by adding at the end the following:

“(e) If a State requires by law compliance with the requirements described in paragraphs (11)(A), (12), and (13) of section 223(a), then for the period such law is in effect in such State—

“(1) such State shall be deemed to satisfy such requirements; and

“(2) the Administrator may not evaluate or require compliance with such paragraphs.”.

SEC. 123. 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 10 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating community-based juvenile facilities.”,

(2) by striking subsection (b), and

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

SEC. 124. 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 the heading for subpart I of part C of title II by striking “Justice” and inserting “Crime Control”, and

(3) 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 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”,

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

(C) 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”.

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH

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 the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project;
- in the year for which the report is submitted.”, and
- (3) 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—

“(A) eligible applicants who have a demonstrated experience in providing services to runaway and homeless youth; and

“(B) 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. 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. 207. TEMPORARY DEMONSTRATION PROJECTS TO PROVIDE SERVICES TO YOUTH IN RURAL AREAS.

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

SEC. 208. 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

“AUTHORITY TO MAKE GRANTS

“SEC. 351. (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 nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.”.

“(b) AUTHORIZATION OF APPROPRIATIONS.—Section 389 of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by section 212 of the Juvenile Crime Control and Delinquency Prevention Act of 1996, is amended by adding at the end the following:

“(c) There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 1997, 1998, 1999, and 2000.”

SEC. 209. ASSISTANCE TO POTENTIAL GRANTEEES.

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

SEC. 210. 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, 1998, and at 2-year intervals thereafter, the Secretary shall submit, to the Committee on Economic and Educational Opportunities 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 the 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. 211. EVALUATION.

Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5731) is amended to read as follows:

“EVALUATION AND INFORMATION

“SEC. 384. (a) If an 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 grantees 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. 212. 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) \$60,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998, 1999, and 2000.

"(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 25 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. 213. 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. 214. 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 213, the following:

"DEFINITIONS

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

"(1)(A) 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 the 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. 215. 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. 216. 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—AMENDMENTS TO THE MISSING CHILDREN’S ASSISTANCE ACT

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 408 of the Missing Children’s Assistance Act (42 U.S.C. 5777) is amended by striking “1993, 1994, 1995, and 1996” and inserting “1997, 1998, 1999, and 2000”.

SEC. 302. SPECIAL STUDY AND REPORT.

Section 409 of the Missing Children’s Assistance Act (42 U.S.C. 5778) is repealed

TITLE IV—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

SEC. 401. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.

Section 504 of the Incentive Grants for Local Delinquency Prevention Programs Act (42 U.S.C. 5783) is amended—

(1) in paragraph (2) by striking “(including” and all that follows through “development)”, and

(2) in paragraph (4) by striking “Education and Labor” and inserting “Economic and Educational Opportunities”.

SEC. 402. GRANTS FOR PREVENTION PROGRAMS.

Section 505 of the Incentive Grants for Local Delinquency Prevention Programs Act (42 U.S.C. 5784) is amended—

(1) in subsection (a)—

(A) by striking “through the State advisory group to” and inserting “to assist”,

(B) by amending paragraph (1) to read as follows:

“(1) the teaching that people are and should be held accountable for their actions;”,

(C) in paragraph (5) by inserting “and” at the end,

(D) by amending paragraph (6) to read as follows:

“(6) recreation services.”, and

(E) by striking paragraph (7),

(2) in subsection (b)—

(A) by striking paragraph (1),

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

“(1) the unit has submitted to the State the unit’s plan outlining delinquency prevention and early intervention activities;”,

(C) by striking paragraphs (3) and (4), and

(D) by redesignating paragraphs (5), (6), and (7) as paragraphs (2), (3), and (4), respectively, and

(3) in subsection (c)—

(A) by striking “Administrator” and inserting “State”,

(B) in paragraph (2) by striking “and” at the end, and

(C) by striking paragraph (3) and inserting the following:

“(3) providing services that prevent juvenile involvement in delinquent activities; and

“(4) securing private sector support and that have private sector support.”.

SEC. 403. REPEAL OF DEFINITION.

The Incentive Grants for Local Delinquency Prevention Programs Act (42 U.S.C. 5781 et seq.) is amended—

(1) by striking section 503, and

(2) by redesignating sections 504 and 505 as sections 503 and 504, respectively.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

Section 506 of the Incentive Grants for Local Delinquency Prevention Programs Act (42 U.S.C. 5785) is amended to read as follows:

“SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$20,000,000 for fiscal year 1997 and such sums as may be appropriate for fiscal years 1998, 1999, and 2000.”.

TITLE V—GENERAL PROVISIONS

SEC. 501. 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, 1996.

PURPOSE

The purpose of this Act is to assist State and local governments in their efforts to reduce juvenile crime through the funding of prevention programs and activities which hold juveniles accountable for their actions. The Act also provides technical assistance, research and dissemination of information on effective programs for combating juvenile crime to State and local governments. Additionally, the Act provides assistance to State and local governments to help address the problems of runaway and homeless youth, in particular, crisis residential care. The Act also assists in the development of programs for the recovery of missing and exploited children.

COMMITTEE ACTION

Subcommittee on Early Childhood, Youth and Families held four hearings for the purposes of considering and reviewing the authorization of the Juvenile Justice and Delinquency Prevention Act.

The first of the four hearings was held on March 28, 1996 in Washington, D.C. The witnesses were as follows: Linda O'Neal, Executive Director, Tennessee Commission on Children and Youth, Nashville, TN; Jerry Kilgore, VA Secretary of Public Safety, Richmond, VA; David Lehman, Chief Probation Officer, Eureka, CA; Lt. Dale Patch, Criminal Investigations Division, Des Moines Police Department, Des Moines, IA; James C. Backstrom, Dakota County Attorney, Hastings, MN; Neal Stanley in care of Judge Glenda Hatchett, Chief Judge, Fulton County Juvenile Court, Atlanta, GA; Paul Watson, Executive Director, San Diego Youth and Community Services, San Diego, CA; Tara Jesse, Resident of Take Wing Transitional Living Program, San Diego, CA; Tara Gilmartin, Senior Peer Counselor Supervisor, The Sanctuary, Inc., Royal Oak, MI; Virginia Price, Chair of the National Council on Youth Policy and Clinical Director, Bridge Over Troubled Waters; Boston, MA.

The second hearing, which focused on youth violence and gangs, was held in Washington D.C. on April 30, 1996. Testifying at the April 30 hearing were: Rep. Bill McCollum of Florida; Rep. Maxine Waters of California; Tom Corbett, Attorney General, Commonwealth of Pennsylvania, Harrisburg, PA; Bobby Moody, Chief of Police, Covington, GA; Sidney Rosen, Adult Friends for Youth, Honolulu, HI; Lavonda Taylor; National Coalition of Juvenile Justice, West Memphis, AZ; Ira Schwartz, Dean of Social Work, University of Pennsylvania, Philadelphia, PA; Richard Wertz; Senior National Director, Justice Fellowship, Washington, D.C.

The third hearing, which focused on prevention programs, was held in Washington, D.C. on May 8, 1996. Testifying at the May 8 hearing were: Mr. Jim Braun, Executive Director, Youth in Need, St. Charles, MO; Michelle Wallis, Youth Vice Chair, National Network on Youth Policy and a Youth Volunteer with Youth in Need, St. Charles, MO; David Gilgoff, Executive Director, Valley Youth House, Allentown, PA; Lt. Jim Cervera, Community Police Project Coordinator, Virginia Beach Police Department, Virginia Beach, VA; Bill Long, Chief Probation Officer, York County, PA; Frank Buchum, Chairman, Missouri Juvenile Justice Advisory Group,

Farmington, MO; Dr. Helen Chaset, Coordinator of Community and School Age Services, Montgomery County, Rockville, MD.

The fourth hearing was held in San Diego, California on May 13, 1996. Testifying at the May 13 hearing were: Judge James Milliken, Presiding Judge, Juvenile Court, San Diego, CA; Ronald Roberts, Chairman, San Diego Board of Supervisors, San Diego, CA; Alan Crogan, Chief Probation Officer, San Diego County, San Diego, CA; Jess Valenzuela, Director of Parks and Recreation, Chula Vista, CA; Kathy Lembo, Executive Director, South Bay Community Services, Chula Vista, CA; Janine Mason Barone, Fieldstone Foundation, San Diego, CA; Robert Fellneth, Executive Director, University of San Diego School of Law, San Diego, CA.

LEGISLATIVE ACTION

On July 25, 1996, the Subcommittee on Early Childhood Youth and Families reported H.R. 3876, "The Juvenile Crime Control and Delinquency Prevention Act of 1996", as amended by voice vote. At the markup's conclusion, Chairman Randy "Duke" Cunningham (R-CA) and Representative Robert Scott (D-VA) verbally agreed that majority and minority staff should continue working together in an effort to resolve outstanding issues before full-committee mark-up.

On August 1 and August 2, 1996, the Committee on Economic and Educational Opportunities assembled to consider H.R. 3876. Representative Cunningham, Subcommittee Chairman for the Early Childhood, Youth, and Families Subcommittee offered an amendment in the nature of a substitute. The Substitute incorporated several suggestions from the minority. Further amendments to the amendment in the nature of the substitute were accepted and the Committee adopted the amendment in the nature of a substitute, as amended. H.R. 3876 was favorably reported out of Committee on August 2, 1996 by a recorded vote of 23-2.

BACKGROUND AND NEED FOR LEGISLATION

JUVENILE JUSTICE

Program history

The Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415) inaugurated a comprehensive effort to address the increase in juvenile crime during that time period. The Act created an Office of Juvenile Justice and Delinquency Prevention, (OJJDP), in the Department of Justice. OJJDP administers grants for the purposes of improving the juvenile justice system and preventing juvenile delinquency. In addition to establishing OJJDP, the Act created the National Institute for Juvenile Justice and Delinquency Prevention to serve as an information and training center. It also established a smaller assistance program for Runaway Youth in the Department of Health, Education and Welfare (now Health and Human Services). In 1984, Congress expanded the 1974 Act by authorizing the Missing Children's Assistance Program (P.L. 98-473).

When Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974, it chose a course similar to that of State reforms. The Act required that States separate juveniles from

adults in secure facilities in order to be eligible for Federal formula grant monies. It placed a major emphasis on diverting youth from the legal system and placing them in community-based treatment centers.

As Congress reauthorized the Act in 1977, 1980, 1984 and 1988, five policy changes occurred: (1) the position of the Administrator of OJJDP within the Department of Justice, (2) juveniles were required to be removed from adult jails and lockups; (3) judges were required to issue a "valid court order," to hold a status offender in a secure facility—this was in an effort to redirect status offenders from secure lockups to community-based facilities; (4) renewed emphasis was placed on strengthening and maintaining family values; and, (5) additional emphasis was placed on the prevention and control of serious juvenile offenses and youth gangs.

The 1977 and 1980 reauthorization enhanced the authority of the head of OJJDP by removing the position from within the Law Enforcement Assistance Administration (LEAA), and placing it under the general authority of the Attorney General.

The removal of youth from adult detention centers, a theme that appeared in the 1980, 1984, and 1988 reauthorizations, went beyond the 1974 Act's mandate for the separation of juveniles from adults in secure facilities. The first reauthorization required States to remove juveniles from all adult detention centers in order to be eligible for OJJDP formula grant monies. The third reauthorization in 1988 reaffirmed congressional support for the removal of juveniles from adult jails.

As part of the effort to ensure the deinstitutionalization of youth and to treat status offenders differently from their more violent counterparts, the Act required that a judge must issue a valid court order in order for a status offender to be held in a secure facility. The 1980 reauthorization put in place the exception to the valid court order. The exception states that an adjudicated status offender could be incarcerated in a secure facility, if he or she violated the terms of the valid court order. In 1984 Congress defined a valid court order as "a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order. The use of the word 'valid' permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the Constitution of the United States."

The 1980, 1984, and 1988 reauthorizations emphasized the need to address the rise in youth violence and juvenile gangs, and the perceived breakdown of the family unit.

The 1988 reauthorization, contained in the Anti-Drug Abuse Act of 1988 (P.L. 100-690), established grant programs within OJJDP for the purposes of preventing juvenile gangs, and drug trafficking and treating drug abuse. The 1988 reauthorization provided for special emphasis programs designed to strengthen and maintain the family unit as a means to prevent and treat juvenile delinquency.

Outlining the need for change

Today, 22 years after the creation of this Act, statistics on juvenile violence nationwide have fueled a reassessment of earlier Fed-

eral and State reform efforts. On March 7, 1996, OJJDP released a study reporting that:

In 1994 law enforcement agencies made over 2.7 million arrests of persons under age 18—six percent of which were for a Violent Crime Index offense (murder, non-negligence manslaughter, forcible rape, robbery and aggravated assault).

From 1985 to 1994, the percentage increases in arrests have been greater for juveniles than adults.

The juvenile arrests for violent crime shot up by 50% between 1988 and 1994.

In 1994, there were 2800 juveniles convicted as murderers. Since 1984, the number of juvenile homicide offenders has nearly tripled. The growth in homicides has surpassed that among adults.

The number of juveniles murdered increased by 82% between 1984 and 1994.

Between 1989 and 1993, the proportion of students involved in gangs in school rose from 15 percent to 35 percent.

The juvenile arrest rate for weapons violations increased by 75% between 1987 and 1992.

The number of juveniles killed with a firearm almost tripled between 1984 and 1994.

At a Department of Justice news briefing on May 13, 1996, Attorney General Janet Reno stated that, "Twenty years ago, fewer than half our cities reported gang activity. A generation later, reasonable estimates indicate that there are now more than half a million gang members in more than 16,000 gangs on the streets of our cities. The result—more than 580,000 gang-related crimes in 1993."

On December 17, 1995, the FBI released preliminary Uniform Crime Reporting figures for the first half of the year. FBI Director Louis J. Freeh noted that the new data was consistent with the recent downward trend in serious crime nationwide, though he stated that the level of violent crime is still intolerable.

However, violent crime involving young people, both as perpetrators and victims, is on the rise—an alarming indicator of future trends. The number of juveniles arrested for weapons violations has skyrocketed—more than doubled over the past decade. In 1994, a weapons law violation was the most serious charge in 63,400 juvenile arrests. It is likely that many more arrests involved weapons violations. However, FBI coding procedures require an arrest to be classified by the most serious charge involved. Consequently, none of the juvenile arrests for homicides or rape involving a firearm would be categorized as a weapons violation since it would not be the most serious offense.

The availability of weapons and drugs is both a contributor and a reflection of the rise in juvenile violent crime. For example, a Department of Justice study found that almost one-fourth (23%) of those arrested for weapons offenses nationwide during 1993 were under the age of 18. Recent national surveys sponsored by the Department of Health and Human Services indicate that juvenile drug use, especially marijuana, is rising across the country. Marijuana use among 12 to 17 year olds jumped 37 percent last year, to 8.2 percent—more than double the rate in 1992. Cocaine use by America's youth, now at nearly 1 percent, is nearly three times the

level of 1992 and monthly use of LSD increased by more than 50 percent, rising by nearly 200 percent since 1992.

Some criminologists and policymakers argue that we are on the verge of a teenage crime explosion, as the children of the baby boomers reach the age at which they are most likely to commit crimes. John J. DiIulio, Jr., a Princeton University professor of politics and public affairs, not only foresees a teenage crime wave, but also describes some youngsters as "superpredators," lacking in moral values and more violent than previous generations.

According to a 1996 report released by OJJDP, if trends continue as they have over the past 10 years, juvenile arrests for violent crime will more than double by the year 2010. The statistics are more staggering when you break down the anticipated increases by the type of crimes. The number of juvenile arrests for murder is predicted to increase 145% over the 1992 level by the year 2010. Aggravated assaults are expected to increase by 129% over the same period of time. The rate of juveniles committing rape is expected to increase by 66% and the rate of arrests for robbery is expected to increase by 58%.

Furthermore, recent studies have shown that a small portion of the offending population are committing the most heinous and violent crimes. Studies have shown that chronic offenders, about 6% of those juveniles who come in contact with the juvenile justice system, are responsible for about two-thirds of all violent offenses. In a study on high risk inner city youth, chronic offenders, about 14% to 19% of the offending population, commit three quarters of the juvenile violent crimes.

Given the growing number of studies and reports that indicate a dramatic increase in juvenile crime, particularly violent juvenile crime, it is the belief of the Committee that the current Juvenile Justice and Delinquency Prevention Act must undergo major revisions. It must be reformed to effectively address the problems of juvenile delinquency and combat juvenile violent crime as it exists today.

The Committee believes it is important for States and local communities to undertake activities which prevent juveniles from becoming involved in delinquent activities and committing violent criminal acts. At the same time, it is important that we also take steps to ensure that youth are accountable for their behavior. Accountability, in and of itself, can be used as a prevention tool. After all, 59% of the youth who are referred to juvenile court are one-time offenders; they never again come into contact with the juvenile court system.

This legislation represents a new direction in efforts to prevent and control juvenile crime. It is the result of numerous meetings with the Minority and organizations and individuals interested in the issue of juvenile crime. It seeks to ensure youth receive appropriate punishments for their delinquent acts, and, at the same time, provides appropriate interventions to help ensure they are diverted from further delinquent activities.

RUNAWAY AND HOMELESS YOUTH

The Runaway and Homeless Youth Act (RHYP) was enacted as part of the Juvenile Justice and Delinquency Prevention Act of

1974 in order to help address the unique problems of runaway, throwaway, or otherwise homeless youth. The problems of dealing with runaway and homeless youth are recognized as quite complex, multi-faceted and symptomatic of other problems adolescents are experiencing. The Act provides a variety of programs that range from providing crisis residential care to dealing with the risks of substance abuse, depression, deprivation, illness, and sexual exploitation that face runaway and homeless youth today.

The RHYP consists of three major programs, but primarily funds basic centers, i.e., local facilities that provide crisis residential care and counseling for runaway and homeless youth as well as counseling and after care services for the family (services provided following the youth's stay in the RHYP center). The law does not specify age or eligibility requirements for youth and is designed to meet the needs of runaway and homeless youth outside of the law enforcement and juvenile justice system. Youth generally may stay in the shelter up to two weeks. Basic center grants are made directly to the shelters, but dollar amounts are allocated according to each State's proportion of the population younger than 18 years. The law states that 90 percent of the RHYP's appropriation be distributed as direct services. In addition, the program funds a national toll-free hotline where youth can receive information on shelter and services available to them.

The Transitional Living Program (TLP) for Homeless Youth provides grants to local public and private organizations to address the shelter and service needs of homeless youth. This program is designed to meet the more complex, long term needs of older homeless youth ages 16-21. Grants are used to develop or strengthen community based programs which assist homeless youth in making a smooth transition to a productive adulthood and social self sufficiency. Grant money is also used to provide technical assistance to transitional living programs to enhance their capacity to acquire and maintain resources and service linkages in their local communities. It is estimated that between one-third and one-half of all youth served by the current runaway and homeless youth centers are homeless either through mutual agreement with their families or because they have been pushed out by a parent or legal guardian.

A homeless youth accepted into the Transitional Living Program is eligible to receive shelter and services for up to 540 days (18 months). The services include: information and counseling services in basic life skills, such as money management and housekeeping; interpersonal skill building, such as decision making and priority setting; educational advancement; job attainment; and mental and physical health care.

The third major program of the RHYP is the Drug Education and Prevention Program (DEPP). The purpose of this program is to reduce and prevent the illicit use of drugs by runaway and homeless youth through service projects, research and demonstration programs. The program is designed to provide individual, family and group counseling to reduce or prevent drug abuse; develop and support peer counseling programs; develop and support community education programs including outreach to individual youth; provide assistance to runaway and homeless youth in rural areas through

the development of support groups; provide training and information on drug abuse to persons involved in providing services to runaway and homeless youth; support research on the illicit use of drugs by runaway and homeless youth; and, improve the availability and coordination of local service programs assisting runaway and homeless youth. This program also funds technical assistance to runaway and homeless youth service providers.

MISSING CHILDREN'S ASSISTANCE ACT

Concern over the growing number of missing children in the United States prompted Congress in 1982 to pass the Missing Children's Assistance Act which allowed the names of missing children to be entered into a data bank in the Department of Justice and through the National Crime Information Center and permit the exchange of records and information regarding missing children. The 1984 reauthorization of the Juvenile Justice and Delinquency Prevention Act expanded the Federal role in this area. The Act defined the term "missing child"; established a toll-free hot-line to report information on the location of any missing child; established a National Resource Center in the Department of Justice to coordinate public and private programs and to disseminate information to assist law enforcement officials in the recovery of missing children; and authorized grants for research projects and programs related to missing children's cases.

SUMMARY

Title I of the Juvenile Crime Control and Delinquency Prevention Act of 1996 amends the Juvenile Justice and Delinquency Prevention Act to make substantial changes to the law. It streamlines overall State plan requirements and specifically modifies the four core State plan requirements to make them more flexible. The bill renames the Office of Juvenile Justice and Delinquency Prevention the Office of Juvenile Crime Control and Delinquency Prevention. The bill retains and revises the Part D Gang prevention program (Gang-Free Schools and Communities). Parts E, F, G and H of current law are eliminated as is the authority for a White House Conference on Juvenile Justice.

Title II of the Juvenile Crime Control and Delinquency Prevention Act of 1996 contains amendments to the Runaway and Homeless Youth Act. The purposes of the RHYP remain relatively unchanged. It will continue to fund local facilities providing emergency residential care and counseling for runaway and homeless youth; continue to focus on reuniting youth with their families; and continue to offer grants for transitional living projects and help assist in drug education and prevention activities. The amendments consolidate three separate funding streams for the RHYP, TLP and DEPP into a single authorization and make numerous technical corrections.

Title III of the Juvenile Crime Control and Delinquency Prevention Act of 1996 authorizes funding for the Missing Children's Assistance Act.

Title IV of the Juvenile Crime Control and Delinquency Prevention Act of 1996 retains and revises the Title V Incentive Grant Program for Local Delinquency Prevention Programs.

Title V includes the General Provisions.

COMMITTEE VIEWS

JUVENILE JUSTICE

Changing the name of the act and the office

H.R. 3876 renames the Juvenile Justice and Delinquency Prevention Act the Juvenile Crime Control and Delinquency Prevention Act and makes similar changes to references to juvenile "justice" throughout H.R. 3876. The name change and other changes throughout the bill reflect a change in purpose and focus in legislation.

It also mirrors what is happening in society. The nature of juvenile crime has changed dramatically over the past decade. Juvenile crime is on the rise and becoming more violent. A slap on the wrist is no longer the most effective way of dealing with the more violent juvenile offenders. The current Juvenile Justice and Delinquency Prevention Act does not recognize current trends in juvenile crime. We not only need to prevent crime, we need to control it in order to reduce the incidence of juvenile crime.

While the Committee is changing the name of the Act and the name of the office, it is not the intention of the Committee to reduce the current emphasis on prevention programs. We do, however, clearly want to send a signal that the Federal government supports State and local efforts to control juvenile crime as well as efforts to prevent juvenile delinquency.

In our view, the two most important approaches to attacking juvenile crime are clear: prevention and holding juveniles accountable for the crimes they commit. Controlling juvenile crime must start early with juveniles in order to make them understand that there are consequences for their actions. Sending the message to our nation's youth that they will be punished for their delinquent activities is one of the most effective means of crime control and prevention. This legislation supports both prevention and accountability activities. The name of the Act and the office should be changed to reflect the change in direction of our Federal juvenile justice program.

Providing flexibility to States in meeting the four core State plan requirements

In order for States to receive funds under the Juvenile Justice and Delinquency Prevention Act, they must meet four core State plan requirements, commonly referred to as "mandates." In addition, current law provides that a State must comply with each of the four mandates in order to receive one hundred percent of its allotment. For each mandate with which a State is in compliance, it will receive 25 percent of its allotment. The four core requirements contained in current law are:

1. *Deinstitutionalization of Status Offenders.*—Requires that status offenders not be placed in jails, lock-ups or secure detention and correctional facilities. The law was amended in 1988 to require

a judge to go outside the court system to get clearance from an appropriate public agency before issuing a valid court order to hold a status offender in a secure facility.

2. *Separation of Juveniles from Adults in Institutions.*—Requires that juveniles housed with adults, be held out of “sight or sound” of adults. Before the last reauthorization, the law had disallowed “regular” contact between adults and juveniles. The last reauthorization struck the word “regular” and disallowed “all” contact with adults. Current law also prohibits the use of part-time, full-time security staff and direct-care staff, of a jail or lockup for adults, to serve juveniles.

3. *Removal of Juveniles from Jails and Facilities for Adults.*—Requires States to remove juveniles from adult jails or lockups, with a few exceptions.

4. *Overrepresentation of Minorities in Juvenile Justice.*—requires that States address efforts to reduce the proportion of minority juveniles detained or confined in secure facilities, jails and lockups, if such proportion exceeds the proportion of minorities represented in the general population.

Over the years, the Committee has received information on the burdensome nature of the four core requirements. Several witnesses over the course of the Committee’s four hearings on juvenile justice mentioned the burdens the mandates imposed at both the State and local level.

In his testimony before the Committee, Thomas Corbett, Attorney General of the Commonwealth of PA, stated, “I feel compelled to comment on the inflexibility of the regulations from a national perspective. * * * Someone at OJJDP still doesn’t get it. The activities continue to be focused upon the rights of youth versus helping States identify activities which will assist them in the management of this new wave of dangerous juveniles. * * * I am not suggesting the repeal of the Act’s core mandates. But irrational over-regulation can cause excessive, needless work on already over-worked professionals in our juvenile justice system.”

Other witnesses pointed out problems with specific mandates. In each instance, the Committee has modified the existing mandates to provide more flexibility to the States in meeting these requirements.

Deinstitutionalization of status offenders

The Committee received testimony with respect to the mandate on the deinstitutionalization of status offenders. Jerry Kilgore, Virginia Secretary of Public Safety, stated, “Localities need the ability to detain status offenders in a secure environment. * * * More flexibility to deal with these offenders when they have their first exposure to the court system would enhance our chances of successful intervention.”

Another witness, Lt. Dale Patch, Criminal Investigations Division, Des Moines, Iowa, stated, “A fundamental problem in our juvenile justice system stems from a mandate in the JJDPa which calls for the “Deinstitutionalization of Status Offenders” which has caused States like Iowa to prohibit secure placement of children who are running away and not going to school * * * Our recommendation is to repeal the status offender mandate of the

JJDPa and allow States to craft their own statutes to deal with status offenders.”

H.R. 3876, in an effort to address these concerns, makes a number of changes to current law to increase the flexibility of the States to treat status offenders in the most appropriate manner. The bill returns to prior law by eliminating the need for a judge to receive a report from an “appropriate public agency”, (other than a court or law enforcement agency), before the issuance of a valid court order allowing a juvenile to be held in a secure facility. This will enhance the ability of courts to detain status offenders when necessary, by allowing the judge to issue a valid court order without receiving a report from an appropriate public agency. It is important to note, however, that the rest of this mandate remains in place, making it clear that courts must exercise great care before holding young status offenders in a secure facility.

However, the Committee recognizes the need to ensure the proper placement of youth who do commit status offenses. Therefore, in an amendment offered by Mr. Greenwood (R-PA), H.R. 3876, requires the appropriate child protective services agency to be promptly notified if a juvenile is held under a valid court order. The appropriate agency, after receiving a referral by the court, is required to personally interview the juvenile within 24 hours of the referral and to submit a recommendation to the court within 72 hours after the juvenile is taken into custody. After receipt of such report, the court is then required to conduct a hearing to determine two things. First, if the juvenile committed the status offense; second, the appropriate placement for the juvenile, pending disposition of the status offense that is the subject of the valid court order. While advice from an outside agency is still required, the Committee believes it is important that a judge be allowed to issue a valid court order prior to soliciting such input.

This position also received support during hearings before the Committee. Linda O’Neal, Executive Director, Tennessee Commission on Children and Youth, stated, “We should not eliminate the deinstitutionalization mandate. * * * However, there may be a need to eliminate new provisions added to the valid court order exception in 1992 that requires administrative review of juvenile court decisions regarding valid court orders. Perhaps review of such decisions should be handled through the judicial process, rather than through an administrative review process.”

The Committee is also concerned about the ability of the court to hold runaways in order to reunite them with their parents. Parents must often travel across the country in order to be reunited with their children. However, current law prevents the courts from holding a juvenile for longer than 24 hours, even if the child’s parents are en route to pick up the child. H.R. 3876 addresses this concern by permitting status offenders to be held for purposes of reuniting them with their parents or guardian. The Committee urges the courts to exercise caution when holding runaways in order to reunite them with their families. It is important to ensure that such youth are not running away from an abusive situation at home.

Separation of juveniles from adults in institutions

Several witnesses also discussed the "sight and sound" separation mandate for periods when juveniles are held in the same facility with adults. Jerry Kilgore, Virginia Secretary of Public Safety, stated in his testimony before the Committee, "The requirement of absolute "sight and sound" separation places an unwieldy burden on many localities. * * * The result of this requirement forces local jails to under-utilize space that could otherwise be used to alleviate overcrowding."

The sentiment was also expressed by James Backstrom, Dakota County Attorney, MN (on behalf of the National District Attorneys Association), who stated in his testimony, "* * * regulations which make it a violation for inadvertent contact to occur between a juvenile and adult offender should be eliminated * * * modifications to absolute "sight and sound" restrictions are both appropriate and necessary, as local law enforcement officials seek to cope with dramatic increases in violent juvenile crime."

H.R. 3876 modifies the current law provision to prohibit regular and incidental unsupervised contact. The Committee does not believe that sporadic encounters in hallways between juveniles and adults, as they are traveling to and from meals, exercise areas, etc. is harmful provided there is appropriate supervision of these incidental, infrequent meetings.

This modification was supported during Committee hearings. According to Linda O'Neal, Executive Director to the Tennessee Commission (on Children and Youth on behalf of the Coalition for Juvenile Justice), "With regard to sight and sound separation, the term "regular" could again be inserted in the separation mandate to allow for occasional, incidental contacts. This would make it easier for States to meet this mandate, as all but two now do."

Concerns were also raised regarding the prohibition on "shared staff" as part of the sight and sound separation requirement. For example, an individual serving a meal to an adult could not serve a meal to a juvenile, even if they were not served at the same time. According to James Backstrom (speaking on behalf of the National District Attorneys Association), "The prohibition of the use of shared staff in both juvenile and adult detention facilities should be eliminated. Reasonable restrictions, such as preventing staff from working in both facilities on the same shift, would be appropriate." The Committee agrees that this restriction is particularly burdensome, especially in small communities and in rural areas. The Committee further believes that staff should be able to work with both juveniles and adults as long as they have been appropriately trained. As such, H.R. 3876 would permit shared staff to work with juveniles, provided the staff has been trained to work with juveniles. States must provide assurances that there is in effect a State policy requiring such training.

Removal of juveniles from jails and facilities for adults

Witnesses also expressed concerns over provisions in current law that require separate facilities for juveniles and adults, if the juvenile is to be held for more than a twenty-four hour period while awaiting an initial court appearance. This requirement was particularly burdensome in rural areas with a limited number of law

enforcement officers and separate facilities for juveniles. While current law does provide some exceptions to this requirement, H.R. 3876 builds additional flexibility into the law by extending the period of time to up to 48 hours, excluding weekends and holidays, for which juveniles can be held in a facility with adults, prior to an initial court appearance.

The Committee was also concerned that current law provisions did not adequately address the issue of where to house violent juveniles, who, after a determination at a probable cause hearing, are charged as an adult. The Committee is concerned about the adverse impact of housing such juveniles with non-violent offenders, as doing so could present a danger to the non-violent offenders. As such, the Committee allows States to hold violent juveniles charged or convicted as adults in facilities with adults as long as there is no regular, unsupervised incidental, contact with adults. Currently States can charge and prosecute violent juveniles as adults. The Committee believes that States should also be in a position to decide where to incarcerate such violent youth.

Overrepresentation of minorities in juvenile justice

H.R. 3876 also makes changes to the overrepresentation of minorities mandate. Current law focuses on the number of minorities in the judicial system compared to the general minority population and does not look at the actual number of crimes committed by minorities. It only focuses on how many juvenile minorities are incarcerated. Current law can be interpreted to force States to release violent youth of minority origin or to refuse to arrest delinquent youth, if their numbers in confinement exceed their numbers in the general population.

The Committee is concerned about the interpretation of this mandate. While we believe a modified focus on the possible of overrepresentation of minorities in the juvenile crime system can be maintained in the law, we believe current law must be changed.

The State of Virginia has spent over \$800,000 just on reports required for compliance with this mandate. While they have found that a disproportionate number of minorities have been incarcerated compared to their percentage in the general population, they have also found this can be attributed to factors other than race. Such factors include economic conditions, family situation, severity of crime, and the number of past offenses. They have not found that sentences have been given out or that penalties have been enhanced based on race.

Jerry Regier, Director, Oklahoma Department of Juvenile Justice, in testimony before the Senate Subcommittee on Youth Violence on March 12, 1996, discussed a study published in late 1993 analyzing this issue in the State of Oklahoma. According to the study, African-American juveniles represented 9.6% of the juvenile population in Oklahoma but comprised 25% of all juvenile arrests. Native American juveniles, on the other hand, comprised 11.2% of the juvenile population yet only 5.1% of the total arrested. According to Mr. Regier, "Quotas are not the answer. Youth are placed in a system based on their acts, not their race. We do not plan to go out and arrest more Native American youth to get their numbers up, nor will we cease arresting African-American juveniles

who commit crimes. Youth are arrested and adjudicated based on their acts, not their race.”

The Committee bill maintains an over-representation mandate, but changes the focus so that attention is paid as to whether a certain minority population is over-represented among all youth that have committed an offense, rather than the number of minorities in the general population. The bill also allows a State to take into account “all relevant factors.” This would include factors that have a direct impact on a judge’s sentencing decision, such as the type and intensity of the offense and the juvenile’s family background.

The Committee believes the criminal justice system should be color blind. Individuals charged for the same crime under the same circumstances should be treated uniformly by the juvenile justice system. The modifications made by H.R. 3876 to the current mandate will help ensure that our efforts eliminate the true bias in the juvenile justice system and does not create quotas, which could result in the release of violent juvenile offenders.

Change in penalties for non-compliance

Finally, the Committee bill modifies current law provisions allowing 25 percent of a State’s funds to be held for each mandate for which it is not in compliance. Several witnesses discussed this issue during hearings before the Committee. James Backstrom, Dakota County Attorney, MN (on behalf of the National District Attorneys Association) stated, “The funding prohibitions are * * * too drastic a penalty.” Jerry Kilgore, Virginia Secretary of Public Safety also expressed this concern, and stated, “the current strategy of reducing funding by 25% for each area of non-compliance and requiring that all remaining funds be dedicated to compliance improvement is unnecessarily punitive.”

The Committee agrees with these witnesses and has modified the law to provide States with 50 percent of their State allotment, independent of their compliance with the four core requirements. States can still lose up to one-quarter of the remaining 50 percent of their allotment (12.5%) for each core requirement for which they are not in compliance. However, this change will ensure that States still receive funds with which to combat juvenile delinquency even if they are not in compliance with all of the mandates. It is the view of the Committee that States should not be denied important financial resources for combating juvenile crime, simply because they are having difficulties meeting the four core requirements. Not only do States suffer under current law requirements, but the juveniles who require services funded through this Act suffer as well. The changes to this provision contained in H.R. 3876 represent a thoughtful solution to this problem. While still providing a financial incentive for States to meet the mandates, the penalties are not so harsh as to thwart State efforts to address issues related to juvenile delinquency.

Requiring juveniles to be accountable for their actions

One theme which echoed throughout the hearings held by the Subcommittee was the need to hold juveniles accountable for their actions. Forty-four States have already strengthened their State laws with respect to violent juvenile offenders. At the Federal level

we need to support States' efforts to deal with violent, repeat offenders as well as encourage efforts to demonstrate to nonviolent offenders that their delinquent behavior will not be tolerated. According to noted criminologist James Q. Wilson, "There ought to be penalties from the earliest offense * * * so that juveniles are treated by the State the same way we treat our children. You don't ignore the fact that they're wrecking the house until they finally burn it down. You try to deal with it right away."

In addition, Jean Warner, in the *Yale Law and Policy Review*, stated, "By reconfirming the moral base of the law and by emphasizing that those who commit crimes will be held accountable to their victims because it is 'right' to do so, restitution may increase commitment to the moral order."

The Committee has, therefore, modified the section of the State plan outlining the purposes for which funds under this Act are spent. Now States can use Federal funds to support State programs that hold youth accountable for their actions. Specific items include:

1. A system, subject to the discretion of the State, that provides for the prosecution as adults for those juveniles under 18 years of age, who commit an act that would be a violent crime if committed by an adult.

2. A system of open records relating to any adjudication of juveniles less than 18 years of age, who are adjudicated delinquent for conduct that if committed by an adult would be a felony. The system must also meet certain requirements, such as making these records available to law enforcement agencies, the courts and school officials.

3. Programs that hold juveniles accountable for their actions. Such programs could include the use of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage they caused. Such a system could also include a system of graduated sanctions for juvenile delinquents that ensures an appropriate sanction for every delinquent act.

4. Programs that utilize multidisciplinary interagency case management and information sharing procedures. Such programs would 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 and serious delinquent acts.

5. The expanded use of probation officers. States could now permit nonviolent delinquent juveniles to remain at home with their families as an alternative to incarceration or institutionalization by assigning a probation officer to ensure that the juvenile follows the terms of their probation.

Youth who do not believe that they will be punished for their inappropriate behavior are more likely to repeat their behavior. There is also an increased likelihood that the types of delinquent activities in which they engage will become more serious if they are not appropriately sanctioned. It is the view of the Committee that giving States the flexibility to use funds for accountability, prevention, and programs which provide appropriate sanctions for each

delinquent act will allow States to more effectively address juvenile delinquency. It is the further belief of the Committee that these changes will allow the States to reduce the recidivism rate among juvenile offenders.

Consolidating juvenile justice programs

The Committee bill eliminates four categorical programs authorized under current law: Boot Camps, Mentoring, State Challenge Activities, and Treatment for Juvenile Offenders Who are Victims of Child Abuse and Neglect. These programs were added during the 102nd Congress. Two of these programs, Part F—Treatment for Juvenile Offenders Who are Victims of Child Abuse or Neglect and Part H—Boot Camps, have never been funded. Funding for the Part E—State Challenge Activities and Part G—Mentoring Program received minimal funding. It is the view of the Committee that program dollars should be consolidated in order to provide States with one flexible funding stream to carry out activities to reduce juvenile delinquency. However, it is not the intention of the Committee to discourage the types of activities authorized by these programs. H.R. 3876 modifies the State plan section outlining the permissible uses of funds under this Act. States will now be allowed to use their funds for activities related to boot camps, mentoring, and the treatment of juvenile offenders who are victims of child abuse and neglect.

The Committee bill also eliminates the authorization for the White House Conference on Juvenile Justice. This conference has never been held and it is the view of the Committee that funds authorized for this purpose would be better used for State and local efforts to combat juvenile crime and to provide direct services to the juvenile population.

Refocusing federal gang prevention efforts

The existing Juvenile Justice and Delinquency Prevention Act contains two gang prevention programs under Part D, Gang-Free Schools and Communities and Community-Based Gang Intervention. It is the view of the Committee that the need does not exist for two gang prevention programs under this Act. Several Federal agencies, including the Departments of Justice, Education, Health and Human Services, and Housing and Urban Development administer a variety of anti-gang programs.

The Committee does, however, recognize that there is a need to address this growing problem. According to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), "law enforcement and media reports suggest that criminal youth gangs are active in nearly every State." OJJDP estimates, based on a survey of law enforcement officials in 35 cities, that there are almost 1,500 gangs and over 120,000 gang members nationwide. According to the FBI, juvenile gang killings rose by 371% from 1980 to 1992.

In addition, a 1993 survey by the National Center for Education Statistics (NCES), a national sample of students from the sixth grade through the twelfth grade, found that 35 percent of the students reported "fighting gangs" in schools. Students who were aware of the existence of gangs in schools were two times more likely to report weapons in school. Students reporting both weap-

ons and gangs in school were at least twice as likely to be concerned that they might be victims of violent crime, namely physical attacks and robbery.

As a result, the Committee has included one juvenile gang-prevention program as part of the Juvenile Crime Control and Delinquency Prevention Act. However, it is the belief of the Committee that the program should be very flexible and permit communities to design programs which meet their specific needs. There is no one solution to addressing problems related to youth gangs. Gangs exist all across the country and differ from cities, to suburbs, to rural areas across the United States. Therefore, each local community must be free to design a program which meets their specific needs. The Committee bill provides broad flexibility to local communities in designing gang-prevention programs. H.R. 3876 permits communities to choose those individuals and organizations they feel will be most effective in assisting them in their efforts to address problems of youth gangs.

Communities throughout the United States are already developing their own gang-prevention programs. It is the view of the Committee that we should be supporting such efforts, rather than trying to design a one-size fits all program. A good example of a successful gang-prevention program is one operated in Hawaii by Sidney Rosen, with Adult Friends for Youth. In his testimony before the Committee, Mr. Rosen described a youth gang intervention and treatment program which has successfully improved outcomes for gang members. Mr. Rosen pointed out his program had significantly improved high school graduation rates. In a survey of 79 gang members, the graduation rate had jumped from 20 to 70 percent. Eighty-seven percent of the youth surveyed were either working full time or pursuing additional schooling. In addition, only 10 percent of the survey group had been arrested and none had received a prison sentence. With many groups, there had been an evolution from gangs to social clubs. And, hostilities between gangs had also been terminated. Mr. Rosen received no Federal support for his program, which had been locally designed and implemented.

Finally, it is the view of the Committee that gang-prevention efforts under this Act should be focused on those gangs which present the biggest and most hostile threat to society, not those which are purely social in nature. As such, H.R. 3876 focuses the new gang-prevention program on those gangs that commit crimes, particularly violent crimes, those that unlawfully use firearms and other weapons, and those that traffic drugs.

General streamlining and flexibility

The Committee believes it is very important to provide States with broad flexibility to design programs which meet their own unique needs in addressing problems of juvenile delinquency, especially juvenile crime. As such, the Committee has eliminated many unnecessary State plan requirements and other provisions which limit State flexibility. A number of witnesses testified in support of State and local flexibility. Ron Roberts of the San Diego County Board of Supervisors, stated, "I would encourage the Subcommittee to support the elements of this legislation that provide flexibility to design and implement local solutions to local problems."

In addition, the Committee has included language in H.R. 3876 which limits the ability of the Administrator to establish rules, regulations and procedures only to the extent necessary to ensure compliance with the specific requirements of Title II. In addition, the bill prohibits the Administrator from establishing rules, regulations or procedures applicable to compliance with the four core requirements. It is the view of the Committee that the Office of Juvenile Justice and Delinquency Prevention has issued regulations which are more prescriptive than the mandates themselves. For instance, while the law requires separate facilities for juveniles and adults, the regulations go much further. For example, Virginia is in the process of building a juvenile facility on the same property as a facility for adults. The facilities are located one quarter of a mile apart. However, Virginia has spent \$50,000 to build a hill of dirt on the property to ensure juveniles cannot see the adult facility because the Office of Juvenile Justice and Delinquency Prevention ruled they would otherwise not be in compliance with the mandate.

The bill also provides that States, which have their own laws requiring compliance with the mandates on deinstitutionalization of status offenders, separate facilities for juveniles and adults, and sight and sound separation of juveniles from adults when they are held in the same facilities, shall be deemed to satisfy the requirements under the Act. The bill does not include the mandate dealing with minority over-representation because this specific mandate already allows the State to design their own efforts to address instances of minority over-representation.

This provision was supported by Jerry Kilgore, Virginia Secretary of Public Safety, who stated in his testimony before the Committee, "Compliance monitoring and reporting requirements should be reduced for States such as Virginia, with State codes which prohibit the practices for which compliance monitoring is required."

The bill also provides the chief executive officer of each State with greater flexibility in designating the membership of the State advisory group, whose purpose is to advise the State on matters of juvenile justice. H.R. 3876 also requires, for the first time, that the State Attorney General or the State official with primary responsibility for overseeing the enforcement of State criminal laws is to be appointed as a member of the advisory group. The Act further stipulates this individual is to be consulted by the chief executive officer on the selection of other members of the group. The Committee strongly believes the individual in the State, be it the State Attorney General or some other official, who is responsible for overseeing the enforcement of State criminal laws should have a prominent role in planning for activities within the State which address juvenile crime. Their overall knowledge and expertise in this area should not be overlooked.

Finally, in emphasizing increased flexibility for the States, the Committee reported bill deletes a vague and broadly worded provision from current law which requires States, as part of their 3-year plan for carrying out the purposes of the Juvenile Justice and Delinquency Protection Act, to provide that "fair and equitable arrangements shall be made to protect the interests of employees af-

ected by assistance" under the Act¹—including "preservation of rights, privileges and benefits" under existing collective bargaining agreements or otherwise, the "continuation of collective bargaining rights," the protection of individual employees against a "worsening" of their positions with respect to their employment, "assurances of employment" to State and local government employees who will be affected by programs funded under the Act, and training or retraining programs.

The Committee has several concerns with the provision. It is simply unfair to force State and local governments to absorb the potential administrative burden and expense of the labor provision as a cost (which is presumably passed on to the taxpayers) of doing business with Federal government. The provision is inconsistent with the move toward greater flexibility in the juvenile justice program and the Committee is not persuaded that its far-reaching requirements should be continued in law.

As an initial matter, labor relations with regard to public sector employees has traditionally been the province of State and local governments. Particularly with regard to collective bargaining rights, the Congress has declined to interfere with the negotiations between State and local governments and their employees over the terms and conditions of employment. Thus, for example, the definition of covered employers in section 2(2) of the National Labor Relations Act specifically excludes States and any political subdivisions thereof. While the reported bill would not prevent a State or local government from reaching agreements with any of its employees who may be affected by the provision of assistance under the Act, the Committee did not feel it prudent to mandate such extensive protections which cover virtually the entire employment relationship.

While some have argued that the JJDPA's collective bargaining provision is the same or similar to section 13(c) of the Federal Transit Act² (formerly the Urban Mass Transportation Act of 1964), and therefore should be adopted, such a contention misses the mark. Section 13(c) has been very difficult to administer, and, in any case was targeted at protecting private sector transit employees as ownership of mass transit operations was transferred, under far-reaching Congressional legislation, from the private sector to the public sector. In this context, employees who were covered by the collective bargaining protections of private sector Federal labor law, the National Labor Relations Act, would potentially lose such protections when their employment relationships became governed by public sector State and local law. In the context of juvenile justice programs, the employees who the collective bargaining provision is intended to benefit are currently, and will continue to be, State and local government employees. While the Committee declines to mandate continuation of collective bargaining and other protections for this class of State and local government employees, it should be noted that the Committee bill does not limit in any way the application to these employees of the numerous Federal

¹Section 223(a)(19).

²Codified at 49 U.S.C. section 5333(b).

labor laws where the Congress has made a judgment to extend protections to public sector employees.

Finally, even if the Committee were disposed to involve the Federal government in dictating to the States how to define the terms and conditions of the employment relationships with their employees, the almost unlimited scope of the subject provision is in itself unacceptable. The broad language of the current law's provision seems to require a guarantee that any employees affected by the assistance provided under the Act will never have any change in the terms or privileges of their employment. The language appears to provide for the continuation of collective bargaining rights without regard to whether or not there continues to be majority support for the elected bargaining representative, or when a collective bargaining agreement expires. The provision requires that individual employees be protected from a "worsening" of their employment positions—a term which is not defined and may often be "in the eyes of the beholder." These requirements threaten to lock in for perpetuity the status quo. In today's dynamic environment, no workplace can be insulated from change in this sweeping manner.

It is the view of the Committee that this increased flexibility will go a long way in assisting States to develop innovative programs to reduce the incidence of juvenile delinquency.

RUNAWAY AND HOMELESS YOUTH

In recent years, there have been many proposals to consolidate RHYP, TLP and DEPP into one comprehensive program for runaway and homeless youth. The current law configuration of three separate funding streams has proven to be piecemeal, unnecessary and duplicative. There has been agreement that consolidation would significantly reduce the burden of grant applications and administration for agencies serving runaway and homeless youth. Additionally, local communities need and want greater flexibility in designing services to this target population. The Committee report accompanying the Labor, Health and Human Services, and Education Appropriations bill for fiscal year 1996 directly addressed the need for a consolidated authorization by stating "The budget request proposed to consolidate these programs; the (Appropriations) Committee has not done this because it is not authorized by law". The need for consolidation of these programs was additionally part of their rationale in defunding the Drug Education Prevention Program. "The elimination of small categorical programs also saves Federal administrative costs, and reduces bureaucratic paperwork and grant forms that must be filled out by the local providers". Additionally, both the Bush and Clinton administrations' have proposed consolidation of these programs.

While the desire to consolidate the funding streams has been non-controversial, the Committee has taken special steps to preserve the distinct differences between the basic center grants and transitional living programs and in particular, not to administer funds for both programs under a single formula allocation. In testimony before the Committee, James Braun, President and CEO of Youth in Need, St. Charles, MO stated:

The care of runaways and helping homeless youth transition to productive adulthood cannot and should not be provided under the same program. Consequently, transitional living programs for older homeless youth, while part of the continuum of services, should remain distinct from the basic centers program * * * I would urge that any streamlining of RHYA avoid blending, and thus weakening, these distinct short term and long term services.

The Committee, working in conjunction with the Department of Health and Human Services, and the minority staff constructed legislation that directly addresses the consolidation concerns. The legislation consolidates the authorization for the current Runaway and Homeless Youth, Transitional Living for Homeless Youth, and the Drug Education and Prevention for Runaway and Homeless Youth programs into a single funding stream, while retaining the formula based allocation for basic center grants and the national competitive process for transitional living grants. The Runaway and Homeless Youth Program will continue to provide grants to local public and private organizations to establish and operate local runaway and homeless youth centers to address the crisis needs of runaway and homeless youth and their families. Grants will continue to be used to develop or strengthen community based centers which are outside the law enforcement, juvenile justice, child welfare and mental health systems. Additionally, home-based, street-based and drug education and prevention activities are all allowable uses of funds under the basic center grants. The Runaway and Homeless Youth Act continues to require that 90 percent of the program funds be used to establish and operate basic centers and transitional living programs which meet the immediate needs of runaway and homeless youth. Basic center grants would continue to be allotted among the States based on each State's population under 18 years of age. Applications for basic center grants are selected for funding through a competitive review process based on each State's allocation of funds under the formula.

The Transitional Living Program would no longer have a separate funding stream, but would continue to receive no less than 20% of the appropriation. The Transitional Living grants will continue to be awarded by the Secretary on a national competitive basis.

Despite the fact that the Drug Education and Prevention Program (DEPP) did not receive funding in FY '96, the Committee recognizes the importance of drug education and prevention among the runaway and homeless youth population and continues to make it an allowable use of funds under the basic center grants.

In addition to the funds which directly support basic centers and temporary shelters for runaway and homeless youth, approximately 10 percent of the funds in each of the past five years have been used to fund projects which support and strengthen the work of the shelters. These include: the national toll free runaway and homeless youth hotline, training and technical assistance activities; research and demonstration projects; and methods to improve program administration, outreach, and prevention activities among local shelters. These activities would continue under the Committee legislation.

The Committee bill corrects several legislative drafting errors from the previous authorization. One of the most substantive corrections is to the Grants for Prevention of Sexual Abuse and Exploitation. This program was included in the Violent Crime Control and Law Enforcement Act of 1994 as an amendment to the Runaway and Homeless Youth Act. The amendments were not executed because of incorrect section references. This program allows the Secretary to make grants to private non-profit agencies for street based outreach and education including treatment, counseling, information and referral to runaway, homeless and street youth who are at risk of sexual abuse. Despite the drafting error, the program did receive \$5.5 million in funding in FY '96 from the Violent Crime Trust Fund. In correcting the technical errors, it is the intent of the Committee that this program continue to receive funding from the Violent Crime Trust Fund. The authorization is updated to the year 2000 at "such sums".

The Committee bill significantly improves the operation and effectiveness of the RHYP by streamlining the Act; reducing the number of separately authorized programs; removing duplicative provisions, and improving the organization of the Act. It changes reporting requirements and requires HHS to submit a biennial (instead of annual) report to Congress. Additionally, the bill repeals the separately authorized Temporary Demonstration Projects to Provide Service to Youth in Rural Areas which has never received an appropriation. The bill highlights the need for runaway and homeless youth services in rural areas in the findings section of the text. The Act has been successful in helping to meet the needs of runaway and homeless youth. The Committee amendments will help to strengthen these activities and protect youth by keeping them off the streets, away from criminal activities and out of desperate circumstances. The Committee hopes that these programs will continue to focus on youth with the greatest need for these services and continue to reunite youth with their families.

MISSING CHILDREN'S ACT

Title III of the Juvenile Crime Control and Delinquency Prevention Act makes two minor amendments to The Missing Children's Assistance Act. The Missing Children's Assistance Act makes grants available to develop programs that assist in the recovery of missing and exploited children. The National Resource Center on Missing Children within the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the Department of Justice provides such services as a toll free hot-line to report sightings of missing children, entering missing children's names in the National Criminal Information Center's computerized database; coordination among Federally funded programs relating to missing children; information on effective models of Federal, State and local programs for the recovery of missing children; training and technical assistance to State clearinghouses, nonprofit organizations, prosecutors, law enforcement personnel, and attorneys. The Committee bill extends the authorization through the year 2000 and repeals the special study and report that is currently underway. No other changes are made to this Act.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title; Table of Contents. Cites the short title as "Juvenile Crime Control and Delinquency Prevention Act of 1996" and provides a table of contents.

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

Section 101. Findings. Amends the Congressional findings of the Juvenile Justice and Delinquency Prevention Act of 1974.

Section 102. Purpose. Amends the purpose of the Juvenile Justice and Delinquency Prevention Act of 1974.

Section 103. Definitions. Amends the definitions found in the Juvenile Justice and Delinquency Prevention Act of 1974.

Section 104. Name of Office. Renames the Juvenile Justice and Delinquency Prevention Office as the Office of Juvenile Crime Control and Delinquency Prevention.

Section 105. Concentration of Federal Effort. Revises the duties of the Administrator to streamline the Federal effort.

Section 106. Coordinating Council on Juvenile Justice and Delinquency Prevention. Eliminates the Council.

Section 107. Annual Report. Amends the required content of the Annual Report to requiring and evaluation of the effectiveness of programs funded in Title II.

Section 108. Allocation. Makes technical corrections to Section 222 of the Juvenile Justice and Delinquency Prevention Act.

Section 109. State Plans. Revises the makeup, qualifications and duties of the State advisory groups as well as amends the contents of the plans they are to submit.

Section 110. National Institute for Juvenile Justice and Delinquency Prevention. Renames the Institute, the National Institute for Juvenile Crime Control and Delinquency Prevention.

Section 111. Research, Demonstration, and Evaluation Functions. Encourages the study of the prevention of serious and violent crimes.

Section 112. Technical Assistance and Training Functions. Makes technical corrections to Section 244 of the Juvenile Justice and Delinquency Prevention Act.

Section 113. Establishment of Training Program. Amends the qualifications of enrollees in the Institute's training program.

Section 114. Curriculum for Training Program. Removes the mention of hate crimes in the curriculum for the Institute's training program.

Section 115. Special Studies and Reports. Repeals Section 248 of the Juvenile Justice and Delinquency Prevention Act, which references studies that have been completed.

Section 116. Grants and Contracts for Special Emphasis Prevention and Treatment Programs. Requires contracts and grants to be made on a competitive basis and amends the type of programs for which the grants and contracts may provide.

Section 117. Considerations for Approval of Applications. Amends the considerations for approval of applications for grants and contracts.

Section 118. Gang-Free Schools and Communities. Allows the Administrator to make grants or contracts designed to reduce gang activity.

Section 119. Repealers. Repeals Part E of Title II of the Juvenile Justice and Delinquency Prevention Act, specifically the State Challenge Grants.

Section 120. Repealers. Repeals Part F—Treatment for Juvenile Offenders Who are Victims of Child Abuse or Neglect; Part G—Mentoring; and Part H—Boot Camps and makes technical corrections to Part I, as added by section 2(I)(1)(C) of Public Law 102-586.

Section 121. Authorization of Appropriations. Authorizes appropriations for the fiscal years 1997, 1998, 1999, and 2000. There are to be authorized for Title II, other than part D, \$225,000,000 for FY 1997 and such sums as necessary for 1998-2000. Part D, Gang Free Schools and Communities, is authorized to receive \$10,000,000 for FY 1997 and such sums through 2000. No less than 70% of Title II funds, not including Part D funds, are to be spent on Part B, the State Formula Grants. No more than 5% or \$5,000,000 of the amount appropriated for Title II (whichever is lower) can be spent on Part A, Administration of the Title, and no more than 25% or \$25,00,000 (whichever is lower) can be spent on Part C, Research activities.

Section 122. Administrative Authority. Limits the Administrator's authority to establish rules, regulations, and procedures.

Section 123. Use of Funds. Requires that funds paid pursuant to Title II of the Juvenile Justice and Delinquency Prevention Act not be used for the construction of any facility.

Section 124. Technical and Conforming Amendments. Makes several technical changes, including changing several sections of law to reflect the name change of the Office of Juvenile Crime Control and Delinquency Prevention as well as other technical amendments.

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH

Section 201 amends the findings in Section 302 of the Runaway and Homeless Youth Act.

Section 202 amends Section 311 of the Runaway and Homeless Youth Act. It gives the Secretary authority to make grants to public and nonprofit private entities to provide services for runaway and homeless youth and their families. Additionally, it defines the services which may be provided under the Runaway and Homeless Youth Act.

Section 203 amends eligibility and reporting requirements under Section 312 of the Runaway and Homeless Youth Act. This section includes technical changes and specifically lists reporting requirements that applicants must submit to the Secretary. It lists the services which an applicant must plan to provide in order to use grant money for street-based services, home-based services and for drug abuse and prevention services.

Section 204 amends Section 313 of the Runaway and Homeless Youth Act, stating that the Secretary may take into consideration the geographical distribution of proposed services and the areas in the State that have the greatest need for such services. It also con-

tinues to require the Secretary to give priority to eligible applicants that are experienced in providing services to runaway youth and to grant applications that are less than \$200,000.

Section 205 makes technical changes to Section 321 of the Runaway and Homeless Youth Act.

Section 206 amends Section 343(b) of the Runaway and Homeless Youth Act by making technical and conforming changes and by deleting home based and street based services from the research and demonstration projects.

Section 207 repeals Section 344, Temporary Demonstration Projects to Provide Services to Youth in Rural Areas of the Runaway and Homeless Youth Act.

Section 208 makes technical corrections to the Sexual Abuse Prevention Program, Section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 and extends the authorization of the program through the year 2000.

Section 209 amends Section 371, Assistance to Potential Grantees, of the Runaway and Homeless Youth Act, by striking the last sentence in Section 371.

Section 210 amends Section 381 of the Runaway and Homeless Youth Act. It requires that no later than April 1, 1998 and in two year intervals thereafter, the Secretary must submit a report, to the House Economic and Educational Opportunities Committee and the Senate Judiciary Committee on the status and activities of the grantees who are awarded grants under this Act. Section 381 lists specific information that must be included in the report. Additionally, this section requires the Secretary to include in the report summaries of the Secretary's evaluations of grantees and descriptions of the qualifications and training of the individuals administering the evaluation.

Section 211 amends Section 384 of the Runaway and Homeless Youth Act to address Evaluation and Information by the Secretary. It directs the Secretary to conduct on-site evaluations.

Section 212 amends Section 385 of the Runaway and Homeless Youth Act and authorizes appropriations for fiscal years 1997, 1998, 1999, and 2000. Additionally, it directs how the appropriation shall be divided among the programs.

Section 213 inserts a new Section 385 giving the Secretary the authority to implement a single consolidated application review process.

Section 214 inserts a new Section 386 which contain the definitions for this title.

Section 215 redesignates particular sections of the Runaway and Homeless Youth Act.

Section 216 contains technical amendments.

TITLE III—AMENDMENTS TO THE MISSING CHILDREN'S ASSISTANCE ACT

Section 301 authorizes appropriations for fiscal years 1997, 1998, 1999 and 2000.

Section 302 repeals Section 409, the Special Study and Report.

TITLE IV—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Section 401. Duties and Functions of the Administrator. Amends Section 504 of the Incentive Grants for Local Delinquency Prevention Programs Act, by eliminating the requirement that the Administrator must submit an annual plan on coordination efforts and policy development.

Section 402. Grants for Prevention Programs. Amends Section 505 by revising the local government application process for the Incentive Grants.

Section 403. Repeal of Definition. Repeals Section 503 of the Incentive Grants for Local Delinquency Prevention Programs Act.

Section 404. Authorization of Appropriations. Renumbers Section 506 as Section 505 of the Incentive Grants for Local Delinquency Prevention Programs Act and authorizes \$20,000,000 for the Incentive Grants for Local Delinquency Prevention Programs for FY 1997 and such sums as appropriate through 2000.

TITLE V—GENERAL PROVISIONS

Section 501. Effective Date; Application of Amendments. This Act takes effect upon enactment and amendments made by this Act apply to fiscal years beginning after September 30, 1996.

EXPLANATION OF AMENDMENTS

The provision of the amendment in the nature of a substitute are explained in this report.

OVERSIGHT FINDINGS OF THE COMMITTEE

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

In compliance with clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment into law of H.R. 3876 will have no significant inflationary impact on prices and costs in the operation of the national economy. It is the judgment of the Committee that the inflationary impact of this legislation as a component of the federal budget is negligible.

GOVERNMENT REFORM AND OVERSIGHT

With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3876.

COMMITTEE ESTIMATE

Clause 7 of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 3876. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

APPLICATION OF LAW TO LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104-1 requires a description of the application of this bill to the legislative branch. The bill does not prohibit legislative branch employees from otherwise being eligible for such services under these programs in this Act.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act requires a statement of whether the provisions of the reported bill include unfunded mandates; the bill provides funds for programs authorized under this bill at the State and local level and as such does not contain any unfunded mandates. The Committee also received a letter regarding unfunded mandates from the Director of the Congressional Budget Office. See *infra*.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 2(1)(3)(B) of rule XI of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 2(1)(3)(C) of rule XI of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3876 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 16, 1996.

Hon. WILLIAM F. GOODLING,
*Chairman, Committee on Economic and Educational Opportunities,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3876, the Juvenile Crime Control and Delinquency Prevention Act of 1996.

Enacting H.R. 3876 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 3876.
2. Bill title: Juvenile Crime Control and Delinquency Prevention Act of 1996.
3. Bill status: As ordered reported by the House Committee on Economic and Educational Opportunities on August 2, 1996.
4. Bill purpose: H.R. 3876 would make many changes and additions to the federal laws relating to juvenile crime and delinquency prevention programs. The bill would authorize the appropriation of:
 - \$225 million for fiscal year 1997 and such sums as may be appropriate for each of the fiscal years 1998 through 2000 to the Department of Justice to carry out programs for controlling juvenile crime and preventing juvenile delinquency;
 - \$10 million for fiscal year 1997 and such sums as may be appropriate for each of the fiscal years 1998 through 2000 to the Department of Justice to make grants for programs designed to reduce the participation of juvenile in gangs;
 - Such sums as may be necessary for each of the fiscal years 1997 through 2000 to the Department of Health and Human Services to make grants for programs to prevent sexual abuse;
 - \$60 million for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2000 to the Department of Health and Human Services to make grants for runaway and homeless youth programs;
 - Such sums as may be necessary for each of the fiscal years 1997 through 2000 to the Department of Justice to make grants for missing children's assistance programs; and
 - \$20 million for fiscal year 1997 and such sums as may be appropriate for each of the fiscal years 1998 through 2000 to the Department of Justice to make grants for local delinquency prevention programs.
5. Estimated cost to the Federal Government: Assuming appropriation of the authorized amounts, CBO estimates that enacting H.R. 3876 would result in costs to the Federal Government of \$1.3 billion over the 1997-2002 period. The following table summarizes the estimated budgetary effects of H.R. 3876, both with and without adjustments for inflation for years in which the authorized amounts are not specified.

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION							
Spending under current law:							
Authorization level ¹	211	9	15	.....	.....	.....	.....
Estimated outlays	131	82	80	20	6	1	.....
With Adjustment for Inflation							
Proposed changes:							
Estimated authorization level .....	.....	322	331	347	356	.....	.....
Estimated outlays .....	.....	67	213	318	344	279	121
Projected spending under H.R. 3876:							
Estimated authorization level ¹	211	330	346	347	356	.....	.....
Estimated outlays	131	149	293	338	350	280	121
Without Adjustment for Inflation							
Proposed changes:							
Estimated authorization level .....	.....	322	322	328	328	.....	.....
Estimated outlays .....	.....	67	211	310	327	260	111

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
Projected spending under H.R. 3876:							
Estimated authorization level ¹	211	330	337	328	328	.....	.....
Estimated outlays	131	149	291	330	333	261	111

¹The 1996 level is the amount appropriated for that year.

The costs of this bill fall within budget functions 500 and 750.

6. Basis of estimate: For the purpose of this estimate, CBO assumes that all amounts authorized by the bill for 1997 and all estimated amounts for 1998 through 2000 will be appropriated and that outlays will occur at historical rates for the authorized activities. "Such sums" authorizations were estimated by extending, both with and without adjustment for inflation, either the 1997 authorization provided in the bill or, if there is none, the 1996 appropriation for the program. Because current law authorizes \$8 million for fiscal year 1997 and \$15 million for fiscal year 1998 for the sexual abuse prevention programs, we assume that the bill would add no spending to that activity in those years.

7. Pay-as-you-go considerations: None.

8. Estimated impact on State, local and tribal governments: H.R. 3876 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) and would not impose costs on state, local, or tribal governments. The bill would authorize 1997 appropriations of at least \$158 million for juvenile justice grants to states and of about \$97 million for grants to public and private entities for runaway and homeless youth programs, missing children's assistance, and local juvenile delinquency prevention programs. Similar amounts are authorized annually for 1998 through 2000. In order to remain eligible for these formula grants, state and local governments might be required to redefine programs aimed at curtailing juvenile delinquency. The Unfunded Mandates Reform Act of 1995 excludes such conditions of federal assistance from the definition of an intergovernmental mandate.

In a number of cases, H.R. 3876 would ease requirements governing the implementation of juvenile justice programs. Specific criteria for membership on juvenile justice advisory boards would be eliminated; certain reporting requirements would be dropped; and prohibitions limiting the incarceration of juveniles with adults would be relaxed.

In other cases, the bill would require grant recipients to refocus certain activities. State plans would be required to emphasize holding juvenile delinquents accountable through the use of neighborhood courts, restitution to victims, and other sanctions on the offender. Education programs would need to emphasize self-sufficiency and work skills in addition to reducing truancy and drop-outs.

The bill would also add requirements to implementation plans needed to receive funding under the Runaway and Homeless Youth Act.

Responsibility for making awards to local agencies under the Incentives Grants for Local Delinquency Prevention Programs Act would be transferred from the federal government to state govern-

ments. However, this transferred responsibility would only occur within the context of an overall state implementation plan.

9. Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in Public Law 104-4.

10. Previous CBO estimate: None.

11. Estimated prepared by:

Federal Cost Estimate: Mark T. Grabowicz; Impact on State, Local, and Tribal Governments: Leo Lex; Impact on the Private Sector: Matthew Eyles.

12. Estimate approved by: Robert A. Sunshine, for Paul N. Van de Water, Assistant Director for Analysis.

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

ROLL CALL #1

BILL H.R. 3876DATE August 1, 1996

DEFEATED 17 - 20

SPONSOR / MOTION Mr. Andrews / motion to adjourn the mark-up

MEMBER	AYE	NO	PRESENT	NOT VOTING
CHAIRMAN GOODLING		X		
Mr. PETRI				X
Mrs. ROUKEMA		X		
Mr. GUNDERSON				X
Mr. FAWELL		X		
Mr. BALLENGER		X		
Mr. BARRETT		X		
Mr. CUNNINGHAM		X		
Mr. HOEKSTRA		X		
Mr. McKEON		X		
Mr. CASTLE		X		
Mrs. MEYERS		X		
Mr. JOHNSON				X
Mr. TALENT		X		
Mr. GREENWOOD		X		
Mr. HUTCHINSON		X		
Mr. KNOLLENBERG		X		
Mr. RIGGS		X		
Mr. GRAHAM		X		
Mr. WELDON		X		
Mr. FUNDERBURK		X		
Mr. SOUDER		X		
Mr. McINTOSH				X
Mr. NORWOOD		X		
Mr. CLAY	X			
Mr. MILLER	X			
Mr. KILDEE	X			
Mr. WILLIAMS				X
Mr. MARTINEZ	X			
Mr. OWENS	X			
Mr. SAWYER	X			
Mr. PAYNE	X			
Mrs. MINK	X			
Mr. ANDREWS	X			
Mr. REED	X			
Mr. ROEMER	X			
Mr. BECERRA				X
Mr. SCOTT	X			
Mr. GREEN	X			
Ms. WOOLSEY	X			
Mr. ROMERO-BARCELO	X			
Mr. FATTAH	X			
Mr. BLUMENAUER	X			
TOTALS	17	20		6

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

ROLL CALL #2

BILL H.R. 3876

DATE August 1, 1996

PASSED 19 - 18

SPONSOR / MOTION Mr. Miller / motion to table the Barrett motion for the previous question

MEMBER	AYE	NO	PRESENT	NOT VOTING
CHAIRMAN GOODLING		X		
Mr. PETRI				X
Mrs. ROUKEMA	X			
Mr. GUNDERSON				X
Mr. FAWELL		X		
Mr. BALLENGER		X		
Mr. BARRETT		X		
Mr. CUNNINGHAM				X
Mr. HOEKSTRA				X
Mr. McKEON		X		
Mr. CASTLE		X		
Mrs. MEYERS		X		
Mr. JOHNSON				X
Mr. TALENT		X		
Mr. GREENWOOD		X		
Mr. HUTCHINSON		X		
Mr. KNOLLENBERG		X		
Mr. RIGGS		X		
Mr. GRAHAM		X		
Mr. WELDON		X		
Mr. FUNDERBURK		X		
Mr. SOUDER		X		
Mr. McINTOSH		X		
Mr. NORWOOD		X		
Mr. CLAY	X			
Mr. MILLER	X			
Mr. KILDEE	X			
Mr. WILLIAMS				X
Mr. MARTINEZ	X			
Mr. OWENS	X			
Mr. SAWYER	X			
Mr. PAYNE	X			
Mrs. MINK	X			
Mr. ANDREWS	X			
Mr. REED	X			
Mr. ROEMER	X			
Mr. BECERRA	X			
Mr. SCOTT	X			
Mr. GREEN	X			
Ms. WOOLSEY	X			
Mr. ROMERO-BARCELO	X			
Mr. FATTAH	X			
Mr. BLUMENAUER	X			
TOTALS	19	18		6

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

ROLL CALL #3

BILL H.R. 3876

DATE August 1, 1996

PASSED 39 - 0

SPONSOR / MOTION Mr. Miller / motion to move the previous question on the motion to postpone the markup indefinitely.

MEMBER	AYE	NO	PRESENT	NOT VOTING
CHAIRMAN GOODLING	X			
Mr. PETRI				X
Mrs. ROUKEMA	X			
Mr. GUNDERSON				X
Mr. FAWELL	X			
Mr. BALLENGER	X			
Mr. BARRETT	X			
Mr. CUNNINGHAM	X			
Mr. HOEKSTRA	X			
Mr. McKEON	X			
Mr. CASTLE	X			
Mrs. MEYERS	X			
Mr. JOHNSON				X
Mr. TALENT	X			
Mr. GREENWOOD	X			
Mr. HUTCHINSON	X			
Mr. KNOLLENBERG	X			
Mr. RIGGS	X			
Mr. GRAHAM	X			
Mr. WELDON	X			
Mr. FUNDERBURK	X			
Mr. SOUDER	X			
Mr. McINTOSH	X			
Mr. NORWOOD	X			
Mr. CLAY	X			
Mr. MILLER	X			
Mr. KILDEE	X			
Mr. WILLIAMS				X
Mr. MARTINEZ	X			
Mr. OWENS	X			
Mr. SAWYER	X			
Mr. PAYNE	X			
Mrs. MINK	X			
Mr. ANDREWS	X			
Mr. REED	X			
Mr. ROEMER	X			
Mr. BECERRA	X			
Mr. SCOTT	X			
Mr. GREEN	X			
Ms. WOOLSEY	X			
Mr. ROMERO-BARCELO	X			
Mr. FATTAH	X			
Mr. BLUMENAUER	X			
TOTALS	39	0		4

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

ROLL CALL #4

BILL H.R. 3876

DATE August 1, 1996

DEFEATED 18 - 21

SPONSOR / MOTION Mr. Clay / motion to postpone the markup indefinitely

MEMBER	AYE	NO	PRESENT	NOT VOTING
CHAIRMAN GOODLING		X		
Mr. PETRI				X
Mrs. ROUKEMA		X		
Mr. GUNDERSON				X
Mr. FAWELL		X		
Mr. BALENGER		X		
Mr. BARRETT		X		
Mr. CUNNINGHAM		X		
Mr. HOEKSTRA		X		
Mr. McKEON		X		
Mr. CASTLE		X		
Mrs. MEYERS		X		
Mr. JOHNSON		X		
Mr. TALENT		X		
Mr. GREENWOOD		X		
Mr. HUTCHINSON		X		
Mr. KNOLLENBERG		X		
Mr. RIGGS		X		
Mr. GRAHAM				X
Mr. WELDON		X		
Mr. FUNDERBURK		X		
Mr. SOUDER		X		
Mr. McINTOSH		X		
Mr. NORWOOD		X		
Mr. CLAY	X			
Mr. MILLER	X			
Mr. KILDEE	X			
Mr. WILLIAMS				X
Mr. MARTINEZ	X			
Mr. OWENS	X			
Mr. SAWYER	X			
Mr. PAYNE	X			
Mrs. MINK	X			
Mr. ANDREWS	X			
Mr. REED	X			
Mr. ROEMER	X			
Mr. BECERRA	X			
Mr. SCOTT	X			
Mr. GREEN	X			
Ms. WOOLSEY	X			
Mr. ROMERO-BARCELO	X			
Mr. FATTAH	X			
Mr. BLUMENAUER	X			
TOTALS	18	21		4

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

ROLL CALL #5

BILL H.R. 3876

DATE August 1, 1996

PASSED 21 - 18

SPONSOR / MOTION Mr. Fawell / motion to move the previous question to close debate on the Andrews amendment.

MEMBER	AYE	NO	PRESENT	NOT VOTING
CHAIRMAN GOODLING	X			
Mr. PETRI				X
Mrs. ROUKEMA	X			
Mr. GUNDERSON				X
Mr. FAWELL	X			
Mr. BALLENGER	X			
Mr. BARRETT	X			
Mr. CUNNINGHAM	X			
Mr. HOEKSTRA	X			
Mr. McKEON	X			
Mr. CASTLE	X			
Mrs. MEYERS	X			
Mr. JOHNSON	X			
Mr. TALENT	X			
Mr. GREENWOOD	X			
Mr. HUTCHINSON	X			
Mr. KNOLLENBERG	X			
Mr. RIGGS	X			
Mr. GRAHAM				X
Mr. WELDON	X			
Mr. FUNDERBURK	X			
Mr. SOUDER	X			
Mr. McINTOSH	X			
Mr. NORWOOD	X			
Mr. CLAY		X		
Mr. MILLER		X		
Mr. KILDEE		X		
Mr. WILLIAMS				X
Mr. MARTINEZ		X		
Mr. OWENS		X		
Mr. SAWYER		X		
Mr. PAYNE		X		
Mrs. MINK		X		
Mr. ANDREWS		X		
Mr. REED		X		
Mr. ROEMER		X		
Mr. BECERRA		X		
Mr. SCOTT		X		
Mr. GREEN		X		
Ms. WOOLSEY		X		
Mr. ROMERO-BARCELO		X		
Mr. FATTAH		X		
Mr. BLUMENAUER		X		
TOTALS	21	18		4

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

ROLL CALL #6

BILL H.R. 3876

DATE August 1, 1996

AMENDMENT NUMBER 7

DEFEATED 19 - 20

SPONSOR/AMENDMENT Mr. Andrews / amendment to restore current law provision on collective bargaining protections for State employees who are affected by assistance under the Act.

MEMBER	AYE	NO	PRESENT	NOT VOTING
CHAIRMAN GOODLING		X		
Mr. PETRI				X
Mrs. ROUKEMA	X			
Mr. GUNDERSON				X
Mr. FAWELL		X		
Mr. BALLENGER		X		
Mr. BARRETT		X		
Mr. CUNNINGHAM		X		
Mr. HOEKSTRA		X		
Mr. McKEON		X		
Mr. CASTLE		X		
Mrs. MEYERS		X		
Mr. JOHNSON		X		
Mr. TALENT		X		
Mr. GREENWOOD		X		
Mr. HUTCHINSON		X		
Mr. KNOLLENBERG		X		
Mr. RIGGS		X		
Mr. GRAHAM				X
Mr. WELDON		X		
Mr. FUNDERBURK		X		
Mr. SOUDER		X		
Mr. McINTOSH		X		
Mr. NORWOOD		X		
Mr. CLAY	X			
Mr. MILLER	X			
Mr. KILDEE	X			
Mr. WILLIAMS				X
Mr. MARTINEZ	X			
Mr. OWENS	X			
Mr. SAWYER	X			
Mr. PAYNE	X			
Mrs. MINK	X			
Mr. ANDREWS	X			
Mr. REED	X			
Mr. ROEMER	X			
Mr. BECERRA	X			
Mr. SCOTT	X			
Mr. GREEN	X			
Ms. WOOLSEY	X			
Mr. ROMERO-BARCELO	X			
Mr. FATTAH	X			
Mr. BLUMENAUER	X			
TOTALS	19	20		4

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

ROLL CALL #7

BILL H.R. 3876

DATE August 2, 1996

PASSED 23 - 2

SPONSOR / MOTION Mr. Petri / motion to report the bill to the House with an amendment in the nature of a substitute and with the recommendation that the amendment be agreed to and that the bill as amended do pass.

MEMBER	AYE	NO	PRESENT	NOT VOTING
CHAIRMAN GOODLING	X			
Mr. PETRI	X			
Mrs. ROUKEMA	X			
Mr. GUNDERSON	X			
Mr. FAWELL	X			
Mr. BALLENGER	X			
Mr. BARRETT	X			
Mr. CUNNINGHAM	X			
Mr. HOEKSTRA	X			
Mr. McKEON	X			
Mr. CASTLE	X			
Mrs. MEYERS	X			
Mr. JOHNSON	X			
Mr. TALENT	X			
Mr. GREENWOOD	X			
Mr. HUTCHINSON	X			
Mr. KNOLLENBERG				X
Mr. RIGGS	X			
Mr. GRAHAM	X			
Mr. WELDON	X			
Mr. FUNDERBURK	X			
Mr. SOUDER	X			
Mr. McINTOSH	X			
Mr. NORWOOD	X			
Mr. CLAY				X
Mr. MILLER				X
Mr. KILDEE		X		
Mr. WILLIAMS				X
Mr. MARTINEZ				X
Mr. OWENS				X
Mr. SAWYER				X
Mr. PAYNE				X
Mrs. MINK				X
Mr. ANDREWS				X
Mr. REED				X
Mr. ROEMER				X
Mr. BECERRA				X
Mr. SCOTT		X		
Mr. GREEN				X
Ms. WOOLSEY				X
Mr. ROMERO-BARCELO				X
Mr. FATTAH				X
Mr. BLUMENAUER				X
TOTALS	23	2		18

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**JUVENILE JUSTICE AND DELINQUENCY PREVENTION
ACT OF 1974**

* * * * *

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

[SEC. 101. (a) The Congress hereby finds that—

[(1) juveniles accounted for almost half the arrests for serious crimes in the United States in 1974 and for less than one-third of such arrests in 1983;

[(2) recent trends show an upsurge in arrests of adolescents for murder, assault, and weapon use;

(3) the small number of youth who commit the most serious and violent offenses are becoming more violent;

[(4) understaffed, overcrowded juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities and inadequately trained staff in such courts, services, and facilities are not able to provide individualized justice or effective help;

[(5) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of children, who, because of this failure to provide effective services, may become delinquents;

[(6) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse alcohol and other drugs, particularly nonopiate or polydrug abusers;

[(7) juvenile delinquency can be reduced through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;

[(8) State and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency;

[(9) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency;

[(10) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation;

[(11) emphasis should be placed on preventing youth from entering the juvenile justice system to begin with; and

[(12) the incidence of juvenile delinquency can be reduced through public recreation programs and activities designed to provide youth with social skills, enhance self esteem, and encourage the constructive use of discretionary time.

[(b) Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.

【PURPOSE

【SEC. 102. (a) It is the purpose of this Act—

【(1) to provide for the thorough and ongoing evaluation of all federally assisted juvenile justice and delinquency prevention programs;

【(2) to provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs;

【(3) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs;

【(4) to establish a centralized research effort on the problems of juvenile delinquency, including the dissemination of the findings of such research and all data related to juvenile delinquency;

【(5) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;

【(6) to assist State and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions;

【(7) to establish a Federal assistance program to deal with the problems of runaway and homeless youth;

【(8) to strengthen families in which juvenile delinquency has been a problem;

【(9) to assist State and local governments in removing juveniles from jails and lockups for adults;

【(10) to assist State and local governments in improving the administration of justice and services for juveniles who enter the system; and

【(11) to assist States and local communities to prevent youth from entering the justice system to begin with.

[(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency, including methods with a special focus on preserving and strengthening families so that juveniles may be retained in their homes; (2) to develop and conduct effective pro-

grams to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention; (5) to encourage parental involvement in treatment and alternative disposition programs; and (6) to provide for coordination of services between State, local, and community-based agencies and to promote interagency cooperation in providing such services.】

FINDINGS

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

(1) There has been a dramatic increase in juvenile crime, particularly violent crime. Weapons offenses and homicides are the 2 fastest growing violent crimes committed by juveniles, and offenders under the age of 21 committing more than 1/4 of all violent crime.

(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, community-based organizations, 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 provide juveniles with the education and other skills they need to prevent their involvement in delinquency activities; and

(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions for each delinquent act, requiring juveniles to make restitution 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.

PURPOSES

SEC. 102. The purposes of titles I, II, and V are—

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

(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, re-

search, and the dissemination of information, on effective programs for combating juvenile crime.

DEFINITIONS

SEC. 103. For purposes of this Act—

(1) * * *

* * * * *

(4)(A) the term “Bureau of Justice Assistance” means the bureau established by section 401 of *title I* of the Omnibus Crime Control and Safe Streets Act of 1968;

(B) the term “Office of Justice Programs” means the office established by section 101 of *title I* of the Omnibus Crime Control and Safe Streets Act of 1968;

(C) the term “National Institute of Justice” means the institute established by section 202(a) of *title I* of the Omnibus Crime Control and Safe Streets Act of 1968; and

(D) the term “Bureau of Justice Statistics” means the bureau established by section 302(a) of *title I* of the Omnibus Crime Control and Safe Streets Act of 1968;

* * * * *

(7) the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, [the Trust Territory of the Pacific Islands,] the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

* * * * *

(9) the term “combination” as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a juvenile [justice] *crime control* and delinquency prevention plan;

* * * * *

(14) the term “serious crime” means criminal homicide, forcible rape or other sex offenses punishable as a felony, mayhem, kidnapping, aggravated assault, *drug trafficking*, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony;

* * * * *

(16) the term “valid court order” means a court order given by a juvenile court judge to a juvenile—

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

* * * * *

[(C) with respect to whom an appropriate public agency (other than a court or law enforcement agency), before the issuance of such order—

(i) reviewed the behavior of such juvenile and the circumstances under which such juvenile was brought before the court and made subject to such order;

[(ii) determined the reasons for the behavior that caused such juvenile to be brought before the court and made subject to such order;

[(iii) determined that all dispositions (including treatment), other than placement in a secure detention facility or a secure correctional facility, have been exhausted or are clearly inappropriate; and

[(iv) submitted to the court a written report stating the results of the review conducted under clause (i) and the determinations made under clauses (ii) and (iii);

[(17) the term "Council" means the Coordinating Council on Juvenile Justice and Delinquency Prevention established in section 206(a)(1);]

[(18)] (17) the term "Indian tribe" means—

(A) a federally recognized Indian tribe; or

(B) an Alaskan Native organization;

[(19)] (18) the term "comprehensive and coordinated system of services" means a system that—

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

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

(C) increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

(D) encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency;

[(20)] (19) the term "gender-specific services" means services designed to address needs unique to the gender of the individual to whom such services are provided;

[(21)] (20) the term "home-based alternative services" means services provided to a juvenile in the home of the juvenile as an alternative to incarcerating the juvenile, and includes home detention;

[(22)] (21) the term "jail or lockup for adults" means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

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

[(ii)] (B) awaiting trial on a criminal charge; or

[(iii)] (C) convicted of violating a criminal law; [and]

[(23)] (22) the term "nonprofit organization" means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986[.];

(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; and

(24) 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.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

[PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE]

PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION

ESTABLISHMENT OF OFFICE

SEC. 201. (a) There is hereby established an Office of Juvenile [Justice and Delinquency Prevention] *Crime Control and Delinquency Prevention* (hereinafter in this division referred to as the "Office") within the Department of Justice under the general authority of the Attorney General.

* * * * *

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

SEC. 202. (a) * * *

(b) The Administrator is authorized to select, appoint, and employ not to exceed three officers and to fix their compensation at rates not to exceed the rate now or hereafter [prescribed for GS-18 of the General Schedule by section 5332] *payable under section 5376 of title 5 of the United States Code.*

* * * * *

CONCENTRATION OF FEDERAL EFFORTS

SEC. 204. (a)(1) The Administrator shall develop objectives, priorities, and a long-term plan, and implement overall policy and a strategy to carry out such plan, for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. [In carrying out the functions of the Administrator, the Administrator shall consult with the Council.]

(b) In carrying out the purposes of this Act, the Administrator shall—

(1) * * *

* * * * *

(3) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities [and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered];

* * * * *

(5)(A) develop for each fiscal year, and publish annually in the Federal Register for public comment, a proposed comprehensive plan describing the particular activities which the Administrator intends to carry out under [parts C and D] *part C* in such fiscal year, specifying in detail those activities designed to satisfy the requirements of [parts C and D] *part C*; and

* * * * *

(c) The Administrator may require, through appropriate authority, Federal departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide the Administrator with such information [and reports, and to conduct such studies and surveys, as the Administrator may deem to be necessary to carry out the purposes of this part] *as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency.*

* * * * *

[(h)] (f) All functions of the Administrator under this title shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under title III of this Act.

[(i)(1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under subsection (c).

[(2) Each juvenile delinquency development statement submitted to the Administrator under paragraph (1) shall contain such information, data, and analyses as the Administrator may require. Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

[(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to the Administrator under paragraph (1). Such development statement, together with the comments of the Administrator, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment.]

* * * * *

[COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

[SEC. 206. (a)(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention composed of the Attorney General, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, the Commissioner of Immigration and Naturalization, such other officers of Federal agencies who hold significant decisionmaking authority as the President may designate, and individuals appointed under paragraph (2).

[(2)(A) Nine members shall be appointed, without regard to political affiliation, to the Council in accordance with this paragraph from among individuals who are practitioners in the field of juvenile justice and who are not officers or employees of the United States.

[(B)(i) Three members shall be appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives.

[(ii) Three members shall be appointed by the majority leader of the Senate, after consultation with the minority leader of the Senate.

[(iii) Three members shall be appointed by the President.

[(C)(i) Of the members appointed under each of clauses (i), (ii), and (iii)—

[(I) 1 shall be appointed for a term of 1 year;

[(II) 1 shall be appointed for a term of 2 years; and

[(III) 1 shall be appointed for a term of 3 years;

as designated at the time of appointment.

[(ii) Except as provided in clause (iii), a vacancy arising during the term for which an appointment is made may be filled only for the remainder of such term.

[(iii) After the expiration of the term for which a member is appointed, such member may continue to serve until a successor is appointed.

[(b) The Attorney General shall serve as Chairman of the Council. The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

[(c)(1) The function of the Council shall be to coordinate all Federal juvenile delinquency programs (in cooperation with State and local juvenile justice programs all Federal programs and activities that detain or care for unaccompanied juveniles, and all Federal programs relating to missing and exploited children. The Council shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles and shall make recommendations to the President and to the Congress at least annually with respect to the

coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities and all Federal programs and activities that detain or care for unaccompanied juveniles. The Council shall review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of paragraphs (12)(A), (13), and (14) of section 223(a) of this title. The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council. The Council shall review the reasons why Federal agencies take juveniles into custody and shall make recommendations regarding how to improve Federal practices and facilities for holding juveniles in custody.

[(2) In addition to performing their functions as members of the Council, the members appointed under subsection (a)(2) shall collectively—

[(A) make recommendations regarding the development of the objectives, priorities, and the long-term plan, and the implementation of overall policy and the strategy to carry out such plan, referred to in section 204(a)(1); and

[(B) not later than 180 days after the date of the enactment of this paragraph, submit such recommendations to the Administrator, the Chairman of the Committee on Education and Labor of the House of Representatives, and the Chairman of the Committee on the Judiciary of the Senate.

[(d) The Council shall meet at least quarterly.

[(e) The Administrator shall, with the approval of the Council, appoint such personnel or staff support as the Administrator considers necessary to carry out the purposes of this title.

[(f) Members appointed under subsection (a)(2) shall serve without compensation. Members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

[(g) Of sums available to carry out this part, not more than \$200,000 shall be available to carry out this section.]

ANNUAL REPORT

SEC. [207] 206. Not later than 180 days after the end of a fiscal year, the Administrator shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains the following with respect to such fiscal year:

(1) * * *

(2) A description of the activities for which funds are expended under this part, including the objectives, priorities, and accomplishments[, and recommendations of the Council].

* * * * *

[(4) A summary of each program or activity for which assistance is provided under part C or D, an evaluation of the results of such program or activity, and a determination of the

feasibility and advisability of replacing such program or activity in other locations.

[(5) A description of selected exemplary delinquency prevention programs for which assistance is provided under this title, with particular attention to community-based juvenile delinquency prevention programs that involve and assist families of juveniles.]

(4) *An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile crime, particularly violent crimes.*

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

* * * * *

ALLOCATION

SEC. 222. (a)(1) * * *

(2)(A) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this title (other than parts D and E) is less than \$75,000,000, then the amount allocated to each State for such fiscal year shall be not less than \$325,000, or such greater [amount, up to \$400,000,] *amount up to \$400,000* as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992, except that the amount allocated to the Virgin Islands of the United States, Guam, American Samoa, [the Trust Territory of the Pacific Islands,] and the Commonwealth of the Northern Mariana Islands shall be not less than \$75,000, or such greater [amount, up to \$100,000,] *amount up to \$100,000* as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992, each.

(B) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this title (other than part D) equals or exceeds \$75,000,000, then the amount allocated to each State for such fiscal year shall be not less than \$400,000, or such greater [amount, up to \$600,000,] *amount up to \$600,000* as is available to be allocated if appropriations have been enacted and made available to carry out parts D and E in the full amounts authorized by [section 299(a) (1) and (3)] *paragraphs (1) and (3) of section 299(a)*, except that the amount allocated to the Virgin Islands of the United States, Guam, American Samoa, [the Trust Territory of the Pacific Islands,] and the Commonwealth of the Northern Mariana Islands shall be not less than \$100,000, or such greater [amount, up to \$100,000,] *amount up to \$100,000* as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992, each.

(3) If, as a result of paragraph (2), the amount allocated to a State for a fiscal year would be less than the amount allocated to such State for fiscal year 1992, then the amounts allocated to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to [allot] *allocate* to such State for the fiscal year the amount allocated to such State for fiscal year 1992.

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

* * * * *

STATE PLANS

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. [Such plan shall be amended] *Amendments to such plan shall be submitted* annually to include new programs [and challenge activities subsequent to State participation in part E]. The State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—

(1) * * *

* * * * *

(3) provide for an advisory group[, which—] *that—*

(A) shall consist of [not less than 15 and not more than 33] *the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and members appointed by the chief executive officer of the State, 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—*

(i) which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency [or the administration of juvenile justice], *the administration of juvenile justice, or the reduction of juvenile crime;*

(ii) which members [include—

[(I) at least 1 locally elected official representing general purpose local government;

[(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;

[(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;

[(IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth develop-

ment, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

[(V) volunteers who work with delinquents or potential delinquents;

[(VI) youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;

[(VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and

[(VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;] *represent a multidisciplinary approach to addressing juvenile crime 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, or non-profit private organizations, particularly those that serve juveniles; and

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

(iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;

[(iv) at least one-fifth of which members shall be under the age of 24 at the time of appointment; and

[(v) at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system;]

(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

(C) shall be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory group, on all juvenile [justice] *crime control* and delinquency prevention grant applications submitted to the State agency designated under paragraph (1);

(D) shall, consistent with this title—

(i) advise the State agency designated under paragraph (1) and its supervisory board; *and*

(ii) submit to the chief executive officer and the legislature of the State at least annually recommendations regarding State compliance with the requirements of [paragraphs (12), (13), and (14) and with progress relating to challenge activities carried out

pursuant to part E] *paragraphs (11), (12), and (13); and*

[(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and]

(E) may, consistent with this [title—

[(i) advise on State supervisory board and local criminal justice advisory board composition;

[(ii) *title*, review progress and accomplishments of projects funded under the State plan.

* * * * *

(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66 $\frac{2}{3}$ per centum of funds received by the State under section 222, other than funds made available to the state advisory group under section 222(d), shall be expended—

(A) * * *

* * * * *

(C) to provide funds for programs of Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior) and that agree to attempt to comply with the requirements specified in [paragraphs (12)(A), (13), and (14)] *paragraphs (11)(A), (12), and (13)*, applicable to the detention and confinement of juveniles, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the State population under 18 years of age.

* * * * *

[(6) provide that the chief executive officer of the unit of general local government shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and administration of the local government's part of the State plan, to that agency within the local government's structure or to a regional planning agency (hereinafter in this part referred to as the "local agency") which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;]

[(7) (6) provide for an equitable distribution of the assistance received under section 222 within the State, *including in rural areas;*

[(8) (7)(A) provide [for (i) an analysis of juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) within the relevant jurisdiction] *for an analysis of juvenile crime problems in, and the juvenile crime control and delinquency prevention needs (including edu-*

ational needs) of, the State (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile [justice] *crime control* and delinquency prevention needs (including educational needs) [of the jurisdiction; (ii) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (iii) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;] *of the state; and*

[(B) contain—

[(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females; and

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

[(C) contain—

[(i) an analysis of services for the prevention and treatment of juvenile delinquency in rural areas, including the need for such services, the types of such services available in rural areas, and geographically unique barriers to providing such services; and

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

[(D) contain—

[(i) an analysis of mental health services available to juveniles in the juvenile justice system (including an assessment of the appropriateness of the particular placements of juveniles in order to receive such services) and of barriers to access to such services; and

[(ii) a plan for providing needed mental health services to juveniles in the juvenile justice system;]

(B) *contain—*

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

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

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

[(9) provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other re-

lated programs, such as education, special education, recreation, health, and welfare within the State;]

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

[(10)] (9) provide that not less than 75 percent of the funds available to the State under section 222, other than funds made available to the State advisory group under section 222(d), whether expended directly by the State, by the unit of general local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

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

[(i) for youth who can remain at home with assistance: home probation and programs providing professional supervised group activities or individualized mentoring relationships with adults that involve the family and provide counseling and other supportive services;

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

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

[(B) community-based programs and services to work with—

[(i) parents and other family members to strengthen families, including parent self-help groups, so that juveniles may be retained in their homes;

[(ii) juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and

[(iii) parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited-English speaking ability;]

(B) *programs 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 for the damage caused by their delinquent acts, and of a system of graduated sanctions for juvenile delinquents that ensures a sanction for every delinquent act;*

(C) comprehensive [juvenile justice] *juvenile crime control* and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health

care agencies, and private nonprofit agencies offering youth services;

[(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth affected by the juvenile justice system;]

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

(E) educational programs or supportive services for delinquent or other [juveniles, provided equitably regardless of sex, race, or family income, designed to—

[(i) encourage juveniles to remain in elementary and secondary schools or in alternative learning situations, including—

[(I) education in settings that promote experiential, individualized learning and exploration of academic and career options;

[(II) assistance in making the transition to the world of work and self-sufficiency;

[(III) alternatives to suspension and expulsion; and

[(IV) programs to counsel delinquent juveniles and other juveniles regarding the opportunities that education provides; and]

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

[(ii) *(iii) enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—*

(I) * * *

* * * * *

[(F) expanded use of home probation and recruitment and training of home probation officers, other professional and paraprofessional personnel, and volunteers to work effectively to allow youth to remain at home with their families as an alternative to incarceration or institutionalization;

[(G) youth-initiated outreach programs designed to assist youth (including youth with limited proficiency in English) who otherwise would not be reached by traditional youth assistance programs;]

(F) expand the use of probation officers in order to permit nonviolent delinquent juveniles to remain at home with their families as an alternative to incarceration or institutionalization and, at the same time, to ensure that such juveniles follow the terms of their probation;

(G) *one-to-one mentoring programs that are designed to link nonviolent 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;*

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

* * * * *

[(K) law-related education programs (and projects) for delinquent and at-risk youth designed to prevent juvenile delinquency;

[(L) programs for positive youth development that assist delinquent and other at-risk youth in obtaining—

[(i) a sense of safety and structure;

[(ii) a sense of belonging and membership;

[(iii) a sense of self-worth and social contribution;

[(iv) a sense of independence and control over one's life;

[(v) a sense of closeness in interpersonal relationships; and

[(vi) a sense of competence and mastery including health and physical competence, personal and social competence, cognitive and creative competence, vocational competence, and citizenship competence, including ethics and participation;

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

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

[(ii) assist in the provision by the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

[(N) programs designed to prevent and reduce hate crimes committed by juveniles, including educational programs and sentencing programs designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration; and]

(K) boot camps for juvenile offenders;

(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;

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

(N) programs designed to prevent and reduce hate crimes committed by juveniles;

(O) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and [cultural] other barriers that may prevent the complete treatment of such juveniles and the preservation of their families[.];

(P) a system, subject to the discretion of the State, that provides for the treatment as adults for purposes of prosecution, of juveniles under 18 years of age who commit an act that would be a violent crime if committed by an adult;

(Q) 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 handing and disclosing such information); and

(R) 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.

[(11)] (10) provide for the development of an adequate research, training, and evaluation capacity within the State;

[(12)] (11)(A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or offenses (other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18, United States Code, or a similar State [law.] law) or alien juveniles in custody, or such nonoffenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities *except temporarily and to the extent necessary to reunite such juveniles with their parents or legal guardians*; and

(B) provide that the State shall submit annual reports to the Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities which (i) are the least restrictive alternatives appropriate to the needs of the child and the community; (ii) are in reasonable proximity to the family and the home communities of such juveniles; and (iii) provide the services described in section 103(1);

[(13)] provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults;

[(14)] provide that, beginning after the five-year period following December 8, 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall, through 1997, promulgate regulations which make exceptions with regard to the detention of juveniles accused of nonstatus offenses who are awaiting an initial court appearance pursuant to an enforceable State law requiring such appearances within twenty-four hours after being taken into custody (excluding weekends and holidays) provided that such exceptions are limited to areas that are in compliance with paragraph (13) and—

[(A)(i)] are outside a Standard Metropolitan Statistical Area; and

[(ii)] have no existing acceptable alternative placement available;

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

[(C)] are located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours

after the time that such conditions allow for reasonably safe travel;]

(12) 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 have been trained to work with juveniles;

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

(A) at the election of the State, juveniles who are convicted as an adult of, or after a determination at a probable cause hearing are charged as an adult with, a violent crime; and

(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance pursuant to a State law requiring such appearance within 48 hours after being taken into custody (excluding weekends and 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 have been trained 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 other ground transportation do not allow for court appearances within 24 hours so that a brief (not to exceed 48 hours) delay is excusable; or

(IV) is located where conditions of safety exist (such as severally 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 reasonably safe travel;

[(15)] (14) provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure

facilities to insure that the requirements of [paragraph (12)(A), paragraph (13), and paragraph (14)] *paragraphs (11)(A), (12), and (13)* are met, and for annual reporting of the results of such monitoring to the Administrator, except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in [paragraph (12)(A) and paragraph (13)] *paragraphs (11)(A) and (12)*, and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;

[(16)] (15) provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and [mentally, emotionally, or physically handicapping conditions] *disability*;

[(17)] (16) provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members when possible and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible);

[(18)] (17) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

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

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

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

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

[(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act; and

[(E) training or retraining programs;]

[(20)] (18) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

[(21)] (19) provide reasonable assurances that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

[(22)] (20) provide that the State agency designated under paragraph (1) will from time to time, but not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary;

[(23)] (21) address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion, *with relevant factors held constant*, exceeds the proportion such groups represent in the [general population;] *total population of juveniles who are brought into the juvenile justice system; and*

[(24) contain such other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title; and]

(22) *provide that if a juvenile is taken into custody under a valid court order issued for committing a status offense—*

(A) *the appropriate agency that provides child protective services shall be promptly notified that such juvenile is held under such order;*

(B) *not later than 24 hours after such juvenile is so taken into custody, an authorized representative of such agency shall interview, in person, such juvenile; and*

(C) *not later than 72 hours after such juvenile is so taken into custody—*

(i) *such representative shall submit a recommendation to the court that issued such order, regarding the proper treatment plan for such juvenile; and*

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

(I) *whether there is reasonable cause to believe that such juvenile committed such status offense; and*

(II) *the appropriate placement of such juvenile pending disposition of the status offense that is the subject of such order.*

[(25)] (23) provide an assurance that if the State receives under section 222 for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 1992, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services.

[(c)(1) Subject to paragraph (2), the Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

[(2) Failure to achieve compliance with the subsection (a)(12)(A) requirement within the 3-year time limitation shall terminate any State's eligibility for funding under this part for a fiscal year beginning before January 1, 1993, unless the Administrator determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 percent of such juveniles or through removal of 100 percent of such juveniles from secure correctional facilities, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding 2 additional years.

[(3) If a State fails to comply with the requirements of subsection (a), (12)(A), (13), (14), or (23)

[(A) subject to subparagraph (B), the amount allotted under section 222 to the State for that fiscal year shall be reduced by 25 percent for each such paragraph with respect to which noncompliance occurs; and

[(B) the State shall be ineligible to receive any allotment under that section for such fiscal year unless—

[(i) the State agrees to expend all the remaining funds the State receives under this part (excluding funds required to be expended to comply with section 222 (c) and (d) and with section 223(a)(5)(C)) for that fiscal year only to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

[(ii) the Administrator determines, in the discretion of the Administrator, that the State—

[(I) has achieved substantial compliance with each such paragraph with respect to which the State was not in compliance; and

[(II) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time.]

(c) If a State fails to comply with any of the applicable requirements of paragraphs (11)(A), (13), (14), and (21) of subsection (a) in any fiscal year beginning after September 30, 1996, 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.

(d) In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 802, 803, and 804 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, de-

termines does not meet the requirements of this section, the Administrator shall endeavor to make that State's [allotment] *allocation* under the provisions of section 222(a), excluding funds the Administrator shall make available to satisfy the requirement specified in section 222(d), available to local public and private non-profit agencies within such State for use in carrying out activities of the kinds described in [subsection (a) (12)(A), (13), (14) and (23)] *paragraphs (11)(A), (12), (13), and (21) of subsection (a)*. The Administrator shall make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds, available on an equitable basis to those States that have achieved full compliance with the requirements under [subsection (a) (12)(A), (13), (14) and (23)] *paragraphs (11)(A), (12), (13), and (21) of subsection (a)*.

PART C—NATIONAL PROGRAMS

Subpart I—National Institute for Juvenile Justice and Delinquency Prevention

ESTABLISHMENT OF NATIONAL INSTITUTE FOR JUVENILE [JUSTICE] *CRIME CONTROL AND DELINQUENCY PREVENTION*

SEC. 241. (a) There is hereby established within the Juvenile Justice and Delinquency Prevention Office a National Institute for Juvenile [Justice] *crime control and Delinquency Prevention*.

(b) The National Institute for Juvenile [Justice] *Crime Control and Delinquency Prevention* shall be under the supervision and direction of the Administrator.

(c) The activities of the National Institute for Juvenile [Justice] *Crime Control and Delinquency Prevention* shall be coordinated with the activities of the National Institute of Justice in accordance with the requirements of section 201(b).

(d) It shall be the purpose of the Institute to provide—

(1) * * *

* * * * *

(2) appropriate training (including training designed to strengthen and maintain the family unit) for representatives of Federal, State, local law enforcement officers, teachers and special education personnel, recreation and park [personnel,] *personnel*, family counselors, child welfare workers, juvenile judges and judicial personnel, probation personnel, prosecutors and defense attorneys, correctional personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention, treatment, and control of juvenile delinquency.

* * * * *

(f)(1) The Administrator, acting through the Institute, shall provide technical [and financial] assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 223(a)(3) to assist such organization to carry out the functions specified in paragraph (2).

(2) To be eligible to receive such assistance, such organization shall agree to carry out activities that include—

(A) * * *

* * * * *

(C) reviewing Federal policies regarding juvenile [justice] *crime control* and delinquency prevention;

* * * * *

(E) advising the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation pertaining to juvenile [justice] *crime control* and delinquency prevention.

* * * * *

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 243. (a) The Administrator, acting through the National Institute for Juvenile [Justice] *Crime Control* and Delinquency Prevention, is authorized to—

(1) * * *

* * * * *

(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency, *particularly to prevent serious crimes and violent crimes*;

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

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

[(ii)] (B) assist in the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

(4) [Encourage] *encourage* the development of programs which, in addition to helping youth take responsibility for their behavior, take into consideration life experiences which may have contributed to their delinquency when developing intervention and treatment programs;

[(5)] (6) provide for the evaluation of all juvenile delinquency programs assisted under this title in order to determine the results and the effectiveness of such programs;

[(6) provide for the evaluation of any other Federal, State, or local juvenile delinquency program;]

(7) provide for the evaluation of—

(A) programs and interventions designed to prevent juvenile violence; and

(B) all other juvenile delinquency programs assisted under this title; in order to determine the results and the effectiveness of such programs and such interventions;

[(7)] (8) prepare, in cooperation with educational institutions, with Federal, State, and local agencies, and with appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency (*particularly the prevention of serious crime and violent crime*) and the improvement of the juvenile justice system, including—

(A) * * *

* * * * *

[(B) assessments regarding the role of family violence, sexual abuse or exploitation, media violence, the improper handling of youth placed in one State by another State, the effectiveness of family-centered treatment programs, special education, remedial education, and recreation, and the extent to which youth in the juvenile system are treated differently on the basis of sex, race, or family income and the ramifications of such treatment;]

(B) assessments regarding—

(i) the role of family violence, sexual abuse or exploitation, drug abuse within the family, media violence, the improper handling of juveniles placed in one State by another State, and the effectiveness of family-centered treatment programs, special education, remedial education, and recreation;

(ii) the extent to which juveniles in the juvenile justice system are treated differently on the basis of sex, race, family composition, past delinquent behavior or family income; and

(iii) the ramifications of such treatment on such juveniles and on the recidivism rate of such juveniles;

* * * * *

(D) recommendations as to effective means for deterring involvement in illegal activities or promoting involvement in lawful activities [(including the productive use of discretionary time through organized recreational)] on the part of gangs whose membership is substantially composed of juveniles; and

(E) examine the nature and extent to which States have opened juvenile delinquency proceedings, and records of such proceedings, to the public and the impact which the opening of such proceedings and records has on the recidivism rate of juveniles and on their post-adjudication involvement in school, success in employment, and relationship with family and community;

[(8)] (9) disseminate pertinent data and studies to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency;

[(9)] (10) develop and support model State legislation consistent with the mandates of this title and the standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984;

[(10)] develop and support model State legislation consistent with the mandates of this title and the standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984;

[(11)] support research relating to reducing the excessive proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups; and]

(11) support research relating to reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups;

(12) support research related to achieving a better understanding of the commission of hate crimes by juveniles;

[(12)] (13) support independent and collaborative research, research training, and consultation on social, psychological, educational, economic, and legal issues affecting children and families as such issues relate to the prevention of juvenile delinquency;

[(13)] support research related to achieving a better understanding of the commission of hate crimes by juveniles and designed to identify educational programs best suited to prevent and reduce the incidence of hate crimes committed by juveniles; and]

(14) support research on—

(A) *the extent, nature, risk and protective factors, and causes of juvenile violence and juvenile delinquency; and*

(B) *the effectiveness of restitution and graduated sanctions on reducing juvenile violence and juvenile delinquency;*

[(14)] (15) routinely collect, analyze, compile, publish, and disseminate uniform national statistics concerning—

(A) all aspects of juveniles as victims and offenders;

(B) the processing and treatment, in the juvenile justice system, of juveniles who are status offenders, delinquent, neglected, or abused; and

(C) the processing and treatment of such juveniles who are treated as adults for purposes of the criminal justice system.

(b) The Administrator shall make available to the public—

(1) the results of evaluations and research and demonstration activities referred to in [subsection (a)(8)] *subsection (a)(9); and*

(2) the data and studies referred to in [subsection (a)(9)] *subsection (a)(10)*; that the Administrator is authorized to disseminate under subsection (a).

TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS

SEC. 244. The Administrator, acting through the National Institute for Juvenile [Justice] *Crime Control* and Delinquency Prevention is authorized to—

(1) * * *

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

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

* * * * *

ESTABLISHMENT OF TRAINING PROGRAM

SEC. 245. (a) The Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency[, including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles]. In carrying out this program the Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like.

(b) Enrollees in the training program established under this section shall be drawn from law enforcement and correctional personnel (including volunteer lay personnel), teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, [persons associated with law-related education,] youth workers, [and representatives] *representatives* of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency, *and such other individuals as the Administrator considers to be appropriate.*

CURRICULUM FOR TRAINING PROGRAM

SEC. 246. The Administrator shall design and supervise a curriculum for the training program established by section 245 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the

enrollees of the training program [and shall include training designed to prevent juveniles from committing hate crimes].

* * * * *

[SPECIAL STUDIES AND REPORTS

[SEC. 248. (a) PURSUANT TO 1988 AMENDMENTS.—(1) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study with respect to the juvenile justice system—

[(A) to review—

[(i) conditions in detention and correctional facilities for juveniles; and

[(ii) the extent to which such facilities meet recognized national professional standards; and

[(B) to make recommendations to improve conditions in such facilities.

[(2)(A) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study to determine—

[(i) how juveniles who are American Indians and Alaskan Natives and who are accused of committing offenses on and near Indian reservations and Alaskan Native villages, respectively, are treated under the systems of justice administered by Indian tribes and Alaskan Native organizations, respectively, that perform law enforcement functions;

[(ii) the amount of financial resources (including financial assistance provided by governmental entities) available to Indian tribes and Alaskan Native organizations that perform law enforcement functions, to support community-based alternatives to incarcerating juveniles; and

[(iii) the extent to which such tribes and organizations comply with the requirements specified in paragraphs (12)(A), (13), and (14) of section 223(a), applicable to the detention and confinement of juveniles.

[(2)(A) For purposes of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)), any contract, subcontract, grant, or subgrant made under paragraph (1) shall be deemed to be a contract, subcontract, grant, or subgrant made for the benefit of Indians.

[(ii) for purposes of section 7(b) of such Act and subparagraph (A) of this paragraph, references to Indians and Indian organizations shall be deemed to include Alaskan Natives and Alaskan Native organizations, respectively.

[(3) Not later than 3 years after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall submit a report to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate containing a description, and a summary of the results, of the study conducted under paragraph (1) or (2), as the case may be.

[(b) PURSUANT TO 1992 AMENDMENTS.—(1) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study with respect to juveniles waived to adult court that reviews—

[(i) the frequency and extent to which juveniles have been transferred, certified, or waived to criminal court for prosecution during the 5-year period ending December 1992;

[(ii) conditions of confinement in adult detention and correctional facilities for juveniles waived to adult court; and

[(iii) sentencing patterns, comparing juveniles waived to adult court with juveniles who have committed similar offenses but have not been waived; and

[(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report (including a compilation of State waiver statutes) on the findings made in the study and recommendations to improve conditions for juveniles waived to adult court.

[(2) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study with respect to admissions of juveniles for behavior disorders to private psychiatric hospitals, and to other residential and nonresidential programs that serve juveniles admitted for behavior disorders, that reviews—

[(i) the frequency with which juveniles have been admitted to such hospitals and programs during the 5-year period ending December 1992; and

[(ii) conditions of confinement, the average length of stay, and methods of payment for the residential care of such juveniles; and

[(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve procedural protections and conditions for juveniles with behavior disorders admitted to such hospitals and programs.

[(3) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study of gender bias within State juvenile justice systems that reviews—

[(i) the frequency with which females have been detained for status offenses (such as frequently running away, truancy, and sexual activity), as compared with the frequency with which males have been detained for such offenses during the 5-year period ending December 1992; and

[(ii) the appropriateness of the placement and conditions of confinement for females; and

[(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to combat gender bias in juvenile justice and

provide appropriate services for females who enter the juvenile justice system.

[(4) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study of the Native American pass-through grant program authorized under section 223(a)(5)(C) that reviews the cost-effectiveness of the funding formula utilized; and

[(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve the Native American pass-through grant program.

[(5) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study of access to counsel in juvenile court proceedings that reviews—

[(i) the frequency with which and the extent to which juveniles in juvenile court proceedings either have waived counsel or have obtained access to counsel during the 5-year period ending December 1992; and

[(ii) a comparison of access to and the quality of counsel afforded juveniles charged in adult court proceedings with those of juveniles charged in juvenile court proceedings; and

[(B) submit to Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve access to counsel for juveniles in juvenile court proceedings.

[(6)(A) Not later than 180 days after the date of enactment of this subsection, the Administrator shall begin to conduct a study and continue any pending study of the incidence of violence committed by or against juveniles in urban and rural areas in the United States.

[(B) The urban areas shall include—

[(i) the District of Columbia;

[(ii) Los Angeles, California;

[(iii) Milwaukee, Wisconsin;

[(iv) Denver, Colorado;

[(v) Pittsburgh, Pennsylvania;

[(vi) Rochester, New York; and

[(vii) such other cities as the Administrator determines to be appropriate.

[(C) At least one rural area shall be included.

[(D) With respect to each urban and rural area included in the study, the objectives of the study shall be—

[(i) to identify characteristics and patterns of behavior of juveniles who are at risk of becoming violent or victims of homicide;

[(ii) to identify factors particularly indigenous to such area that contribute to violence committed by or against juveniles;

[(iii) to determine the accessibility of firearms, and the use of firearms by or against juveniles;

[(iv) to determine the conditions that cause any increase in violence committed by or against juveniles;

[(v) to identify existing and new diversion, prevention, and control programs to ameliorate such conditions;

[(vi) to improve current systems to prevent and control violence by or against juveniles; and

[(vii) to develop a plan to assist State and local governments to establish viable ways to reduce homicide committed by or against juveniles.

[(E) Not later than 3 years after the date of enactment of this subsection, the Administrator shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate detailing the results of the study addressing each objective specified in subparagraph (D).

[(7)(A) Not later than 1 year after the date of the enactment of this subsection, the Administrator shall—

[(i) conduct a study described in subparagraph (B); and

[(ii) submit to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate the results of the study.

[(B) The study required by subparagraph (A) shall assess—

[(i) the characteristics of juveniles who commit hate crimes, including a profile of such juveniles based on—

[(I) the motives for committing hate crimes;

[(II) the age, sex, race, ethnicity, education level, locality, and family income of such juveniles; and

[(III) whether such juveniles are familiar with publications or organized groups that encourage the commission of hate crimes;

[(ii) the characteristics of hate crimes committed by juveniles, including—

[(I) the types of hate crimes committed;

[(II) the frequency with which institutions and natural persons, separately determined, were the targets of such crimes;

[(III) the number of persons who participated with juveniles in committing such crimes;

[(IV) the types of law enforcement investigations conducted with respect to such crimes;

[(V) the law enforcement proceedings commenced against juveniles for committing hate crimes; and

[(VI) the penalties imposed on such juveniles as a result of such proceedings; and

[(iii) the characteristics of the victims of hate crimes committed by juveniles, including—

[(I) the age, sex, race, ethnicity, locality of the victims and their familiarity with the offender; and

[(II) the motivation behind the attack.]

Subpart II—Special Emphasis Prevention and Treatment Programs

AUTHORITY TO MAKE GRANTS AND CONTRACTS

SEC. 261. (a) Except as provided in subsection (f), the Administrator [shall, by making grants to and entering into contracts with] *may, on a competitive basis, make grants to and contracts with* public and private nonprofit agencies, organizations, institutions, and individuals provide for [each] *any* of the following during each fiscal year:

(1) * * *

(2) Establishing or implementing effective means of diverting juveniles from the traditional juvenile justice and correctional system, including *activities to ensure juvenile accountability for nonviolent criminal activities*, restitution and reconciliation projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents.

(3) Establishing or supporting advocacy programs and services that encourage the improvement of due process available to juveniles in the juvenile justice system [and the quality of legal representation for such juveniles].

[(4) Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles affected by the juvenile justice system, including services that provide for the appointment of special advocates by courts for such juveniles.]

[(5) (4) Developing or supporting model programs to strengthen and maintain the family unit in order to prevent or treat juvenile delinquency.

[(6) (5) Establishing or implementing special emphasis prevention and treatment programs relating to juveniles who commit serious crimes (including such crimes committed in schools), including programs designed to deter involvement in illegal activities or to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of juveniles.

[(7) Developing or implementing further a coordinated, national law-related education program of—

[(A) delinquency prevention in elementary and secondary schools, and other local sites;

[(B) training for persons responsible for the implementation of law-related education programs; and

[(C) disseminating information regarding model, innovative, law-related education programs to juvenile delinquency programs, including those that are community based, and to law enforcement and criminal justice agencies for activities related to juveniles, that targets juveniles who have had contact with the juvenile justice system or who are likely to have contact with the system.

[(8) Addressing efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of mi-

nority groups if such proportion exceeds the proportion such groups represent in the general population.]

[(9)] (6) Establishing or supporting programs designed to prevent and to reduce the incidence of hate crimes by juveniles[, including—

[(A) model educational programs that are designed to reduce the incidence of hate crimes by means such as—

[(i) addressing the specific prejudicial attitude of each offender;

[(ii) developing an awareness in the offender of the effect of the hate crime on the victim; and

[(iii) educating the offender about the importance of tolerance in our society; and

[(B) sentencing programs that are designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration].

[(b) Except as provided in subsection (f), the Administrator is authorized, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals, to develop and implement new approaches, techniques, and methods designed to—

[(1) improve] (7) *Improving* the capability of public and private agencies and organizations to provide services for delinquents and other juveniles to help prevent juvenile delinquency[;].

[(2) develop and implement] (8) *Developing and implementing*, in coordination with the Secretary of Education, model programs and methods to keep students in elementary and secondary schools, to assist in identifying learning difficulties (including learning disabilities), to prevent unwarranted and arbitrary suspensions and expulsions, and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism[;].

[(3) develop, implement, and support] (9) *Developing, implementing, and supporting*, in conjunction with the Secretary of Labor, other public and private agencies, organizations, business, and industry, programs for the employment of juveniles[;].

[(4) develop and support programs designed to encourage and assist State legislatures to consider and establish policies consistent with this title, both by amending State laws, if necessary, and devoting greater resources to effectuate such policies;]

[(5) develop and implement] (10) *Developing and implementing* programs relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other handicapped juveniles[; and

[(6) develop] (11) *Developing* statewide programs through the use of subsidies or other financial incentives designed [to—

[(A) remove juveniles from jails and lockups for adults;

[(B)] to replicate juvenile programs designated as exemplary by the National Institute of Justice[; or

[(C) establish and adopt, based upon the recommendations of the National Advisory Committee for Juvenile Justice and Delinquency Prevention made before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984, standards for the improvement of juvenile justice within each State involved]; and

[(7) develop and implement] (12) *Developing and implementing* programs, relating to the special education needs of delinquent and other juveniles, which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies.

[(c) Not less than 30 percent of the funds available for grants and contracts under this section shall be available for grants to and contracts with private nonprofit agencies, organizations, and institutions which have experience in dealing with juveniles.

[(d) Assistance provided under this section shall be available on an equitable basis to deal with female, minority, and disadvantaged juveniles, including juveniles who are mentally, emotionally, or physically handicapped.]

[(e) (b) Not less than 5 percent of the funds available for grants and contracts under this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands of the United States, Guam, American Samoa, [the Trust Territory of the Pacific Islands,] and the Commonwealth of the Northern Mariana Islands.

[(f) (c) The Administrator shall not make a grant or a contract under subsection (a) or (b) to the Department of Justice or to any administrative unit or other entity that is part of the Department of Justice.

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

SEC. 262. (a) * * *

* * * * *

(c) In determining whether or not to approve applications for grants and for contracts under this part, the Administrator shall consider—

(1) the relative cost and effectiveness, *and the potential for success*, of the proposed program in carrying out this part;

* * * * *

[(4) the increase in capacity of the public and private agency, institution, or individual involved to provide services to address juvenile delinquency and juvenile delinquency prevention;

[(5) the extent to which such program serves communities which have high rates of juvenile unemployment, school dropout, and delinquency; and]

(4) *the extent to which such program serves communities that have high rates of juvenile delinquency, violent juvenile crime, dropping out of school, high rates of unemployment among juveniles no longer attending elementary or secondary school, and juvenile participation in gangs; and*

[(6)] (5) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than 40,000 located within States which have no city with a population over 250,000.

(d)[(1)(A)] (1) Programs selected for assistance through grants or contracts under this part (other than section 241(f)) shall be selected through a competitive process to be established by rule by the Administrator. As part of such a process, the Administrator shall announce in the Federal Register—

[(i)] (A) the availability of funds for such assistance;

[(ii)] (B) the general criteria applicable to the selection of applicants to receive such assistance; and

[(iii)] (C) a description of the procedures applicable to submitting and reviewing applications for such assistance.

[(B)] The competitive process described in subparagraph (A) shall not be required if the Administrator makes a written determination waiving the competitive process—

[(i)] with respect to programs to be carried out in areas with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists; or

[(ii)] with respect to a particular program described in part C that is uniquely qualified.]

[(2)(A)] (2) Programs selected for assistance through grants or contracts under this part (other than section 241(f)) shall be reviewed before selection, and thereafter as appropriate, through a formal peer review process utilizing experts (other than officers and employees of the Department of Justice) in fields related to the subject matter of the proposed program.

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

[(3)] The Administrator, in establishing the process required under paragraphs (1) and (2), shall provide for emergency expedited consideration of the proposed programs if necessary to avoid any delay which would preclude carrying out such programs.]

* * * * *

[(f)] Notification of grants and contracts made under this part (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the Administrator, to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate.]

(f) Information on grants and contacts made available under this part shall be made available by the Administrator on request to the Chairman of the Committee on Economic and Educational Opportu-

ities of the House of Representatives and to the Chairman of the Committee on the Judiciary of the Senate.

[PART D—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

[Subpart I—Gang-Free Schools and Communities

[AUTHORITY TO MAKE GRANTS AND CONTRACTS

[SEC. 281. (a) The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

[(1) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—

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

[(B) education and social services designed to address the social and developmental needs of juveniles which such juveniles would otherwise seek to have met through membership in gangs;

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

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

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

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

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

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

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

[(6) To promote and support, with the cooperation of community-based organizations experienced in providing services to

juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools which will assist such schools in maintaining a safe environment conducive to learning.

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

[(8) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies.

[(9) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

[(10) To provide services authorized in this section at a special location in a school or housing project.

[(11) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

[(b) From not more than 15 percent of the amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

[(1) to conduct research on issues related to juvenile gangs;

[(2) to evaluate the effectiveness of programs and activities funded under subsection (a); and

[(3) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating information on research and on effective programs and activities funded under this subpart.

【APPROVAL OF APPLICATIONS

【SEC. 281A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

[(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

[(1) set forth a program or activity for carrying out one or more of the purposes specified in section 281 and specifically identify each such purpose such program or activity is designed to carry out;

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

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

[(4) provide for regular evaluation of such program or activity;

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

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

[(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

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

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

[(c) In reviewing applications for grants and contracts under section 281(a), the Administrator shall give priority to applications—

[(1) submitted by, or substantially involving, local educational agencies (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

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

[(3) for assistance for programs and activities that—

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

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

[Subpart II—Community-Based Gang Intervention

[SEC. 282. (a) The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

[(1) to reduce the participation of juveniles in the illegal activities of gangs;

[(2) to develop regional task forces involving State, local, and community-based organizations to coordinate enforcement, intervention, and treatment efforts for juvenile gang members and to curtail interstate activities of gangs; and

[(3) to facilitate coordination and cooperation among—

[(A) local education, juvenile justice, employment, and social service agencies; and

[(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

[(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

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

[(B) assist in the provision by the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

[(b) Programs and activities for which grants and contracts are to be made under subsection (a) may include—

[(1) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

[(2) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

[(3) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

[(4) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies;

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

[(6) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

[APPROVAL OF APPLICATIONS

[SEC. 282A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

[(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

[(1) set forth a program or activity for carrying out one or more of the purposes specified in section 282 and specifically

identify each such purpose such program or activity is designed to carry out;

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

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

[(4) provide for regular evaluation of such program or activity;

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

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

[(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

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

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

[(c) In reviewing applications for grants and contracts under section 285(a), the Administrator shall give priority to applications—

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

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

[(3) for assistance for programs and activities that—

[(A) are broadly supported by public and private non-profit agencies, organizations, and institutions located in such geographical area; and

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

【Subpart III—General Provisions

【DEFINITION

【SEC. 283. For purposes of this part, the term “juvenile” means an individual who is less than 22 years of age.

[PART E—STATE CHALLENGE ACTIVITIES

[ESTABLISHMENT OF PROGRAM

[SEC. 285. (a) IN GENERAL.—The Administrator may make a grant to a State that receives an allocation under section 222, in the amount of 10 percent of the amount of the allocation, for each challenge activity in which the State participates for the purpose of funding the activity.

[(b) DEFINITIONS.—For purposes of this part—

[(1) the term “case review system” means a procedure for ensuring that—

[(A) each youth has a case plan, based on the use of objective criteria for determining a youth’s danger to the community or himself or herself, that is designed to achieve appropriate placement in the least restrictive and most family-like setting available in close proximity to the parents’ home, consistent with the best interests and special needs of the youth;

[(B) the status of each youth is reviewed periodically but not less frequently than once every 3 months, by a court or by administrative review, in order to determine the continuing necessity for and appropriateness of the placement;

[(C) with respect to each youth, procedural safeguards will be applied to ensure that a dispositional hearing is held to consider the future status of each youth under State supervision, in a juvenile or family court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not later than 12 months after the original placement of the youth and periodically thereafter during the continuation of out-of-home placement; and

[(D) a youth’s health, mental health, and education record is reviewed and updated periodically; and

[(2) the term “challenge activity” means a program maintained for 1 of the following purposes:

[(A) Developing and adopting policies and programs to provide basic health, mental health, and appropriate education services, including special education, for youth in the juvenile justice system as specified in standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention prior to October 12, 1984.

[(B) Developing and adopting policies and programs to provide access to counsel for all juveniles in the justice system to ensure that juveniles consult with counsel before waiving the right to counsel.

[(C) Increasing community-based alternatives to incarceration by establishing programs (such as expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, and electronic monitoring) and developing and adopting a set of objective criteria for the appropriate placement of juveniles in detention and secure confinement.

[(D) Developing and adopting policies and programs to provide secure settings for the placement of violent juvenile offenders by closing down traditional training schools and replacing them with secure settings with capacities of no more than 50 violent juvenile offenders with ratios of staff to youth great enough to ensure adequate supervision and treatment.

[(E) Developing and adopting policies to prohibit gender bias in placement and treatment and establishing programs to ensure that female youth have access to the full range of health and mental health services, treatment for physical or sexual assault and abuse, self defense instruction, education in parenting, education in general, and other training and vocational services.

[(F) Establishing and operating, either directly or by contract or arrangement with a public agency or other appropriate private nonprofit organization (other than an agency or organization that is responsible for licensing or certifying out-of-home care services for youth), a State ombudsman office for children, youth, and families to investigate and resolve complaints relating to action, inaction, or decisions of providers of out-of-home care to children and youth (including secure detention and correctional facilities, residential care facilities, public agencies, and social service agencies) that may adversely affect the health, safety, welfare, or rights of resident children and youth.

[(G) Developing and adopting policies and programs designed to remove, where appropriate, status offenders from the jurisdiction of the juvenile court to prevent the placement in secure detention facilities or secure correctional facilities of juveniles who are nonoffenders or who are charged with or who have committed offenses that would not be criminal if committed by an adult.

[(H) Developing and adopting policies and programs designed to serve as alternatives to suspension and expulsion from school.

[(I) Increasing aftercare services for juveniles involved in the justice system by establishing programs and developing and adopting policies to provide comprehensive health, mental health, education, and vocational services and services that preserve and strengthen the families of such juveniles.

[(J) Developing and adopting policies to establish—

[(i) a State administrative structure to coordinate program and fiscal policies for children who have emotional and behavioral problems and their families among the major child serving systems, including schools, social services, health services, mental health services, and the juvenile justice system; and

[(ii) a statewide case review system.

[PART F—TREATMENT FOR JUVENILE OFFENDERS WHO ARE VICTIMS OF CHILD ABUSE OR NEGLECT

[DEFINITION

[SEC. 287. For the purposes of this part, the term “juvenile” means a person who is less than 18 years of age.

[AUTHORITY TO MAKE GRANTS

[SEC. 287A. The Administrator, in consultation with the Secretary of Health and Human Services, shall make grants to public and nonprofit private organizations to develop, establish, and support projects that—

[(1) provide treatment to juvenile offenders who are victims of child abuse or neglect and to their families so as to reduce the likelihood that the juvenile offenders will commit subsequent violations of law;

[(2) based on the best interests of juvenile offenders who receive treatment for child abuse or neglect, provide transitional services (including individual, group, and family counseling) to juvenile offenders—

[(A) to strengthen the relationships of juvenile offenders with their families and encourage the resolution of intrafamily problems related to the abuse or neglect;

[(B) to facilitate their alternative placement; and

[(C) to prepare juveniles aged 16 years and older to live independently; and

[(3) carry out research (including surveys of existing transitional services, identification of exemplary treatment modalities, and evaluation of treatment and transitional services) provided with grants made under this section.

[ADMINISTRATIVE REQUIREMENTS

[SEC. 287B. The Administrator shall administer this part subject to the requirements of sections 262, 299B, and 299E.

[PRIORITY

[SEC. 287C. In making grants under section 287A, the Administrator—

[(1) shall give priority to applicants that have experience in treating juveniles who are victims of child abuse or neglect; and

[(2) may not disapprove an application solely because the applicant proposes to provide treatment or transitional services to juveniles who are adjudicated to be delinquent for having committed offenses that are not serious crimes.

[PART G—MENTORING

[PURPOSES

[SEC. 288. The purposes of this part are—

[(1) to reduce juvenile delinquency and gang participation;

[(2) to improve academic performance; and

[(3) to reduce the dropout rate,

through the use of mentors for at-risk youth.

【DEFINITIONS

【SEC. 288A. For purposes of this part—

【(1) the term “at-risk youth” means a youth at risk of educational failure or dropping out of school or involvement in delinquent activities; and

【(2) the term “mentor” means a person who works with an at-risk youth on a one-to-one basis, establishing a supportive relationship with the youth and providing the youth with academic assistance and exposure to new experiences that enhance the youth’s ability to become a responsible citizen.

【GRANTS

【SEC. 288B. The Administrator shall, by making grants to and entering into contracts with local educational agencies (each of which agency shall be in partnership with a public or private agency, institution, or business), establish and support programs and activities for the purpose of implementing mentoring programs that—

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

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

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

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

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

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

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

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

【REGULATIONS AND GUIDELINES

【SEC. 288C. (a) PROGRAM GUIDELINES.—The Administrator shall issue program guidelines to implement this part. The program guidelines shall be effective only after a period for public notice and comment.

【(b) MODEL SCREENING GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

【USE OF GRANTS

【SEC. 288D. (a) PERMITTED USES.—Grants awarded pursuant to this part shall be used to implement mentoring programs, including—

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

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

[(3) reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and

[(4) such other purposes as the Administrator may reasonably prescribe by regulation.

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

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

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

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

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

【PRIORITY

【SEC. 288E. (a) IN GENERAL.—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

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

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

[(3) have a considerable number of youth who drop out of school each year.

[(b) OTHER CONSIDERATIONS.—In making grants under this part, the Administrator shall give consideration to—

[(1) the geographic distribution (urban and rural) of applications;

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

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

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

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

【APPLICATIONS

【SEC. 288F. An application for assistance under this part shall include—

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

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

[(3) an assurance that no mentor will be assigned to more than one youth, so as to ensure a one-to-one relationship;

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

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

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

[(C) assistance with homework assignments; and

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

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

[(A) academic assistance;

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

[(C) emotional support;

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

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

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

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

【GRANT CYCLES

【SEC. 288G. Grants under this part shall be made for 3-year periods.

【REPORTS

【SEC. 288H. Not later than 120 days after the completion of the first cycle of grants under this part, the Administrator shall submit to Congress a report regarding the success and effectiveness of the grant program in reducing juvenile delinquency and gang participation, improving academic performance, and reducing the dropout rate.

【PART H—BOOT CAMPS

【ESTABLISHMENT OF PROGRAM

【SEC. 289. (a) IN GENERAL.—The Administrator may make grants to the appropriate agencies of one or more States for the purpose of establishing up to 10 military-style boot camps for juvenile delinquents (referred to as “boot camps”).

【(b) LOCATION.—(1) The boot camps shall be located on existing or closed military installations on sites to be chosen by the agencies in one or more States, or in other facilities designated by the agencies on such sites, after consultation with the Secretary of Defense, if appropriate, and the Administrator.

【(2) The Administrator shall—

[(A) try to achieve to the extent possible equitable geographic distribution in approving boot camp sites; and

[(B) give priority to grants where more than one State enters into formal cooperative arrangements to jointly administer a boot camp; and

[(c) REGIMEN.—The boot camps shall provide—

[(1) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training;

[(2) regular, remedial, special, and vocational education; and

[(3) counseling and treatment for substance abuse and other health and mental health problems.

【CAPACITY

【SEC. 289A. Each boot camp shall be designed to accommodate between 150 and 250 juveniles for such time as the grant recipient agency deems to be appropriate.

【ELIGIBILITY AND PLACEMENT

【SEC. 289B. (a) ELIGIBILITY.—A person shall be eligible for assignment to a boot camp if he or she—

[(1) is considered to be a juvenile under the laws of the State of jurisdiction; and

[(2) has been adjudicated to be delinquent in the State of jurisdiction or, upon approval of the court, voluntarily agrees to the boot camp assignment without a delinquency adjudication.

【(b) PLACEMENT.—Prior to being placed in a boot camp, an assessment of a juvenile shall be performed to determine that—

[(1) the boot camp is the least restrictive environment that is appropriate for the juvenile considering the seriousness of the juvenile's delinquent behavior and the juvenile's treatment need; and

[(2) the juvenile is physically and emotionally capable of participating in the boot camp regimen.

【POST-RELEASE SUPERVISION

【SEC. 289C. A State that seeks to establish a boot camp, or participate in the joint administration of a boot camp, shall submit to the Administrator a plan describing—

[(1) the provisions that the State will make for the continued supervision of juveniles following release; and

[(2) provisions for educational and vocational training, drug or other counseling and treatment, and other support services.

【PART I—WHITE HOUSE CONFERENCE ON JUVENILE JUSTICE

【SEC. 291. (a) IN GENERAL.—The President may call and conduct a National White House Conference on Juvenile Justice (referred to as the "Conference") in accordance with this part.

【(b) PURPOSES OF CONFERENCE.—The purposes of the Conference shall be—

[(1) to increase public awareness of the problems of juvenile offenders and the juvenile justice system;

[(2) to examine the status of minors currently in the juvenile and adult justice systems;

[(3) to examine the increasing number of violent crimes committed by juveniles;

[(4) to examine the growing phenomena of youth gangs, including the number of young women who are involved;

[(5) to assemble persons involved in policies and programs related to juvenile delinquency prevention and juvenile justice enforcement;

[(6) to examine the need for improving services for girls in the juvenile justice system;

[(7) to create a forum in which persons and organizations from diverse regions may share information regarding successes and failures of policy in their juvenile justice and juvenile delinquency prevention programs; and

[(8) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate to address the problems of juvenile delinquency and juvenile justice.

[(c) SCHEDULE OF CONFERENCES.—The Conference under this part shall be concluded not later than 18 months after the date of enactment of this part.

[(d) PRIOR STATE AND REGIONAL CONFERENCES.—

[(1) IN GENERAL.—Participants in the Conference and other interested persons and organizations may conduct conferences and other activities at the State and regional levels prior to the date of the Conference, subject to the approval of the executive director of the Conference.

[(2) PURPOSE OF STATE AND REGIONAL CONFERENCES.—State and regional conferences and activities shall be directed toward the consideration of the purposes of this part. State conferences shall elect delegates to the National Conferences.

[(3) ADMITTANCE.—No person involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders may be denied admission to a State or regional conference.

【CONFERENCE PARTICIPANTS

【SEC. 291A. (a) IN GENERAL.—The Conference shall bring together persons concerned with issues and programs, both public and private, relating to juvenile justice, and juvenile delinquency prevention.

[(b) SELECTION.—

[(1) STATE CONFERENCES.—Delegates, including alternates, to the National Conference shall be elected by participants at the State conferences.

[(2) DELEGATES.—(A) In addition to delegates elected pursuant to paragraph (1)—

[(i) each Governor may appoint 1 delegate and 1 alternate;

[(ii) the majority leader of the Senate, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

[(iii) the Speaker of the House of Representatives, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

[(iv) the President may appoint 20 delegates and 5 alternates;

[(v) the chief law enforcement official and the chief juvenile corrections official of each State may appoint 1 delegate and 1 alternate each; and

[(vi) the Chairperson of the Juvenile Justice and Delinquency Prevention Advisory Committee of each State, or his or her designate, may appoint 1 delegate.

[(B) Only persons involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders shall be eligible for appointment as a delegate.

[(c) PARTICIPANT EXPENSES.—Each participant in the Conference shall be responsible for his or her expenses related to attending the Conference and shall not be reimbursed from funds appropriated pursuant to this Act.

[(d) NO FEES.—No fee may be imposed on a person who attends a Conference except a registration fee of not to exceed \$10.

[STAFF AND EXECUTIVE BRANCH

[(SEC. 291B. (a) IN GENERAL.—The President may appoint and compensate an executive director of the National White House Conference on Juvenile Justice and such other directors and personnel for the Conference as the President may deem to be advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates. The staff of the Conference may not exceed 20, including the executive director.

[(b) DETAILEES.—Upon request by the executive director, the heads of the executive and military departments may detail employees to work with the executive director in planning and administering the Conference without regard to section 3341 of title 5, United States Code.

[PLANNING AND ADMINISTRATION OF CONFERENCE

[(SEC. 291C. (a) FEDERAL AGENCY SUPPORT.—All Federal departments, agencies, and instrumentalities shall provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

[(b) DUTIES OF THE EXECUTIVE DIRECTOR.—In carrying out this part, the executive director of the White House Conference on Juvenile Justice—

[(1) shall provide such assistance as may be necessary for the organization and conduct of conferences at the State and regional levels authorized by section 291(d);

[(2) may enter into contracts and agreements with public and private agencies and organizations and academic institutions to assist in carrying out this part; and

[(3) shall prepare and provide background materials for use by participants in the Conference and by participants in State and regional conferences.

[REPORTS

[SEC. 291D. (a) IN GENERAL.—Not later than 6 months after the date on which a National Conference is convened, a final report of the Conference shall be submitted to the President and the Congress.

[(b) CONTENTS.—A report described in subsection (a)—

[(1) shall include the findings and recommendations of the Conference and proposals for any legislative action necessary to implement the recommendations of the Conference; and

[(2) shall be made available to the public.

[OVERSIGHT

[SEC. 291E. The Administrator shall report to the Congress annually during the 3-year period following the submission of the final report of a Conference on the status and implementation of the findings and recommendations of the Conference.]

PART D—GANG-FREE SCHOOLS AND COMMUNITIES

SEC. 271. AUTHORIZATION OF GRANTS.

The Administrator may make grants to, or contracts with, public and nonprofit private agencies and organizations to establish and carry out programs designed to prevent and reduce 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. Such programs may be school- or community-based and shall involve, to the extent practicable, families and other community members, such as law enforcement personnel and members of the business community, in the activities conducted under such programs. Such programs may include—

(1) educational activities that strengthen a juvenile's ties to the school and the community;

(2) mentoring projects;

(3) job training and other activities that provide juveniles with the skills necessary to become productive members of society;

(4) projects that coordinate services to be provided to juveniles and their families, including educational services, substance abuse treatment services, health and mental health services, and other social services;

(5) projects to prevent gang-related activities from endangering the safety of students and disrupting the learning environment in elementary and secondary schools;

(6) projects that involve local law enforcement personnel in gang prevention and intervention activities, particularly activities that focus on preventing the unlawful use of firearms;

(7) effective substance abuse treatment for juveniles in such gangs, and other interventions to reduce rates of drug abuse recidivism and gang participation; and

(8) such other projects and activities related to the prevention of juvenile participation in gangs that commit crimes (particu-

larly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs.

SEC. 272. APPLICATIONS.

(a) **SUBMISSION OF APPLICATIONS.**—*Applications for grants and contracts under section 271 shall be submitted to the Administrator and shall—*

(1) *describe the program to be carried out with a grant or contract made under such subsection; and*

(2) *contain such other information and assurances as the Administrator may require.*

(b) **SELECTION OF APPLICATIONS FOR APPROVAL.**—*From among applications submitted in accordance with subsection (a), the Administrator shall—*

(1) *approve applications for grants and contracts to carry out programs in both urban and rural areas, in locations where juvenile gang-related, drug-related, and firearm-related crime is frequent and serious; and*

(2) *give priority to applications for grants and contracts to carry out programs that have the greatest potential for success, private sector support, and broad-based community support.*

PART [I] E—GENERAL AND ADMINISTRATIVE PROVISIONS

SEC. 299. [(a)(1) To carry out the purposes of this title (other than parts D, E, F, G, H, and I) there are authorized to be appropriated \$150,000,000 for fiscal years 1993, 1994, 1995, and 1996. Funds appropriated for any fiscal year shall remain available for obligation until expended.

[(2)(A) Subject to subparagraph (B), to carry out part D, there are authorized to be appropriated—

[(i) to carry out subpart 1, \$25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996; and

[(ii) to carry out subpart 2, \$25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.

[(B) No funds may be appropriated to carry out part D, E, F, G, or I of this title or title V or VI for a fiscal year unless the aggregate amount appropriated to carry out this title (other than part D, E, F, G, or I of this title or title V or VI) for the fiscal year is not less than the aggregate amount appropriated to carry out this title (other than part D, E, F, G, or I of this title or title V or VI) for the preceding fiscal year.

[(3) To carry out part E, there are authorized to be appropriated \$50,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, and 1996.

[(4)(A) Subject to subparagraph (B), there are authorized to be appropriated to carry out part F—

[(i) \$15,000,000 for fiscal year 1993; and

[(ii) such sums as are necessary for fiscal years 1994, 1995, and 1996.

[(B) No amount is authorized to be appropriated for a fiscal year to carry out part F unless the aggregate amount appropriated to carry out this title for that fiscal year is not less than the aggregate

gate amount appropriated to carry out this title for the preceding fiscal year.

[(C) From the amount appropriated to carry out part F in a fiscal year, the Administrator shall use—

[(i) not less than 85 percent to make grants for treatment and transitional services;

[(ii) not to exceed 10 percent for grants for research; and

[(iii) not to exceed 5 percent for salaries and expenses of the Office of Juvenile Justice and Delinquency Prevention related to administering part F.

[(5)(A) Subject to subparagraph (B), there are authorized to be appropriated to carry out part G such sums as are necessary for fiscal years 1993, 1994, 1995, and 1996.

[(6)(A) There are authorized to be appropriated to carry out part H such sums as are necessary for fiscal year 1993, to remain available until expended, of which—

[(i) not more than \$12,500,000 shall be used to convert any 1 closed military base or to modify any 1 existing military base or other designated facility to a boot camp; and

[(ii) not more than \$2,500,000 shall be used to operate any 1 boot camp during a fiscal year.

[(B) No amount is authorized to be appropriated for a fiscal year to carry out part H unless the aggregate amount appropriated to carry out parts A, B, and C of this title for that fiscal year is not less than 120 percent of the aggregate amount appropriated to carry out those parts for fiscal year 1992.

[(7)(A) There are authorized to be appropriated such sums as are necessary for each National Conference and associated State and regional conferences under part I, to remain available until expended.

[(B) New spending authority or authority to enter into contracts under part I shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

[(C) No funds appropriated to carry out this Act shall be made available to carry out part I other than funds appropriated specifically for the purpose of conducting the Conference.

[(D) Any funds remaining unexpended at the termination of the Conference under part I, including submission of the report pursuant to section 291D, shall be returned to the Treasury of the United States and credited as miscellaneous receipts.

[(b) Of such sums as are appropriated to carry out the purposes of this title (other than part D)—

[(1) not to exceed 5 percent shall be available to carry out part A;

[(2) not less than 70 percent shall be available to carry out part B; and

[(3) 25 percent shall be available to carry out part C.

[(c) Notwithstanding any other provision of law, the Administrator shall—

[(1) establish appropriate administrative and supervisory board membership requirements for a State agency responsible for supervising the preparation and administration of the State plan submitted under section 223 and permit the State advisory group appointed under section 223(a)(3) to operate as the

supervisory board for such agency, at the discretion of the Governor; and

[(2) approve any appropriate State agency designated by the Governor of the State involved in accordance with paragraph (1).]

(a) *There are authorized to be appropriated to carry out this title (other than part D) \$225,000,000 for fiscal year 1997 and such sums as may be appropriate for fiscal years 1998, 1999, and 2000.*

(b) *There are authorized to be appropriated to carry out part D \$10,000,000 for fiscal year 1997 and such sums as may be appropriate for fiscal years 1998, 1999, and 2000.*

(c) *Of such sums as are appropriated for a fiscal year to carry out this title (other than part D)—*

(1) not to exceed 5 percent or \$5,000,000, whichever is less, shall be available to carry out part A;

(2) not less than 70 percent shall be available to carry out part B; and

(3) 25 percent or \$25,000,000, whichever is less, shall be available to carry out part C.

* * * * *

[(e) Of such sums as are appropriated to carry out section 261(a)(6), not less than 20 percent shall be reserved by the Administrator for each of fiscal years 1993, 1994, 1995, and 1996, for not less than 2 programs that have not received funds under subpart II of part C prior to October 1, 1992, which shall be selected through the application and approval process set forth in section 262.]

ADMINISTRATIVE AUTHORITY

SEC. 299A. (a) * * *

(b) Sections 809(c), 811(a), 811(b), 811(c), 812(a), 812(b), and 812(d) of the Omnibus Crime Control and Safe Streets Act of 1968, as so designated by the operation of the amendments made by the Justice Assistance Act of 1984, shall apply with respect to the administration of and compliance with this Act, except that for purposes of this Act—

(1) * * *

* * * * *

(c) Sections 801(a), 801(c), and 806 of the Omnibus Crime Control and Safe Streets Act of 1968, as so designated by the operation of the amendments made by the Justice Assistance Act of 1984, shall apply with respect to the administration of and compliance with this Act, except that for purposes of this Act—

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

(2) any reference to the Office of Justice Programs, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be deemed to be a reference to the [Office of Juvenile Justice and Delinquency Pre-

vention] *Office of Juvenile Crime Control and Delinquency Prevention*; and

(3) the term "this title" as it appears in such sections shall be deemed to be a reference to this Act.

(d) The Administrator is authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary for the exercise of the functions of the Office and [as are consistent with the purpose of this Act] *only to the extent necessary to ensure that there is compliance with the specific requirements of this title, but the Administrator may not establish rules, regulations, or procedures applicable to compliance with paragraphs (11)(A), (13), (14), or (21) of section 223(a).*

(e) *If a State requires by law compliance with the requirements described in paragraphs (11)(A), (12), and (13) of section 223(a), then for the period such law is in effect in such State—*

(1) *such State shall be deemed to satisfy such requirements; and*

(2) *the Administrator may not evaluate or require compliance with such paragraphs.*

* * * * *

USE OF FUNDS

SEC. 299C. (a) Funds paid pursuant to this title to any public or private agency, organization, or institution, or to any individual (either directly or through a State planning agency) [may be used for]—

(1) *may be used for planning, developing, or operating the program designed to carry out this title; and*

[(2) not more than 50 per centum of the cost of the construction of any innovative community-based facility for fewer than 20 persons which, in the judgment of the Administrator, is necessary to carry out this title.]

(2) *may not be used for the cost of construction of any facility, except not more than 10 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating community-based juvenile facilities.*

[(b) Except as provided in subsection (a), no funds paid to any public or private agency, or institution or to any individual under this title (either directly or through a State agency or local agency) may be used for construction.]

[(c)] (b)(1) Funds paid pursuant to section 223(a)(10)(D) and section 261(a)(3) to any public or private agency, organization, or institution or to any individual shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device intended or designed to influence a Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this paragraph shall not preclude such funds from being used in connection with communications to Federal,

State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved.

* * * * *

SECTION 5315 OF TITLE 5, UNITED STATES CODE

§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Deputy Administrator of General Services.

Associate Administrator of the National Aeronautics and Space Administration.

* * * * *

Administrator, [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention.*

* * * * *

SECTION 4351 OF TITLE 18, UNITED STATES CODE

§ 4351. Establishment; Advisory Board; appointment of members; compensation; officers; committees; delegation of powers; Director, appointment and powers

(a) * * *

(b) The overall policy and operations of the National Institute of Corrections shall be under the supervision of an Advisory Board. The Board shall consist of sixteen members. The following six individuals shall serve as members of the Commission ex officio: the Director of the Federal Bureau of Prisons or his designee, the Director of the Bureau of Justice Assistance or his designee, Chairman of the United States Sentencing Commission or his designee, the Director of the Federal Judicial Center or his designee, the Associate Administrator for the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention* or his designee, and the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare or his designee.

* * * * *

SECTION 3220 OF TITLE 39, UNITED STATES CODE

§ 3220. Use of official mail in the location and recovery of missing children

(a)(1) The [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, after consultation with appropriate public and private agencies, shall prescribe general guidelines under which penalty mail may be used to assist in the location and recovery of missing children. The guidelines shall provide information relating to—

(A) * * *

* * * * *

(c) As used in this section, “[Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*” and “Office” each means the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention* within the Department of Justice, as established by section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974.

SECTION 463 OF THE SOCIAL SECURITY ACT

USE OF FEDERAL PARENT LOCATOR SERVICE IN CONNECTION WITH THE ENFORCEMENT OR DETERMINATION OF CHILD CUSTODY AND IN CASES OF PARENTAL KIDNAPING OF A CHILD

SEC. 463. (a) * * *

* * * * *

(f) The Secretary shall enter into an agreement with the Attorney General of the United States, under which the services of the Parent Locator Service established under section 453 shall be made available to the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention* upon its request to locate any parent or child on behalf of such Office for the purpose of—

(1) enforcing any State or Federal law with respect to the unlawful taking or restraint of a child, or

(2) making or enforcing a child custody determination.

The Parent Locator Service shall charge no fees for services requested pursuant to this subsection.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

TITLE I—JUSTICE SYSTEM IMPROVEMENT

* * * * *

PART H—ADMINISTRATIVE PROVISIONS

CONSULTATION; ESTABLISHMENT OF RULES AND REGULATIONS

SEC. 801. (a) The Office of Justice Programs, the Bureau of Justice Assistance, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, the Bureau of Justice Statistics, and the National Institute of Justice are authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of their functions, and as are consistent with the stated purposes of this title.

* * * * *

APPELLATE COURT REVIEW

SEC. 804. (a) If any applicant or recipient is dissatisfied with a final action with respect to section 802, 803, or 809(c)(2)(G) of this part, such applicant or recipient may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or recipient is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action. A copy of the petition shall forthwith be transmitted by the petitioner to the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, or the National Institute of Justice, as appropriate, and the Attorney General of the United States, who shall represent the Federal Government in the litigation. The Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, or the National Institute of Justice, as appropriate, shall thereupon file in the court the record of the proceeding on which the action was based, as provided in section 2112 of title 28, United States Code. No objection to the action shall be considered by the court unless such objection has been urged before the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, or the National Institute of Justice, as appropriate.

(b) The court shall have jurisdiction to affirm or modify a final action or to set it aside in whole or in part. The findings of fact by the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, or the National Institute of Justice, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Office of Justice Programs, Bureau of Justice Assistance, the National Institute of Justice, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, or the Bureau of Justice Statistics, to

take additional evidence to be made part of the record. The Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, or the National Institute of Justice, may thereupon make new or modified findings of fact by reason of the new evidence so taken and filed with the court and shall file such modified or new findings along with any recommendations such entity may have for the modification or setting aside of such entity's original action. All new or modified findings shall be conclusive with respect to questions of fact if supported by substantial evidence when the record as a whole is considered.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, or the National Institute of Justice, or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certifications as provided in section 1254 of title 28, United States Code.

DELEGATION OF FUNCTIONS

SEC. 805. The Attorney General, the Assistant Attorney General, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, the Administrator of the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention*, and the Director of the Bureau of Justice Assistance may delegate to any of their respective officers or employees such functions under this title as they deem appropriate.

* * * * *

ADMINISTRATION OF JUVENILE DELINQUENCY PROGRAMS

SEC. 813. The Director of the National Institute of Justice and the Director of the Bureau of Justice Statistics shall work closely with the Administrator of the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention* in developing and implementing programs in the juvenile justice and delinquency prevention field.

* * * * *

VICTIMS OF CHILD ABUSE ACT OF 1990

* * * * *

SEC. 214. LOCAL CHILDREN'S ADVOCACY CENTERS.

(a) * * *

(b) GRANT CRITERIA.—(1) The Director shall establish the criteria to be used in evaluating applications for grants under this section consistent with sections [262, 293, and 296 of subpart II of title II]

299B and 299E of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665 et seq.).

* * * * *

SEC. 217. STRENGTHENING OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

(a) IN GENERAL.—The Administrator of the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention* shall make grants to expand the court-appointed special advocate program.

* * * * *

SEC. 222. GRANTS FOR JUVENILE AND FAMILY COURT PERSONNEL.

In order to improve the judicial system's handling of child abuse and neglect cases, the Administrator of the [Office of Juvenile Justice and Delinquency Prevention] *Office of Juvenile Crime Control and Delinquency Prevention* shall make grants for the purpose of providing—

(1) * * *

* * * * *

SEC. 223. SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.

(a) * * *

* * * * *

(c) GRANT CRITERIA.—The Administrator shall make grants under subsections (a) and (b) consistent with [section 262, 293, and 296] *sections 262, 299B, and 299E* of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665 et seq.).

* * * * *

RUNAWAY AND HOMELESS YOUTH ACT

* * * * *

FINDINGS

SEC. 302. The Congress hereby finds that—

(1) * * *

* * * * *

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop [accurate reporting of the problem nationally] *an accurate national reporting system to report the problem*, and to develop an effective system of care (including preventive services, emergency shelter services, and extended residential shelter) outside the welfare system and the law enforcement system;

* * * * *

[(8) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop an accurate national reporting system and to develop an effective system of care including prevention, emergency shelter services,

and longer residential care outside the public welfare and law enforcement structures;】

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

* * * * *

PART A—RUNAWAY AND HOMELESS YOUTH GRANT PROGRAM

AUTHORITY TO MAKE GRANTS

SEC. 311. [(a) The Secretary shall make grants to public and private entities (and combinations of such entities) to establish and operate (including renovation) local runaway and homeless youth centers to provide services to deal primarily with the immediate needs of runaway or otherwise homeless youth, and their families, in a manner which is outside the law enforcement system, the child welfare system, the mental health system, and the juvenile justice system.】

(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.

*(b)(1) * * **

(2) Subject to paragraph (3), the amount allotted under paragraph (1) with respect to each State for a fiscal year shall be not less than \$100,000, except that the amount allotted to the Virgin Islands of the United States, Guam, American Samoa, [the Trust Territory of the Pacific Islands,] and the Commonwealth of the Northern Mariana Islands shall be not less than \$45,000 each.

* * * * *

[(4) In selecting among applicants for grants under subsection (a), the Secretary shall give priority to private entities that have experience in providing the services described in such subsection.

[(c)(1) If for a fiscal year the amount appropriated under section 385(a)(1) exceeds \$50,000,000, the Secretary may make grants under this subsection for that fiscal year to entities that receive grants under subsection (a) to establish and operate street-based service projects for runaway and homeless youth.

[(2) For purposes of this part, the term “street-based services” includes—

[(i) street-based crisis intervention and counseling;

[(ii) information and referral for housing;

[(iii) information and referral for transitional living and health care services; and

[(iv) advocacy, education, and prevention services for—

[(I) alcohol and drug abuse;

[(II) sexually transmitted diseases including HIV/AIDS infection; and

[(III) physical and sexual assault.

[(d)(1) If for a fiscal year the amount appropriated under section 385(a)(1) exceeds \$50,000,000, the Secretary may make grants for that fiscal year to entities that receive grants under subsection (a) to establish and operate home-based service projects for families that are separated, or at risk of separation, as a result of the physical absence of a runaway youth or youth at risk of family separation.

[(2) For purposes of this part—

[(A) the term “home-based service project” means a project that provides—

[(i) case management; and

[(ii) in the family residence (to the maximum extent practicable)—

[(I) intensive, time-limited, family and individual counseling;

[(II) training relating to life skills and parenting; and

[(III) other services;

designed to prevent youth from running away from their families or to cause runaway youth to return to their families;

[(B) the term “youth at risk of family separation” means an individual—

[(i) who is less than 18 years of age; and

[(ii)(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; and

[(C) the term “time-limited” means for a period not to exceed 6 months.]

ELIGIBILITY

SEC. 312. (a) * * *

(b) In order to qualify for assistance under section 311(a), an applicant shall submit a plan to the Secretary including assurances that the applicant—

(1) * * *

* * * * *

(8) shall submit annual reports to the Secretary detailing how the center has been able to meet the goals of its plans and reporting the statistical summaries required by [paragraph (6)] *paragraph (7)*;

* * * * *

(10) shall submit a budget estimate with respect to the plan submitted by such center under this subsection; [and]

(11) shall supply such other information as the Secretary reasonably deems necessary[.]; and

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

in the year for which the report is submitted.

[(c) To be eligible for assistance under section 311(c), an applicant shall propose to establish, strengthen, or fund a street-based service project for runaway and homeless youth and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

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

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

[(3) to provide informational and health educational material to runaway and homeless youth in need of services;

[(4) to provide initial and periodic training of staff who provide services under the project;

[(5) to carry out outreach activities for runaway and homeless youth and to collect statistical information on runaway and homeless youth contacted through such activities;

[(6) to develop referral relationships with agencies and organizations that provide services or assistance to runaway and homeless youth, including law enforcement, education, social services, vocational education and training, public welfare, legal assistance, mental health and health care;

[(7) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds received under section 311(c), the achievements of the project under section 311(c) carried out by the applicant, and statistical summaries describing the number and the characteristics of the runaway and homeless youth who participate in such project in the year for which the report is submitted;

[(8) to implement such accounting procedures and fiscal control devices as the Secretary may require;

[(9) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under subsection 311(c);

[(10) to keep adequate statistical records that profile runaway and homeless youth whom it serves and not to disclose the identity of such youth in reports or other documents based on such statistical records;

[(11) not to disclose records maintained on an individual runaway and homeless youth without the informed consent of

the youth, to any person other than an agency compiling statistical records; and

[(12) to provide to the Secretary such other information as the Secretary may reasonably require.

[(d) To be eligible for assistance under section 311(d), an applicant shall propose to establish, strengthen, or fund a home-based service project for runaway youth or youth at risk of family separation and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

[(1) to provide counseling and information services needed by runaway youth, youth at risk of family separation, and the family (including unrelated individuals in the family household) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parent training, financial planning, and referral to sources of other needed services;

[(2) to 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 youth and youth at risk of family separation affected by family crises);

[(3) to establish in partnership with the families of runaway youth and youth at risk of family separation, objectives and measures of success to be achieved as a result of participating in such project;

[(4) to provide informational and health educational material to runaway youth and youth at risk of family separation in need of services;

[(5) to provide initial and periodic training of staff who provide services under the project;

[(6) to carry out outreach activities for runaway youth and youth at risk of family separation, and to collect statistical information on runaway youth and youth at risk of family separation contacted through such activities;

[(7) to ensure that—

[(i) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family participating in such project; and

[(ii) qualified supervision will be provided to staff who provide services under the project;

[(8) to submit to the Secretary an annual report that includes information regarding the activities carried out with funds under section 311(d), the achievements of the project under this part carried out by the applicant and statistical summaries describing the number and the characteristics of the runaway youth and youth at risk of family separation who participate in such project in the year for which the report is submitted;

[(9) to implement such accounting procedures and fiscal control devices as the Secretary may require;

[(10) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under section 311(d);

[(11) to keep adequate statistical records that profile runaway youth and youth at risk of family separation whom it serves and not to disclose the identity of such youth in reports or other documents based on such statistical records;

[(12) not to disclose records maintained on an individual runaway youth or youth at risk of family separation without the informed consent of the youth, to any person other than an agency compiling statistical records; and

[(13) to provide to the Secretary such other information as the Secretary may reasonably require.]

(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.

APPROVAL BY SECRETARY

[SEC. 313. An application by a State, locality, or private entity for a grant under section 311 (a), (c), or (d) may be approved by the Secretary only if it is consistent with the applicable provisions of section 311 (a), (c), or (d) and meets the requirements set forth in section 312. Priority shall be given to grants smaller than \$200,000. In considering grant applications under section 311(a), priority shall be given to organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families.]

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—

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

(B) eligible applicants that request grants of less than \$200,000.

* * * * *

PART B—TRANSITIONAL LIVING GRANT PROGRAM

[PURPOSE AND] AUTHORITY FOR PROGRAM

SEC. 321. [(a)] The Secretary is authorized to make grants and to provide technical assistance to public and nonprofit private entities to establish and operate transitional living youth projects for homeless youth.

[(b) For purposes of this part—

[(1) the term “homeless youth” means any individual—

[(A) who is not less than 16 years of age and not more than 21 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; and

[(2) the term "transitional living youth project" means a project that provides shelter and services designated to promote a transition to self-sufficient living and to prevent long-term dependency on social services.]

* * * * *

PART C—NATIONAL COMMUNICATIONS SYSTEM

AUTHORITY TO MAKE GRANTS

SEC. 331. [With funds reserved under section 385(a)(3), the Secretary] *The Secretary* shall make grants for a national communication system to assist runaway and homeless youth in communicating with their families and with service providers. The Secretary shall give priority to grant applicants that have experience in providing telephone services to runaway and homeless youth.

PART D—COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES

COORDINATION

* * * * *

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

SEC. 343. (a) The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, *evaluation*, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway youth and homeless youth.

(b) In selecting among applications for grants under subsection (a), the Secretary shall give special consideration to proposed projects relating to—

(1) * * *

* * * * *

[(2) home-based and street-based services for, and outreach to, runaway youth and homeless youth;]

[(3)] (2) transportation of runaway youth and homeless youth in connection with services authorized to be provided under this title;

[(4)] (3) the special needs of runaway youth and homeless youth programs in rural areas;

[(5)] (4) the special needs of programs that place runaway youth and homeless youth in host family homes;

[(6)] (5) * * *

* * * * *

[(7)] (6) innovative methods of developing resources that enhance the establishment or operation of runaway and homeless youth centers;

[(8)] (7) training for runaway youth and homeless youth, and staff training, related to preventing and obtaining treatment for infection by the human immunodeficiency virus (HIV);

[(9)] (8) increasing access to health care (including mental health care) for runaway youth and homeless youth; and
 [(10)] (9) increasing access to education for runaway youth and homeless youth.

* * * * *

[TEMPORARY DEMONSTRATION PROJECTS TO PROVIDE SERVICES TO YOUTH IN RURAL AREAS

[SEC. 344. (a)(1) With funds appropriated under section 385(c), the Secretary may make grants on a competitive basis to States, localities, and private entities (and combinations of such entities) to provide services (including transportation) authorized to be provided under part A, to runaway and homeless youth in rural areas.

[(2)(A) Each grant made under paragraph (1) may not exceed \$100,000.

[(B) In each fiscal year for which funds are appropriated to carry out this section, grants shall be made under paragraph (1) to eligible applicants to carry out projects in not fewer than 10 States.

[(C) Not more than 2 grants may be made under paragraph (1) in each fiscal year to carry out projects in a particular State.

[(3) Each eligible applicant that receives a grant for a fiscal year to carry out a project under this section shall have priority to receive a grant for the subsequent fiscal year to carry out a project under this section.

[(b) To be eligible to receive a grant under subsection (a), an applicant shall—

[(1) submit to the Secretary an application in such form and containing such information and assurances as the Secretary may require by rule; and

[(2) propose to carry out such project in a geographical area that—

[(A) has a population under 20,000;

[(B) is located outside a Standard Metropolitan Statistical Area; and

[(C) agree to provide to the Secretary an annual report identifying—

[(i) the number of runaway and homeless youth who receive services under the project carried out by the applicant;

[(ii) the types of services authorized under part A that were needed by, but not provided to, such youth in the geographical area served by the project;

[(iii) the reasons the services identified under clause (ii) were not provided by the project; and

[(iv) such other information as the Secretary may require.]

* * * * *

PART E—SEXUAL ABUSE PREVENTION PROGRAM

AUTHORITY TO MAKE GRANTS

SEC. 351. (a) *The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to run-*

away 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 nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.

PART [E] F—GENERAL PROVISIONS

ASSISTANCE TO POTENTIAL GRANTEES

SEC. [371.] 381. The Secretary shall provide informational assistance to potential grantees interested in establishing runaway and homeless youth centers and transitional living youth projects.

[Such assistance shall consist of information on—

[(1) steps necessary to establish a runaway and homeless youth center or transitional living youth project, including information on securing space for such center or such project, obtaining insurance, staffing, and establishing operating procedures;

[(2) securing local private or public financial support for the operation of such center or such project, including information on procedures utilized by grantees under this title; and

[(3) the need for the establishment of additional runaway and homeless youth centers in the geographical area identified by the potential grantee involved.]

LEASE OF SURPLUS FEDERAL FACILITIES FOR USE AS RUNAWAY AND HOMELESS YOUTH CENTERS OR AS TRANSITIONAL LIVING YOUTH SHELTER FACILITIES

SEC. [372.] 382. (a) The Secretary may enter into cooperative lease arrangements with States, localities, and nonprofit private agencies to provide for the use of appropriate surplus Federal facilities transferred by the General Services Administration to the Department of Health and Human Services for use as runaway and homeless youth centers or as transitional living youth shelter facilities if the Secretary determines that—

(1) the applicant involved has suitable financial support necessary to operate a runaway and homeless youth center or transitional living youth project, as the case may be, under this title;

(2) the applicant is able to demonstrate the program expertise required to operate such center in compliance with this title, whether or not the applicant is receiving a grant under this part; and

(3) the applicant has consulted with and obtained the approval of the chief executive officer of the unit of general local government in which the facility is located.

(b)(1) Each facility made available under this section shall be made available for a period of not less than 2 years, and no rent or fee shall be charged to the applicant in connection with use of such facility.

(2) Any structural modifications or additions to facilities made available under this section shall become the property of the Unit-

ed States. All such modifications or additions may be made only after receiving the prior written consent of the Secretary or other appropriate officer of the Department of Health and Human Services.

* * * * *

[PART F—ADMINISTRATIVE PROVISIONS

[SEC. 381. (a) Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate on the status and accomplishments of the runaway and homeless youth centers which are funded under part A, with particular attention to—

[(1) their effectiveness in alleviating the problems of runaway and homeless youth;

[(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

[(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

[(4) their effectiveness in helping youth decide upon a future course of action.

[(b) Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate on the status and accomplishments of the transitional living youth projects which are funded under part B, with particular attention to—

[(1) the number and characteristics of homeless youth served by such projects;

[(2) describing the types of activities carried out under such projects;

[(3) the effectiveness of such projects in alleviating the immediate problems of homeless youth;

[(4) the effectiveness of such projects in preparing homeless youth for self sufficiency;

[(5) the effectiveness of such projects in helping youth decide upon future education, employment, and independent living; and

[(6) the ability of such projects to strengthen family relationships, and encourage the resolution of intra-family problems through counseling and the development of self-sufficient living skills.]

REPORTS

SEC. 383. (a) *Not later than April 1, 1998, and at 2-year intervals thereafter, the Secretary shall submit, to the Committee on Economic and Educational Opportunities 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 the 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.*

FEDERAL SHARE

SEC. [382.] 384. (a) The Federal share for the renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

RECORDS

SEC. [383.] 385. Records containing the identity of individual youth pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency.

[ANNUAL PROGRAM PRIORITIES

[SEC. 384. (a) The Secretary shall develop for each fiscal year, and publish annually in the Federal Register for public comment a proposed plan specifying the subject priorities the Secretary will follow in making grants under this title for such fiscal year.

[(b) Taking into consideration comments received in the 45-day period beginning on the date the proposed plan is published, the Secretary shall develop and publish, before December 31 of such fiscal year, a final plan specifying the priorities referred to in subsection (a).]

EVALUATION AND INFORMATION

SEC. 386. (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 grantees 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.*

CONSOLIDATED REVIEW OF APPLICATIONS

SEC. 387. *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.*

DEFINITIONS

SEC. 388. *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 the 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.*

AUTHORIZATION OF APPROPRIATIONS

[SEC. 385. (a)(1) To carry out the purposes of part A of this title there are authorized to be appropriated such sums as may be necessary for fiscal years 1989, 1990, 1991, and 1992.

[(2) Not less than 90 percent of the funds appropriated under paragraph (1) for a fiscal year shall be available to carry out section 311(a) in such fiscal year.

[(b)(1) Subject to paragraph (2), to carry out the purposes of part B of this title, there are authorized to be appropriated \$5,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.

[(2) No funds may be appropriated to carry out part B of this title for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out part A of this title exceeds \$26,900,000.

[(c) The Secretary (through the Office of Youth Development which shall administer this title) shall consult with the Attorney General (through the Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this title with those related programs and activities funded under title II of this Act and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

[(d) No funds appropriated to carry out the purposes of this title—

[(1) may be used for any program or activity which is not specifically authorized by this title; or

[(2) 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.]

AUTHORIZATION OF APPROPRIATIONS

SEC. 389. (a)(1) *There are authorized to be appropriated to carry out this title (other than part E) \$60,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998, 1999, and 2000.*

(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 25 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.

(c) There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 1997, 1998, 1999, and 2000.

[TITLE IV—EXTENSION AND AMENDMENT OF THE JUVENILE DELINQUENCY PREVENTION ACT

[YOUTH DEVELOPMENT DEMONSTRATIONS

[SEC. 401. Title I of the Juvenile Delinquency Prevention Act is amended (1) in the caption thereof, by inserting “AND DEMONSTRATION PROGRAMS” after “SERVICES”; (2) following the caption thereof, by inserting “PART A—COMMUNITY-BASED COORDINATED YOUTH SERVICES”; (3) in sections 101, 102(a), 102(b)(1), 102(b)(2), 103(a) (including paragraph (1) thereof), 104(a) (including paragraphs (1), (4), (5), (7), and (10) thereof), and 104(b) by striking out “title” and inserting “part” in lieu thereof; and (4) by inserting at the end of the title following new part:

[“PART B—DEMONSTRATIONS IN YOUTH DEVELOPMENT

[“SEC. 105. (a) For the purpose of assisting the demonstration of innovative approaches to youth development and the prevention and treatment of delinquent behavior (including payment of all or part of the costs of minor remodeling or alteration), the Secretary may make grants to any State (or political subdivision thereof), any agency thereof, and any nonprofit private agency, institution, or organization that submits to the Secretary, at such time and in such form and manner as the Secretary’s regulations shall prescribe, an application containing a description of the purposes for which the grant is sought, and assurances satisfactory to the Secretary that the applicant will use the grant for the purposes for which it is provided, and will comply with such requirements relating to the submission of reports, methods of fiscal accounting, the inspection and audit of records and other materials, and such other rules, regulations, standards, and procedures, as the Secretary may impose to assure the fulfillment of the purposes of this Act.

[“(b) No demonstration may be assisted by a grant under this section for more than one year.”

[CONSULTATION

[SEC. 402. (a) Section 408 of such Act is amended by adding at the end of subsection (a) thereof the following new subsection:

[“(b) The Secretary shall consult with the Attorney General for the purpose of coordinating the development and implementation of programs and activities funded under this Act with those related

programs and activities funded under the Omnibus Crime Control and Safe Streets Act of 1968"; and by deleting subsection (b) thereof.

[(b) Section 409 is repealed.]

[REPEAL OF MINIMUM STATE ALLOTMENTS]

[SEC. 403. Section 403(b) of such Act is repealed, and section 403(a) of such Act is redesignated section 403.]

[EXTENSION OF PROGRAM]

[SEC. 404. Section 402 of such Act, as amended by this Act, is further amended in the first sentence by inserting after "fiscal year" the following: "and such sums as may be necessary for fiscal year 1975".]

[TITLE V—MISCELLANEOUS AND CONFORMING AMENDMENTS]

[PART A—AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT]

[SEC. 501. Section 5031 of title 18, United States Code, is amended to read as follows:

[“§ 5031. Definitions]

["For the purposes of this chapter, a 'juvenile' is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-first birthday, and 'juvenile delinquency' is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult."]

[DELINQUENCY PROCEEDINGS IN DISTRICT COURTS]

[SEC. 502. Section 5032 of title 18, United States Code, is amended to read as follows:

[“§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution]

["A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the needs of juveniles.

["If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

["If an alleged juvenile delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him 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, in chambers or otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

["A juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult, except that, with respect to a juvenile sixteen years and older alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, such transfer would be in the interest of justice.

["Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing whether a transfer would be in the interest of justice: the age and social background of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; the availability of programs designed to treat the juvenile's behavioral problems.

["Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

["Once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

["Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions."

[CUSTODY

[SEC. 503. Section 5033 of title 18, United States Code, is amended to read as follows:

[**§ 5033. Custody prior to appearance before magistrate**

["Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensible to a juvenile, and shall immediately notify the Attorney General and the juvenile's parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.

["The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for longer than a reasonable period of time before being brought before a magistrate."

[DUTIES OF MAGISTRATE

[SEC. 504. Section 5034 of title 18, United States Code, is amended to read as follows:

[“§ 5034. Duties of magistrate

[“The magistrate shall insure that the juvenile is represented by counsel before proceeding with critical stages of the proceedings. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian, or custodian are financially unable to obtain adequate representation. In cases where the juvenile and his parents, guardian, or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney’s fees or may direct the juvenile, his parents, guardian, or custodian to retain private counsel within a specified period of time.

[“The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

[“If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents, guardian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, at which the juvenile is represented by counsel, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others.”

[DETENTION

[SEC. 505. Section 5035 of this title is amended to read as follows:

[“§ 5035. Detention prior to disposition

[“A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.”

[SPEEDY TRIAL

[SEC. 506. Section 5036 of this title is amended to read as follows:

[“§ 5036. Speedy trial

["If an alleged delinquent who is in detention pending trial is not brought to trial within thirty days from the date upon which such detention was begun, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay was caused by the juvenile or his counsel, or consented to by the juvenile and his counsel, or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice. Except in extraordinary circumstances, an information dismissed under this section may not be reinstated.”

[DISPOSITION

[SEC. 507. Section 5037 is amended to read as follows:

[“§ 5037. Dispositional hearing

["(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than twenty court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the Government a reasonable time in advance of the hearing.

["(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment, or commitment in accordance with subsection (c) shall not extend beyond the juvenile's twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner, unless the juvenile has attained his nineteenth birthday at the time of disposition, in which case probation, commitment, or commitment in accordance with subsection (c) shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

["(c) If the court desires more detailed information concerning an alleged or adjudicated delinquent, it may commit him, 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. 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 his attorney. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time.”

[JUVENILE RECORDS

[SEC. 508. Section 5038 is added, to read as follows:

[“§ 5038. Use of juvenile records

[(a) Throughout the juvenile delinquency proceeding the court shall safeguard the records from disclosure. Upon the completion of any juvenile delinquency proceeding whether or not there is an adjudication the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except to the extent necessary to meet the following circumstances:

[(1) inquiries received from another court of law;

[(2) inquiries from an agency preparing a presentence report for another court;

[(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

[(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; and

[(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

Unless otherwise authorized by this section, information about the sealed record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

[(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to the sealing of his juvenile record.

[(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.

[(d) Unless a juvenile who is taken into custody is prosecuted as an adult—

[(1) neither the fingerprints nor a photograph shall be taken without the written consent of the judge; and

[(2) neither the name nor picture of any juvenile shall be made public by any medium of public information in connection with a juvenile delinquency proceeding.”

[COMMITMENT

[SEC. 509. Section 5039 is added, to read as follows:

[“§ 5039. Commitment

["No juvenile committed to the custody of the Attorney General may be placed or retained in an adult jail or correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

["Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

["Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.”

[SUPPORT

[SEC. 510. Section 5040 is added, to read as follows:

[“§ 5040. Support

["The Attorney General may contract with any public or private agency or individual and such community-based facilities as half-way houses and foster homes for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for ‘support of United States prisoners’ or such other appropriations as he may designate.”

[PAROLE

[SEC. 511. Section 5041 is added to read as follows:

[“§ 5041. Parole

["The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice.”

[REVOCATION

[SEC. 512. Section 5042 is added to read as follows:

[“§ 5042. Revocation of parole or probation

["Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked.”

[SEC. 513. The table of sections of chapter 403 of this title is amended to read as follows:

[“Sec.

[“5031. Definitions.

[“5032. Delinquency proceedings in district courts; transfer for criminal prosecution.

[“5033. Custody prior to appearance before magistrate.

[“5034. Duties of magistrate.

[“5035. Detention prior to disposition.

[“5036. Speedy trial.

- ["5037. Dispositional hearing.
- ["5038. Use of juvenile records.
- ["5039. Commitment.
- ["5040. Support.
- ["5041. Parole.
- ["5042. Revocation of parole or probation.".

[PART B—NATIONAL INSTITUTE OF CORRECTIONS

[SEC. 521. Title 18, United States Code, is amended by adding a new chapter 319 to read as follows:

["CHAPTER 319.—NATIONAL INSTITUTE OF CORRECTIONS

["SEC. 4351. (a) There is hereby established within the Bureau of Prisons a National Institute of Corrections.

["(b) The overall policy and operations of the National Institute of Corrections shall be under the supervision of an Advisory Board. The Board shall consist of sixteen members. The following six individuals shall serve as members of the Commission ex officio: the Director of the Federal Bureau of Prisons or his designee, the Administrator of the Law Enforcement Assistance Administration or his designee, Chairman of the United States Parole Board or his designee, the Director of the Federal Judicial Center or his designee, the Deputy Assistant Administrator for the National Institute for Juvenile Justice and Delinquency Prevention or his designee, and the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare or his designee.

["(c) The remaining ten members of the Board shall be selected as follows:

["(1) Five shall be appointed initially by the Attorney General of the United States for staggered terms; one member shall serve for one year, one member for two years, and three members for three years. Upon the expiration of each member's term, the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be qualified as a practitioner (Federal, State, or local) in the field of corrections, probation, or parole.

["(2) Five shall be appointed initially by the Attorney General of the United States for staggered terms, one member shall serve for one year, three members for two years, and one member for three years." Upon the expiration of each member's term the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be from the private sector, such as business, labor, and education, having demonstrated an active interest in corrections, probation, or parole.

["(d) The members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States. Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Commission pursuant to this title, be entitled to receive compensation at the rate not to exceed the

daily equivalent of the rate authorized for GS-18 by section 5332 of title 5, United States Code, including traveltime, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

[(e) The Board shall elect a chairman from among its members who shall serve for a term of one year. The members of the Board shall also elect one or more members as a vice-chairman.

[PART C—CONFORMING AMENDMENTS

[SEC. 541. (a) The section titled "DECLARATION AND PURPOSE" in title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended by inserting immediately after the second paragraph thereof the following new paragraph:

["Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources, and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency."]

[(b) Such section is further amended by adding at the end thereof the following new paragraph:

["It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination to (1) develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile justice and delinquency prevention."]

[SEC. 542. The third sentence of section 203(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended to read as follows: "The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations including organizations directly related to delinquency prevention."]

[SEC. 543. Section 303(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after the first sentence the following: "In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a

State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act.”.

【SEC. 544. Section 520 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by (1) inserting “(a)” after “SEC. 520.” and (2) by inserting at the end thereof the following:

[(“b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall expend from other Law Enforcement Assistance Administration appropriations, other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs as was expended by the Administration during fiscal year 1972.”.

【SEC. 545. Part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new sections:

【“SEC. 526. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

【“SEC. 527. All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

【“SEC. 528. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

【“(b) Notwithstanding the provisions of section 5108 of title 5, United States Code, and without prejudice with respect to the number of positions otherwise placed in the Administration under such section 5108, the Administrator may place three positions in GS-16, GS-17, and GS-18 under section 5332 of such title 5.”】

MISSING CHILDREN'S ASSISTANCE ACT

TITLE IV—MISSING CHILDREN

SHORT TITLE

SEC. 401. This title may be cited as the “Missing Children's Assistance Act”.

* * * * *

DEFINITIONS

SEC. 403. For the purpose of this title—

(1) * * *

(2) the term “Administrator” means the Administrator of the Office of Juvenile [Justice and Delinquency Prevention] *Crime Control and Delinquency Prevention*.

DUTIES AND FUNCTIONS OF THE ADMINISTRATOR

SEC. 404. (a) The Administrator shall—

(1) * * *

* * * * *

(5) not later than 180 days after the end of each fiscal year, submit a report to the President, Speaker of the House of Representatives, and the President pro tempore of the Senate—

(A) * * *

* * * * *

(E) describing in detail the number and types of telephone calls received in the preceding fiscal year over the national toll-free telephone line established under subsection (b)(1)(A) and the number and types of communications referred to the national communications system established under section [313] 331;

* * * * *

(b) The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

(1)(A) * * *

(B) coordinating the operation of such telephone line with the operation of the national communications system established under section [313] 331;

* * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 408. To carry out the provisions of this title, there are authorized to be appropriated such sums as may be necessary for fiscal years [1993, 1994, 1995, and 1996] 1997, 1998, 1999, and 2000.

[SPECIAL STUDY AND REPORT

[SEC. 409. (a) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study to determine the obstacles that prevent or impede individuals who have legal custody of children from recovering such children from parents who have removed such children from such individuals in violation of law.

[(b) Not later than 3 years after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Secretary shall submit a report to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate containing a description, and a summary of the results, of the study conducted under subsection (a).]

**INCENTIVE GRANTS FOR LOCAL DELINQUENCY
PREVENTION PROGRAMS ACT**

**TITLE V—INCENTIVE GRANTS FOR
LOCAL DELINQUENCY PREVENTION
PROGRAMS**

SEC. 501. SHORT TITLE.

This title may be cited as the "Incentive Grants for Local Delinquency Prevention Programs Act".

* * * * *

[SEC. 503. DEFINITION.

[In this title, the term "State advisory group" means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a).]

SEC. [504.] 503. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.

The Administrator shall—

(1) issue such rules as are necessary or appropriate to carry out this title;

(2) make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention [(including the preparation of an annual comprehensive plan for facilitating such coordination and policy development)];

(3) provide adequate staff and resources necessary to properly carry out this title; and

(4) not later than 180 days after the end of each fiscal year, submit a report to the Chairman of the Committee on [Education and Labor] *Economic and Educational Opportunities* of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate—

(A) describing activities and accomplishments of grant activities funded under this title;

(B) describing procedures followed to disseminate grant activity products and research findings;

(C) describing activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and

(D) identifying successful approaches and making recommendations for future activities to be conducted under this title.

SEC. [505.] 504. GRANTS FOR PREVENTION PROGRAMS.

(a) **PURPOSES.**—The Administrator may make grants to a State, to be transmitted [through the State advisory group to] *to assist* units of general local government that meet the requirements of subsection (b), for delinquency prevention programs and activities for youth who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to children, youth, and families of—

[(1) recreation services;]

(1) *the teaching that people are and should be held accountable for their actions;*

(2) *tutoring and remedial education;*

(3) *assistance in the development of work awareness skills;*

(4) *child and adolescent health and mental health services;*

(5) *alcohol and substance abuse prevention services; and*

[(6) *leadership development activities; and*

[(7) *the teaching that people are and should be held accountable for their actions.]]*

(6) *recreation services.*

(b) **ELIGIBILITY.**—The requirements of this subsection are met with respect to a unit of general local government if—

[(1) the unit is in compliance with the requirements of part B of title II;

[(2) the unit has submitted to the State advisory group a 3-year plan outlining the unit's local front end plans for investment for delinquency prevention and early intervention activities;

[(3) the unit has included in its application to the Administrator for formula grant funds a summary of the 3-year plan described in paragraph (2);

[(4) pursuant to its 3-year plan, the unit has appointed a local policy board of no fewer than 15 and no more than 21 members with balanced representation of public agencies and private, nonprofit organizations serving children, youth, and families and business and industry;]

(1) the unit has submitted to the State the unit's plan outlining delinquency prevention and early intervention activities;

[(5)] (2) the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk youth and their families, including such programs as nutrition, energy assistance, and housing;

[(6)] (3) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this title; and

[(7)] (4) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

(c) **PRIORITY.**—In considering grant applications under this section, the [Administrator] *State* shall give priority to applicants that demonstrate ability in—

(1) *plans for service and agency coordination and collaboration including the colocation of services;*

(2) *innovative ways to involve the private nonprofit and business sector in delinquency prevention activities; [and]*

[(3) *developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention.]]*

(3) providing services that prevent juvenile involvement in delinquent activities; and

(4) securing private sector support and that have private sector support.

[SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

To carry out this title, there are authorized to be appropriated \$30,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.]

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title \$20,000,000 for fiscal year 1997 and such sums as may be appropriate for fiscal years 1998, 1999, and 2000.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

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

[Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq.) is amended—

[(1) by redesignating sections 316 and 317 as sections 317 and 318, respectively; and

[(2) by inserting after section 315 the following new section:

["GRANTS FOR PREVENTION OF SEXUAL ABUSE AND EXPLOITATION

["SEC. 316. (a) IN GENERAL.—The Secretary shall make grants under this section to private, nonprofit agencies for street-based outreach and education, including treatment, counseling, provision of information, and referral for runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse.

["(b) PRIORITY.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies that have experience in providing services to runaway, homeless, and street youth.

["(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

["(1) \$7,000,000 for fiscal year 1996;

["(2) \$8,000,000 for fiscal year 1997; and

["(3) \$15,000,000 for fiscal year 1998.

["(d) DEFINITIONS.—For the purposes of this section—

["(1) the term 'street-based outreach and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim; and

["(2) the term 'street youth' means a juvenile who spends a significant amount of time on the street or in other areas of exposure to encounters that may lead to sexual abuse.".]

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**"AUTHORITY TO MAKE GRANTS**

"SEC. 351. (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 nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth."*

(b) AUTHORIZATION OF APPROPRIATIONS.—*Section 389 of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by section 212 of the Juvenile Crime Control and Delinquency Prevention Act of 1996, is amended by adding at the end the following:*

"(d) *There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 1997, 1998, 1999, and 2000."*

* * * * *

MINORITY VIEWS

INTRODUCTION

In 1974, Congress created the Juvenile Justice and Delinquency Prevention Act (hereafter referred to as "the Act") to provide a comprehensive system of delinquency prevention and rehabilitation services to potential and actual juvenile offenders, with the parallel goal of protecting public safety. In the more than 20 years since its enactment, the Act has evolved to include 4 core mandates designed to support the Act's goal of furthering integrity in the juvenile justice system and delinquency prevention. These requirements are the following: (1) the deinstitutionalization of status offenders;¹ (2) sight and sound separation of juvenile and adult offenders; (3) removal of juveniles from adult jails and lockups; and (4) efforts to address the disproportionate confinement of minority youth in secure facilities.

The Republican Majority has crafted a juvenile justice reauthorization bill (H.R. 3876) that eliminates and severely weakens many of the most effective provisions of the current Act, particularly these mandates. H.R. 3876 renders mandates (1), (3), and (4) virtually ineffective. The impact of changes to these mandates (discussed later in greater detail) will almost certainly result in a sharp increase in the number of juveniles being detained with criminal offenders, an increase in the number of juveniles being placed in adult jails, and weakened State analysis of disproportionate minority confinement in the juvenile justice system. The proposed change to the second mandate (sight and sound separation) would increase contact between juvenile and adult offenders, an alarming prospect.

It is ironic that the Republican Majority would designate its bill "the Juvenile Crime Control and Delinquency Prevention Act of 1996." As to the goal of prevention, the bill unjustly proposes to cut Title V funds (incentive grants for local delinquency prevention programs) by \$10 million, one-third of its funding level. Moreover, H.R. 3876 contains numerous proposals that have already proven ineffective in reducing juvenile crime. For instance, the bill encourages States to prosecute children as adults. And yet, study after study shows that such an approach is not likely to reduce juvenile crime. Children tried as adults have a higher recidivism rate than children tried as juveniles. Furthermore, the court process that precedes the sentencing phase in adult court takes longer than its corollary in juvenile court, despite unambiguous and convincing findings that the swiftness by which a sanction is carried out is crucial to meaningful juvenile behavior modification.

¹Status offenders are juveniles who have committed offenses, such as truancy and running away, which would not be a crime if committed by an adult.

We again must express our dismay with the legislative modus operandi employed by the Republican Majority to circumvent full consideration of amendments to less than perfect legislation. Tucked within H.R. 3876 is an irrelevant, anti-labor provision that would repeal vital labor protections for workers employed in juvenile detention facilities. Our colleague Representative Rob Andrews (D-NJ) offered a straightforward amendment to retain those protections; no case have ever been made for eliminating those protections. But rather than permit each of us the right to express our opinion on the Andrews amendment, the Committee's Republican leadership cut off debate, and exercised procedural heavy-handedness that prevented consideration of dozens of remaining Democratic and Republican amendments. Had the Committee process proceeded fairly and deliberately, maybe H.R. 3876 could have been improved in such a manner as to facilitate effective reduction of juvenile crime.

THE ACT'S CORE MANDATES SHOULD BE MAINTAINED

Jail removal mandate

In 1980, Congress amended the Act to require the removal of juveniles from adult jails and lockups. This change was driven by the adverse impact of housing juvenile offenders with adult criminals, including high suicide rates, physical, mental, and sexual assaults, and exposure of children to serious adult offenders and mental patients. We oppose the Majority's decision to retreat to these dangerous conditions by allowing States to house juveniles of any age, charged or convicted of violent crimes as adults, with adult criminals on a permanent basis. We also object to the fact that the bill would further allow juveniles to be temporarily housed with adults for up to 48 hours (excluding weekends and holidays).

Juveniles placed in adult prisons today are in greater danger than they were 20 years ago. Research demonstrates that children in adult institutions are 5 times more likely to be sexually assaulted than juveniles confined in juvenile facilities. Sexual assault becomes life-threatening in light of the tragic fact that many adult prisoners are HIV-infected. The Journal of the American Medical Association reports that the incidence of AIDS among incarcerated adults is 6 times that of the general population. Children in adult institutions are twice as likely to be beaten by staff and 50 percent more likely to be attacked with a weapon than juveniles confined in juvenile facilities.²

In addition to its harmful, indeed life-threatening, effects on children, the unsound policy of sending youngsters into adult prisons does nothing to reduce crime. The most recent studies demonstrate that putting young offender in adult prisons actually leads to more crime, higher prison costs, and increased violence. Juveniles housed with adult offenders often begin to identify themselves as "criminals". A recent University of Florida study found that juveniles in adult prisons were more likely to commit serious crimes after their release than juveniles sent to juvenile facilities for the commission of similar offenses. Furthermore, juveniles prosecuted as adults

²In a recent tragedy on April 25, 1996, 6 adult prisoners murdered a seventeen years old boy while he was incarcerated in the juvenile cellblock of an adult in Ohio.

and incarcerated in adult prisons tend to run afoul of the law again and again, committing even more serious new offenses.³ Sadly, these findings do not surprise us. Crime reduction and juvenile delinquency protection cannot be well served by policies that send teenagers to adult facilities where they are exposed to sophisticated, dangerous adult criminals.

It is illogical to attempt to reduce juvenile crime without acknowledging the root causes and aggravating factors that lie at the heart of this issue. Recent research shows that most juvenile delinquents begin their troubled paths as severely at-risk children, and juveniles who commit the worst crimes have usually suffered a lifetime of abuse and neglect. A study by the National Institute of Justice found that a child who suffers from abuse and neglect is 40 percent more likely to become delinquent. Moreover, numerous studies find that more juvenile offenders come from families plagued by violence, chaos, and high rates of drug and alcohol abuse. A 1996 study by the Rand Corporation concluded that early-childhood interventions and graduation incentives are more socially effective and cost effective at reducing crime than so called "get tough" policies. More specifically, the Rand report found that a \$1 million investment in a program offering educational incentives to at-risk youths (including tutoring and modest financial awards), could avert more than 250 crimes. Similarly, the researchers found that spending the same amount on early intervention, such as preparing parents to better care for their children, could avert more than 150 crimes, as compared to "3 Strikes" laws, which only avert 61 crimes.

The Republican Majority cannot reasonably believe that children confined with habitual criminals will become law abiding citizens once released. The lack of rehabilitative services for juveniles in adult prisons (including education, and vocational and mental health services) exacerbates the inability of young offenders to become law-abiding adults after leaving prison. We are deeply troubled with the overwhelming emphasis of the Republicans on punishing and confining juveniles, rather than on trying to prevent juvenile delinquency in the first place.

Dangerous juvenile offenders deserve confinement; citizens and communities must be protected. But, granting State's greater authority to house children with adult criminals is not a viable or logical means to that end.

Disproportionate minority confinement (DMC)

Research has consistently shown that minority adolescents are overrepresented at all stages (i.e., arrest, adjudication, sentencing, secure detention, and secure incarceration) on the juvenile justice spectrum. In the 1970's and 1980's statistics showed that a minority youth is more likely to receive formal sanctions, to be sentenced to secure confinement, and to be transferred to criminal court, than a white youth. This disparity exists independent of the type of offense, the youth's previous arrest record, or his or her family structure.

³Bishop, Frazier, Lanza-Kaduce, and Winner, "The Transfer of Juveniles to Criminal Court: Does It Make a Difference?" 42 Crime and Delinquency 171 (1996).

In 1991, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) examined "the role which minority status may play in the processing of youth through the juvenile justice system." The OJJDP acknowledged the existence of racial disparity within the juvenile justice system and concluded that the disproportional treatment of minorities often "accumulate[s] and become[s] more pronounced as minority youth are processed further into the juvenile system." In 1992, Congress sought to focus national attention on the reemergence of racism within the juvenile justice system and amended the Act to include the disproportionate minority confinement (DMC) mandate. The DMC mandate simply requires the States to conduct studies to determine if, in fact, the number of minority youth in secure confinement is disproportionate to their representation in the general population. If a State reaches that determination, it must address the causes of the overrepresentation. As of 1994, 55 States and territories completed such data collection. All but 9 states had identified a DMC problem and initiated intervention planning.

While no State has ever lost funding because of noncompliance with the DMC mandate, the Republican Majority now effectively wants to repeal it. Under H.R. 3876, States would measure disproportionate minority confinement relative to the "total population of juveniles who are brought into the juvenile justice system." This comparison begs a most fundamental question: Is there not bias even at the "entry point" when the initial decision to arrest occurs? Indeed, studies have shown that at that "entry point," minority youth are arrested at a higher rate than white youth. The modified DMC comparison proposed in H.R. 3876 is flawed and undermines useful analysis of racial bias in the juvenile justice system.

The Republican Majority further denigrates the DMC mandate by injecting "relevant factors" into the equation without any qualitative identification of what factors may indeed be relevant. Instead, they have developed an arbitrary list of factors that will once again conceal, rather than identify, the role of race in the juvenile justice system. The cost to the States in conducting studies that take account of these arbitrary factors will discourage the States from conducting studies at all.

We recognize that the Republican Majority is hell-bent on attacking any "quota," no matter how tenuous the characterization. Thus, even a provision as sensible as the DMC mandate has become an affirmative action "boogeyman" to the Republicans. The existing DMC mandate gives rise to no legitimate concern about quotas. It merely seeks to facilitate equal and fair justice for all juveniles.

The DMC mandate has resulted in many positive programming changes, including cultural competency training for juvenile justice professionals, individualized home-based-care, mentors, therapeutic foster care, community-based family oriented services, job training, increased accessibility to treatment services, and much more. Most importantly, the DMC mandate has raised the consciousness of legislators, policymakers, educators, law enforcement, and juvenile justice professionals to recognize the role of race and has enabled them to take positive steps to address racism in the juvenile justice system.

We oppose the Republican Majority's effort to dilute the DMC mandate to virtual uselessness.

Deinstitutionalization of status offenders

Before the enactment of the deinstitutionalization of status offenders mandate (DSO), the confinement of children who had committed offenses that would not be a crime if committed by an adult (e.g., truancy, running away, incorrigibility) was a national disgrace. The DSO mandate provides that juveniles who commit status offenses must not be held in secure detention or confinement. Over the past 20 years, States have moved dramatically from a punishment-oriented, institution-dominated approach to a treatment-oriented, community-based approach. From 1974 to 1993, the number of status offenders held in delinquency institutions dropped from roughly 172,000 to 3,200.

Without merit, H.R. 3876 would allow States to hold juvenile status offenders in secure confinement for purposes of reuniting such status offenders with their parents or legal guardians. This misguided movement back to an institution-based approach is inconsistent with studies showing that nearly all runaways leave home for understandable reasons such as flight from physical and sexual abuse, and neglect. These studies conclude that in many cases, the youth is better off with as little contact as possible with family members; in other cases, a family must receive counseling and other social services before their child may be returned home safely. Therefore, we are appalled that the Republican Majority would suggest further punishing an already abused youth by first confining that youth indefinitely, and then reuniting that youth with a troubled family.

Detention would expose these vulnerable children to more serious offenders and unnecessarily bring them deeper into the juvenile justice system. Status offenders need supervision and services, not detention. A major justification for the DSO mandate is to ensure that status offenders do not suffer the brunt of the juvenile justice system, particularly its sanction of secure confinement. The proposed modification to that mandate undermines the safety of children.

H.R. 3976 WOULD HAMPER THE EFFECTIVENESS OF THE OJJDP

The Majority's legislation further vitiates the Act by prohibiting the Office of Juvenile Justice & Delinquency Prevention (OJJDP) from issuing regulations regarding the core mandates. Additionally, H.R. 3876 prohibits OJJDP from monitoring or evaluating compliance with the mandates if a State simply has laws on its books that mirror the mandates.

We object to the elimination of OJJDP's ability to regulate and to monitor compliance with the mandates. Relaxing OJJDP's monitoring authority is particularly dangerous in light of Majority's effort to weaken the core mandates. Weakened mandates necessitate strong OJJDP monitoring so that States do not simply ignore the mandates altogether. OJJDP's authority to hold State's accountable for compliance with the mandates has led to nearly a 95% reduction of violations, although thousands of children are still detained

improperly each year, and compliance with the DMC remains a challenge for 46 States.

The combination of weakened mandates and relaxed accountability will turn back the clock on 20 years of juvenile justice progress. States left to their own devices do not work to protect children in the way the juvenile justice system was designed.⁴

H.R. 3876 DIRECTLY ATTACKS EMPLOYEE RIGHTS

Currently, State juvenile justice and youth services workers are provided basic labor protections under the Act. Specifically, the Act provides that employees shall be treated in a fair and equitable manner and that there shall be no diminution of employment rights, including the continuation of collective bargaining rights. The longstanding protection does not grant any new rights or benefits to workers, but merely provides that taxpayer funds will not be used to undermine existing labor standards.

Without a shred of credible justification, H.R. 3876 arbitrarily eliminates these protections. Our colleague Representative Robert Andrews (D-NJ) offered an amendment to retain this existing protection for men and women who perform very difficult and often emotional work with our nation's most troubled children. During consideration of the Andrews amendment, Republican Committee Members expressed deep confusion and dissatisfaction with these existing protections. In fact, one of our Republican colleagues remarked that the Act's labor protections must have been "put in as someone's unusual idea 20 years ago." Repeatedly, we asked our Republican colleagues to cite any complaint that has been brought to their attention by a State or local official regarding the purported onerousness of these protections. Not one example was offered. We also note that at no time during the four recent hearings concerning the Act's reauthorization was any testimony provided concerning these provisions.

We can only conclude that the Majority's motivation for trying to strike labor protections for workers in juvenile justice facilities arises from the harsh anti-labor animus that has been a defining characteristic of the Republican-led 104th Congress. It is terribly disappointing to us that consideration of the Andrews amendment resulted in a total breakdown of normal legislative procedures for markup of this legislation. The anti-labor provision in H.R. 3876 was misguided and misplaced. The Committee should have been permitted to consider amendments that both Democrats and Republicans wanted to offer to perfect H.R. 3876. We were denied that opportunity, indeed that right, because the abrupt conclusion of the markup was driven by apparent anger at our attempt to keep a wholly irrelevant anti-labor provision out of this bill.

WILLIAM L. CLAY.
DALE E. KILDEE.
MATTHEW G. MARTINEZ.
TOM SAWYER.

⁴In 1974, there were 85,000 juveniles detained or confined in institutions with adult prisoners, compared to less than 9,000 today. Prior to the deinstitutionalization of status offenders mandate in 1974, there were more than 170,000 status offenders in secure facilities, in 1993, the number was down to 3,200. Similarly, prior to the jail removal mandate in 1980, there were 160,000 juveniles serving time in adult prisons, today there are 7,000.)

PATSY T. MINK.
JACK REED.
XAVIER BECERRA.
GENE GREEN.
CARLOS ROMERO-BARCELO.
EARL BLUMENAUER.
GEORGE MILLER.
PAT WILLIAMS.
MAJOR R. OWENS.
DONALD M. PAYNE.
ROBERT E. ANDREWS.
BOBBY SCOTT.
LYNN WOOLSEY.
CHAKA FATTAH.

ADDITIONAL VIEWS OF REPRESENTATIVE TIM ROEMER

On August 2, 1996, the Economic and Educational Opportunities Committee reported the Juvenile Crime and Delinquency Prevention Act (H.R. 3876) by a vote of 23-2. This important piece of legislation, which would amend and reauthorize current juvenile justice programs, is scheduled to expire on September 30, 1996.

This critical legislation will directly impact State and local efforts to combat the growing problem of juvenile crime. Although H.R. 3876 had some serious flaws, such as the repeal of basic labor protections for workers in juvenile detention facilities, it clearly had the potential of being a bipartisan effort to design a comprehensive system to reduce and prevent criminal offenses by youth. Many Members on the Economic and Educational Opportunities worked very hard to draft amendments to improve the legislation. However, due to the Majority's decision to circumvent the democratic legislative process and prevent Democrats from offering their amendments, it turned out to be a partisan vote.

The process used by the Majority on Committee to prevent consideration of the Democratic and Republican amendments was an outright assault of the integrity of the legislative process. More importantly, however, it is our nation's young people who will suffer from the procedural tactics by the majority. Blocking the thoughtful deliberation of legislation to present and reduce juvenile crime was not only unfair to the Democratic Members of the Committee, but also represents a grave injustice for American families, schools, and communities.

TIM ROEMER.

