

112TH CONGRESS  
1ST SESSION

# S. 977

To fight criminal gangs.

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IN THE SENATE OF THE UNITED STATES

MAY 12, 2011

Mr. MENENDEZ (for himself and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To fight criminal gangs.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Fighting Gangs and Empowering Youth Act of 2011”.

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

Sec. 1. Short title and table of contents.

TITLE I—PREVENTION AND ECONOMIC EMPOWERMENT

Subtitle A—Prevention

Sec. 101. Demonstration grants to encourage creative approaches to gang activity and after-school programs.

Sec. 102. Reauthorization of certain after-school programs.

- Sec. 103. Reauthorization of Safe and Drug-Free Schools and Communities Act.
- Sec. 104. Public and assisted housing gang elimination.
- Sec. 105. Municipal Alliances.
- Sec. 106. Reauthorization of the gang resistance education and training projects program and increased funding for the national youth gang survey.
- Sec. 107. Mentoring grants to nonprofit organizations.

#### Subtitle B—Recidivism Reduction and Reentry Assistance

- Sec. 111. Reauthorization of adult and juvenile offender State and local reentry demonstration projects.
- Sec. 112. Children of incarcerated parents and families.
- Sec. 113. Removal of limitation on amount of funds available for corrections education programs under the Adult Education and Family Literacy Act.
- Sec. 114. Grants to States for improved workplace and community transition training for incarcerated youth offenders.
- Sec. 115. Improved reentry procedures for Federal prisoners.

#### Subtitle C—Economic Empowerment

- Sec. 121. Expansion and reauthorization of the mentoring initiative for system involved youth.
- Sec. 122. Reauthorization of Learn and Serve America.

### TITLE II—GANG ACTIVITY POLICING PROGRAM

- Sec. 201. Authority to make gang activity policing grants.
- Sec. 202. Eligible activities.
- Sec. 203. Preferential consideration of applications for certain grants.
- Sec. 204. Designation of high-intensity interstate gang activity areas.
- Sec. 205. Use of components.
- Sec. 206. Minimum amount.
- Sec. 207. Matching funds.
- Sec. 208. Providing additional forensic examiners.
- Sec. 209. Authorization of appropriations.
- Sec. 210. Performance evaluation.

### TITLE III—PUNISHMENT AND IMPROVED CRIME DATA

#### Subtitle A—Gang Crimes

- Sec. 301. Criminal street gangs.
- Sec. 302. Solicitation or recruitment of persons and violent crimes in furtherance or in aid of criminal street gangs.
- Sec. 303. Interstate and foreign travel or transportation in aid of racketeering enterprises and criminal street gangs.
- Sec. 304. Amendments relating to violent crime in areas of exclusive Federal jurisdiction.
- Sec. 305. Increased penalties for use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.
- Sec. 306. Amendment of sentencing guidelines relating to certain gang and violent crimes.
- Sec. 307. Study on expanding Federal authority for juvenile offenders.

Sec. 308. Study on examining the role of gangs in prisons.

Subtitle B—Firearms Offenses

Sec. 311. Increased penalties for use of firearm in crime of violence or drug trafficking crime.

Subtitle C—Crime Data

Sec. 321. Standardization of crime reporting and investigation.

Sec. 322. Consolidating and standardizing gang-related crime data.

1 **TITLE I—PREVENTION AND**  
2 **ECONOMIC EMPOWERMENT**  
3 **Subtitle A—Prevention**

4 **SEC. 101. DEMONSTRATION GRANTS TO ENCOURAGE CRE-**  
5 **ATIVE APPROACHES TO GANG ACTIVITY AND**  
6 **AFTER-SCHOOL PROGRAMS.**

7 (a) IN GENERAL.—The Attorney General may make  
8 grants to public or nonprofit private entities (including  
9 faith-based organizations) for the purpose of assisting the  
10 entities in carrying out projects involving innovative ap-  
11 proaches to combat gang activity.

12 (b) PROJECTS.—Projects described in subsection (a)  
13 shall target at-risk youth and juvenile offenders who are  
14 ages 11 to 19 years, who—

15 (1) fail to successfully complete secondary  
16 school;

17 (2) have entered the juvenile system;

18 (3) are at risk of failing to successfully com-  
19 plete secondary school or entering the juvenile sys-  
20 tem;

1 (4) are truants or runaways; or

2 (5) have siblings or family members who are  
3 members of a criminal street gang.

4 (c) CERTAIN APPROACHES.—Approaches described  
5 in subsection (a) may include—

6 (1) developing after-school gang prevention pro-  
7 grams, including programs that provide for trans-  
8 portation to and from activities;

9 (2) encouraging teen-driven approaches to gang  
10 activity prevention;

11 (3) educating parents to recognize signs of  
12 problems and potential gang involvement in their  
13 children;

14 (4) teaching parents the importance of a nur-  
15 turing family and home environment to keep chil-  
16 dren out of gangs; and

17 (5) facilitating communication between parents  
18 and children, especially programs that have been  
19 evaluated and proven effective.

20 (d) MATCHING FUNDS.—

21 (1) IN GENERAL.—The Attorney General may  
22 make a grant under this section only if the entity re-  
23 ceiving the grant agrees to make available (directly  
24 or through donations from public or private entities)  
25 non-Federal contributions toward the cost of activi-

1 ties to be performed with that grant in an amount  
2 that is not less than 25 percent of such costs.

3 (2) DETERMINATION OF AMOUNT CONTRIB-  
4 UTED.—Non-Federal contributions required under  
5 paragraph (1) may be in cash or in kind, fairly eval-  
6 uated, including facilities, equipment, or services.  
7 Amounts provided by the Federal Government, or  
8 services assisted or subsidized to any significant ex-  
9 tent by the Federal Government, may not be in-  
10 cluded in determining the amount of such non-Fed-  
11 eral contributions.

12 (e) EVALUATION OF PROJECTS.—

13 (1) IN GENERAL.—The Attorney General shall  
14 establish criteria for the evaluation of projects in-  
15 volving innovative approaches under subsection (a).

16 (2) GRANTEES.—A grant may be made under  
17 this section only if the entity involved—

18 (A) agrees to conduct evaluations of the  
19 approach in accordance with such criteria;

20 (B) agrees to submit to the Attorney Gen-  
21 eral reports describing the results of the evalua-  
22 tions, as the Attorney General determines to be  
23 appropriate; and

1           (C) submits to the Attorney General, in  
2           the application under subsection (f), a plan for  
3           conducting the evaluations.

4           (f) APPLICATION FOR GRANT.—The Attorney Gen-  
5           eral may make a grant under subsection (a) only if an  
6           application for the grant is submitted to the Attorney Gen-  
7           eral and the application is in such form, is made in such  
8           manner, and contains such agreements, assurances, and  
9           information (including the agreements under subsections  
10          (d) and (e) and the plan under subsection (e)(2)(C)) as  
11          the Attorney General determines to be necessary to carry  
12          out this section.

13          (g) REPORT TO CONGRESS.—Not later than October  
14          1, 2012, the Attorney General shall submit to Congress  
15          a report describing the extent to which the approaches  
16          under subsection (a) have been successful in reducing the  
17          rate of gang activity in the communities in which the ap-  
18          proaches have been carried out. That report shall describe  
19          the various approaches used under subsection (a) and the  
20          effectiveness of each of the approaches.

21          (h) AUTHORIZATION OF APPROPRIATIONS.—For the  
22          purpose of carrying out this section, there are authorized  
23          to be appropriated \$5,000,000 for each of the fiscal years  
24          2012 through 2016.

1 **SEC. 102. REAUTHORIZATION OF CERTAIN AFTER-SCHOOL**  
2 **PROGRAMS.**

3 (a) 21ST CENTURY COMMUNITY LEARNING CEN-  
4 TERS.—Section 4206 of the Elementary and Secondary  
5 Education Act of 1965 (20 U.S.C. 7176) is amended to  
6 read as follows:

7 **“SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.**

8 “There is authorized to be appropriated to carry out  
9 this part \$300,000,000 for each of fiscal years 2012  
10 through 2016.”.

11 (b) CAROL M. WHITE PHYSICAL EDUCATION PRO-  
12 GRAM.—Section 5401 of the Elementary and Secondary  
13 Education Act of 1965 (20 U.S.C. 7241) is amended—

14 (1) by striking “There are” and inserting “(a)  
15 IN GENERAL.—There are”; and

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

17 “(b) PHYSICAL EDUCATION.—In addition to the  
18 amounts authorized to be appropriated under subsection  
19 (a), there are authorized to be appropriated \$100,000,000  
20 for each of fiscal years 2012 through 2016 to carry out  
21 subpart 10.”.

22 **SEC. 103. REAUTHORIZATION OF SAFE AND DRUG-FREE**  
23 **SCHOOLS AND COMMUNITIES ACT.**

24 (a) SAFE AND DRUG-FREE SCHOOLS AND COMMU-  
25 NITIES.—Section 4003 of the Elementary and Secondary  
26 Education Act of 1965 (20 U.S.C. 7103) is amended—

1           (1) in paragraph (1), by striking  
2           “\$650,000,000 for fiscal year 2002, and such sums  
3           as may be necessary for each of the 5 succeeding fis-  
4           cal years,” and inserting “\$700,000,000 for each of  
5           fiscal years 2012 through 2016,”; and

6           (2) in paragraph (2), by striking “such sums  
7           for fiscal year 2002, and for each of the 5 suc-  
8           ceeding fiscal years,” and inserting “\$400,000,000  
9           for each of fiscal years 2012 through 2016,”.

10          (b) NATIONAL COORDINATOR INITIATIVE.—Section  
11 4125 of the Elementary and Secondary Education Act of  
12 1965 (20 U.S.C. 7135) is amended—

13           (1) in subsection (a)—

14                   (A) by striking “From funds made avail-  
15                   able to carry out this subpart under section  
16                   4003(2), the Secretary may provide” and in-  
17                   serting “From amounts made available to carry  
18                   out this subpart under section 4003(2) for each  
19                   fiscal year, the Secretary shall reserve for each  
20                   fiscal year not less than \$40,000,000 to pro-  
21                   vide”; and

22                   (B) by inserting “, gang prevention,” after  
23                   “drug prevention”;

24           (2) in subsection (b)—

25                   (A) in the first sentence—



1 (i) by inserting “, gang prevention,”  
2 after “serve as drug prevention”; and

3 (ii) by inserting “, gang,” after “sig-  
4 nificant drug”; and

5 (B) in the second sentence, by inserting “,  
6 gang,” after “analyzing assessments of drug”;  
7 and

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

9 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated to carry out this section  
11 \$40,000,000 for each of fiscal years 2012 through 2016.”.

12 (c) MENTORING PROGRAM.—Section 4130(b) of the  
13 Elementary and Secondary Education Act of 1965 (20  
14 U.S.C. 7140(b)) is amended—

15 (1) in the matter preceding subparagraph (A)  
16 of paragraph (1), by striking “The Secretary may  
17 award grants from funds made available to carry out  
18 this subpart under section 4003(2)” and inserting  
19 “From amounts made available to carry out this  
20 subpart under section 4003(2) for each fiscal year,  
21 the Secretary shall reserve for each fiscal year not  
22 less than \$50,000,000 to award grants”;

23 (2) in paragraph (5)(B)(i), by inserting “ele-  
24 mentary school and middle school” after “serves”;  
25 and

1           (3) in paragraph (5)(C)(ii)(IV), by striking  
2           “the 4th” and inserting “kindergarten”.

3           (d) ANTI-GANG DISCRETIONARY GRANTS.—Subpart  
4 2 of part A of title IV of the Elementary and Secondary  
5 Education Act of 1965 (20 U.S.C. 7131 et seq.) is amend-  
6 ed by adding at the end the following:

7 **“SEC. 4131. ANTI-GANG DISCRETIONARY GRANTS.**

8           “(a) AUTHORITY TO MAKE GRANTS.—From  
9 amounts made available to carry out this subpart under  
10 section 4003(2) for each fiscal year, the Secretary shall  
11 reserve for each fiscal year not less than \$50,000,000 to  
12 award grants, on a competitive basis, to nonprofit organi-  
13 zations to enable the nonprofit organizations to establish  
14 programs to assist a public elementary school or middle  
15 school in providing an innovative approach—

16           “(1) to combat gang activity in the school and  
17           the community surrounding the school; and

18           “(2) to heighten awareness of, and provide tools  
19           to reduce, gang violence in the school and the com-  
20           munity surrounding the school.

21           “(b) APPLICATION.—To be eligible to receive a grant  
22 under this section, a nonprofit organization shall submit  
23 an application to the Secretary that includes a detailed  
24 plan to combat gang activity and reduce gang violence in  
25 a school and the surrounding community.

1       “(c) PRIORITY CONSIDERATION.—In awarding  
2 grants under this section, the Secretary shall give priority  
3 consideration to applications describing programs that  
4 target youth living in a high-intensity interstate gang ac-  
5 tivity area defined under section 204 of the Fighting  
6 Gangs and Empowering Youth Act of 2010.

7       “(d) REPORTS.—The Secretary shall require any re-  
8 cipient of a grant under this section to provide periodic  
9 reports that include the obligation and expenditure of  
10 grant funds, the progress made by the grantee in imple-  
11 menting the plan described in subsection (b), and any  
12 change in the incidence of gang-related crime in projects  
13 assisted under this section.

14       “(e) MONITORING.—The Secretary shall audit and  
15 monitor the programs funded under this section to ensure  
16 that assistance provided under this section is administered  
17 in accordance with the provisions of this section.”.

18 **SEC. 104. PUBLIC AND ASSISTED HOUSING GANG ELIMI-**  
19 **NATION.**

20       (a) PUBLIC AND ASSISTED HOUSING.—Title V of the  
21 Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102  
22 Stat. 4295) is amended by adding at the end the following  
23 new subtitle:

1    **“Subtitle H—Public and Assisted**  
2            **Housing Gang Elimination**

3    **“SEC. 5401. SHORT TITLE.**

4            “This subtitle may be cited as the ‘Public and As-  
5   sisted Housing Gang Elimination Act of 2010’.

6    **“SEC. 5402. DEFINITIONS.**

7            “In this subtitle—

8                    “(1) the term ‘federally assisted low-income  
9   housing’ means housing assisted under—

10                           “(A) section 221(d)(3), section 221(d)(4),  
11                           or 236 of the National Housing Act;

12                           “(B) section 101 of the Housing and  
13                           Urban Development Act of 1965;

14                           “(C) section 8 of the United States Hous-  
15                           ing Act of 1937; or

16                           “(D) the Native American Housing Assist-  
17                           ance and Self-Determination Act of 1996;

18                           “(2) the term ‘high-intensity interstate gang ac-  
19   tivity area’ means an area designated by the Attor-  
20   ney General under section 204 of the Fighting  
21   Gangs and Empowering Youth Act of 2010; and

22                           “(3) the term ‘Secretary’ means the Secretary  
23   of Housing and Urban Development.

1 **“SEC. 5403. AUTHORITY TO MAKE GRANTS.**

2 “The Secretary, in accordance with the provisions of  
3 this subtitle, may make grants to public housing agencies  
4 (including any Indian tribe or other recipient under the  
5 Native American Housing Assistance and Self-Determina-  
6 tion Act of 1996 (25 U.S.C. 4101 et seq.)) and private,  
7 for-profit and nonprofit owners of federally assisted low-  
8 income housing for use in eliminating gang-related crime.

9 **“SEC. 5404. ELIGIBLE ACTIVITIES.**

10 “Grants under this subtitle may be used in public  
11 housing or other federally assisted low-income housing  
12 projects for—

13 “(1) the employment of security personnel;

14 “(2) reimbursement of local law enforcement  
15 agencies for additional security and protective serv-  
16 ices;

17 “(3) physical improvements which are specifi-  
18 cally designed to enhance security;

19 “(4) the employment of 1 or more individuals—

20 “(A) to investigate gang-related crime on  
21 or about the real property comprising any pub-  
22 lic or other federally assisted low-income hous-  
23 ing project; and

24 “(B) to provide evidence relating to such  
25 crime in any administrative or judicial pro-  
26 ceeding;

1           “(5) the provision of training, communications  
2           equipment, and other related equipment for use by  
3           voluntary tenant patrols acting in cooperation with  
4           local law enforcement officials;

5           “(6) programs designed to reduce gang activity  
6           in and around public or other federally assisted low-  
7           income housing projects, including encouraging teen-  
8           driven approaches to gang activity prevention; and

9           “(7) providing funding to nonprofit public hous-  
10          ing resident management corporations and resident  
11          councils to develop security and gang prevention pro-  
12          grams involving site residents.

13 **“SEC. 5405. APPLICATIONS.**

14          “(a) **REQUIRED SUBMISSION.—**

15               “(1) **IN GENERAL.—**To receive a grant under  
16               this subtitle, a public housing agency or an owner of  
17               federally assisted low-income housing shall submit  
18               an application to the Secretary, at such time, in  
19               such manner, and accompanied by such additional  
20               information as the Secretary may reasonably re-  
21               quire.

22               “(2) **REQUIRED INCLUSIONS.—**Any application  
23               submitted under paragraph (1) shall include a plan  
24               for addressing the problem of gang-related crime on  
25               the premises of the housing administered or owned

1 by the applicant for which the application is being  
2 submitted.

3 “(b) CRITERIA.—Except as provided by subsections  
4 (c) and (d) the Secretary shall approve applications under  
5 this subtitle based exclusively on—

6 “(1) the extent of the gang-related crime prob-  
7 lem in the public or federally assisted low-income  
8 housing project or projects proposed for assistance;

9 “(2) the quality of the plan of the applicant to  
10 address the crime problem in the public or federally  
11 assisted low-income housing project or projects pro-  
12 posed for assistance, including the extent to which  
13 the plan includes initiatives that can be sustained  
14 over a period of several years; and

15 “(3) the extent to which tenants, the local gov-  
16 ernment, and the local community support and par-  
17 ticipate in the design and implementation of the ac-  
18 tivities proposed to be funded under the application.

19 “(c) HIGH-INTENSITY INTERSTATE GANG ACTIVITY  
20 AREAS.—In evaluating the extent of the gang-related  
21 crime problem under subsection (b), the Secretary may  
22 consider whether housing projects proposed for assistance  
23 are located in a high-intensity interstate gang activity area  
24 as described in section 204 of this Act.

1 **“SEC. 5406. IMPLEMENTATION.**

2 “The Secretary shall issue regulations to implement  
3 this subtitle within 180 days after the date of enactment  
4 of this subtitle.

5 **“SEC. 5407. REPORTS.**

6 “The Secretary shall require any recipient of a grant  
7 under this subtitle to provide periodic reports that in-  
8 clude—

9 “(1) the obligation and expenditure of grant  
10 funds;

11 “(2) the progress made by the grantee in imple-  
12 menting the plan described in section 5404(a); and

13 “(3) any change in the incidence of gang-re-  
14 lated crime in projects assisted under this subtitle.

15 **“SEC. 5408. MONITORING.**

16 “The Secretary shall audit and monitor the programs  
17 funded under this subtitle to ensure that assistance pro-  
18 vided under this subtitle is administered in accordance  
19 with the provisions of this subtitle.

20 **“SEC. 5409. AUTHORIZATION OF APPROPRIATIONS.**

21 “(a) IN GENERAL.—There are authorized to be ap-  
22 propriated to carry out this subtitle \$100,000,000 for each  
23 of the fiscal years 2012 through 2016. Any amount appro-  
24 priated under this section shall remain available until ex-  
25 pended.



1       “(b) CONFORMING AMENDMENT.—The table of con-  
 2 tents in section 5001 of the Anti-Drug Abuse Act of 1988  
 3 (Public Law 100–690; 102 Stat. 4295) is amended by  
 4 adding at the end the following new items:

      “Subtitle H—Public and Assisted Housing Gang Elimination

- “Sec. 5401. Short title.
- “Sec. 5402. Definitions.
- “Sec. 5403. Authority to make grants.
- “Sec. 5404. Eligible activities.
- “Sec. 5405. Applications.
- “Sec. 5406. Implementation.
- “Sec. 5407. Reports.
- “Sec. 5408. Monitoring.
- “Sec. 5409. Authorization of appropriations.”.

5 **SEC. 105. MUNICIPAL ALLIANCES.**

6       The Violent Crime Control and Law Enforcement Act  
 7 of 1994 (42 U.S.C. 13701 et seq.) is amended by inserting  
 8 after section 30403 the following:

9       **“Subtitle E—Strategic Community**  
 10                                   **Planning Program**

11 **“SEC. 30501. GRANT AUTHORITY.**

12       “(a) GRANTS.—

13               “(1) IN GENERAL.—The Attorney General may  
 14 award grants on a competitive basis to eligible local  
 15 entities to assist eligible communities in developing  
 16 and carrying out programs that target at-risk youth  
 17 and juvenile offenders ages 11 to 19 years, who—

18                       “(A) fail to successfully complete sec-  
 19                       ondary school;

1           “(B) have entered the juvenile justice sys-  
2           tem;

3           “(C) are at risk of failing to successfully  
4           complete secondary school or entering the juve-  
5           nile justice system;

6           “(D) are truants or runaways; or

7           “(E) have siblings or family members who  
8           are believed to be members of criminal street  
9           gangs.

10          “(2) GRANT AMOUNT.—A grant awarded to an  
11          eligible local entity under this subtitle shall be for  
12          not less than \$250,000 for 1 fiscal year. Amounts  
13          made available through such a grant shall remain  
14          available until expended.

15          “(b) PROGRAM REQUIREMENTS.—

16          “(1) PROGRAMS.—An eligible local entity that  
17          receives funds under this subtitle shall develop or ex-  
18          pand community programs in eligible communities  
19          that are designed to target at-risk youths and juve-  
20          nile offenders through prevention, early intervention,  
21          and graduated sanctions.

22          “(2) OPTIONAL ACTIVITIES.—An eligible local  
23          entity that receives funds under this subtitle may de-  
24          velop a variety of programs to serve the comprehen-

1 sive needs of at-risk youth and juvenile offenders, in-  
2 cluding—

3 “(A) homework assistance and after-school  
4 programs, including educational, social, and  
5 athletic activities;

6 “(B) mentoring programs;

7 “(C) family counseling; and

8 “(D) parental training programs.

9 “(c) **ELIGIBLE COMMUNITY IDENTIFICATION.**—The  
10 Attorney General shall establish by regulation the criteria  
11 necessary to qualify as an eligible community, which shall  
12 include criteria with respect to whether the community is  
13 located in a high-intensity interstate gang activity area  
14 designated under section 204 of the Fighting Gangs and  
15 Empowering Youth Act of 2010.

16 **“SEC. 30502. APPLICATIONS.**

17 “(a) **APPLICATION REQUIRED.**—To be eligible to re-  
18 ceive a grant under this subtitle, a local entity shall submit  
19 an application to the Attorney General at such time, in  
20 such manner, and accompanied by such information, as  
21 the Attorney General may reasonably require.

22 “(b) **CONTENTS OF APPLICATION.**—Each application  
23 submitted under subsection (a) shall—

24 “(1) contain a comprehensive plan for the pro-  
25 gram that is designed to improve the academic and

1 social development of at-risk youths and juvenile of-  
2 fenders in the eligible community, which—

3 “(A) identifies an eligible community to be  
4 assisted;

5 “(B) describes the community planning  
6 process to be used by the local entity that in-  
7 cludes—

8 “(i) parents and family members;

9 “(ii) local school officials;

10 “(iii) teachers employed at schools  
11 within the eligible community;

12 “(iv) local public officials;

13 “(v) law enforcement officers and offi-  
14 cials;

15 “(vi) clergy and faith-based organiza-  
16 tions;

17 “(vii) public housing authorities;

18 “(viii) public housing resident organi-  
19 zation members, where applicable; and

20 “(ix) public and private nonprofit or-  
21 ganizations that provide education, child  
22 protective services, or other human services  
23 to low-income, at-risk youth and juvenile  
24 offenders, and their families; and

1           “(C) develops a concentrated strategy for  
2           implementation of the community planning  
3           process developed under subparagraph (B) that  
4           targets clusters of at-risk youth and juvenile of-  
5           fenders in the eligible community;

6           “(2) provide evidence of support for accom-  
7           plishing the objectives of such plan from—

8           “(A) community leaders;

9           “(B) a school district;

10          “(C) local officials; and

11          “(D) other organizations that the local en-  
12          tity determines to be appropriate;

13          “(3) provide an assurance that the local entity  
14          will use grant funds received under this subsection  
15          to implement the program requirements listed in  
16          section 30701(b);

17          “(4) include an estimate of the number of at-  
18          risk youth and juvenile offenders in the eligible com-  
19          munity expected to be served under the program;

20          “(5) provide an assurance that the local entity  
21          will prepare and submit to the Attorney General an  
22          annual report regarding any program conducted  
23          under this subtitle; and

1           “(6) provide an assurance that the local entity  
2           will maintain separate accounting records for the  
3           program.

4           “(c) PRIORITY.—In awarding grants under this sub-  
5           title, the Attorney General shall give priority to eligible  
6           local entities that identify under subsection (b)(1)(A) an  
7           eligible community that, when compared to other eligible  
8           communities, has a greater need than such other eligible  
9           communities for assistance under this subtitle, as deter-  
10          mined by the Attorney General based on the criteria estab-  
11          lished under section 30701(e).

12          “(d) FEDERAL SHARE.—The Federal share of the  
13          costs of a program developed or carried out with a grant  
14          under this section shall be not more than 70 percent. The  
15          non-Federal share of such costs may be in cash or in kind,  
16          fairly evaluated, including personnel, facilities, equipment,  
17          and services.

18          **“SEC. 30503. DEFINITIONS.**

19          “For purposes of this subtitle—

20                  “(1) the term ‘local entity’ means—

21                          “(A) a local educational agency; or

22                          “(B) a community-based organization, as  
23                          defined in section 9101 of the Elementary and  
24                          Secondary Education Act of 1965 (20 U.S.C.  
25                          7801); and

1           “(2) the term ‘eligible community’ means an  
2           area which meets the criteria established by the At-  
3           torney General in accordance with section 30701(e).

4   **“SEC. 30504. AUTHORIZATION OF APPROPRIATIONS.**

5           “‘There are authorized to be appropriated for grants  
6           under this subtitle—

7           “(1) \$10,000,000 for fiscal year 2012;

8           “(2) \$11,000,000 for fiscal year 2013;

9           “(3) \$12,000,000 for fiscal year 2014;

10          “(4) \$13,000,000 for fiscal year 2015; and

11          “(5) \$14,000,000 for fiscal year 2016.”.

12   **SEC. 106. REAUTHORIZATION OF THE GANG RESISTANCE**  
13                   **EDUCATION AND TRAINING PROJECTS PRO-**  
14                   **GRAM AND INCREASED FUNDING FOR THE**  
15                   **NATIONAL YOUTH GANG SURVEY.**

16          Section 32401 of the Violent Crime Control and Law  
17          Enforcement Act of 1994 (42 U.S.C. 13921) is amended  
18          in subsection (b)—

19               (1) in paragraph (4), by striking “and” at the  
20               end;

21               (2) in paragraph (5), by striking the period at  
22               the end and inserting “; and”; and

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

24               “(6) \$21,000,000 for each of fiscal years 2012  
25               through 2016.

1       “(c) USE OF FUNDS.—Not more than \$1,000,000 of  
2 the funds authorized under this section for a fiscal year  
3 shall be used to increase the number of samples collected  
4 by the National Youth Gang Center for its annual Na-  
5 tional Youth Gang Survey.”.

6 **SEC. 107. MENTORING GRANTS TO NONPROFIT ORGANIZA-**  
7 **TIONS.**

8       (a) AUTHORITY TO MAKE GRANTS.—From amounts  
9 made available to carry out this section, the Attorney Gen-  
10 eral shall make grants, in consultation with the Secretary  
11 of Labor and the Secretary of Housing and Urban Devel-  
12 opment, to nonprofit organizations for the purpose of pro-  
13 viding mentoring and other transitional services essential  
14 to the reentry of offenders into the community.

15       (b) USE OF FUNDS.—A nonprofit organization that  
16 receives a grant under subsection (a) may use the grant  
17 to—

18           (1) mentor adult and juvenile offenders dur-  
19       ing—

20                   (A) incarceration of the offenders;

21                   (B) the transition of the offenders back to  
22       the community; and

23                   (C) post-incarceration of the offenders; and

24           (2) provide transitional services to assist in the  
25       reentry of offenders into the community.



1 (c) APPLICATION; PRIORITY CONSIDERATION.—

2 (1) IN GENERAL.—To be eligible to receive a  
3 grant under this section, a nonprofit organization  
4 shall submit an application to the Attorney General  
5 based on criteria developed by the Attorney General,  
6 in consultation with the Secretary of Labor and the  
7 Secretary of Housing and Urban Development.

8 (2) PRIORITY.—The Attorney General shall give  
9 priority consideration to applications that—

10 (A) include a plan to implement activities  
11 that have been demonstrated to be effective in  
12 facilitating the successful reentry of offenders  
13 into the community; and

14 (B) provide for an independent evaluation.

15 (d) STRATEGIC PERFORMANCE OUTCOMES.—The At-  
16 torney General shall require each applicant under this sec-  
17 tion to identify specific performance outcomes related to  
18 the long-term goal of stabilizing communities by reducing  
19 recidivism and reintegrating offenders into the commu-  
20 nity.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated to the Attorney General  
23 to carry out this section \$25,000,000 for each of fiscal  
24 years 2012 through 2016.

1     **Subtitle B—Recidivism Reduction**  
2                     **and Reentry Assistance**

3     **SEC. 111. REAUTHORIZATION OF ADULT AND JUVENILE OF-**  
4                     **FENDER STATE AND LOCAL REENTRY DEM-**  
5                     **ONSTRATION PROJECTS.**

6             Section 2976(b) of the Omnibus Crime Control and  
7     Safe Streets Act of 1968 (42 U.S.C. 3797w(b)) is amend-  
8     ed by striking paragraphs (1) through (4) and inserting  
9     the following:

10             “(1) establishing or improving the system or  
11             systems under which offenders awaiting reentry into  
12             the community are provided with documents useful  
13             in achieving a successful transition from prison, jail,  
14             or detention (such as identification papers, referrals  
15             to services, medical prescriptions, job training cer-  
16             tificates, apprenticeship papers, and information on  
17             obtaining public assistance);

18             “(2) carrying out programs and initiatives by  
19             units of local government to strengthen reentry serv-  
20             ices for offenders released from local jails;

21             “(3) providing structured post-release housing  
22             and transitional housing (including group homes for  
23             recovering substance abusers) through which offend-  
24             ers are provided supervision and services imme-  
25             diately following reentry into the community;

1           “(4) assisting offenders in securing permanent  
2 housing upon release or following a stay in transi-  
3 tional housing;

4           “(5) assisting offenders in leaving a criminal  
5 street gang;

6           “(6) providing offenders who have left a crimi-  
7 nal street gang with safety services upon release  
8 from prison, jail, or detention;

9           “(7) providing offenders with education, job  
10 training, responsible parenting and healthy relation-  
11 ship skills training designed specifically for address-  
12 ing the needs of incarcerated and transitioning fa-  
13 thers and mothers, English as a second language  
14 programs, work experience programs, self-respect  
15 and life skills training, and other skills useful in  
16 achieving a successful transition from prison or jail;

17           “(8) facilitating collaboration among corrections  
18 and community corrections, technical schools, com-  
19 munity colleges, and the workforce development and  
20 employment service sectors—

21           “(A) to promote the employment of offend-  
22 ers released from prison and jail, as appro-  
23 priate, through efforts such as educating em-  
24 ployers about existing financial incentives;

1           “(B) to facilitate the creation of job oppor-  
2           tunities for offenders released from prison or  
3           jail, including transitional jobs and time-limited  
4           subsidized work experience (as appropriate);  
5           and

6           “(C) to connect offenders to employment  
7           (including supportive employment and employ-  
8           ment services) before their release to the com-  
9           munity, to provide work supports (including  
10          transportation and retention services), as ap-  
11          propriate, and to identify labor market needs to  
12          ensure that education and training are appro-  
13          priate;

14          “(9) developing programs and activities that  
15          support parent-child relationships, such as—

16               “(A) using videoconferencing to allow vir-  
17               tual visitation when incarcerated offenders are  
18               more than 100 miles from their families;

19               “(B) the establishment of family days,  
20               which provide for longer visitation hours or  
21               family activities;

22               “(C) the implementation of programs to  
23               help incarcerated parents stay connected to  
24               their children and learn responsible parenting  
25               and healthy relationship skills; and

1           “(D) programs for mentoring children of  
2           incarcerated offenders;

3           “(10) expanding family-based treatment centers  
4           that offer family-based comprehensive treatment  
5           services for offenders reentering the community;

6           “(11) conducting studies to determine the types  
7           of offenders who are returning to prison or jail, and  
8           which of those returning offenders represent the  
9           greatest risk to community safety;

10          “(12) developing and implementing procedures  
11          to assist relevant authorities—

12                 “(A) in determining when release is appro-  
13                 priate; and

14                 “(B) in the use of data to inform the re-  
15                 lease decision;

16          “(13) developing and implementing procedures  
17          to identify efficiently and effectively those violators  
18          of probation, parole, or post-incarceration super-  
19          vision who should be returned to prison or jail;

20          “(14) establishing or expanding the use of re-  
21          entry courts and other programs to—

22                 “(A) monitor offenders returning to the  
23                 community;

24                 “(B) provide offenders reentering the com-  
25                 munity with—

1                   “(i) drug and alcohol testing and  
2                   treatment; and

3                   “(ii) mental and medical health as-  
4                   sessment and services;

5                   “(C) facilitate restorative justice practices  
6                   and convene family or community impact pan-  
7                   els, family impact educational classes, victim  
8                   impact panels, or victim impact educational  
9                   classes; and

10                  “(D) provide and coordinate the delivery of  
11                  other community services to offenders, includ-  
12                  ing—

13                         “(i) housing assistance;

14                         “(ii) education;

15                         “(iii) employment training;

16                         “(iv) conflict resolution skills training;

17                         “(v) family violence intervention pro-  
18                         grams;

19                         “(vi) culturally and linguistically com-  
20                         petent services, as appropriate; and

21                         “(vii) other appropriate services, as  
22                         determined by the Attorney General.

23                  “(c) TASK FORCE ON FEDERAL PROGRAMS AND AC-  
24                  TIVITIES RELATING TO REENTRY OF OFFENDERS.—

1           “(1) TASK FORCE REQUIRED.—The Attorney  
2           General, in consultation with the Secretary of Hous-  
3           ing and Urban Development, the Secretary of Labor,  
4           the Secretary of Education, the Secretary of Health  
5           and Human Services, the Secretary of Veterans Af-  
6           fairs, the Secretary of Agriculture, and the heads of  
7           such other elements of the Federal Government as  
8           the Attorney General considers appropriate, and in  
9           collaboration with States, units of local government,  
10          territories, tribes, stakeholders, service providers,  
11          and nonprofit organizations, shall establish an inter-  
12          agency task force on Federal programs and activities  
13          relating to the reentry of offenders into the commu-  
14          nity.

15          “(2) DUTIES.—The task force established  
16          under paragraph (1) shall—

17                 “(A) identify any reentry program or activ-  
18                 ity that may be resulting in overlapping or du-  
19                 plication of reentry services, the scope of such  
20                 overlapping or duplication, and the relationship  
21                 of such overlapping and duplication to public  
22                 safety, public health, and effectiveness and effi-  
23                 ciency;

1           “(B) identify methods to improve collabo-  
2 ration and coordination programs and activities  
3 identified in subparagraph (A);

4           “(C) identify areas of responsibility in  
5 which improved collaboration and coordination  
6 of programs and activities identified in subpara-  
7 graph (A) would result in increased effective-  
8 ness or efficiency;

9           “(D) develop innovative interagency or  
10 intergovernmental programs, activities, or pro-  
11 cedures that would improve outcomes of offend-  
12 ers reentering the community and the children  
13 of offenders;

14           “(E) develop methods for increasing reg-  
15 ular communication that would increase inter-  
16 agency program effectiveness;

17           “(F) identify areas of research that can be  
18 coordinated across agencies with an emphasis  
19 on applying science-based practices to support,  
20 treatment, and intervention programs for of-  
21 fenders reentering the community;

22           “(G) identify funding areas that should be  
23 coordinated across agencies, and any gaps in  
24 funding for reentry services; and



1           “(H) identify successful reentry programs  
2           and collect best practices in offender reentry  
3           from demonstration grantees and other agencies  
4           and organizations, determine the extent to  
5           which such programs and practices can be rep-  
6           licated, and make information on such pro-  
7           grams and practices available to States, local-  
8           ities, nonprofit organizations, and others.

9           “(3) REPORT.—

10           “(A) IN GENERAL.—Not later than 1 year  
11           after the date of enactment of the Fighting  
12           Gangs and Empowering Youth Act of 2010, the  
13           task force established under paragraph (1) shall  
14           submit to Congress a report on barriers to re-  
15           entry of offenders to the community, including  
16           recommendations to overcome any barriers  
17           identified.

18           “(B) PUBLIC COMMENT.—The task force  
19           shall solicit and incorporate for public comment  
20           in preparing the report required in subpara-  
21           graph (A).

22           “(C) CONTENTS.—The report required by  
23           subparagraph (A) shall identify Federal and  
24           other barriers to successful reentry of offenders  
25           into the community and analyze the effects of

1 the barriers on offenders and on children and  
2 other family members of offenders, including  
3 barriers relating to—

4 “(i) child support obligations and pro-  
5 cedures;

6 “(ii) Social Security benefits (includ-  
7 ing barriers in timely restoration of sus-  
8 pended disability benefits immediately  
9 upon release), veterans benefits, food  
10 stamps, and other forms of Federal public  
11 assistance;

12 “(iii) Medicaid and Medicare laws,  
13 regulations, guidelines or procedures (in-  
14 cluding barriers in timely restoration of  
15 benefits caused by delay in reinstatement  
16 of suspended Social Security disability ben-  
17 efits);

18 “(iv) education programs, financial  
19 assistance, and full civic participation;

20 “(v) temporary assistance to needy  
21 families (TANF) program funding criteria  
22 and other welfare benefits;

23 “(vi) sustainable employment and ca-  
24 reer advancement, including barriers that  
25 are not directly connected to the crime

1 committed and the risk that the offender  
2 presents to the community;

3 “(vii) laws, regulations, rules, and  
4 practices that restrict Federal employment  
5 licensure and participation in Federal con-  
6 tracting programs;

7 “(viii) admissions to and evictions  
8 from Federal housing programs, includ-  
9 ing—

10 “(I) examining the number and  
11 characteristics of offenders who are  
12 evicted from or denied eligibility for  
13 Federal housing programs;

14 “(II) the effect of eligibility deni-  
15 als and evictions on homelessness,  
16 family stability, and family reunifica-  
17 tion;

18 “(III) the extent to which arrest  
19 records are the basis for denying ap-  
20 plications;

21 “(IV) the implications of consid-  
22 ering misdemeanor convictions that  
23 occurred more than 5 years before the  
24 date of an application and felony con-  
25 victions that occurred more than 10

1 years before the date of an applica-  
2 tion, and the appropriateness of tak-  
3 ing into account rehabilitation and  
4 other mitigating factors; and

5 “(V) the feasibility of using pro-  
6 bationary or conditional eligibility  
7 based on participation in a supervised  
8 rehabilitation program or other appro-  
9 priate social services;

10 “(ix) reentry procedures, case plan-  
11 ning, and transitions of offenders from the  
12 custody of the Bureau of Prisons to a Fed-  
13 eral parole or probation program, or to  
14 community corrections;

15 “(x) laws, regulations, rules, and  
16 practices that may require a parolee to re-  
17 turn to the same county that the parolee  
18 was living in prior to being arrested, and  
19 the potential for changing such laws, regu-  
20 lations, rules, and practices; and

21 “(xi) prerelease planning procedures  
22 for offenders to ensure that the eligibility  
23 of an offender for Federal or State benefits  
24 (including Medicaid, Medicare, Social Se-  
25 curity and veterans benefits) upon release

1 is established prior to release, subject to  
2 any limitations in law, and to ensure that  
3 offenders are provided with referrals to ap-  
4 propriate social and health services or are  
5 linked to appropriate nonprofit organiza-  
6 tions.

7 “(4) ANNUAL REPORTS.—On an annual basis,  
8 the task force established under paragraph (1) shall  
9 submit to Congress a report on the activities of the  
10 task force, including specific recommendations of the  
11 task force on the matters described in paragraph  
12 (2).

13 “(5) STANDARDS FOR ANALYSIS.—Any statis-  
14 tical analysis of population data under this section  
15 shall be conducted in accordance with the Federal  
16 Register Notice dated October 30, 1997, relating to  
17 classification standards.

18 “(d) AUTHORIZATION OF APPROPRIATIONS.—Section  
19 2976 of the Omnibus Crime Control and Safe Streets Act  
20 of 1968 (42 U.S.C. 3797w) is amended in subsection  
21 (o)(1) by striking ‘\$60,000,000’ and all that follows, and  
22 inserting ‘\$60,000,000 for each fiscal years 2012 through  
23 2016’ ”.

1 **SEC. 112. CHILDREN OF INCARCERATED PARENTS AND**  
2 **FAMILIES.**

3 The Secretary of Health and Human Services may—

4 (1) prepare and make available to States a re-  
5 port on any recommendations regarding the role of  
6 State child protective services at the time of the ar-  
7 rest of an individual; and

8 (2) by regulation, establish such services as the  
9 Secretary determines necessary for the preservation  
10 of families that have been impacted by the incarcer-  
11 ation of a family member, with special attention  
12 given to the impact on children.

13 **SEC. 113. REMOVAL OF LIMITATION ON AMOUNT OF FUNDS**  
14 **AVAILABLE FOR CORRECTIONS EDUCATION**  
15 **PROGRAMS UNDER THE ADULT EDUCATION**  
16 **AND FAMILY LITERACY ACT.**

17 (a) IN GENERAL.—Section 222(a)(1) of the Adult  
18 Education and Family Literacy Act (20 U.S.C.  
19 9222(a)(1)) is amended by striking “, of which not more  
20 than 10 percent of the 82.5 percent shall be available to  
21 carry out section 225”.

22 (b) REPORT.—Not later than 180 days after the date  
23 of enactment of this Act, the Secretary of Education shall  
24 submit to Congress a report—

25 (1) on the use of literacy funds provided under  
26 the Adult Education and Family Literacy Act (20

1 U.S.C. 9201 et seq.) to correctional institutions, as  
 2 defined in section 225(d)(2) of such Act (20 U.S.C.  
 3 9225(d)(2)); and

4 (2) that—

5 (A) specifies the amount of literacy funds  
 6 that are provided to each category of correc-  
 7 tional institution in each State; and

8 (B) identifies whether funds are being suf-  
 9 ficiently allocated among the various types of  
 10 institutions.

11 **SEC. 114. GRANTS TO STATES FOR IMPROVED WORKPLACE**  
 12 **AND COMMUNITY TRANSITION TRAINING FOR**  
 13 **INCARCERATED YOUTH OFFENDERS.**

14 Section 821 of the Higher Education Amendments of  
 15 1998 (20 U.S.C. 1151) is amended to read as follows:

16 **“SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE**  
 17 **AND COMMUNITY TRANSITION TRAINING FOR**  
 18 **INCARCERATED YOUTH OFFENDERS.**

19 “(a) DEFINITION.—In this section, the term ‘youth  
 20 offender’ means a male or female offender who is—

21 “(1) 30 years of age or younger; and

22 “(2) incarcerated in a State prison, including a  
 23 prerelease facility.

24 “(b) GRANT PROGRAM.—The Secretary of Education  
 25 (in this section referred to as the ‘Secretary’)—

1           “(1) shall establish a program in accordance  
2 with this section to provide grants to the State cor-  
3 rectional education agencies in the States, from allo-  
4 cations for the States under subsection (h), to assist  
5 and encourage youth offenders to acquire functional  
6 literacy, life, and job skills, through—

7                   “(A) the pursuit of a postsecondary edu-  
8 cation certificate, or an associate or bachelor’s  
9 degree while in prison; and

10                   “(B) employment counseling and other re-  
11 lated services which start during incarceration  
12 and end not later than 1 year after release from  
13 confinement; and

14           “(2) may establish such performance objectives  
15 and reporting requirements for State correctional  
16 education agencies receiving grants under this sec-  
17 tion as the Secretary determines are necessary to as-  
18 sess the effectiveness of the program under this sec-  
19 tion.

20           “(c) APPLICATION.—To be eligible for a grant under  
21 this section, a State correctional education agency shall  
22 submit to the Secretary a proposal for a youth offender  
23 program that—

24                   “(1) identifies the scope of the problem, includ-  
25 ing the number of youth offenders in need of post-



1 secondary education and career and technical edu-  
2 cation;

3 “(2) lists the accredited public or private edu-  
4 cational institution or institutions that will provide  
5 postsecondary educational services;

6 “(3) lists the cooperating agencies, public and  
7 private, or businesses that will provide related serv-  
8 ices, such as counseling in the areas of career devel-  
9 opment, substance abuse, health, and parenting  
10 skills;

11 “(4) describes how the proposed program will  
12 educate youth offenders on how to withdraw them-  
13 selves from criminal street gangs;

14 “(5) describes specific performance objectives  
15 and evaluation methods (in addition to, and con-  
16 sistent with, any objectives established by the Sec-  
17 retary under subsection (b)(2)) that the State cor-  
18 rectional education agency will use in carrying out  
19 its proposal, including—

20 “(A) specific and quantified student out-  
21 come measures that are compared with out-  
22 comes for non-program participants with simi-  
23 lar demographic characteristics; and

1           “(B) measures, consistent with the data  
2 elements and definitions described in subsection  
3 (d)(1)(A), of—

4           “(i) program completion, including an  
5 explicit definition of what constitutes a  
6 program completion within the proposal;

7           “(ii) knowledge and skill attainment,  
8 including specification of instruments that  
9 will measure knowledge and skill attain-  
10 ment;

11           “(iii) attainment of employment both  
12 before and after release;

13           “(iv) success in employment indicated  
14 by job retention and advancement; and

15           “(v) recidivism, including such sub-  
16 indicators as time before subsequent of-  
17 fense and severity of subsequent offense;

18           “(6) describes how the proposed programs are  
19 to be integrated with existing State correctional edu-  
20 cation programs (such as adult education, graduate  
21 education degree programs, and career and technical  
22 education) and State industry programs;

23           “(7) describes how the proposed programs will  
24 utilize technology to deliver the services under this  
25 section; and

1           “(8) describes how students will be selected so  
2           that only youth offenders eligible under subsection  
3           (e) will be enrolled in a program receiving a grant  
4           under this section.

5           “(d) PROGRAM REQUIREMENTS.—Each State correc-  
6           tional education agency receiving a grant under this sec-  
7           tion shall—

8           “(1) annually report to the Secretary regard-  
9           ing—

10           “(A) the results of the evaluations con-  
11           ducted using data elements and definitions pro-  
12           vided by the Secretary for the use of State cor-  
13           rectional education programs;

14           “(B) any objectives or requirements estab-  
15           lished by the Secretary pursuant to subsection  
16           (b)(2); and

17           “(C) the additional performance objectives  
18           and evaluation methods contained in the pro-  
19           posal described in subsection (c)(4), as nec-  
20           essary to document the attainment of project  
21           performance objectives; and

22           “(2) expend on each participating eligible stu-  
23           dent for an academic year, not more than the max-  
24           imum Federal Pell Grant appropriated under section

1       401 of the Higher Education Act of 1965 for such  
2       academic year, which shall be used for—

3               “(A) tuition, books, and essential mate-  
4       rials; and

5               “(B) related services such as career devel-  
6       opment, substance abuse counseling, parenting  
7       skills training, and health education.

8       “(e) STUDENT ELIGIBILITY.—A youth offender shall  
9       be eligible for participation in a program receiving a grant  
10      under this section if the youth offender is eligible to be  
11      released within 5 years (including a youth offender who  
12      is eligible for parole within such time).

13      “(f) LENGTH OF PARTICIPATION.—A State correc-  
14      tional education agency receiving a grant under this sec-  
15      tion shall provide educational and related services to each  
16      participating youth offender for a period not to exceed 5  
17      years, 1 year of which may be devoted to study in a grad-  
18      uate education degree program or to remedial education  
19      services for students who have obtained a secondary school  
20      diploma or its recognized equivalent. Educational and re-  
21      lated services shall start during the period of incarceration  
22      in prison or prerelease, and the related services may con-  
23      tinue for not more than 1 year after release from confine-  
24      ment.

1       “(g) EDUCATION DELIVERY SYSTEMS.—State cor-  
2       rectional education agencies and cooperating institutions  
3       shall, to the extent practicable, use high-tech applications  
4       in developing programs to meet the requirements and  
5       goals of this section.

6       “(h) ALLOCATION OF FUNDS.—From the funds au-  
7       thorized to be appropriated under subsection (i) for each  
8       fiscal year, the Secretary shall allot to each State an  
9       amount that bears the same relationship to such funds  
10      as the total number of youth offenders eligible under sub-  
11      section (e) in such State bears to the total number of such  
12      youth offenders in all States.

13      “(i) AUTHORIZATION OF APPROPRIATIONS.—There  
14      are authorized to be appropriated to carry out this section  
15      \$30,000,000 for fiscal years 2012 and 2013.”.

16      **SEC. 115. IMPROVED REENTRY PROCEDURES FOR FED-**  
17    **ERAL PRISONERS.**

18      (a) GENERAL REENTRY PROCEDURES.—The Attor-  
19      ney General shall take such steps as are necessary to mod-  
20      ify existing procedures and policies to enhance case plan-  
21      ning and to improve the transition of offenders from the  
22      custody of the Bureau of Prisons to the community, in-  
23      cluding placement of such individuals in community cor-  
24      rections facilities.

25      (b) PROCEDURES REGARDING BENEFITS.—

1           (1) IN GENERAL.—The Bureau of Prisons shall  
2           establish reentry planning procedures within the Re-  
3           lease Preparation Program that include providing  
4           Federal offenders with information relating to—

5                   (A) health and nutrition;

6                   (B) employment;

7                   (C) personal finance and consumer skills;

8                   (D) information and community resources;

9                   (E) release requirements and procedures;

10           and

11                   (F) personal growth and development.

12           (2) FORMAT.—

13                   (A) WRITTEN INFORMATION PROVIDED TO  
14           OFFENDERS.—Any written information that the  
15           Bureau of Prisons provides to offenders for re-  
16           entry planning purposes shall use common ter-  
17           minology and language.

18                   (B) MEDICAL INFORMATION.—

19                   (i) IN GENERAL.—The Bureau of  
20           Prisons shall provide the United States  
21           Probation and Pretrial Services System  
22           with relevant information on the medical  
23           care needs and the mental health treat-  
24           ment needs of offenders scheduled for re-  
25           lease and reentry into the community.

1 (ii) CONSIDERATION OF INFORMA-  
2 TION.—The United States Probation and  
3 Pretrial Services System shall take this in-  
4 formation into account when developing  
5 supervision plans in an effort to address  
6 the medical care and mental health care  
7 needs of such offenders.

8 (C) PROVISION OF MEDICATIONS.—The  
9 Bureau of Prisons shall provide offenders with  
10 a sufficient amount of all necessary medications  
11 upon release from custody.

12 **Subtitle C—Economic**  
13 **Empowerment**

14 **SEC. 121. EXPANSION AND REAUTHORIZATION OF THE**  
15 **MENTORING INITIATIVE FOR SYSTEM IN-**  
16 **VOLVED YOUTH.**

17 (a) EXPANSION.—Section 261(a) of the Juvenile Jus-  
18 tice and Delinquency Prevention Act of 1974 (42 U.S.C.  
19 5665(a)) is amended by inserting at the end the following:  
20 “The Administrator shall expand the number of sites re-  
21 ceiving such grants from 4 to 12.”

22 (b) REAUTHORIZATION.—Section 299 of the Juvenile  
23 Justice and Delinquency Prevention Act of 1974 (42  
24 U.S.C. 5671) is amended by striking subsection (c) and  
25 inserting the following:

1       “(c) AUTHORIZATION OF APPROPRIATIONS FOR PART  
 2 E.—There are authorized to be appropriated to carry out  
 3 part E \$4,800,000 for each of the fiscal years 2012, 2013,  
 4 2014, 2015, 2016.”.

5       **SEC. 122. REAUTHORIZATION OF LEARN AND SERVE AMER-**  
 6                               **ICA.**

7       Section 501(a)(1)(A) of the National and Community  
 8 Service Act of 1990 (42 U.S.C. 12681(a)(1)(A)) is amend-  
 9 ed by striking “subchapter I” and all that follows and in-  
 10 serting “subchapter I \$100,000,000 for each of fiscal  
 11 years 2012 through 2016.”.

12                               **TITLE II—GANG ACTIVITY**  
 13                               **POLICING PROGRAM**

14       **SEC. 201. AUTHORITY TO MAKE GANG ACTIVITY POLICING**  
 15                               **GRANTS.**

16       The Attorney General may make grants to States,  
 17 units of local government, Indian tribes, other public and  
 18 private entities, and multi-jurisdictional or regional con-  
 19 sortia thereof to—

- 20                               (1) increase police presence;
- 21                               (2) expand and improve cooperative efforts be-  
 22                               tween law enforcement agencies and members of the  
 23                               community to address gang activity problems; and
- 24                               (3) otherwise enhance public safety.



1 **SEC. 202. ELIGIBLE ACTIVITIES.**

2 Grants made under this subtitle may include pro-  
3 grams, projects, and other activities to—

4 (1) rehire law enforcement officers who have  
5 been laid off as a result of State and local budget  
6 reductions for deployment to reduce gang activity;

7 (2) hire and train additional career law enforce-  
8 ment officers for deployment to reduce gang activity;

9 (3) procure equipment, technology, or support  
10 systems, or pay overtime, to increase the number of  
11 officers deployed in gang activity policing;

12 (4) hire officers to perform intelligence activi-  
13 ties to reduce gang activity;

14 (5) increase the number of law enforcement of-  
15 ficers involved in activities that are focused on inter-  
16 action with members of the community or on  
17 proactive gang control and prevention by redeploying  
18 officers to such activities;

19 (6) establish and implement innovative pro-  
20 grams to increase and enhance proactive crime con-  
21 trol and gang prevention programs involving law en-  
22 forcement officers and young persons in the commu-  
23 nity;

24 (7) establish school-based partnerships between  
25 local law enforcement agencies and local school sys-  
26 tems by using school resource officers who operate

1 in and around elementary and secondary schools to  
2 combat gangs;

3 (8) create and disseminate anti-gang campaigns  
4 through broadcast advertisements and materials to  
5 schools to highlight after school, educational, and  
6 recreational activities;

7 (9) develop new technologies, including inter-  
8 operable communications technologies, modernized  
9 criminal record technology, and forensic technology,  
10 to assist State and local law enforcement agencies in  
11 reducing gang activity and to train law enforcement  
12 officers to use such technologies; and

13 (10) support the purchase by law enforcement  
14 agencies of not more than 1 service weapon per offi-  
15 cer, upon hiring for deployment in gang activity po-  
16 licing or, if necessary, upon the initial redeployment  
17 of an officer to gang activity policing.

18 **SEC. 203. PREFERENTIAL CONSIDERATION OF APPLICA-**  
19 **TIONS FOR CERTAIN GRANTS.**

20 In awarding grants under this subtitle, the Attorney  
21 General may give preferential consideration to appli-  
22 cants—

23 (1) for the hiring and rehiring of additional ca-  
24 reer law enforcement officers that involve a non-Fed-

1 eral contribution exceeding the 25 percent minimum  
2 under this subtitle;

3 (2) that are located in a high-intensity inter-  
4 state gang activity area designated under section  
5 204; and

6 (3) that coordinate with after-school programs,  
7 nonprofit organizations, schools, and community or-  
8 ganizations to create municipal-wide alliances to  
9 suppress gang activity.

10 **SEC. 204. DESIGNATION OF HIGH-INTENSITY INTERSTATE**  
11 **GANG ACTIVITY AREAS.**

12 (a) IN GENERAL.—The Attorney General may, after  
13 consultation with the Governor of each affected State, des-  
14 ignate a specific area that is located in not less than 1  
15 State as a high-intensity interstate gang activity area.

16 (b) FACTORS FOR CONSIDERATION.—In making a  
17 designation under subsection (a), the Attorney General  
18 shall consider the extent to which—

19 (1) the area is a significant center of gang ac-  
20 tivity;

21 (2) State, local, and tribal law enforcement  
22 agencies have committed resources to respond to the  
23 gang crime problem in the area, thereby indicating  
24 a determination to respond aggressively to the prob-  
25 lem;

1           (3) gang activities in the area are having a sig-  
2           nificant harmful impact in the area, and in other  
3           areas of the country;

4           (4) a significant increase in allocation of Fed-  
5           eral resources is necessary to respond adequately to  
6           gang-related activities in the area; and

7           (5) any other criteria as the Director deter-  
8           mines to be appropriate.

9           (c) **MERGING OF AREAS.**—To the extent that the  
10          goals of a high-intensity interstate gang activity area over-  
11          lap with the goals of a high-intensity drug trafficking area  
12          designated under section 707 of the Office of the National  
13          Drug Control Policy Reauthorization Act of 1988 (21  
14          U.S.C. 1706), the Attorney General may merge the 2  
15          areas to serve both functions.

16          (d) **LOCAL COMMENT.**—The Attorney General may  
17          not make a final designation under subsection (a) without  
18          consulting with and receiving comment from local elected  
19          officials representing communities within the affected  
20          States.

21          **SEC. 205. USE OF COMPONENTS.**

22          The Attorney General may use any component of the  
23          Department of Justice in carrying out this subtitle.

1 **SEC. 206. MINIMUM AMOUNT.**

2 (a) DEFINITION.—In this section, the term “quali-  
3 fying State” means any State that has submitted an appli-  
4 cation for a grant, or in which a unit of local government,  
5 Indian tribe, other public or private entity, or multijuris-  
6 dictional or regional consortia thereof has submitted an  
7 application for a grant, that meets the requirements estab-  
8 lished by the Attorney General under this subtitle.

9 (b) MINIMUM AMOUNT.—Unless all applications sub-  
10 mitted by any qualifying State and grantee within that  
11 State under this subtitle have been funded, each qualifying  
12 State, together with grantees within that State, shall re-  
13 ceive in each fiscal year under this subtitle an amount  
14 equal to not less than 0.5 percent of the total amount ap-  
15 propriated in that fiscal year for grants under this sub-  
16 title.

17 **SEC. 207. MATCHING FUNDS.**

18 (a) IN GENERAL.—The Federal share of the costs of  
19 a program, project, or activity carried out with a grant  
20 under this subtitle shall be not more than 75 percent, un-  
21 less the Attorney General waives, wholly or in part, the  
22 requirement under this section of a non-Federal contribu-  
23 tion to the costs of a program, project, or activity.

24 (b) HIRING.—For a grant for a period exceeding 1  
25 year for hiring or rehiring career law enforcement officers,  
26 the Federal share shall decrease each year for up to 5

1 years, by an amount determined by the Attorney General,  
2 with a goal of the continuation of the increased hiring level  
3 using State or local sources of funding following the con-  
4 clusion of Federal support.

5 **SEC. 208. PROVIDING ADDITIONAL FORENSIC EXAMINERS.**

6 Section 816 of the USA PATRIOT Act (28 U.S.C.  
7 509 note) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (4), by striking “and” at  
10 the end;

11 (B) by redesignating paragraph (5) as  
12 paragraph (6); and

13 (C) by inserting after paragraph (4) the  
14 following:

15 “(5) to hire additional forensic examiners to  
16 help with forensic work and to fight gang activity;  
17 and”; and

18 (2) in subsection (b), by amending paragraph  
19 (1) to read as follows:

20 “(1) AUTHORIZATION OF APPROPRIATIONS.—

21 There is authorized to be appropriated \$55,000,000  
22 for each fiscal year to carry out this section.”.

23 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

24 There are authorized to be appropriated to carry out  
25 this subtitle \$700,000,000 for each of the fiscal years

1 2012 through 2016. Any amount appropriated under this  
2 section shall remain available until expended.

3 **SEC. 210. PERFORMANCE EVALUATION.**

4 (a) MONITORING COMPONENTS.—

5 (1) IN GENERAL.—Each program, project, or  
6 activity funded under this title shall contain a moni-  
7 toring component, developed in accordance with  
8 guidelines established by the Attorney General.

9 (2) REQUIREMENT.—A monitoring component  
10 required under paragraph (1) shall include—

11 (A) systematic identification and collection  
12 of data about activities, accomplishments, and  
13 programs throughout the life of the program,  
14 project, or activity; and

15 (B) presentation of the data described in  
16 subparagraph (A) in a usable form.

17 (b) EVALUATION COMPONENTS.—

18 (1) IN GENERAL.—Selected grant recipients  
19 shall be evaluated on the local level or as part of a  
20 national evaluation, in accordance with guidelines es-  
21 tablished by the Attorney General.

22 (2) ASSESSMENT OF INDIVIDUAL PROGRAMS.—  
23 An evaluation conducted under paragraph (1) may  
24 include assessments of individual program imple-  
25 mentations.

1 (3) EFFECTIVENESS.—

2 (A) IN GENERAL.—In selected jurisdictions  
3 that are able to support outcome evaluations,  
4 the effectiveness of funded programs, projects,  
5 and activities may be required.

6 (B) MEASURES.—Outcome evaluations  
7 conducted under subparagraph (A) may in-  
8 clude—

- 9 (i) crime and victimization indicators;  
10 (ii) quality of life measures;  
11 (iii) community perceptions; and  
12 (iv) police perceptions of their own  
13 work.

14 (c) PERIODIC REVIEWS AND REPORTS.—The Attor-  
15 ney General may require a grant recipient to submit to  
16 the Attorney General the results of the monitoring and  
17 evaluations required under subsections (a) and (b) and  
18 such other data and information as the Attorney General  
19 determines to be reasonably necessary.

20 (d) REPORT TO CONGRESS.—

21 (1) IN GENERAL.—Beginning not later than  
22 October 1, 2012, the Attorney General shall submit  
23 to Congress annual reports describing the extent to  
24 which the approaches under section 202 have been  
25 successful in reducing the rate of gang activity in



1 the communities in which the approaches have been  
2 carried out.

3 (2) CONTENTS.—A report submitted under  
4 paragraph (1) shall describe the extent and effective-  
5 ness to which the various approaches have—

6 (A) reduced recorded crime and disorder  
7 incidents related to criminal street gangs;

8 (B) reduced public fear and perceptions  
9 about criminal street gangs;

10 (C) reduced calls for police service related  
11 to criminal street gangs;

12 (D) reduced criminal street gang homi-  
13 cides;

14 (E) reduced criminal street gang drug  
15 crimes; and

16 (F) improved perceptions of safety among  
17 neighborhood youth, other community members,  
18 and local merchants.

19 **TITLE III—PUNISHMENT AND**  
20 **IMPROVED CRIME DATA**  
21 **Subtitle A—Gang Crimes**

22 **SEC. 301. CRIMINAL STREET GANGS.**

23 (a) CRIMINAL STREET GANG PROSECUTIONS.—Sec-  
24 tion 521 of title 18, United States Code, is amended to  
25 read as follows:

1 **“§ 521. Criminal street gang prosecutions**

2 “(a) DEFINITIONS.—As used in this chapter:

3 “(1) CRIMINAL STREET GANG.—The term  
4 ‘criminal street gang’ means a formal or informal  
5 continually operating group, club, organization, or  
6 association of 5 or more individuals—

7 “(A) who individually, jointly, or in com-  
8 bination, have knowingly committed or at-  
9 tempted to commit for the direct or indirect  
10 benefit of, at the direction of, in furtherance of,  
11 or in association with the group, club organiza-  
12 tion, or association at least 2 separate acts,  
13 each of which is a predicate gang crime—

14 “(i) 1 of which occurs after the date  
15 of enactment of the Fighting Gangs and  
16 Empowering Youth Act of 2010;

17 “(ii) the last of which occurs not later  
18 than 5 years after the commission of a  
19 prior predicate gang crime (excluding any  
20 period of imprisonment); and

21 “(iii) 1 of which is a crime of violence  
22 or involves manufacturing, importing, dis-  
23 tributing, possessing with intent to dis-  
24 tribute, or otherwise dealing in a controlled  
25 substance or listed chemical (as those  
26 terms are defined in section 102 of the

1                   Controlled Substances Act (21 U.S.C.  
2                   802));

3                   “(B) whose purpose or purposes is the  
4                   commission of at least 2 separate criminal acts,  
5                   each of which is a predicate gang crime; and

6                   “(C) whose activities affect interstate or  
7                   foreign commerce, or involve the use of any fa-  
8                   cility of, or travel in, interstate or foreign com-  
9                   merce.

10                  “(2) PREDICATE GANG CRIME.—The term  
11                  ‘predicate gang crime’ means—

12                   “(A) any act, threat, conspiracy, or at-  
13                   tempted act, which is chargeable under Federal  
14                   or State law and punishable by imprisonment  
15                   for more than 1 year involving—

16                           “(i) murder;

17                           “(ii) manslaughter;

18                           “(iii) maiming;

19                           “(iv) assault with a dangerous weap-  
20                   on;

21                           “(v) assault resulting in serious bodily  
22                   injury;

23                           “(vi) kidnapping;

24                           “(vii) robbery;

25                           “(viii) extortion;

1 “(ix) arson;

2 “(x) tampering with or retaliating  
3 against a witness, victim, or informant;

4 “(xi) burglary;

5 “(xii) sexual assault;

6 “(xiii) carjacking; or

7 “(xiv) manufacturing, importing, dis-  
8 tributing, possessing with intent to dis-  
9 tribute, or otherwise dealing in a controlled  
10 substance or listed chemicals (as those  
11 terms are defined in section 102 of the  
12 Controlled Substances Act (21 U.S.C.  
13 802));

14 “(B) any act punishable by imprisonment  
15 for more than 1 year under—

16 “(i) section 844 (relating to explosive  
17 materials);

18 “(ii) section 922(g)(1) (where the un-  
19 derlying conviction is a violent felony (as  
20 defined in section 924(e)(2)(B) of this  
21 title) or is a serious drug offense (as de-  
22 fined in section 924(e)(2)(A) of this title));

23 “(iii) subsection (a)(2), (b), (c), (g),  
24 or (h) of section 924 (relating to receipt,  
25 possession, and transfer of firearms);

1           “(iv) section 930 (relating to posses-  
2           sion of firearms and dangerous weapons in  
3           Federal facilities);

4           “(v) section 931 (relating to purchase,  
5           ownership, or possession of body armor by  
6           violent felons);

7           “(vi) sections 1028 and 1029 (relating  
8           to fraud and related activity in connection  
9           with identification documents or access de-  
10          vices);

11          “(vii) section 1512 (relating to tam-  
12          pering with a witness, victim, or inform-  
13          ant) or section 1513 (relating to retaliating  
14          against a witness, victim, or informant);

15          “(viii) section 1951 (relating to inter-  
16          ference with commerce, robbery or extor-  
17          tion);

18          “(ix) section 1952 (relating to racket-  
19          eering);

20          “(x) section 1956 (relating to the  
21          laundering of monetary instruments);

22          “(xi) section 1957 (relating to engag-  
23          ing in monetary transactions in property  
24          derived from specified unlawful activity);

1           “(xii) section 1958 (relating to use of  
2 interstate commerce facilities in the com-  
3 mission of murder-for-hire); or

4           “(xiii) sections 2312 through 2315  
5 (relating to interstate transportation of  
6 stolen motor vehicles or stolen property);  
7 or

8           “(C) any crime involving aggravated sexual  
9 abuse, sexual assault, pimping or pandering in-  
10 volving prostitution, sexual exploitation of chil-  
11 dren (including sections 2251, 2251A, 2252  
12 and 2260), peonage, slavery, or trafficking in  
13 persons (including sections 1581 through 1592)  
14 and sections 2421 through 2427 (relating to  
15 transport for illegal sexual activity).

16           “(3) SEXUAL ASSAULT.—The term ‘sexual as-  
17 sault’ means any offense that involves conduct that  
18 would violate chapter 109A if the conduct occurred  
19 in the special maritime and territorial jurisdiction of  
20 the United States.

21           “(4) STATE.—The term ‘State’ means each of  
22 the several States of the United States, the District  
23 of Columbia, and any commonwealth, territory, or  
24 possession of the United States.

1           “(5) PATTERN OF CRIMINAL GANG ACTIVITY.—

2           The term ‘pattern of criminal gang activity’ means

3           2 or more predicate gang crimes that are related to

4           each other or to related to the membership of the

5           perpetrator in a group, club or association.

6           “(b) PARTICIPATION IN CRIMINAL STREET GANGS.—

7           It shall be unlawful—

8           “(1) to engage, or conspire, or attempt to en-

9           gage in a pattern of criminal gang activity—

10           “(A) in furtherance or in aid of the illegal

11           activities of a criminal street gang;

12           “(B) for the purpose of gaining entrance

13           to or maintaining or increasing position in such

14           a gang; or

15           “(C) for the direct or indirect benefit of

16           the criminal street gang, or in association with

17           the criminal street gang; or

18           “(2) to employ, use, command, counsel, per-

19           suade, induce, entice, or coerce any individual to

20           commit, cause to commit, or facilitate the commis-

21           sion of, a predicate gang crime—

22           “(A) in furtherance or in aid of the activi-

23           ties of a criminal street gang;

1           “(B) for the purpose of gaining entrance  
2           to or maintaining or increasing position in such  
3           a gang; or

4           “(C) for the direct or indirect benefit of  
5           the criminal street gang, or in association with  
6           the criminal street gang.

7           “(c) PENALTIES.—Whoever violates subsection (b)—

8           “(1) shall be fined under this title, imprisoned  
9           for not more than 30 years, or both; and

10          “(2) if the violation is based on a predicate  
11          gang crime for which the maximum penalty includes  
12          life imprisonment, shall be fined under this title, im-  
13          prisoned for any term of years or for life, or both.

14          “(d) CIVIL PROCEDURES.—Property subject to for-  
15          feiture under paragraph (1) may be forfeited in a civil case  
16          under the procedures set forth in chapter 46 of this title.”.

17          (b) CLERICAL AMENDMENT.—The table of sections  
18          at the beginning of chapter 26 of title 18, United States  
19          Code, is amended by striking the item relating to section  
20          521 and inserting the following:

“521. Criminal street gang prosecutions.”.

21       **SEC. 302. SOLICITATION OR RECRUITMENT OF PERSONS**  
22                               **AND VIOLENT CRIMES IN FURTHERANCE OR**  
23                               **IN AID OF CRIMINAL STREET GANGS.**

24          (a) SOLICITATION OR RECRUITMENT OF PERSONS IN  
25          CRIMINAL STREET GANG ACTIVITY.—Chapter 26 of title



1 18, United States Code, is amended by adding at the end  
2 the following:

3 **“§ 522. Recruitment of persons to participate in a**  
4 **criminal street gang**

5 “(a) PROHIBITED ACTS.—It shall be unlawful for any  
6 person to knowingly recruit, employ, solicit, induce, com-  
7 mand, or cause another person to be or remain as a mem-  
8 ber of a criminal street gang, or conspire to do so, with  
9 the intent to cause that person to participate in a predi-  
10 cate gang crime, if the defendant travels in interstate or  
11 foreign commerce in the course of the offense, or if the  
12 activities of that criminal street gang are in or affect inter-  
13 state or foreign commerce.

14 “(b) DEFINITION OF MINOR.—In this section, the  
15 term ‘minor’ means a person who is less than 18 years  
16 of age.

17 “(c) PENALTIES.—Any person who violates sub-  
18 section (a) shall—

19 “(1) be imprisoned not more than 10 years,  
20 fined under this title, or both;

21 “(2) if the person recruited, solicited, induced,  
22 commanded, or caused to participate or remain in a  
23 criminal street gang is under the age of 18 years—

24 “(A) be imprisoned for not more than 20  
25 years, fined under this title, or both; and

1           “(B) at the discretion of the sentencing  
2           judge, be liable for any costs incurred by the  
3           Federal Government, or by any State or local  
4           government, for housing, maintaining, and  
5           treating the person until the person attains the  
6           age of 18 years; or

7           “(3) be subjected to an enhanced term of im-  
8           prisonment if the person who recruited, solicited, in-  
9           duced, commanded, or caused another person to par-  
10          ticipate in a criminal street gang is currently incar-  
11          cerated when the activity occurs.

12   **“§ 523. Violent crimes in furtherance or in aid of a**  
13                           **criminal street gang**

14          “Any person who, for the purpose of gaining entrance  
15          to or maintaining or increasing position in, or in further-  
16          ance or in aid of, or for the direct or indirect benefit of,  
17          or in purposeful association with a criminal street gang,  
18          or as consideration for the receipt of, or as consideration  
19          for a promise or agreement to pay, anything of pecuniary  
20          value to or from a criminal street gang, murders, kidnaps,  
21          sexually assaults, maims, assaults with a dangerous weap-  
22          on, commits assault resulting in serious bodily injury  
23          upon, commits any other predicate gang crime or threat-  
24          ens to commit a crime of violence against any individual,  
25          or attempts or conspires to do so, shall be punished, in

1 addition and consecutive to the punishment provided for  
2 any other violation of this chapter—

3           “(1) for murder, by imprisonment for any term  
4 of years or for life, a fine under this title, or both;

5           “(2) for kidnapping or sexual assault, by im-  
6 prisonment for any term of years or for life, a fine  
7 under this title, or both;

8           “(3) for maiming, by imprisonment for any  
9 term of years or for life, a fine under this title, or  
10 both;

11           “(4) for assault with a dangerous weapon or as-  
12 sault resulting in serious bodily injury, by imprison-  
13 ment for not more than 30 years, a fine under this  
14 title, or both;

15           “(5) for any other predicate gang crime, by im-  
16 prisonment for not more than 20 years, a fine under  
17 this title, or both;

18           “(6) for threatening to commit a crime of vio-  
19 lence specified in paragraphs (1) through (4), by im-  
20 prisonment for not more than 10 years, a fine under  
21 this title, or both;

22           “(7) for attempting or conspiring to commit  
23 murder, kidnapping, maiming, or sexual assault, by  
24 imprisonment for not more than 30 years, a fine  
25 under this title, or both; and

1           “(8) for attempting or conspiring to commit a  
2           crime involving assault with a dangerous weapon or  
3           assault resulting in serious bodily injury, by impris-  
4           onment for not more than 20 years, a fine under  
5           this title, or both.”.

6           (b) CLERICAL AMENDMENT.—The table of sections  
7           at the beginning of chapter 26 of title 18, United States  
8           Code, is amended by adding at the end the following:

“522. Recruitment of persons to participate in a criminal street gang.  
“523. Violent crimes in furtherance of a criminal street gang.”.

9           **SEC. 303. INTERSTATE AND FOREIGN TRAVEL OR TRANS-**  
10                                   **PORTATION IN AID OF RACKETEERING EN-**  
11                                   **TERPRISES AND CRIMINAL STREET GANGS.**

12           Section 1952 of title 18, United States Code, is  
13           amended—

14           (1) in subsection (a)—

15                           (A) by striking “and thereafter performs  
16                           or attempts to perform” and inserting “and  
17                           thereafter performs, or attempts or conspires to  
18                           perform”; and

19                           (B) by striking “5 years” and inserting  
20                           “10 years”;

21           (2) by redesignating subsections (b) and (c) as  
22           subsections (c) and (d), respectively;

23           (3) by inserting after subsection (a) the fol-  
24           lowing:

1       “(b) Whoever travels in interstate or foreign com-  
2 merce or uses the mail or any facility in interstate or for-  
3 eign commerce, with the intent to kill, assault, bribe, force,  
4 intimidate, or threaten any person, to delay or influence  
5 the testimony of, or prevent from testifying, a witness in  
6 a State criminal proceeding and thereafter performs, or  
7 attempts or conspires to perform, an act described in this  
8 subsection, shall—

9           “(1) be fined under this title, imprisoned for  
10 any term of years, or both; and

11           “(2) if death results, imprisoned for any term  
12 of years or for life.”; and

13           (4) in subsection (c)(2), as redesignated under  
14 subparagraph (B), by inserting “intimidation of, or  
15 retaliation against, a witness, victim, juror, or in-  
16 formant,” after “extortion, bribery,”.

17 **SEC. 304. AMENDMENTS RELATING TO VIOLENT CRIME IN**  
18                           **AREAS OF EXCLUSIVE FEDERAL JURISDIC-**  
19                           **TION.**

20       (a) ASSAULT WITHIN MARITIME AND TERRITORIAL  
21 JURISDICTION OF UNITED STATES.—Section 113(a)(3) of  
22 title 18, United States Code, is amended by striking “with  
23 intent to do bodily harm, and without just cause or ex-  
24 cause,”.

1 (b) MANSLAUGHTER.—Section 1112(b) of title 18,  
2 United States Code, is amended by—

3 (1) striking “15 years” and inserting “20  
4 years”; and

5 (2) striking “8 years” and inserting “10  
6 years”.

7 (c) OFFENSES COMMITTED WITHIN INDIAN COUN-  
8 TRY.—Section 1153(a) of title 18, United States Code, is  
9 amended by inserting “an offense for which the maximum  
10 statutory term of imprisonment under section 1363 is  
11 greater than 5 years,” after “a felony under chapter  
12 109A,”.

13 (d) CARJACKING.—Section 2119 of title 18, United  
14 States Code, is amended by striking “, with the intent to  
15 cause death or serious bodily harm”.

16 (e) CLARIFICATION OF PROHIBITION ON FIREARM  
17 TRANSFER TO COMMIT CRIME OF VIOLENCE OR DRUG  
18 TRAFFICKING CRIME.—Section 924(h) of title 18, United  
19 States Code, is amended—

20 (1) by inserting “, or will be possessed in fur-  
21 therance of,” after “commit”; and

22 (2) by striking “10 years” and inserting “20  
23 years”.

1 (f) AMENDMENT OF SPECIAL SENTENCING PROVI-  
2 SION.—Section 3582(d) of title 18, United States Code,  
3 is amended—

4 (1) by striking “chapter 95 (racketeering) or 96  
5 (racketeer influenced and corrupt organizations) of  
6 this title” and inserting “section 521 (criminal  
7 street gangs) or 523 (violent crimes in furtherance  
8 or in aid of criminal street gangs), in chapter 95  
9 (racketeering) or 96 (racketeer influenced and cor-  
10 rupt organizations),”; and

11 (2) by inserting “a criminal street gang or” be-  
12 fore “an illegal enterprise”.

13 (g) CONFORMING AMENDMENT RELATING TO OR-  
14 DERS FOR RESTITUTION.—Section 3663(c)(4) of title 18,  
15 United States Code, is amended by striking “chapter 46  
16 or chapter 96 of this title” and inserting “section 521,  
17 chapter 46, or chapter 96 of this title”.

18 (h) SPECIAL PROVISION FOR INDIAN COUNTRY.—No  
19 person subject to the criminal jurisdiction of an Indian  
20 tribal government shall be subject to section 3559(e) of  
21 title 18, United States Code, for any offense for which  
22 Federal jurisdiction is solely predicated on the fact that  
23 the offense was committed in Indian country (as defined  
24 in section 1151 of such title 18) and which occurs within  
25 the boundaries of such Indian country, unless the gov-

1 erning body of such Indian tribe elects to subject the per-  
 2 sons under the criminal jurisdiction of the tribe to section  
 3 3559(e) of such title 18.

4 **SEC. 305. INCREASED PENALTIES FOR USE OF INTERSTATE**  
 5 **COMMERCE FACILITIES IN THE COMMISSION**  
 6 **OF MURDER-FOR-HIRE AND OTHER FELONY**  
 7 **CRIMES OF VIOLENCE.**

8 (a) IN GENERAL.—Section 1958 of title 18, United  
 9 States Code, is amended—

10 (1) by striking the heading and inserting the  
 11 following:

12 **“1958. USE OF INTERSTATE COMMERCE FACILITIES IN THE**  
 13 **COMMISSION OF MURDER-FOR-HIRE AND**  
 14 **OTHER FELONY CRIMES OF VIOLENCE.”;**

15 (2) in subsection (a), by striking “Whoever”  
 16 and all that follows through “conspires to do so”  
 17 and inserting the following: “Any person who travels  
 18 in or causes another (including the intended victim)  
 19 to travel in interstate or foreign commerce, or uses  
 20 or causes another (including the intended victim) to  
 21 use the mail or any facility in interstate or foreign  
 22 commerce, with intent that a murder or other felony  
 23 crime of violence be committed in violation of the  
 24 laws of any State or the United States as consider-  
 25 ation for the receipt of, or as consideration for a



1       promise or agreement to pay, anything of pecuniary  
2       value, or who conspires to do so”;

3           (3) striking “ten years” and inserting “20  
4       years”; and

5           (4) by striking “twenty years” and inserting  
6       “30 years”.

7       (b) **TECHNICAL AND CONFORMING AMENDMENT.**—

8       The table of sections at the beginning of chapter 95 of  
9       title 18, United States Code, is amended by striking the  
10      item relating to section 1958 and inserting the following:

    “Sec. 1958. Use of interstate commerce facilities in the commission of murder-  
    for-hire and other felony crimes of violence.”.

11      **SEC. 306. AMENDMENT OF SENTENCING GUIDELINES RE-**  
12                                   **LATING TO CERTAIN GANG AND VIOLENT**  
13                                   **CRIMES.**

14      (a) **DIRECTIVE TO THE UNITED STATES SEN-**  
15      **TENCING COMMISSION.**—Pursuant to its authority under  
16      section 994(p) of title 28, United States Code, and in ac-  
17      cordance with this section, the United States Sentencing  
18      Commission shall review and, if appropriate, amend its  
19      guidelines and its policy statements to conform to the  
20      amendments made by this title.

21      (b) **REQUIREMENTS.**—In carrying out this section,  
22      the Sentencing Commission shall—

1           (1) establish new guidelines and policy state-  
2           ments, as warranted, in order to implement new or  
3           revised criminal offenses created under this title;

4           (2) ensure that the sentencing guidelines and  
5           policy statements reflect the serious nature of the of-  
6           fenses and the penalties set forth in this title, the  
7           growing incidence of serious gang and violent  
8           crimes, and the need to modify the sentencing guide-  
9           lines and policy statements to deter, prevent, and  
10          punish such offenses;

11          (3) consider the extent to which the guidelines  
12          and policy statements adequately address—

13                (A) whether the guideline offense levels  
14                and enhancements for gang and violent  
15                crimes—

16                   (i) are sufficient to deter and punish  
17                   such offenses; and

18                   (ii) are adequate in view of the statu-  
19                   tory increases in penalties contained in the  
20                   amendments made by this title; and

21                (B) whether any existing or new specific  
22                offense characteristics should be added to re-  
23                flect congressional intent to increase gang and  
24                violent crime penalties, punish offenders, and  
25                deter gang and violent crime;

1           (4) assure reasonable consistency with other  
2 relevant directives and with other sentencing guide-  
3 lines;

4           (5) account for any additional aggravating or  
5 mitigating circumstances that might justify excep-  
6 tions to the generally applicable sentencing ranges;

7           (6) make any necessary conforming changes to  
8 the sentencing guidelines; and

9           (7) assure that the guidelines adequately meet  
10 the purposes of sentencing under section 3553(a)(2)  
11 of title 18, United States Code.

12 **SEC. 307. STUDY ON EXPANDING FEDERAL AUTHORITY FOR**  
13 **JUVENILE OFFENDERS.**

14           (a) IN GENERAL.—Not later than 9 months after the  
15 date of enactment of this Act, the Comptroller General  
16 of the United States shall submit to the Committee on  
17 the Judiciary of the Senate and the Committee on the Ju-  
18 diciary of the House of Representatives a report on the  
19 costs and benefits associated with expanding Federal au-  
20 thority to prosecute offenders under the age of 18 years  
21 who are gang members who commit criminal offenses.

22           (b) CONTENTS.—The report submitted under sub-  
23 section (a) shall—

24           (1) examine the ability of the judicial systems  
25 of the States to respond effectively to juveniles who

1 are members of criminal street gangs, as that term  
2 is defined in section 521 of title 18, United States  
3 Code, as amended by this Act;

4 (2) examine the extent to which offenders who  
5 are 16 and 17 years old are members of criminal  
6 street gangs, and are accused of committing violent  
7 crimes and prosecuted in the adult criminal justice  
8 systems of the individual States;

9 (3) determine the percentage of crimes com-  
10 mitted by members of criminal street gangs that are  
11 committed by offenders who are 16 and 17 years  
12 old;

13 (4) examine the extent to which United States  
14 attorneys bring criminal indictments and prosecute  
15 offenders under the age of 18 years, and the extent  
16 to which United States Attorneys' offices include  
17 prosecutors with experience prosecuting juveniles for  
18 adult criminal violations;

19 (5) examine the extent to which the Bureau of  
20 Prisons houses offenders under the age of 18 years,  
21 and has the ability and experience to meet the needs  
22 of young offenders;

23 (6) estimate the cost to the Federal Govern-  
24 ment of prosecuting and incarcerating members of

1 criminal street gangs who are 16 or 17 years old  
2 and are accused of violent crimes; and

3 (7) detail any benefits for Federal prosecutions  
4 that would be realized by expanding Federal author-  
5 ity to bring charges against members of criminal  
6 street gangs who are 16 or 17 years old and are ac-  
7 cused of violent crimes.

8 **SEC. 308. STUDY ON EXAMINING THE ROLE OF GANGS IN**  
9 **PRISONS.**

10 (a) IN GENERAL.—Not later than 1 year after the  
11 date of enactment of this Act, the Bureau of Prisons shall  
12 submit to the Committee on the Judiciary of the Senate  
13 and the Committee on the Judiciary of the House of Rep-  
14 resentatives a report on the prevalence of gangs in prisons.

15 (b) CONTENTS.—The report submitted under sub-  
16 section (a) shall—

17 (1) investigate the growth of gangs in our pris-  
18 on system;

19 (2) examine the extent to which non-gang mem-  
20 ber offenders join gangs after arrival in prison;

21 (3) examine the extent to which current offend-  
22 ers and members of criminal street gangs recruit,  
23 employ, solicit, induce, command, or cause another  
24 person to be a member of a criminal street gang  
25 after arrival in prison;

1           (4) determine the impact of incarcerating mem-  
 2           bers of similar criminal street gangs in the same  
 3           prison;

4           (5) estimate the cost to the Federal Govern-  
 5           ment of incarcerating members of similar criminal  
 6           street gangs in different prisons; and

7           (6) provide any suggestions on how to suppress  
 8           the growth of criminal street gangs in our prison  
 9           system.

## 10           **Subtitle B—Firearms Offenses**

### 11           **SEC. 311. INCREASED PENALTIES FOR USE OF FIREARM IN** 12                           **CRIME OF VIOLENCE OR DRUG TRAFFICKING** 13                           **CRIME.**

14           (a) IN GENERAL.—Section 924(c)(1)(A) of title 18,  
 15           United States Code, is amended—

16                   (1) by striking “shall” and inserting “or con-  
 17                   spires to use, carry, or possess a firearm during and  
 18                   in relation to any such crime shall, for each instance  
 19                   in which the firearm is so used, carried, or pos-  
 20                   sessed”;

21                   (2) in clause (i)—

22                           (A) by striking “5 years” and inserting “7  
 23                           years”; and

24                           (B) by adding “or” at the end;

25                   (3) by striking clause (ii); and

1 (4) by redesignating clause (iii) as clause (ii).

2 (b) CONFORMING AMENDMENTS.—Section 924 of  
3 title 18, United States Code, is amended—

4 (1) in subsection (c)—

5 (A) by striking paragraph (4); and

6 (B) by redesignating paragraph (5) as  
7 paragraph (4); and

8 (2) by striking subsection (o).

9 **Subtitle C—Crime Data**

10 **SEC. 321. STANDARDIZATION OF CRIME REPORTING AND**  
11 **INVESTIGATION.**

12 (a) EXPANDING UNIFORM CRIME REPORTING.—Sec-  
13 tion 7332(c) of the Uniform Federal Crime Reporting Act  
14 of 1988 (28 U.S.C. 534 note) is amended by adding at  
15 the end the following:

16 “(4) JUVENILE CRIME.—The Attorney General  
17 shall create a separate category in the Uniform  
18 Crime Reports to distinguish criminal offenses com-  
19 mitted by juveniles.

20 “(5) REPORTING BY STATES AND LOCAL GOV-  
21 ERNMENTS.—

22 “(A) IN GENERAL.—For each fiscal year  
23 beginning after the date of enactment of the  
24 Fighting Gangs and Empowering Youth Act of  
25 2010, all departments and agencies within a

1 State or unit of local government which rou-  
2 tinely investigate complaints of criminal activ-  
3 ity, shall meet the requirements of paragraph  
4 (2).

5 “(B) INELIGIBILITY FOR FUNDS.—For any  
6 fiscal year beginning after the date of enact-  
7 ment of the Fighting Gangs and Empowering  
8 Youth Act of 2010, a State or unit of local gov-  
9 ernment that fails to comply with subparagraph  
10 (A) shall not be eligible to receive any of the  
11 funds that would otherwise be allocated for that  
12 fiscal year to the State or unit of local govern-  
13 ment under subtitle A of title II of such Act.

14 “(C) REALLOCATION.—Amounts not allo-  
15 cated to a State or unit of local government  
16 under the subtitle referred to in subparagraph  
17 (B) for failure to fully comply with subpara-  
18 graph (A) shall be reallocated under that sub-  
19 title to States and units of local government  
20 that have not failed to comply with such sub-  
21 paragraph.

22 “(D) WAIVER.—The Attorney General  
23 shall waive the requirements of subparagraph  
24 (A) if compliance with such subparagraph by a  
25 State or unit of local government would be un-



1 constitutional under the constitution of the ap-  
2 plicable State.”.

3 (b) NATIONAL STRATEGY FOR INVESTIGATION CO-  
4 ORDINATION.—Section 7332 of the Uniform Federal  
5 Crime Reporting Act of 1988 (28 U.S.C. 534 note) is  
6 amended by adding at the end the following:

7 “(h) NATIONAL STRATEGY FOR INVESTIGATION CO-  
8 ORDINATION.—

9 “(1) COORDINATION.—The Attorney General  
10 shall develop a national strategy to coordinate, con-  
11 solidate, and standardize all investigations by Fed-  
12 eral law enforcement agencies of crimes that are in-  
13 cluded in the Uniform Crime Reports.

14 “(2) REPORT.—Not later than January 1,  
15 2012, the Attorney General shall submit a report to  
16 the President and Congress—

17 “(A) outlining the strategy developed  
18 under paragraph (1); and

19 “(B) describing the efforts and strategy of  
20 the Department of Justice in consolidating and  
21 standardizing data on all crimes that are in-  
22 cluded in the Uniform Crime Reports.”.

1 **SEC. 322. CONSOLIDATING AND STANDARDIZING GANG-RE-**  
2 **LATED CRIME DATA.**

3 Section 150008 of the Violent Crime Control and law  
4 Enforcement Act of 1994 (42 U.S.C. 14062) is amend-  
5 ed—

6 (1) in subsection (a), by inserting “, consoli-  
7 date, and standardize all” after “strategy to coordi-  
8 nate”;

9 (2) in subsection (b), by striking “acquire and  
10 collect” and inserting “acquire, collect, consolidate,  
11 and standardize all”;

12 (3) by amending subsection (c) to read as fol-  
13 lows:

14 “(c) REPORT.—Not later than January 1, 2012, the  
15 Attorney General shall submit a report to the President  
16 and Congress—

17 “(1) outlining the strategy developed under sub-  
18 section (a); and

19 “(2) describing the efforts and strategy of the  
20 Department of Justice in consolidating and stand-  
21 ardizing data on national gang offenses.”; and

22 (4) in subsection (d), by striking “\$1,000,000  
23 for fiscal year 1996” and inserting “\$2,000,000 for  
24 fiscal year 2012”.

○