

**NLWJC - Kagan**

**DPC - Box 044 - Folder 001**

**Tobacco-Settlement: Drugs [1]**

Tob - sec - drugs



Executive Office of the President  
Office of Management & Budget

To: **Elena Kagan**

Fax: **224-0291**

Pages (inc cvr): **2**

From: **Joshua Gotbaum**  
**Executive Associate Director**  
OEOP Room 254  
Washington, DC 20503

June 11, 1998 3:01 PM

(202) 395-9188 Fax (202) 395-3995

Re: **Draft Language Requested on Coverdell Tobacco Amendment**

Attached is draft language that would (a) reinstate the floors, making as few changes to Coverdell as possible, and (b) permit the Coverdell programs access to general revenues.

I will be out of town this evening. Can we touch base before 5pm?  
Page me though Signal.

**IF YOU HAVE RECEIVED THIS IN ERROR, PLEASE CALL US IMMEDIATELY AT (202) 395-9188**  
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## COVERDELL AMENDMENT LANGUAGE CHANGES

### SEC. XX99E. LIMITATIONS ON FUNDING.

(b) IN GENERAL: ~~Notwithstanding~~ As provided in section 451(b), amounts in the Public Health Allocation Account shall be available to the extent and only in the amounts provided in advance in appropriations Acts, to remain available until expended, ~~only~~ for the purposes of --

(1) carrying out smoking cessation activities under part D of title XIX of the Public Health Service Act, as added by title II of this Act;

(2) carrying out activities under section 453;

(3) carrying out--

(A) counter-advertising activities under section 1982 of the Public Health Service Act as amended by this Act;

(B) smoking prevention activities under section 223;

(C) surveys under section 1991C of the Public Health Service Act, as added by this Act (but, in no fiscal year may the amounts used to carry out such surveys be less than 10-1 percent of the amounts available under this subsection); and

(D) international activities under section 1132;

(4) carrying out--

(A) Food and Drug Administration activities;

(B) State retail licensing activities under section 251;

(C) anti-Smuggling activities under section 1141~~s~~; ~~and~~

(c) IN ADDITION.—Amounts in the Public Health Allocation Account shall be available to the extent and only the amounts provided in advance in appropriations Acts, to remain available until expended, also for the purpose of ~~(5)~~ carrying out education and prevention relating to drugs under this title.

**To make Coverdell have access to both trust fund and regular discretionary appropriations, insert the following at the appropriate place in Coverdell's new title, called Drug-Free Neighborhoods:**

Section XX. In addition to amounts authorized to be appropriated for education and prevention relating to drugs from the Public Health Allocation Account, there are authorized to be appropriated such sums as may be necessary to carry out this title.

## **Coverdell Amendment Could Cut Public Health Spending by 82 Percent Opposed by Nation's Police Officers and Teachers**

☛ **The Coverdell amendment could cut public health spending by 82 percent.** The amendment's \$10 billion plus price tag would leave virtually no funds for:

- √ Cessation
- √ Counter-advertising
- √ Education and prevention
- √ Enforcement and licensing
- √ Anti-smuggling
- √ Indian health

☛ **The nation's largest police organization opposes this amendment.** In a statement released June 5th, Fraternal Order of Police President Gilbert G. Gallegos said his 272,000 members "want to make absolutely clear our vehement opposition to language contained in an amendment offered by Senator Coverdell... This amendment, which has the laudable goal of augmenting the ability of Customs Service to interdict contraband coming across the border, contains an anti-labor scheme to strip Federal agents of their rights as employees and thwart bargaining partnerships between rank-and-file agents and management by giving the Secretary of the Treasury the carte blanche power to nullify collective bargaining agreements."

☛ **The nation's teachers are united in opposing the Coverdell amendment.** In a June 4th letter, the National Education Association, representing 2.3 million school employees, said "this amendment's provision to allow federal tax dollars to be used to provide private school vouchers is a cynical attempt to use the recent tragic violence in our schools to advance a political agenda....vouchers will shift important resources away from our public schools, undermining our ability of schools and neighborhoods to prevent violence." The American Federation of Teachers wrote on June 3rd on behalf of their 980,000 members, "This legislation will simply divert attention and resources away from efforts to make public schools safe and drug-free for all students. Instead of providing vouchers for a few students, we should focus on helping schools to enforce strong discipline policies and to adopt effective drug and violence prevention programs."

Tob - sec - drugs

**JOSHUA  
GOTBAUM**

06/15/98 01:09:31 PM



Record Type: Non-Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP  
cc: Cynthia A. Rice/OPD/EOP, Cynthia Dailard/OPD/EOP, Richard J. Turman/OMB/EOP  
Subject: Options for Financing Coverdell Tobacco & Public Health

**Per our discussion on Friday. We have language and estimates of the effects of any of the options described below. Let us know if/when it would be helpful to provide more.**

**Options for Financing Both Public Health & Coverdell Drug Programs**

The Coverdell amendment allows unlimited portions of the Public Health Allocation Account funds to be used for anti-drug activities, which could drastically reduce National Tobacco Trust Fund support for public health programs. Three options for avoiding such sizeable reductions are outlined below; all three assume amending S. 1415 to re-activate the Public Health Allocation Account "floors" that were de-activated by Coverdell. They also assume adding a "floor" for Customs/ATF.

- **Option One -- Access General Revenues *Only***  
Amend S. 1415 to remove the new Coverdell drug title's access to the National Tobacco Trust Fund through 451(b); add authority to use general revenues to fund anti-drug activities.
- **Option Two -- Access *Both* National Tobacco Trust Fund and General Revenues**  
Amend S. 1415 to allow anti-drug activities to also be funded through General Revenues.
- **Option Three -- Allow Use of 10% of Public Health Allocation Account Activities**  
Amend S. 1415 to allow appropriators to use up to 10% of amounts authorized for each of the public health activities (e.g., cessation, education/prevention, enforcement, Indian Health) for anti-drug activities.

Tob-cc-dwys

**JOSHUA  
GOTBAUM**

06/09/98 12:42:31 PM



Record Type: Non-Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP, Cynthia A. Rice/OPD/EOP, Cynthia Dailard/OPD/EOP  
cc: Richard J. Turman/OMB/EOP, Michael Deich/OMB/EOP  
Subject: Possible Gramm Customs Collective Bargaining Amendment in Tobacco

Just in case...

----- Forwarded by Joshua Gotbaum/OMB/EOP on 06/09/98 12:40 PM -----

**Treasury informs us that Senator Gramm or other senators may attempt to add the objectionable collective bargaining provision from the Customs Authorization Bill ( Sect. 212 of H.R. 3809) during Senate floor consideration of the tobacco legislation. As you will recall, the Administration objected to this provision in the recent SAP on H.R. 3809.**

Sect. 212 provides that if the Customs Commissioner determines that any collective bargaining agreement has an adverse impact upon the interdiction of contraband, the parties shall eliminate the provision causing the adverse impact. If the parties cannot reach agreement within 90 days, Customs may implement its last offer. Either party may then bring the impasse to the Federal Service Impasses Panel for resolution.

The language in the SAP objecting to this provision read as follows: *While increased personnel flexibility has proved useful at certain ports and may be needed elsewhere, the provision that would permit the Customs Commissioner to override collective bargaining agreements in certain situations is inconsistent with the Administration's commitment to labor-management partnerships*



# FRATERNAL ORDER OF POLICE

## NATIONAL LEGISLATIVE PROGRAM

309 MASSACHUSETTS AVENUE, N.E. • WASHINGTON, DC 20002  
PHONE: (202) 547-8189 FAX: (202) 547-8190



GILBERT G. GALLEGOS  
NATIONAL PRESIDENT

JAMES O. PASCO, JR.  
EXECUTIVE DIRECTOR

BERNARD H. TEODORSKI  
CHAIRMAN, NATIONAL LEGISLATIVE COMMITTEE

**FOR IMMEDIATE RELEASE**  
**5 JUNE 1998**

**CONTACT: JIM PASCO**  
**(202) 547-8189**

### **STATEMENT OF GILBERT G. GALLEGOS, NATIONAL PRESIDENT OF THE FRATERNAL ORDER OF POLICE ON COVERDELL AMENDMENT TO S. 1415**

The more than 272,000 rank-and-file members of the Fraternal Order of Police want to make absolutely clear our vehement opposition to language contained in an amendment offered by Senator Coverdell and others to S. 1415, the "Universal Tobacco Settlement Act."

This amendment, which has the laudable goal of augmenting the ability of the Customs Service to interdict contraband coming across the border, contains an anti-labor scheme to strip Federal agents of their rights as employees and thwart bargaining partnerships between rank-and-file agents and management by giving the Secretary of the Treasury the carte blanche power to nullify collective bargaining agreements.

It also gives the Secretary additional retaliatory powers against officers who do not kow-tow to management's every whim by enabling the unheard of power of transferring--permanently--up to five percent (5%) of Customs officers employed to new duty stations. This not only removes experienced interdiction officers--and does so for potentially political reasons--it also uproots families. This is simply unacceptable.

Perhaps the most blatantly offensive language in the amendment is the "sense of Congress" that collective bargaining undermines the war on drugs at our border. This patently untrue. Is it the sense of Congress then, that the officers who are charged with keeping narcotics out of country, preventing drugs from reaching our neighborhoods and schools, would somehow be parties to agreements that undermine that responsibility? Many of the bargaining issues discussed at the table are critically important to the success of the law enforcement mission--officer safety, hour and wage issues. If Congress wishes to strengthen the ability of our officers to fight drugs on our border, they would do well to endorse and strengthen the commitment of the Treasury Department to agreements reached between labor and management at the bargaining table. This language in amendment does not make any "sense" at all.

The amendment also includes language which gives the Treasury Department the ability to nullify any agreement that might have been reached if negotiations continue for more than ninety (90) days and impose their own "last offer." This is absurdly unfair. No matter what happens, the Treasury Department will "win" in the collective bargaining process, and this amendment will substantially weaken the ability of Customs officers to negotiate on an equal playing field.

This amendment contains a poorly concealed attempt to strip away the rights of law enforcement officers, and the Fraternal Order of Police, cannot support Senator Coverdell's proposal unless he strikes the anti-labor language it contains.

Law enforcement officers have, arguably, one of the toughest jobs in the nation. They alone are charged with keeping the streets and neighborhoods of this country safe from crime and drugs. Every day, police officers put their lives on the line--life and death decisions are in the job description. To restrict the ability of these officers to sit down and talk with their employers about workplace issues--when the work they do is prevent drugs from making it into the United States--is counterproductive to the law enforcement mission and common sense.



*Tobacco*



555 NEW JERSEY AVENUE, N.W.,  
WASHINGTON, DC 20001-2079  
202 879 4400

SANDRA FELDMAN  
PRESIDENT

EDWARD J. McFARLEY  
SECRETARY-TREASURER

June 3, 1998

United States Senate  
Washington, DC 20510

Dear Senator:

I understand that the "Drug-Free Neighborhoods Act," which includes a provision for private school vouchers, may be offered by Senator Coverdell as an amendment to the tobacco bill. On behalf of the 980,000 members of the American Federation of Teachers, I urge you to oppose this or any other amendment that contains a voucher plan.

Private school vouchers are not the way to deal with the incursion of drugs and violence into schools or provide choice to students. In voucher programs the choice is really in the hands of the private schools. Nor should we follow a policy of systematically removing students who, like the overwhelming majority, are well behaved and abandoning the public schools to the small number who bring violence and drugs into schools.

This legislation will simply divert attention and resources away from efforts to make public schools safe and drug-free for all students. Instead of providing vouchers for a few students, we should focus on helping schools to enforce strong discipline policies and to adopt effective drug and violence prevention programs.

I urge you to oppose the Drug-Free Neighborhoods amendment.

Sincerely,

Gerald D. Morris  
Director of Legislation

GDM:cmw (r/olence)  
opeiu#2afl-cio



## NATIONAL EDUCATION ASSOCIATION

Robert F. Chase, President  
Reg Weaver, Vice President  
Dennis Van Ruckel, Secretary-Treasurer  
Don Cameron, Executive Director

1201 16th Street, N.W.  
Washington, D.C. 20036-3290

June 4, 1998

United States Senate  
Washington, DC 20510

Dear Senator:

The National Education Association (NEA), representing 2.3 million school employees, is working with schools and communities to create safe and effective learning environments for our nation's children and youth. An amendment sponsored by Senators Coverdell, Craig, and Abraham, the "Drug Free Neighborhoods Act," which is expected to be offered to the tobacco legislation, represents a diversion of resources from that important goal. This amendment's provision to allow federal tax dollars to be used to provide private school vouchers is a cynical attempt to use the recent tragic violence in our schools to advance a political agenda. We urge you to vote against this amendment because federal funds for private school vouchers will do nothing to make schools and neighborhoods safe.

As the Cleveland voucher experiment demonstrates, vouchers will shift important resources away from our public schools, undermining the ability of schools and neighborhoods to prevent violence. Recent incidents of violence in our schools and communities will not be addressed by putting federal tax dollars into vouchers for private schools. Instead, Congress should focus attention on helping schools and neighborhoods implement sound prevention measures, such as after-school and summer programs and non-violent conflict resolution programs.

Again, we urge you to vote against the Coverdell-Craig-Abraham amendment.

Sincerely,

A handwritten signature in cursive script that reads "Mary Elizabeth Teasley".

Mary Elizabeth Teasley  
Director of Government Relations

Tob - rec - drugs

**JOSHUA  
GOTBAUM**  
06/08/98 12:40:44 PM



Record Type: Non-Record

To: Bruce N. Reed/OPD/EOP

cc: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP, Cynthia Dailard/OPD/EOP

Subject: Coverdell

Coverdell would be an additional competitor to the Public Health Account, without a floor. It does *not* come "off the top".

We are checking to see (a) how much of its activities could be handled or charged to VCRTF, and (b) whether Barry McCaffrey would publicly oppose diversion of public health resources to the criminal justice activities.

THE WHITE HOUSE  
WASHINGTON

BRUCE/ELENA/CYNTHIA:

ATTACHED PLEASE FIND A SUMMARY OF MY SUGGESTED CHANGES TO COVERDELL, WITH PROPOSED AMENDMENTS AND OTHER LANGUAGE ATTACHED. IT MAY SERVE AS NO MORE THAN A TEMPORARY "CREAT-SHEET," BUT I HOPE IT HELPS UNTIL WE HAVE A BETTER SENSE OF HOW THINGS WILL SHAKE OUT.

Joe

## SUGGESTED CHANGES TO COVERDELL AMENDMENT

### DROP/AMEND "POISON PILLS"

The Coverdell amendment includes three major "poison pills" that need to be dropped or substantially amended. These include:

(1) Customs anti-labor provisions that undermine collective bargaining (page 13, line 21 through page 17, line 10). The FOP, NTEU and FLEOA strongly oppose these provisions, and the Administration opposed them in the House version of the Drug-Free Borders Act. We should continue to push to have them dropped.

(2) Public and private school vouchers for students who are victims of violent and drug-related crimes (page 21, line 3 through page 26, line 8). The Administration has threatened to veto similar language in the past, and this provision is unacceptable to most Democrats and key moderate Republicans. Two alternatives to consider here for a substitute amendment include a \$50 million authorization for the Administration's Drug and Violence Prevention Coordinators program (see attached) -- or language to make drug and violence prevention programs eligible for the education portion of Tobacco Fund (see attached). Education has already shared the Coordinators language with Kennedy. Biden is unsure if the moderate R's will actually want to open the Tobacco Trust fund to drug education and prevention.

(3) Needles ban-plus (page 42, line 8 through 16). This language should either be deleted or amended to to apply only to the next fiscal year. Another option, which I understand Biden is contemplating, is to authorize another study.

### CONSIDER PROPOSING FUNDS FOR COMBINED DRUG/TOBACCO ENFORCEMENT

As you know, the Coverdell amendment proposes increasing drug interdiction and enforcement funds for Customs, DOD, Coast Guard, Border Patrol, FBI, and DEA by about \$2 billion per year. No funds are included for state and local law enforcement. An alternative to Coverdell's approach could be to guarantee funds to the key federal law enforcement agencies that are charged with both tobacco and drug enforcement -- as well as to their counterparts in state and local law enforcement. Attached is an amendment that would authorize: (1) \$200 million per year for state and local law enforcement to increase their drug and tobacco enforcement efforts; and (2) \$100 million per year for ATF and Customs to crack down on tobacco smuggling and drug trafficking. The state and local funds would come off the top of the Tobacco Trust Fund, as with Veterans' program, and the ATF/Customs funds would be guaranteed from the enforcement portion of the public health fund.

Ultimately, this may not work: Biden wants to dedicate 25% of Coverdell's federal drug enforcement funds to state and local law enforcement; Leahy prefers his own amendment for anti-smuggling grants to state and local law enforcement; and the moderate R's may not want to spend real money on drug enforcement, period. But if we need an to have a law enforcement alternative in the mix -- one that addresses all of our issues -- I believe the attached alternative works.

#### **DROP ALL REFERENCES IN COVERDELL TO THE TOBACCO TRUST FUND.**

For the most part, the anti-drug initiatives in Coverdell are funded from the public health account of the Tobacco Trust Fund. These references need to be dropped or changed to authorizations "from general revenues." As I mentioned, I understand that Biden and Daschle are both working from this premise. References to the fund, which are not otherwise proposed to be deleted, are found on:

- Page 2, lines 8-9, 15-16, and 23;
- Page 19, lines 22-24;
- Page 27, line 2;
- Page 28, line 22-23;
- Page 35, line 8-9;
- Page 40, lines 22-24;
- Page 43, lines 1-2 and 8-9;
- Pages 67, lines 13-14; and
- Page 79, lines 7-26; and
- Page 80, lines 1-15.

#### **AMEND SECTION ON NATIONAL DRUG CONTROL STRATEGY**

Although Coverdell's language here is not too offensive, an alternative amendment should include a clean reauthorization of ONDCP that extends the current statute past the year 2000. ONDCP will probably want to push for the Administration's reauthorization proposal to be included here (see attached), or at least for the current Biden-Hatch compromise (see attached side-by-side analysis). Biden's folks think that both of these, however, may be too controversial and prefer a simple extension.

#### **MISCELLANEOUS OTHER ISSUES**

After informally checking with the agencies, there are a series of other issues that are worth mentioning in brief. Section by section, they are:

- (1) Drug Free-Borders. The Administration generally supports the portrunning (Page 3, line 7 through Page 5, line 10) and "failure to heave to" (page 5 line 15 through page 11,

line 10) provisions, but prefers the language included in sec 2101 of our recently proposed International Crime Bill (see attached).

(2) Border Patrol. The Administration opposes the provisions requiring the Border Patrol to pursue certain suspects and making drug interdiction one of the Border Patrol's primary missions (page 13, lines 1-20). These should be struck if possible.

(3) Victims and Witness Assistance for Teachers/Students. This provision allows victimized teachers and students, who are already eligible for assistance under the Victims' Fund, to be eligible for the same assistance under the Tobacco Trust Fund. If we are planning to drop the Tobacco Trust Fund reference here, however, this provision becomes meaningless and should be dropped in a substitute.

(4) Money Laundering. Although Coverdell dropped this language before introduction, the Administration supports it. It is essentially identical to the money laundering provisions in our proposed International Crime Bill.

**ATTACHMENTS:**

- Draft tobacco/drug enforcement amendment
- Draft amendment on drug/violence coordinators
- Draft amendment on opening up tobacco/education funds to drug prevention
- Administration proposal to reauthorize ONDCP
- Side-by-side of ONDCP reauthorization proposals
- Section 2101 of International Crime Control Act

SUBTITLE 1 -- DISRUPTING THE FLOW OF ILLEGAL DRUGS AND TOBACCO

CHAPTER 1 -- INCREASED RESOURCES FOR STATE AND LOCAL LAW ENFORCEMENT

SEC. \_\_\_\_ In General. -- Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 USC 371 et seq.) is amended --

(1) by inserting after Part Z the following new part AA:

“PART AA DRUG AND TOBACCO ENFORCEMENT

“SEC. \_\_\_\_ Authority to Make Drug Enforcement and Tobacco Anti-Smuggling Grants.

(a) Grant Authorization. -- The Attorney General after consultation with the Secretary of the Treasury, may make grants to units of state and local government, law enforcement agencies, Indian tribal governments, and multi-jurisdictional or regional consortia thereof to assist law enforcement and establish cooperative efforts to implement the drug and tobacco enforcement provisions of this Act and related provisions of federal, state and local law.

(b) IN GENERAL. -- Grants under subsection (a) may be used to support projects, programs, and activities to --

(A) hire additional personnel and pay overtime costs;

(B) procure equipment, training, technical assistance or information systems; or

(C) fund operations and initiatives including but not limited to --

(1) multi jurisdictional task forces and strike teams that integrate Federal, State, and local law enforcement agencies and prosecutors for the purposes of combating illegal trafficking in drugs and tobacco products;

(2) utilize additional state and local law enforcement officers to disrupt illicit commerce in black market tobacco products and illegal drugs;

(3) target the domestic sources of controlled and illegal substances, such as precursor chemicals, diverted pharmaceuticals, clandestine laboratories, and cannabis cultivations;

(4) conduct financial investigative programs that target the identification of money laundering operations and the seizure of assets obtained through illegal drug trafficking and tobacco smuggling;

(5) strengthen enforcement and prosecution efforts targeted at criminal gangs engaged in drug trafficking and tobacco smuggling;



(6) demonstrate innovative approaches to enforcement, prosecution, and adjudication of drug offenses and other serious crimes;

(7) provide enhanced state and local law enforcement training related federal efforts to combat illegal tobacco products.

(c) Funding. -- There is authorized to be appropriated under the Trust Fund established under section 401(b) not less than \$200,000,000 for each of the fiscal years 1999 through 2003 for the purposes of subsection (b) to the extent and only in the amounts provided in advance in appropriations Acts, to remain available until expended.

## CHAPTER 2 -- INCREASED RESOURCES FOR FEDERAL LAW ENFORCEMENT

### SEC. \_\_\_\_\_. INCREASED RESOURCES FOR FEDERAL LAW ENFORCEMENT

(a) BUREAU OF ALCOHOL, TOBACCO AND FIREARMS -- In addition to other amounts appropriated for the Bureau of Alcohol, Tobacco and Firearms for a fiscal year, there is authorized to be appropriated from the Trust Fund under section 451(b)(2)(D) \$75,000,000 for each of fiscal years 1999 through 2003 for anti-smuggling and drug enforcement activities.

(b) CUSTOMS -- In addition to other amounts appropriated for United States Customs Service for a fiscal year, there is authorized to be appropriated from section 451(b)(2)(D) \$25,000,000 for each of fiscal years 1999 through 2003 for anti-smuggling and drug enforcement activities.

(c) MINIMUM FUNDING -- In section 451 (b)(2)(D) --

(1) strike clause (iii) and insert the following:

“(iii) Anti-smuggling and Drug Enforcement activities under Title 11, Subtitle D, in addition to any other amounts made available under section 1139, and under 21 U.S.C. 801 et seq., 21 U.S.C. 951 et seq. and 46 U.S.C. App. 1901 et seq..

“(I) The Bureau of Alcohol, Tobacco and Firearms shall receive not less than 10% of the funds provide in subparagraph (D) in each of fiscal years 1999 through 2003 for the costs incurred by the Bureau for drug and tobacco enforcement.

“(II) The United States Customs Service shall receive not less than 5% of the funds provided in subparagraph (D) in each of fiscal years 1999 through 2003 for the costs incurred by the Customs Service for drug and tobacco enforcement.

Sec. \_\_. Section 4121 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131) is amended by adding at the end thereof the following new subsection:

**“(c) Drug and Violence Prevention Program Coordinators.** (1) From funds made available to carry out this subpart under section 40004(2) for fiscal year 1999, the Secretary shall reserve an amount, not to exceed \$50 million, to make grants in accordance with this section to fund drug and violence prevention program coordinators in those middle schools and secondary schools with the most severe drug and violence problems. Such coordinators shall be responsible for--

“(A) developing, conducting, and analyzing assessments for their schools’ drug and violence problems;

“(B) identifying promising, research-based drug and violence prevention strategies and programs to address those problems;

“(C) assisting teachers, coaches, counselors, and other school officials in adopting and implementing those programs and strategies;

“(D) working with the community to ensure that the needs of students are linked with available community resources;

“(E) assisting in the development and implementation of evaluation strategies;

“(F) identifying alternative funding sources for drug and violence prevention initiatives; and

“(G) providing feedback to State educational agencies on programs and activities that have proven successful in reducing drug use and violent behavior among school-aged youth.

“(2) The Secretary may use funds reserved under this subsection to support intensive training and professional development activities for the coordinators and to evaluate grants made under this subsection.”

SEC. \_\_\_\_\_. DRUG EDUCATION AND PREVENTION PROGRAMS

(a) In section 451 (b)(2)(C) --

- (1) by striking at the end of clause (iii) "and",
- (2) by striking the period after clause (iv),
- (3) by inserting a semi colon and "and" at the end of clause (iv), and
- (4) by inserting the following:

“(v) drug prevention and education programs as authorized by the Safe and Drug-Free Schools Program under title IV, part A, subpart 2, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.)

ADMINISTRATION BILL TO  
REAUTHORIZE ONDCP

**A BILL**

To reauthorize the Office of National Drug Control Policy,  
and for other purposes.

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.**

4 This Act may be cited as the "Office of National  
5 Drug Control Policy Reauthorization Act of 1997".

6 **SEC. 2. REAUTHORIZATION OF OFFICE OF NATIONAL**  
7 **DRUG CONTROL POLICY.**

8 (a) **DEFINITIONS-** -Section 1010 of the  
9 National Narcotics Leadership Act of 1988 (21 U.S.C. 1507) is amended by  
10 redesignation as Section 1001a (21 USC 1500):

11 (1) by adding the section designation and the section

1 heading and inserting the following Section 1001(a):

2 "SEC. 1001a. DEFINITIONS";

3 (1) by redesignating paragraphs (5) through

4 (8) as paragraphs (7) through (10), respectively;

5 (2) by redesignating paragraphs (2) through

6 (4) as paragraphs (3) through (5), respectively;

7 (3) by striking paragraph (1) and inserting the

8 following:

9 "(1) the term 'Office' means the Office of National

10 Drug Control Policy;"

11 "(2) the term 'drug' has the same meaning as the term

12 "controlled substance" has in section 102(6) of the Controlled

13 Substances Act (21 USC 802(6));

14 (4) in paragraph (3), as redesignated, by inserting "including

15 activities to reduce the underage use of tobacco or alcoholic beverages;"

16 after "demand reduction,";

17 (5) in paragraph (4), as redesignated

18 (A) by striking "enforcement" after "any";

19 (B) by striking "supply" and inserting "availability"

20 after "reduce the";

21 (C) in subparagraph (B) striking "enforcement" after

22 "drug";

23 (6) in paragraph (5), as redesignated

24 (A) by striking "demand for" and inserting "use

25 of" before "drugs";

1 (B) by inserting "drug abuse" after  
2 "including";

3 (C) in subparagraph (A), by striking  
4 "drug abuse";

5 (D) in subparagraph (D), by striking  
6 "and" at the end;

7 (E) by adding at the end the following;

8 "(F) drug-free workplace programs; and"

9 (F) by adding at the end the following:

10 "(G) drug testing;";

11 (7) by inserting after paragraph (5), as redesignated,  
12 the following:

13 "(6) the term 'intergovernmental relations' means  
14 domestic activities conducted by a National Drug Control Program  
15 agency that are intended to reduce the availability and use of drugs,  
16 including —

17 "(A) coordination and facilitation of Federal, state, and  
18 local law enforcement drug control efforts;

19 "(B) promotion of coordination and cooperation among  
20 the drug supply reduction and demand reduction agencies of the  
21 various states, territories, and units of local government; and

22 "(C) such other cooperative governmental activities  
23 which promote a comprehensive approach to drug  
24 control at the national, state, territory, and local levels.

25 (8) in paragraph (10), as redesignated, by

1 (i) inserting "and 'Strategy'" after "National Drug  
2 Control Strategy";

3 (ii) striking "a" and inserting "the" after "means";

4 (b) ESTABLISHMENT OF OFFICE OF NATIONAL DRUG

5 CONTROL POLICY.— Section 1002 of the National

6 Narcotics Leadership Act of 1988 (21 U.S.C. 1501) is

7 amended —

8 (1) by striking subsection (a) and inserting the

9 following:

10 "(a) Establishment of Office. There is established in the Executive  
11 Office of the President the "Office of National Drug Control Policy" that —

12 "(1) develops national drug control policy;

13 "(2) coordinates and oversees its implementation;

14 "(3) assesses and certifies the adequacy of national drug  
15 control programs and budgets; and

16 "(4) evaluates their effectiveness.

17 (2) by striking subsection (b) and inserting the

18 following:

19 "(b) Director and Deputy Directors.—

20 "(1) There shall be at the head of the Office of National Drug  
21 Control Policy a Director of National Drug Control Policy.;"

22 "(2) There shall be in the Office of National Drug Control Policy  
23 a Deputy Director of National Drug Control Policy, who shall assist the  
24 Director in carrying out the responsibilities of the Director under this  
25 Act.;"

1                   **“(3) There shall be in the Office of National Drug Control Policy**

2                   **a —**

3                   **(A) Deputy Director for International Drug Policy, who**  
4                   **shall be responsible for the activities described in Section**  
5                   **1001a(4)(A-C);**

6                   **(B) Deputy Director for Demand Reduction Policy, who**  
7                   **shall be responsible for the activities described in Section**  
8                   **1001a(5); and**

9                   **(C) Deputy Director for Intergovernmental Relations,**  
10                   **who shall be responsible for the activities described in Section**  
11                   **1001a(4)(D) and (6).”;**

12                   **(3) by striking subsection (c) and redesignating**  
13                   **subsection (d) as subsection (e);**

14                   **(4) by adding at the end the following:**

15                   **“(d) OFFICE OF NATIONAL DRUG CONTROL POLICY GIFT**

16                   **FUND. There is established in the Treasury a fund for the receipt of gifts, both**  
17                   **real and personal, for the purpose of aiding or facilitating the work of the Office**  
18                   **under Section 1003(c). The Office is authorized to accept, hold, administer,**  
19                   **and, solely to encourage funding for conferences, solicit contributions to the fund.**  
20                   **Amounts deposited in the fund are authorized to be appropriated, to remain**  
21                   **available until expended for authorized purposes at the discretion of the Director.**  
22                   **The Director is required to establish written rules setting forth the criteria to be**  
23                   **used in determining whether the solicitation and acceptance of real and personal**  
24                   **gifts (pursuant to Section 1002(d) of the National Narcotics Leadership Act of**  
25                   **1988 (21 USC 1501(d)) would reflect unfavorably upon the ability of the Office**



1 of National Drug Control Policy or any employee to carry out its responsibilities  
2 or official duties in a fair and objective manner, or would compromise the  
3 integrity, or the appearance of the integrity, of its programs or of any official  
4 involved in those programs.

5 (c) APPOINTMENT AND DUTIES OF DIRECTOR AND  
6 DEPUTY DIRECTORS.—Section 1003 of the National Narcotics Leadership  
7 Act of 1988 (21 U.S.C. 1502) is amended—

8 (1) by striking the section designation and the  
9 section heading and inserting the following:

10 “SEC. 1003. APPOINTMENT AND DUTIES OF DIRECTOR AND  
11 DEPUTY DIRECTORS.”;

12 (2) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) by inserting “the Deputy Director,”

15 after “The Director”; and

16 (ii) by inserting “Policy” after “Demand  
17 Reduction”;

18 (iii) by striking “Deputy Director for Supply  
19 Reduction” and inserting “Deputy Director for  
20 International Drug Policy”;

21 (iv) by striking “Associate Deputy Director for  
22 National Drug Control Policy” and inserting “Deputy  
23 Director for Intergovernmental Relations”;

24 (B) by redesignating paragraphs (3) and (4) as paragraphs  
25 (5) and (6) and redesignating paragraph (2) as paragraph (4);

1 (C) by inserting after paragraph (1) the  
2 following:

3 (2) The Deputy Director shall--

4 (A) carry out the duties and powers pre-  
5 scribed by the Director; and

6 (B) serve as the Director in the absence of the  
7 Director or during any period in which the office of the  
8 Director is vacant."

9 (3) In the absence of the Deputy Director, or if the office  
10 of the Deputy Director is vacant, the Director shall designate such  
11 other officer of the Office to serve as the Director if the Director is  
12 absent or unable to serve.;"

13 (D) in paragraph (4), as redesignated--

14 (i) by inserting "the Deputy Director,"  
15 after "The Director";

16 (ii) by inserting "Policy" after "Demand  
17 Reduction";

18 (iii) by striking "Deputy Director for Supply  
19 Reduction" and inserting "Deputy Director for  
20 International Drug Policy";

21 (iv) by striking "Associate Deputy Di-  
22 rector for National Drug Control Policy"  
23 and inserting "Deputy Director for Inter-  
24 governmental Relations";

25 (iii) by striking "Director, a Deputy"

1 and inserting "Director or a Deputy Director"; and  
2 (iv) by striking ", or Associate Direc-  
3 tor"; and  
4 (E) in paragraph (6) as redesignated:  
5 (i) section 5313 of title 5, United States Code, is  
6 amended by adding at the end "Deputy Director of  
7 National Drug Control Policy";  
8 (ii) section 5314 of title 5, United States Code,  
9 is amended –  
10 (a) by adding "Policy" after "Deputy  
11 Director for Demand Reduction";  
12 (b) by striking "Supply Reduction"  
13 and inserting "International Drug Policy" after  
14 "Deputy Director for"; and  
15 (c) by adding "Deputy Director for  
16 Intergovernmental Relations, Office of National  
17 Drug Control Policy", after Administrator, Office  
18 of Information and Regulatory Affairs";  
19 (iii) section 5315 of title 5, United States Code,  
20 is amended by deleting the following: "Associate  
21 Director for National Drug Control Policy"; and  
22 (F) by adding at the end the following:  
23 "(7) PROHIBITION ON POLITICAL CAMPAIGN-  
24 ING.–  
25 "A Federal officer in the Office of National Drug Control

1 Policy who is appointed by the President, by and with the advice  
2 and consent of the Senate, may not participate in Federal election  
3 campaign activities, except that such official is not prohibited by  
4 this subsection from making contributions to individual  
5 candidates.”

6 (3) in subsection (b)—

7 (A) in paragraph (1), by inserting “goals” in front  
8 of objectives”;

9 (B) by striking paragraph (2) and inserting the following:

10 “(2) promulgate the National Drug Control Strategy and annual  
11 Strategy Report in accordance with Section 1005;”

12 (C) in paragraph (3) by adding “goals,” after “policies.”;

13 (D) in paragraph (4)(B) by inserting “goals” after “the  
14 policies”;

15 (E) in paragraph (5), by inserting “the formulation  
16 and implementation of National Drug Control Policy  
17 and”; after “respect to”; and

18 (F) in paragraph (8)—

19 (i) by striking “second following fiscal  
20 year” and inserting “next budget year scheduled for  
21 formulation under the Budget and Accounting Act  
22 of 1921, as amended, and each of the 4 subsequent  
23 fiscal years.”; and

24 (ii) by striking “annual”; and

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(4) in subsection (c)--

(A) in paragraph (1) --

(i) by striking "transmit" and inserting "submit" after "shall";

(ii) by striking "and" and inserting "prior to submission" after "President";

(B) by striking paragraph (2) and inserting the following:

**"(2) RESPONSIBILITIES OF NATIONAL**

**DRUG CONTROL PROGRAM AGENCIES.--**

"(A) Each Federal Government program manager, agency head, and department head with responsibilities under the National Drug Control Strategy shall transmit the drug control budget request of the agency or department to the Director at the same time as such request is submitted to their superiors (and before submission to the Office of Management and Budget) in the preparation of the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code."; and

(C) by adding at the end the follow-

ing:

"(B) The Director shall request the head of a department or agency to include in the department's or agency's budget submission to the Office of Management and Budget funding requests for specific initiatives that are consistent with the President's priorities for the National

1 Drug Control Strategy and certifications made pursuant to  
2 paragraph (3), and the head of the department or agency shall  
3 comply with such a request.”; and

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

5 “(C) The head of each National Drug Control  
6 Program agency shall ensure timely development and  
7 submission to the Director of drug control budget  
8 requests transmitted pursuant to subsection (c)(2), in such  
9 format as may be designated by the Director with the  
10 concurrence of the Director of the Office of Management and  
11 Budget.”

12 (E) in paragraph (3)--

13 (i) by striking “(3) The Director” and  
14 inserting the following:

15 “(3) CERTIFICATION.—The Director shall--”;

16 (ii) in subparagraph (B), by striking “and”  
17 after “adequate”;

18 (iii) in subparagraph (C), by inserting “; and”  
19 following “(B)”;

20 (F) in paragraph (4), by striking “(4)” and redesignating  
21 it as “(D)” and striking “the Director shall”;

22 (G) by striking paragraphs (5), (7), and (8), and  
23 redesignating paragraph (6) as paragraph (4); and

24 (H) in paragraph (4), as redesignated --

25 (i) by inserting “Reprogramming and Transfer”

1 Transfer Requests" after "(4)";

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

3 "(C) The Director shall annually submit to

4 Congress a report describing the approval of any

5 reprogramming or transfer of appropriated funds

6 pursuant to this section.";

7 (5) in subsection (d)--

8 (A) in paragraph (1) --

9 (i) by striking "up to 75 and" after "of";

10 (ii) by striking "additional" after "such"; and

11 (B) in paragraph (5)--

12 (i) by striking "accept and use" and inserting

13 "accept, use, and solicit";

14 (ii) by inserting " and gifts" after

15 "property"; and

16 (iii) by inserting ", and the pri-

17 vate sector, as authorized in section 1002(d)" before the

18 semicolon;

19 (C) in paragraph (7)--

20 (i) in subparagraph (A), by striking

21 "and" at the end; and

22 (ii) in subparagraph (B), by adding "and" at the

23 end; and

24 (iii) by adding at the end the following:

25 "(C) commission special studies and reports by a

1 National Drug Control Program agency, with the  
2 concurrence of the head of the affected agency”;

3 (D) by striking paragraph (8) and replacing it  
4 with:

5 “(8) except to the extent that the Director’s authority  
6 under this paragraph is limited in an annual appropriations Act,  
7 and with the concurrence of the head of the affected agency and  
8 upon advance notice to the Committees of Appropriations of each  
9 House of Congress, transfer funds appropriated to a National  
10 Drug Control Program agency program, activity, or function  
11 designated by the Director pursuant to subsection (c) to a  
12 different National Drug Control Program agency program,  
13 activity, or function designated by the Director pursuant to  
14 subsection (c) in an amount that does not exceed 2 percent of the  
15 amount appropriated to either program, activity, or function;”

16 (E) by striking paragraph (9) and insert-  
17 ing the following:

18 “(9) issue to the head of a National Drug Control  
19 Program agency a funds control notice described in subsection (f)  
20 to ensure compliance with the National Drug Control Program;  
21 and”

22 “(10) participate in the drug certification process  
23 pursuant to section 490 of the Foreign Assistance Act of 1961 (22  
24 U.S.C. 2291j).”;  
25 (6) in subsection (e) -



- 1 (A) in paragraph (1) --  
2 (i) by inserting "Evaluations" after "(1)";  
3 (ii) by inserting "Compensation" after "(2)";  
4 (iii) by indenting subparagraphs (A), (B), (C),  
5 and (D) below and to the right; and  
6 (7) by striking the second subsection designated  
7 as subsection (f).

8 (d) ~~COORDINATION WITH EXECUTIVE BRANCH DE-~~

9 ~~PARTMENTS AND AGENCIES~~

10 --Section 1004 of the National Narcotics Leadership Act of 1988

11 (21 U.S.C. 1503) is amended--

- 12 (1) by striking the section designation and the  
13 section heading and inserting the following:

14 ~~"SEC. 1004 COORDINATION WITH EXECUTIVE BRANCH DE-~~  
15 ~~PARTMENTS AND AGENCIES IN SUPPLY RE-~~  
16 ~~DUCTION, DEMAND REDUCTION, AND INTER-~~  
17 ~~GOVERNMENTAL RELATIONS";~~

18 (2) in subsection (a)(1) --

19 (A) by inserting "cooperate with and" be-  
20 fore "provide"; and

21 (B) by inserting "and the annual report to Congress."  
22 after "control.";

23 (e) ~~DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG~~  
24 ~~CONTROL STRATEGY.--~~

25 Section 1005 of the National Narcotics Leadership Act of 1988

1 (21 U.S.C. 1504) is amended to read as follows:

2 **"SEC. 1005. DEVELOPMENT, SUBMISSION, IMPLEMENTATION,**  
3 **AND ASSESSMENT OF NATIONAL DRUG CONTROL**  
4 **STRATEGY.**

5 **"(a) TIMING, CONTENT, AND PROCESS FOR DEVEL-**  
6 **OPMENT AND SUBMISSION OF THE NATIONAL DRUG CON-**  
7 **TROL STRATEGY.--**

8 **"(1) Not later than February 1, 1997, the President shall submit**  
9 **to the Congress a National Drug Control Strategy, which shall**  
10 **set forth a comprehensive 10-year plan for reducing drug abuse and its**  
11 **consequences in the United States by limiting the availability of and**  
12 **reducing the demand for illegal drugs. Any part of such strategy that**  
13 **involves information properly classified under criteria established by an**  
14 **Executive order shall be presented to Congress separately from the rest of**  
15 **the strategy.";**

16 **"(2) The National Drug Control Strategy submitted**  
17 **under paragraph (1) shall include--**

18 **"(A) comprehensive, research-based, long-**  
19 **range goals for reducing drug abuse and the**  
20 **consequences of drug abuse in the United**  
21 **States;**

22 **"(B) measurable objectives to accomplish**  
23 **long-term goals;**

24 **"(C) 5-year projections for program and**  
25 **budget priorities; and**

1                   “(D) a review of State, local, and private sector drug  
2 control activities to ensure that the United States pursues  
3 well-coordinated and effective drug control at all levels of  
4 government.

5                   “(3) CONSULTATIONS.—

6                   “(A) In developing and effectively implementing the  
7 National Drug Control Strategy, the Director shall consult with—

8                   “(i) the heads of the National Drug  
9 Control Program agencies;

10                   “(ii) Congress;

11                   “(iii) State and local officials;

12                   “(iv) private citizens and organizations with  
13 experience and expertise in demand reduction; and

14                   “(v) private citizens and organizations  
15 with experience and expertise in supply reduction;

16                   “(B) The National Drug Control Strategy and each  
17 annual Strategy Report shall indicate the persons consulted under  
18 this paragraph.

19                   “(b) ANNUAL STRATEGY REPORT.— Not later than February 1,  
20 1998, and on February 1 of each year thereafter, the President shall submit to  
21 Congress an annual report on the progress in implementing the Strategy under  
22 subsection (a), which shall include—

23                   “(1) an assessment of the Federal effectiveness in achieving the  
24 Strategy goals and objectives using the performance measurement system  
25 described in subsection (c);

1                   “(2) any modifications of the Strategy;

2                   “(3) an assessment of how the budget proposal submitted under

3 section 1003(c) (21 USC 1502 (c)) is intended to implement the strategy

4 and whether the funding levels contained in such proposal are sufficient

5 to implement such strategy;

6                   “(4) an assessment of current drug use and availability, impact of

7 drug use, and treatment availability. This assessment will include –

8                   “(A) estimates of drug prevalence and frequency of use

9 as measured by national, State, and local surveys of illicit drug

10 use and by other special studies of--

11                   “(i) casual and chronic drug use;

12                   “(ii) high-risk populations, including school

13 dropouts, the homeless and transient, arrestees, parolees,

14 probationers, and juvenile delinquents; and

15                   “(iii) drug use in the workplace and the

16 productivity lost by such use;

17                   “(B) an assessment of the reduction of drug

18 availability against an ascertained baseline, as measured by--

19                   “(i) the quantities of cocaine, heroin,

20 marijuana, methamphetamine, and other drugs

21 available for consumption in the United States;

22                   “(ii) the amount of marijuana, cocaine,

23 and heroin entering the United States;

24                   “(iii) the number of hectares of mari-

25 juana, poppy, and coca cultivated and destroyed;

1                   “(iv) the number of metric tons of  
2 marijuana, heroin, and cocaine seized;

3                   “(v) the number of cocaine and  
4 methamphetamine processing laboratories destroyed;

5                   “(vi) changes in the price and purity  
6 of heroin and cocaine;

7                   “(vii) the amount and type of con-  
8 trolled substances diverted from legitimate  
9 retail and wholesale sources; and

10                  “(viii) the effectiveness of Federal  
11 technology programs at improving drug de-  
12 tection capabilities in interdiction, and at United  
13 States ports of entry;

14                  “(C) an assessment of the reduction of the  
15 consequences of drug use and availability, which  
16 shall include estimation of—

17                  “(i) burdens drug users placed on  
18 hospital emergency departments in the United  
19 States, such as the quantity of drug-related services  
20 provided;

21                  “(ii) the annual national health care  
22 costs of drug use, including costs associated with  
23 people becoming infected with the human immuno-  
24 deficiency virus and other infectious diseases as a  
25 result of drug use;

1                                   “(iii) the extent of drug-related crime  
2                                   and criminal activity; and  
3                                   “(iv) the contribution of drugs to the  
4                                   underground economy, as measured by the retail  
5                                   value of drugs sold in the United States;  
6                                   “(D) a determination of the status of drug  
7                                   treatment in the United States, by assessing—  
8                                   “(i) public and private treatment ca-  
9                                   pacity within each State, including information on  
10                                  the treatment capacity available in relation to the  
11                                  capacity actually used;  
12                                  “(ii) the extent, within each State, to  
13                                  which treatment is available;  
14                                  “(iii) the number of drug users the  
15                                  Director estimates could benefit from treatment; and  
16                                  “(iv) the specific factors that restrict  
17                                  the availability of treatment services to those seeking  
18                                  it and proposed administrative or legislative remedies  
19                                  to make treatment available to those individuals;  
20                                  “(E) a review of the research agenda of the Counter-Drug  
21                                  Technology Assessment Center to reduce the availability  
22                                  and abuse of drugs;  
23                                  “(5) an assessment of private sector initiatives and cooperative  
24                                  efforts between the Federal Government and State and local governments  
25                                  for drug control.

1           “(c) Performance Measurement System. The Director shall include with  
2 the annual Strategy Report a description of the national drug control performance  
3 measurement system, designed in consultation with affected National Drug  
4 Control Program agencies, that—

5                   “(1) develops performance objectives, measures, and targets for  
6 each National Drug Control Strategy goal and objective;

7                   “(2) revises performance objectives, targets, and measures to  
8 conform with National Drug Control Program Agency budgets;

9                   “(3) identifies major programs and activities of the National Drug  
10 Control Program Agencies that support the goals and objectives of the  
11 National Drug Control Strategy;

12                   “(4) evaluates implementation of major program activities  
13 supporting the National Drug Control Strategy developed under section  
14 1005 (21 USC 1504(a));

15                   “(5) monitors consistency between the drug-related goals and  
16 objectives of the National Drug Control Program agencies and ensures  
17 that drug control agency goals and budgets support and are fully  
18 consistent with the National Drug Control Strategy;

19                   “(6) coordinates the development and implementation of national  
20 drug control data collection and reporting systems to support policy  
21 formulation and performance measurement, including—

22                           “(A) an assessment of the quality  
23 of current drug use measurement instruments  
24 and techniques to measure supply reduction  
25 and demand reduction activities;

1                                   “(B) an assessment of the adequacy of the  
2                                   coverage of existing national drug use measurement  
3                                   instruments and techniques to measure the casual  
4                                   drug user population and groups that are at risk for drug  
5                                   use; and

6                                   “(C) an assessment of the actions the Director  
7                                   shall take to correct any deficiencies and limitations  
8                                   identified pursuant to subparagraphs (b)(4)(A) and (B);

9                                   (f) **HIGH INTENSITY DRUG TRAFFICKING AREAS**

10                                  **PROGRAM**—The National Narcotics Leadership Act of  
11                                  1988 is amended by inserting after section 1005 the following:

12                                  **“SEC 1005A HIGH INTENSITY DRUG TRAFFICKING AREAS**  
13                                  **PROGRAM.**

14                                  “(a) There is established in the Office a program to be known as the  
15                                  High Intensity Drug Trafficking Areas Program.

16                                  “(b) The Director, upon consultation with the Attorney  
17                                  General, the Secretary of the Treasury, the Secretary of Health  
18                                  and Human Services, heads of the National Drug Control  
19                                  Program agencies, and the Governors of each State, may  
20                                  designate any specified area of the United States as a high intensity  
21                                  drug trafficking area. After making such a designation and in order  
22                                  to provide Federal assistance to the area so designated, the Director may —

23                                  “(1) obligate such sums as appropriated for the High  
24                                  Intensity Drug Trafficking Area Program;

25                                  “(2) direct the temporary reassignment of Federal



1 personnel to such area, subject to the approval of the Secretary  
2 of the department or head of the agency that employs such  
3 personnel;

4 “(3) take any other action authorized under  
5 section 1003 to provide increased Federal assistance to  
6 such areas;

7 “(4) coordinate actions under this para-  
8 graph with State and local officials; and

9 “(5) in consultation with affected National Drug Control  
10 Policy agencies, promulgate such regulations for the effective  
11 implementation of the High Intensity Drug Trafficking Areas  
12 Program.

13 “(c) When considering the designation of an area under  
14 this section as a high intensity drug trafficking area, the Director shall  
15 consider, in addition to such other criteria as the Director considers to be  
16 appropriate, the extent to which—

17 “(1) the area is a center of illegal drug produc-  
18 tion, manufacturing, importation, or distribution;

19 “(2) State and local law enforcement agencies  
20 have committed resources to respond to the drug  
21 trafficking problem in the area, thereby indicating a  
22 determination to respond aggressively to the prob-  
23 lem;

24 “(3) State and local demand reduction agencies  
25 have committed resources to respond to drug abuse

1 in the area, thereby indicating a determination to re-  
2 spond to the problem;

3 “(4) drug-related activities in the area are hav-  
4 ing a harmful impact in other areas of the country; and

5 “(5) a significant increase in allocation of Fed-  
6 eral resources is necessary to respond adequately to  
7 drug-related activities in the area;”

8 (g) COUNTER-DRUG TECHNOLOGY ASSESSMENT

9 CENTER—Section 1008 of the National Narcotics Lead-  
10 ership Act of 1988 (21 U.S.C. 1505) is amended to read  
11 as follows:

12 “SEC. 1008 COUNTER-DRUG TECHNOLOGY ASSESSMENT  
13 CENTER.

14 “(a) ESTABLISHMENT. —There is established within the  
15 Office the Counter-Drug Technology Assessment Center (in this section  
16 referred to as the ‘Center’). The Center shall operate under the  
17 authority of the Director of National Drug Control Policy  
18 and shall serve as the central counter-drug technology research and  
19 development organization of the United States Government.

20 “(b) DIRECTOR OF TECHNOLOGY.—There shall be  
21 at the head of the Center the Director of Technology, who shall be  
22 appointed by the Director of National Drug Control Policy from among  
23 individuals qualified and distinguished in the area of science, medicine,  
24 engineering, or technology.

25 “(c) ADDITIONAL RESPONSIBILITIES OF THE DIREC-

1 TOR OF NATIONAL DRUG CONTROL POLICY.--

2 "(1) The Director, acting through the  
3 Director of Technology shall--

4 "(A) identify and define the short-, me-  
5 dium-, and long-term scientific and techno-  
6 logical needs of Federal, State, and local drug supply  
7 reduction agencies, including-

8 "(i) advanced surveillance, tracking,  
9 and radar imaging;

10 "(ii) electronic support measures;

11 "(iii) communications;

12 "(iv) data fusion, advanced computer  
13 systems, and artificial intelligence; and

14 "(v) chemical, biological, radiological  
15 (including neutron, electron, and graviton),  
16 and other means of detection;

17 "(B) identify demand reduction basic and  
18 applied research needs and initiatives, in consultation with  
19 affected National Drug Control Program agencies, includ-  
20 ing--

21 "(i) improving treatment through  
22 neuroscientific advances;

23 "(ii) improving the transfer of bio-  
24 medical research to the clinical setting, and

25 "(iii) developing new advances in drug

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abuse prevention programming;

“(iv) in consultation with the National Institute on Drug Abuse, and through interagency agreements or grants, examine addiction and rehabilitation research and the application of technology to expanding the effectiveness or availability of drug treatment;

“(C) make a priority ranking of such needs identified in subparagraphs (A) and (B) according to fiscal and technological feasibility, as part of a National Counter-Drug Enforcement Research and Development Program;

“(D) oversee and coordinate counter-drug technology initiatives with related activities of other Federal civilian and military departments;

“(E) provide support to the development and implementation of the national drug control performance measurement system; and

“(F) pursuant to the authority of the Director of National Drug Control Policy under section 1003 (21 USC 1502), submit requests to Congress for the reprogramming or transfer of funds appropriated for counter-drug technology research and development.

1                   “(2) The authority granted to the Director under this section  
2 shall not extend to the award of contracts, management of individual  
3 projects, or other operational activities.

4                   “(d) ASSISTANCE AND SUPPORT TO OFFICE OF NA-  
5 TIONAL DRUG CONTROL POLICY.—The Department of  
6 Defense and the Department of Health and Human Services shall, to the  
7 fullest extent possible, render assistance and support to the Office  
8 and its Director, in the conduct of counter-drug technology assessment.”

9                   (h) TERMINATION OF OFFICE OF NATIONAL DRUG  
10 CONTROL POLICY.—Section 1009 of the National Narcot-  
11 ics Leadership Act of 1988 (42 U.S.C. 1506) is amended  
12 to read as follows:

13                   “SEC 1009 TERMINATION OF OFFICE OF NATIONAL DRUG  
14 CONTROL POLICY.

15                   “Effective on September 30, 2009, this subtitle and  
16 the amendments made by this subtitle are repealed.”

17                   (i) AUTHORIZATION OF APPROPRIATIONS. Section  
18 1011 of the National Narcotics Leadership Act of 1988  
19 (21 U.S.C. 1508) is amended to read as follows:

20                   “SEC. 1011 AUTHORIZATION OF APPROPRIATIONS

21                   “There are authorized to be appropriated to carry out  
22 this subtitle, to remain available until expended, such  
23 sums as may be necessary for each of the fiscal years  
24 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006,  
25 2007, 2008, and 2009.”

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**(j) ESTABLISHMENT OF SPECIAL FORFEITURE**

**FUND. Section 6073 of the Asset Forfeiture Amend-  
ments Act of 1988 (42 U.S.C. 1509) is amended--**

**(1) in subsection (b),**

**(A) by striking "section 524(c)(9)"**

**and inserting "section 524(c)(8)";**

**(B) by striking "section 9307(g)"**

**and inserting "section 9703(g)";**

**(2) in subsection (e), by striking "strategy" and inserting  
"Strategy".**

<b>Current Law</b>	<b>Administration's Bill</b>	<b>House Bill</b>	<b>Senate Bill</b>
<b>I. Basic Issues</b>			
<b>STRATEGY</b>			
Annual Strategy	Ten Year Strategy; Performance measurement system	Statutory numerical targets; requires that ONDCP develop policies, objectives, goals, priorities and performance measures including targets for reduction in drug use to 3% and in drug supply to 80% by 2001. Plan including request for funds and resources due March 1, 1998.	Ten Year Strategy; Performance measurement system
<b>BUDGET</b>			
Three Year	Five Year	Five Year	Five Year
<b>DEPUTY DIRECTORS</b>			
<u>Dep. Dir. ONDCP</u>  No Deputy Director in statute	Creates PAS position with specified duties.	Creates PAS position with no distinct duties specified for Director.	Creates PAS position; specifies role of Deputy to carry out duties prescribed by Director and to serve in Director's absence.

<b>Current Law</b>	<b>Administration's Bill</b>	<b>House Bill</b>	<b>Senate Bill</b>
<u>Dep. Dir. ODR</u>  No specific qualifications	No specific qualifications	No specific qualifications	Requires President to consider the Demand Reduction Deputy nominee's educational background as well as experience in substance abuse education treatment and prevention.
<u>Dep. Dir. OSR</u>  PAS position	Dep. Dir. International/Drug Policy PAS position	essentially same as current law	essentially same as current law
<u>Dep. Dir. State/Local Affairs</u>  Assoc. Dir. Bureau State and Local Affairs/PAS position	Deputy Director Intergovernmental Affairs/PAS position	Deputy Director - State and Local Affairs/PAS position	Deputy Director - State and Local Affairs/PAS position
<u>Dep. Dir. Intelligence</u>  Not included	Not included	Deputy Director - Intelligence/PAS position	Not included
<b>AUTHORIZATION</b>			
3 year (9/30/97)	12 year (9/30/09)	2 year (9/30/99)	4 year (9/30/01)
<b>PERFORMANCE MEASUREMENT/ OBJECTIVES</b>			
2 year objectives	Deletes reference to 2 year objectives; requires measurable objectives to accomplish long-range goals	Retains current law	Retains current law



Current Law	Administration's Bill	House Bill	Senate Bill
<b>DEFINITIONS</b>			
Definitions in Section 1507 - placement near end of Act.	Moves definitions to beginning of Act. Clarifies definition of "drug control" to explicitly include activities to reduce underage use of tobacco or alcohol. Adds drug-free workplace and drug-testing programs to definition of demand reduction.	Current law except redefines "National Drug Control Program agency" to mean agency responsible for implementing any aspect of strategy. (eliminates reference to designation by Director and Agency Head or President)	Same as Administration's bill, except does not use term intergovernmental affairs.
Reporting Requirements	Annual reporting with performance measures	Semi-annual reporting by agencies to ONDCP evaluating progress of the agency with respect to 6 goals of 1997 strategy and Congress.	Annual reporting with performance measures
<u>Transfer authority</u> Transfer 2% to National Drug Control Program agency <u>account w/advance approval</u> of appropriations committees	Technical corrections to 2% transfer authority to facilitate ability to use authority (w/advance <u>notice</u> )	Technical corrections and increase to 5% (with advance <u>approval</u> of appropriations and authorizing committees).	Technical corrections to 2% transfer authority to facilitate ability to use authority (with advance <u>notice</u> to appropriations committees)
<b>II. New Authorities</b>			
<b><u>NDIC/EPIC</u></b>			
Not in current law	Not included in bill/same as current law	Director can recommend projects to NDIC	Director can recommend projects to NDIC and EPIC

<b>Current Law</b>	<b>Administration's Bill</b>	<b>House Bill</b>	<b>Senate Bill</b>
<b>DIRECTOR AS REPRESENTATIVE/SPOKESPERSON ON DRUG POLICY</b>			
Director appears before committees in Senate and House to represent drug policies of executive branch	Same as current law	Director represents President before Congress on all issues of Office of National Drug Control Policy; Director primary spokesperson of the President (Constitutional Concerns)	Director represents President before Congress on all issues of the Office of National Drug Control Policy; primary spokesperson of Administration on Drug Issues (Constitutional Concerns)
<b>ILLEGAL DRUG CULTIVATION</b>			
Not in current law	Not in bill	Requires Dept. of Agriculture to Report on Illegal Drug Cultivation	Requires Dept. of Agriculture to Report on Illegal Drug Cultivation
<b>CREATION OF STATUTORY COUNCIL ON COUNTER - NARCOTICS WITH DIRECTOR AS EXEC. DIRECTOR.</b>			
Not in current law	Not included in bill	Drug Council with Director as Exec. Director	Drug Council with Director as Exec. director. Specifies, in detail, membership, meetings, functions, administration and Director's duties.
<b>REQUIRING AGENCIES TO PROVIDE ADDITIONAL INFORMATION REQUESTED BY DIRECTOR</b>			
Not in current law	Not included in bill	Included in bill	Included in bill

Current Law	Administration's Bill	House Bill	Senate Bill
<b>III. Miscellaneous Issues</b>			
<b>Use of HIDTA Funds for Treatment</b>			
No restrictions	No restrictions	Prohibits use of HIDTA Funds for Treatment	No restrictions
<b>GIFT FUND</b>			
Authority to accept and use donations of property from Federal, State, and local government agencies  (supplemented by appropriations language)	Makes explicit authority to accept, hold, and administer gifts, and solely to encourage funding for conferences; <u>solicit</u> donations establishes fund in Treasury for gift funds to be available until expended.	Same as current law	Authority to accept hold and administer gifts of real and personal property; establishes gift fund available until expended; no limitation on source of gifts.
<b>SPECIAL STUDIES</b>			
Not explicitly in current law	Adds authority to commission special studies and reports by National Drug Control Program Agency, with concurrence of agency head.	Does not include authority to commission studies; <u>prohibits use of federal drug control funds for study or contract relating to the legalization of Schedule I Drug.</u>	Includes authority to commission special studies; same as Administration's Bill.

Current Law	Administration's Bill	House Bill	Senate Bill
<b>HIDTA</b>			
	Adds specific reference to consultation with Treasury and HHS in HIDTA designations	Requires ONDCP to file an annual report with Congress on effectiveness of, and need for designation of HIDTAs	Adds specific reference to consultation with Treasury in HIDTA designation.
<b>C-TAC</b>			
<p>Center as control counter-drug enforcement Technology research and development headed by Chief Scientist.</p> <p>Chief scientist must be distinguished in science, engineering or technology.</p>	<p>Counter-drug technology center headed by Director of Technology.</p> <p>Adds <u>medicine</u> to eligible disciplines for Chief Scientist.</p> <p>Adds reference to performance measurement system.</p> <p>Mandates identification of demand reduction basic and applied research needs and initiatives.</p>	<p>No changes to current law.</p>	<p>Same as Administration's Bill.</p>

Current Law	Administration's Bill	House Bill	Senate Bill
<b>PARENTS ADVISORY COUNCIL ON YOUTH DRUG ABUSE</b>			
			Establishes Parent Advisory Council appointed by President, Majority and Minority Leaders of Senate and Speaker and Minority Leader of House. Council advises the President and Members of Cabinet. Chairperson selected from Council.
<b>REPORT ON ALLIANCE AGAINST NARCOTICS TRAFFICKING IN WESTERN HEMISPHERE</b>			
			Sixty days after enactment, President shall submit to Congress a report on the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

**"554. Violence while eluding inspection or during violation of arrival, reporting, entry or clearance requirements".**

(c) Section 111 of title 18, United States Code, is amended by redesignating subsection (b) as subsection (c), and inserting a new subsection (b) as follows:

"(b) Reckless Endangerment.-- Whoever knowingly disregards or disobeys the lawful authority or command of any officer or employee of the United States charged with enforcing the immigration, customs or other laws of the United States along any border of the United States while engaged in or on account of the performance of official duties, and thereby endangers the safety of any person or property, shall be fined under this title or imprisoned for not more than six months, or both."

**Subtitle B -- Strengthening Maritime Law Enforcement  
Along U.S. Borders**

Section 2201. Sanctions for failure to heave to, obstructing a lawful boarding, and providing false information.

(a) IN GENERAL.--Chapter 109 of title 18, United States Code, is amended by adding, at the end, new section 2237 to read as follows:

**"2237. Sanctions for failure to heave to; sanctions for obstruction of boarding and providing false information**

"(a) (1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel

subject to the jurisdiction of the United States, to fail to obey an order to heave to that vessel on being ordered to do so by an authorized Federal law enforcement officer.

"(2) It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States knowingly or willfully to --

"(A) fail to comply with an order of an authorized Federal law enforcement officer in connection with the boarding of the vessel;

"(B) impede or obstruct a boarding or arrest, or other law enforcement action authorized by any Federal law; or

"(C) provide false information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew.

"(b) This section does not limit in any way the preexisting authority of a customs officer under section 581 of the Tariff Act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any Federal law enforcement officer under any law of the United States to order a vessel to heave to.

"(c) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by international agreement or, on a case by case basis, by

radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

"(d) For purposes of this section--

"(1) A 'vessel of the United States', and a 'vessel subject to the jurisdiction of the United States' have the meaning set forth for these terms in the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903);

"(2) the term 'heave to' means to cause a vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and sea state; and

"(3) the term 'Federal law enforcement officer' has the meaning set forth in section 115 of this title.

"(e) Any person who intentionally violates the provisions of this section shall be subject to imprisoned for not more than five years, fined as provided in this title, or both.

"(f) A vessel that is used in violation of this section may be seized and forfeited. The laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures undertaken, or alleged to have been



undertaken, under any of the provisions of this section; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. A vessel that is used in violation of this section is also liable in rem for any fine or civil penalty imposed under this section."

(b) CLERICAL AMENDMENT.--The analysis at the beginning of chapter 109, title 18, United States Code, is amended by inserting the following new item after the item for section 2236:

"2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information."

Section 2202. Civil penalties to support maritime law enforcement.

(a) IN GENERAL. -- Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

"675. Civil penalty for failure to comply with a lawful boarding, obstruction of boarding, or providing false information

"(a) The master, operator, or person in charge of a vessel, who fails to comply with an order of a Coast Guard commissioned officer, warrant officer, or petty officer relating to the boarding of a vessel issued according to any applicable,

United States Code 111, 113), no statute provides penalties, criminal or civil, for non-forcible acts of obstruction during a Coast Guard boarding. Such penalties are needed as a deterrent to prevent confrontational situations from escalating from non-physical obstructions of boardings to physical assaults on Coast Guard boarding officers.

Sanctions are also required as a means to compel persons on board vessels to provide truthful information regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew. False information concerning a vessel's nationality or registration can delay the determination as to whether the United States has jurisdiction over a vessel, or hinder attempts to obtain consent from a foreign country for the United States to exercise jurisdiction. This offers drug smugglers the opportunity to jettison contraband and destroy evidence. Truthful information concerning the vessel's destination, origin, ownership, cargo, or crew facilitates the ability of the boarding team to determine whether the vessel may be engaged in drug smuggling. This information is also important for the successful prosecution of drug smuggling cases.

Sections 2201-03 of this title address these gaps in current United States drug interdiction law by increasing the authority of federal law enforcement officers over the movement of vessels. Criminal penalties are provided by Section 2201 for failure to obey the order of a federal law enforcement officer to heave to a vessel. These same sanctions are imposed against persons on board vessels who fail to comply with an order in connection with the boarding of a vessel, impede or obstruct a boarding, or provide certain false information during a boarding. These provisions are bolstered by section 2201, which provides civil penalties for failure to support maritime law enforcement, and by section 2203, which clarifies the authority of Customs officers in foreign countries.

**Section 2201. Sanctions for failure to heave to, obstructing a lawful boarding, and providing false information.**

This section makes several changes to enhance enforcement of federal law involving vessels. Subsection (a)(1) provides that it shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to fail to obey an order to heave to that vessel on being ordered to do so by an authorized federal law enforcement officer. Paragraph (2) provides that it shall be unlawful for any person on board a vessel of the United

States, or a vessel subject to the jurisdiction of the United States, to: (1) fail to comply with an order of an authorized federal law enforcement officer in connection with the boarding of the vessel; (2) impede or obstruct a boarding or arrest, or other law enforcement action authorized by any federal law; or (3) provide false information to a federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew. Nothing in this section is a limitation on 18 United States Code 1001, which makes it a crime to give a false statement to a government agent.

Subsection (b) provides that this section does not limit in any way the preexisting authority of a customs officer under section 581 of the Tariff Act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any federal law enforcement officer under any law of the United States to order a vessel to heave to. This section is necessary to establish that this statute in no way limits the potential actions of federal law enforcement officers that exist under other statutes.

Subsection (c) specifies that a foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section in an international agreement, or, on a case-by-case basis, by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

Subsection (d) defines the terms used in this section, including "vessel of the United States;" "vessel subject to the jurisdiction of the United States;" to "heave to;" and "Federal law enforcement officer."

Subsection (e) sets forth penalties for violation of this section. Any person who intentionally violates the provisions of this section shall be subject to: (1) imprisonment for not more than five years; and (2) a fine as provided in this title.

Subsection (f) authorizes the seizure and forfeiture of a vessel that is used in violation of this section. Existing customs laws and duties shall apply to such seizures and forfeitures. This subsection further provides that any vessel that is used in violation of this section is also liable in rem for any fine or civil penalty imposed under this section. This provision gives added force to the prohibitions contained in the

section, and provides additional incentives to would-be portrunners to comply with the law.

**Section 2202. Civil penalties to support maritime law enforcement.**

This section amends chapter 17 of title 14, United States Code, by adding a new section 675. Subsection (a) authorizes the Secretary of Transportation to impose a civil penalty of not more than \$15,000 upon the master, operator or person in charge of a vessel, who fails to comply with an order of a Coast Guard commissioned officer, warrant officer, or petty officer relating to the boarding of a vessel issued under the authority of section 2237 of title 18, United States Code. The Secretary is authorized to impose a civil penalty of not more than \$25,000 for intentional violations. This order is to be communicated according to any applicable, internationally recognized standards, or in any other manner reasonably calculated to be received and understood. Subsection (b) provides that any vessel used in violation of this subtitle is also liable in rem.

**Section 2203. Customs orders.**

Section 1205 adds a new subsection (i) to section 581 of the Tariff Act of 1930 (19 United States Code 1581) that defines "authorized place" as that term is used in section 581. Authorized place is defined as the following: with respect to a vessel or vehicle, a location in a foreign country at which United States customs officers are permitted to conduct inspections, examinations, or searches. This amendment clarifies the law enforcement authority of customs officers in foreign countries.

**Subtitle C -- Smuggling of Contraband and  
Other Illegal Products**

**Section 2301. Smuggling of contraband and other goods from the United States.**

Under existing law, there is no general criminal statute covering illegal exports. Congress long ago created such a statute for importation activity conducted contrary to law, 18 United States Code § 545, and this amendment is intended to create a parallel provision for exportation activity conducted contrary to law.

The amendment is needed because, although there are currently many provisions of federal law that prohibit or restrict the

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To stop illegal drugs from entering the United States, to provide additional resources to combat illegal drugs, and to establish disincentives for teenagers to use illegal drugs.

IN THE SENATE OF THE UNITED STATES—105th Cong., 2d Sess.

**S. 1415**

To reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. COVERDELL, *Mr. CRAIG,*  
Viz: *Mr. Abraham, Mr. Carroll,*  
*Mr. Zinke, Mr. Sessions,*  
*Mr. Grassley*

1 At the appropriate place, insert the following:

2 **TITLE \_\_\_\_\_—DRUG-FREE**  
3 **NEIGHBORHOODS**

4 SEC. \_\_\_\_01. SHORT TITLE.

5 This title may be cited as the "Drug-Free Neighbor-  
6 hoods Act".

1     **Subtitle A—Stopping the Flow of**  
2             **Drugs at Our Borders**  
3     **CHAPTER 1—INCREASED RESOURCES FOR**  
4             **INTERDICTION**

5     SEC. \_\_\_ 11. INCREASED RESOURCES FOR INTERDICTION.

6         (a) CUSTOMS.—In addition to other amounts appro-  
7     priated for the United States Customs Service for a fiscal  
8     year, there is authorized to be appropriated from the  
9     Trust Fund under section 401, \$500,000,000 for each of  
10    the fiscal years 1999 through 2003 to be used to monitor  
11    border ports of entry to stop the flow of illegal drugs into  
12    the United States.

13        (b) COAST GUARD.—In addition to other amounts  
14    appropriated for the United States Coast Guard for a fis-  
15    cal year, there is authorized to be appropriated from the  
16    Trust Fund under section 401, \$400,000,000 for each of  
17    the fiscal years 1999 through 2003 to be used to expand  
18    activities to stop the flow of illegal drugs into the United  
19    States.

20        (c) DEPARTMENT OF DEFENSE.—In addition to  
21    other amounts appropriated for the Department of De-  
22    fense for a fiscal year, there is authorized to be appro-  
23    priated from the Trust Fund under section 401,  
24    \$470,000,000 for each of the fiscal years 1999 through

1 2003 to be used to expand activities to stop the flow of  
2 illegal drugs into the United States.

3 **CHAPTER 2—DRUG-FREE BORDERS**

4 **SEC. \_\_\_15. SHORT TITLE.**

5 This chapter may be cited as the “Drug-Free Borders  
6 Act of 1998”.

7 **SEC. \_\_\_16. FELONY PUNISHMENT FOR VIOLENCE COMMIT-**  
8 **TED ALONG THE UNITED STATES BORDER.**

9 (a) IN GENERAL.—Chapter 27 of title 18, United  
10 States Code, is amended by adding at the end the follow-  
11 ing:

12 **“§ 554. Violence while eluding inspection or during**  
13 **violation of arrival, reporting, entry, or**  
14 **clearance requirements**

15 **“(a) IN GENERAL.—Whoever attempts to commit or**  
16 **commits a crime of violence during and in relation to—**

17 **“(1) attempting to elude or eluding customs,**  
18 **immigration, or agriculture inspection or failing to**  
19 **stop at the command of an officer of customs, immi-**  
20 **gration, or animal and plant and health inspection**  
21 **services; or**

22 **“(2) an intentional violation of arrival, report-**  
23 **ing, entry, or clearance requirements, as set forth in**  
24 **a provision of law listed in subsection (c);**

1 shall be fined under this title or imprisoned for not more  
2 than 5 years, or both, except that if bodily injury (as de-  
3 fined in section 1365(g) of this title) results, the maximum  
4 term of imprisonment is 10 years, and if death results,  
5 the offender may imprisoned for any term of years or for  
6 life, and may be sentenced to death.

7       “(b) CONSPIRACY.—If 2 or more persons conspire to  
8 commit an offense under subsection (a), and 1 or more  
9 of such persons do any act to effect the object of the con-  
10 spiracy, each shall be punishable as a principal, except  
11 that the sentence of death may not be imposed.

12       “(c) PROVISIONS OF LAW.—The provisions of law re-  
13 ferred to in subsection (a) are—

14               “(1) section 107 of the Federal Plant Pest Act  
15               (7 U.S.C. 150ff);

16               “(2) section 7 of the Federal Noxious Weed Act  
17               of 1974 (7 U.S.C. 2806);

18               “(3) section 431, 433, 434, or 459 of the Tariff  
19               Act of 1930 (19 U.S.C. 1431, 1433, 1434, 1459);

20               “(4) section 6 of the Act of August 30, 1890  
21               (21 U.S.C. 105; Chapter 839, 26 Stat. 416);

22               “(5) section 2 of the Act of February 2, 1903  
23               (21 U.S.C. 111; Chapter 349, 32 Stat. 791)



1           “(6) section 231, 232, 234, 235, 236, 237, or  
2           238 of the Immigration and Nationality Act (8  
3           U.S.C. 1221, 1222, 1224, 1225, 1226, 1227, 1228);

4           “(7) section 4197 of the Revised Statutes of the  
5           United States (46 U.S.C. App. 91); or

6           “(8) section 111 of title 21, United States  
7           Code.”.

8           (b) CLERICAL AMENDMENT.—The table of sections  
9           at the beginning of chapter 27 of title 18, United States  
10          Code, is amended by inserting at the end the following:

          “554. Violence while eluding inspection or during violation of arrival, reporting,  
          entry, or clearance requirements.”.

11       **SEC. \_\_\_\_17. INCREASED PENALTY FOR FALSE STATEMENT**  
12   **OFFENSE.**

13          Section 542 of title 18, United States Code, is  
14          amended by striking “two years” and inserting “5 years”.

15       **SEC. \_\_\_\_18. SANCTIONS FOR FAILURE TO LAND OR HEAVE**  
16   **TO, OBSTRUCTING A LAWFUL BOARDING,**  
17   **AND PROVIDING FALSE INFORMATION.**

18          (a) IN GENERAL.—Chapter 109 of title 18, United  
19          States Code, is amended by adding at the end the follow-  
20          ing:

21       **“§ 2237. Sanctions for failure to heave to; sanctions**  
22   **for obstruction of boarding and providing**  
23   **false information**

24       **“(a) FAILURE TO HEAVE TO.—**

1           “(1) IN GENERAL.—It shall be unlawful for the  
2           master, operator, or person in charge of a vessel of  
3           the United States or a vessel subject to the jurisdic-  
4           tion of the United States, to fail to obey an order  
5           to heave to that vessel on being ordered to do so by  
6           an authorized Federal law enforcement officer.

7           “(2) OBSTRUCTION.—It shall be unlawful for  
8           any person on board a vessel of the United States  
9           or a vessel subject to the jurisdiction of the United  
10          States knowingly or willfully to—

11                   “(A) fail to comply with an order of an au-  
12                   thorized Federal law enforcement officer in con-  
13                   nection with the boarding of the vessel;

14                   “(B) impede or obstruct a boarding or ar-  
15                   rest, or other law enforcement action authorized  
16                   by any Federal law; or

17                   “(C) provide false information to a Federal  
18                   law enforcement officer during a boarding of a  
19                   vessel regarding the vessel’s destination, origin,  
20                   ownership, registration, nationality, cargo, or  
21                   crew.

22          “(3) AIRCRAFT.—

23                   “(A) IN GENERAL.—It shall be unlawful  
24                   for the pilot, operator, or person in charge of  
25                   an aircraft which has crossed the border of the

1 United States, or an aircraft subject to the ju-  
2 risdiction of the United States operating out-  
3 side the United States, to fail to obey an order  
4 to land by an authorized Federal law enforce-  
5 ment officer who is enforcing the laws of the  
6 United States relating to controlled substances,  
7 as that term is defined in section 102(6) of the  
8 Controlled Substances Act (21 U.S.C. 802(6)),  
9 or relating to money laundering (sections 1956-  
10 57 of this title).

11 “(B) REGULATIONS.—The Administrator  
12 of the Federal Aviation Administration, in con-  
13 sultation with the Commissioner of Customs  
14 and the Attorney General, shall prescribe regu-  
15 lations governing the means by, and cir-  
16 cumstances under which a Federal law enforce-  
17 ment officer may communicate an order to land  
18 to a pilot, operator, or person in charge of an  
19 aircraft. Such regulations shall ensure that any  
20 such order is clearly communicated in accord-  
21 ance with applicable international standards.  
22 Further, such regulations shall establish guide-  
23 lines based on observed conduct, prior informa-  
24 tion, or other circumstances for determining

1           when an officer may use the authority granted  
2           under subparagraph (A).

3       “(b) NO LIMITATION OF EXISTING AUTHORITY.—

4 This section does not limit in any way the preexisting au-  
5 thority of a customs officer under section 581 of the Tariff  
6 Act of 1930 or any other provision of law enforced or ad-  
7 ministered by the Customs Service, or the preexisting au-  
8 thority of any Federal law enforcement officer under any  
9 law of the United States to order an aircraft to land or  
10 a vessel to heave to.

11       “(c) FOREIGN NATIONS.—A foreign nation may con-  
12 sent or waive objection to the enforcement of United  
13 States law by the United States under this section by  
14 international agreement or, on a case-by-case basis, by  
15 radio, telephone, or similar oral or electronic means. Con-  
16 sent or waiver may be proven by certification of the Sec-  
17 retary of State or the Secretary’s designee.

18       “(d) DEFINITIONS.—In this section:

19           “(1) FEDERAL LAW ENFORCEMENT OFFICER.—

20       The term ‘Federal law enforcement officer’ has the  
21       meaning set forth in section 115 of this title.

22           “(2) HEAVE TO.—The term ‘heave to’ means to  
23       cause a vessel to slow or come to a stop to facilitate  
24       a law enforcement boarding by adjusting the course

1 and speed of the vessel to account for the weather  
2 conditions and sea state.

3 “(3) SUBJECT TO THE JURISDICTION OF THE  
4 UNITED STATES.—An aircraft ‘subject to the juris-  
5 diction of the United States’ includes—

6 “(A) an aircraft located over the United  
7 States or the customs waters of the United  
8 States;

9 “(B) an aircraft located in the airspace of  
10 a foreign nation, where that nation consents to  
11 the enforcement of United States law by the  
12 United States; and

13 “(C) over the high seas, an aircraft with-  
14 out nationality, an aircraft of United States  
15 registry, or an aircraft registered in a foreign  
16 nation that has consented or waived objection  
17 to the enforcement of United States law by the  
18 United States.

19 “(4) VESSEL.—The terms ‘vessel of the United  
20 States’ and ‘vessel subject to the jurisdiction of the  
21 United States’ have the meanings set forth for these  
22 terms, respectively, in the Maritime Drug Law En-  
23 forcement Act (46 App. U.S.C. 1903).

24 “(5) WITHOUT NATIONALITY.—An aircraft  
25 ‘without nationality’ includes—

1           “(A) an aircraft aboard which the pilot,  
2           operator, or person in charge makes a claim of  
3           registry, which claim is denied by the nation  
4           whose registry is claimed; and

5           “(B) an aircraft aboard which the pilot,  
6           operator, or person in charge fails, upon re-  
7           quest of an officer of the United States empow-  
8           ered to enforce applicable provisions of United  
9           States law, to make a claim of registry for that  
10          aircraft.

11          “(e) FINES OR IMPRISONMENT.—Whoever inten-  
12          tionally violates this section shall be fined under this title  
13          or imprisoned for not more than 5 years, or both.

14          “(f) SEIZURE AND FORFEITURE.—A aircraft or ves-  
15          sel that is used in violation of this section may be seized  
16          and forfeited to the United States. The laws relating to  
17          the seizure, summary and judicial forfeiture, and con-  
18          demnation of property for violation of the customs laws,  
19          the disposition of such property or the proceeds from the  
20          sale thereof, the remission or mitigation of such forfeit-  
21          ures, and the compromise of claims, shall apply to seizures  
22          and forfeitures undertaken, or alleged to have been under-  
23          taken, under any of the provisions of this section; except  
24          that such duties as are imposed upon the customs officer  
25          or any other person with respect to the seizure and forfeit-

1 ure of property under the customs laws shall be performed  
2 with respect to seizures and forfeitures of property under  
3 this section by such officers, agents, or other persons as  
4 may be authorized or designated for that purpose. An air-  
5 craft or vessel that is used in violation of this section is  
6 also liable in rem for any fine imposed under this sec-  
7 tion.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of chapter 109 of title 18, United States  
10 Code, is amended by adding at the end the following:

“2237. Sanctions for failure to heave to; sanctions for obstruction of boarding  
or providing false information.”.

11 **SEC. \_\_\_19. CIVIL PENALTIES TO SUPPORT MARITIME LAW**  
12 **ENFORCEMENT.**

13 (a) IN GENERAL.—Chapter 17 of title 14, United  
14 States Code, is amended by adding at the end the follow-  
15 ing:

16 **“§ 676. Civil penalty for failure to comply with vessel**  
17 **boarding**

18 “(a) IN GENERAL.—Any person that engages in con-  
19 duct that violates section 2237(a)(1) or (2) of title 18,  
20 United States Code, shall be liable to the United States  
21 Government—

22 “(1) for a civil penalty of not more than  
23 \$25,000, in the case of an intentional violation; or

1           “(2) for a civil penalty of not more than  
2           \$15,000, in the case of any other violation.

3           “(b) SEIZURE OR FORFEITURE.—A vessel used to en-  
4 gage in conduct for which a penalty is imposed under sub-  
5 section (a) is liable in rem for that penalty and may be  
6 seized, forfeited, and sold in accordance with customs  
7 laws.”.

8           (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of chapter 17 of title 14, United States  
10 Code, is amended by adding at the end the following new  
11 item:

          “676. Civil penalty for failure to comply with vessel boarding.”.

12 SEC. \_\_\_\_20. INCREASED NUMBER OF BORDER PATROL  
13                                   AGENTS.

14           Section 101(a) of the Illegal Immigration Reform and  
15 Immigrant Responsibility Act of 1996 (Public Law 104-  
16 208; 110 Stat. 3009-553) is amended to read as follows:

17           “(a) INCREASED NUMBER OF BORDER PATROL  
18 AGENTS.—The Attorney General in each of fiscal years  
19 1999, 2000, 2001, 2002, and 2003 shall increase by not  
20 less than 1,500 the number of positions for full-time, ac-  
21 tive-duty border patrol agents within the Immigration and  
22 Naturalization Service above the number of such positions  
23 for which funds were allotted for the preceding fiscal year,  
24 to achieve a level of 15,000 positions by fiscal year 2003.”.



1 SEC. \_\_\_21. BORDER PATROL PURSUIT POLICY.

2 A border patrol agent of the United States Border  
3 Patrol may not cease pursuit of an alien who the agent  
4 suspects has unlawfully entered the United States, or an  
5 individual who the agent suspects has unlawfully imported  
6 a narcotic into the United States, until State or local law  
7 enforcement authorities are in pursuit of the alien or indi-  
8 vidual and have the alien or individual in their visual  
9 range.

10 SEC. \_\_\_22. AUTHORIZATION FOR BORDER PATROL TO  
11 INTERDICT THE IMPORTATION OF NARCOT-  
12 ICS.

13 The United States Border Patrol within the Depart-  
14 ment of Justice shall have as one of its functions the pre-  
15 vention of unlawful importation of narcotics into the Unit-  
16 ed States and confiscation of such narcotics. The Attorney  
17 General shall ensure that this function is assigned a prior-  
18 ity at least as high as is assigned to the Border Patrol's  
19 function of preventing the unlawful entry into the United  
20 States of aliens.

21 SEC. \_\_\_23. ROTATION OF DUTY STATIONS AND TEM-  
22 PORARY DUTY ASSIGNMENTS OF OFFICERS  
23 OF THE UNITED STATES CUSTOMS SERVICE.

24 Section 5 of the Act of February 13, 1911 (19 U.S.C.  
25 267) is amended—

1 (1) by redesignating subsection (f) as sub-  
2 section (g); and

3 (2) by inserting after subsection (e) the follow-  
4 ing:

5 “(f) ROTATION OF DUTY STATIONS AND TEMPORARY  
6 DUTY ASSIGNMENTS OF CUSTOMS OFFICERS.—

7 “(1) IN GENERAL.—Notwithstanding any other  
8 provision of law, bargaining agreement, or Executive  
9 order, beginning October 1, 1998, in order to ensure  
10 the integrity of the United States Customs Service,  
11 the Secretary of the Treasury—

12 “(A) may transfer up to 5 percent of the  
13 customs officers employed as of the beginning  
14 of each fiscal year to new duty stations in that  
15 fiscal year on a permanent basis; and

16 “(B) may transfer customs officers to tem-  
17 porary duty assignments for not more than 90  
18 days.

19 “(2) VOLUNTARY AND OTHER TRANSFERS.—A  
20 transfer of a customs officer to a new duty station  
21 or a temporary duty assignment under paragraph  
22 (1) is in addition to any voluntary transfer or trans-  
23 fer for other reasons.

24 “(3) RULE OF CONSTRUCTION.—The require-  
25 ments of this subsection, including any regulations

1 established by the Secretary to carry out this sub-  
2 section, are not subject to collective bargaining.

3 “(4) AVAILABILITY OF AMOUNTS.—Of the  
4 amounts made available for fiscal years 1999 and  
5 2000 under subparagraphs (A) and (B) of section  
6 301(b)(1) of the Customs Procedural Reform and  
7 Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)  
8 and (B)), \$25,000,000 for each such fiscal year shall  
9 be available to carry out this subsection.”.

10 **SEC. \_\_\_24. EFFECT OF COLLECTIVE BARGAINING AGREE-**  
11 **MENTS ON ABILITY OF UNITED STATES CUS-**  
12 **TOMS SERVICE TO INTERDICT CONTRABAND.**

13 Section 5 of the Act of February 13, 1911 (19 U.S.C.  
14 267), as amended by this Act, is further amended—

15 (1) by redesignating subsection (g) as sub-  
16 section (h); and

17 (2) by inserting after subsection (f) the follow-  
18 ing:

19 “(g) EFFECT OF COLLECTIVE BARGAINING AGREE-  
20 MENTS ON ABILITY OF CUSTOMS SERVICE TO INTERDICT  
21 CONTRABAND.—

22 “(1) SENSE OF THE CONGRESS.—It is the sense  
23 of the Congress that collective bargaining agree-  
24 ments should not have any adverse impact on the  
25 ability of the United States Customs Service to

1 interdict contraband, including controlled sub-  
2 stances.

3 “(2) PROVISIONS CAUSING ADVERSE IMPACT TO  
4 INTERDICT CONTRABAND.—

5 “(A) REQUIREMENT TO MEET.—If the  
6 Commissioner of the Customs Service deter-  
7 mines that any collective bargaining agreement  
8 with the recognized bargaining representative of  
9 its employees has an adverse impact upon the  
10 interdiction of contraband, including controlled  
11 substances, the parties shall meet to eliminate  
12 the provision causing the adverse impact from  
13 the agreement.

14 “(B) FAILURE TO REACH AGREEMENT.—If  
15 the parties do not reach agreement within 90  
16 days of the date of the Customs Service deter-  
17 mination of adverse impact, the negotiations  
18 shall be considered at impasse and the Customs  
19 Service may immediately implement its last  
20 offer. Such implementation shall not result in  
21 an unfair labor practice or, except as may be  
22 provided under the following sentence, the im-  
23 position of any status quo ante remedy against  
24 the Customs Service. Either party may then  
25 pursue the impasse to the Federal Service Im-

1 passes Panel pursuant to section 7119(c) of  
2 title 5, United States Code, for ultimate resolu-  
3 tion.

4 “(C) RULE OF CONSTRUCTION.—Nothing  
5 in this paragraph shall be construed to limit the  
6 authority of the Customs Service to implement  
7 immediately any proposed changes without  
8 waiting 90 days, if exigent circumstances war-  
9 rant such immediate implementation, or if an  
10 impasse is reached in less than 90 days.”.

11 **Subtitle B—Protecting Our Neigh-**  
12 **borhoods and Schools from**  
13 **Drugs**

14 **CHAPTER 1—DRUG-FREE TEEN DRIVERS**

15 **SEC. \_\_\_25. SHORT TITLE.**

16 This subtitle may be cited as the “Drug Free Teen-  
17 age Drivers Act”.

18 **SEC. \_\_\_26. DEMONSTRATION PROGRAM.**

19 The National Highway Traffic Safety Administration  
20 shall establish a demonstration program in several States  
21 to provide voluntary drug testing for all teenager appli-  
22 cants (or other first time applicants for a driver’s license  
23 regardless of age) for a driver’s license. Information re-  
24 specting an applicant’s choice not to take the drug test  
25 or the result of the drug test on the applicant shall be

1 made available to the applicant's automobile insurance  
2 company. If an applicant tests positive in the drug test,  
3 the State in which the program is established will not issue  
4 a license to the applicant and will require the applicant  
5 to complete a State drug treatment program and to not  
6 test positive in a drug test before reapplying for a license.

7 **SEC. \_\_\_ 27. INCENTIVE GRANT PROGRAM.**

8 (a) **IN GENERAL.**—The Secretary of Transportation  
9 shall establish an incentive grant program for States to  
10 assist the States in improving their laws relating to con-  
11 trolled substances and driving.

12 (b) **GRANT REQUIREMENTS.**—To qualify for a grant  
13 under subsection (a) a State shall carry out the following:

14 (1) Enact, actively enforce, and publicize a law  
15 which makes it illegal to drive in the State with any  
16 measurable amount of an illegal controlled substance  
17 in the driver's body. An illegal controlled substance  
18 is a controlled substance for which an individual  
19 does not have a legal written prescription. An indi-  
20 vidual who is convicted of such illegal driving shall  
21 be referred to appropriate services, including inter-  
22 vention, counselling, and treatment.

23 (2) Enact, actively enforce, and publicize a law  
24 which makes it illegal to drive in the State when  
25 driving is impaired by the presence of any drug. The

1 State shall provide that in the enforcement of such  
2 law, a driver shall be tested for the presence of a  
3 drug when there is evidence of impaired driving and  
4 a driver will have the driver's license suspended. An  
5 individual who is convicted of such illegal driving  
6 shall be referred to appropriate services, including  
7 intervention, counselling, and treatment.

8 (3) Enact, actively enforce, and publicize a law  
9 which authorizes the suspension of a driver's license  
10 if the driver is convicted of any criminal offense re-  
11 lating to drugs.

12 (4) Enact a law which provides that beginning  
13 driver applicants and other individuals applying for  
14 or renewing a driver's license will be provided infor-  
15 mation about the laws referred to in paragraphs (1),  
16 (2), and (3) and will be required to answer drug-re-  
17 lated questions on their applications.

18 (c) USE.—A State may only use a grant under sub-  
19 section (a) to implement and enforce the programs de-  
20 scribed in subsection (b).

21 **SEC. \_\_\_28. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated from  
23 amounts made available from the Trust Fund under sec-  
24 tion 401, \$10,000,000 for each of the fiscal years 1999  
25 through 2003 to carry out this chapter.

1           **CHAPTER 2—DRUG-FREE SCHOOLS**

2   **SEC. \_\_\_31. FINDINGS.**

3           Congress finds that—

4           (1) the continued presence in schools of violent  
5           students who are a threat to both teachers and other  
6           students is incompatible with a safe learning envi-  
7           ronment;

8           (2) unsafe school environments place students  
9           who are already at risk of school failure for other  
10          reasons in further jeopardy;

11          (3) recently, over one-fourth of high school stu-  
12          dents surveyed reported being threatened at school;

13          (4) 2,000,000 more children are using drugs in  
14          1997 than were doing so a few short years prior to  
15          1997;

16          (5) nearly 1 out of every 20 students in 6th  
17          through 12th grade uses drugs on school grounds;

18          (6) more of our children are becoming involved  
19          with hard drugs at earlier ages, as use of heroin and  
20          cocaine by 8th graders has more than doubled since  
21          1991; and

22          (7) greater cooperation between schools, par-  
23          ents, law enforcement, the courts, and the commu-  
24          nity is essential to making our schools safe from  
25          drugs and violence.



1     **Subchapter A—Student Safety and Family**  
2                                   **Choice**

3     **SEC. \_\_\_31A. STUDENT SAFETY AND FAMILY SCHOOL**  
4                                   **CHOICE.**

5           (a) IN GENERAL.—Subpart 1 of part A of title I of  
6 the Elementary and Secondary Education Act of 1965 (20  
7 U.S.C. 6311 et seq.) is amended by inserting after section  
8 1115A of such Act (20 U.S.C. 6316) the following:

9     **“SEC. 1115B. STUDENT SAFETY AND FAMILY SCHOOL**  
10                                   **CHOICE.**

11           “(a) IN GENERAL.—Notwithstanding any other pro-  
12 vision of law, if a student is eligible to be served under  
13 section 1115(b), or attends a school eligible for a  
14 schoolwide program under section 1114, and becomes a  
15 victim of a violent criminal offense, including drug-related  
16 violence, while in or on the grounds of a public elementary  
17 school or secondary school that the student attends and  
18 that receives assistance under this part, then the local edu-  
19 cational agency may use funds provided under this part  
20 or under any other Federal education program to pay the  
21 supplementary costs for such student to attend another  
22 school. The agency may use the funds to pay for the sup-  
23 plementary costs of such student to attend any other pub-  
24 lic or private elementary school or secondary school, in-  
25 cluding a religious school, in the same State as the school

1 where the criminal offense occurred, that is selected by  
2 the student's parent. The State educational agency shall  
3 determine what actions constitute a violent criminal of-  
4 fense for purposes of this section.

5       “(b) SUPPLEMENTARY COSTS.—The supplementary  
6 costs referred to in subsection (a) shall not exceed—

7           “(1) in the case of a student for whom funds  
8       under this section are used to enable the student to  
9       attend a public elementary school or secondary  
10      school served by a local educational agency that also  
11      serves the school where the violent criminal offense  
12      occurred, the costs of supplementary educational  
13      services and activities described in section 1114(b)  
14      or 1115(c) that are provided to the student;

15           “(2) in the case of a student for whom funds  
16      under this section are used to enable the student to  
17      attend a public elementary school or secondary  
18      school served by a local educational agency that does  
19      not serve the school where the violent criminal of-  
20      fense occurred but is located in the same State—

21           “(A) the costs of supplementary edu-  
22      cational services and activities described in sec-  
23      tion 1114(b) or 1115(c) that are provided to  
24      the student; and

1           “(B) the reasonable costs of transportation  
2           for the student to attend the school selected by  
3           the student’s parent; and

4           “(3) in the case of a student for whom funds  
5           under this section are used to enable the student to  
6           attend a private elementary school or secondary  
7           school, including a religious school, the costs of tui-  
8           tion, required fees, and the reasonable costs of such  
9           transportation.

10          “(c) CONSTRUCTION.—Nothing in this Act or any  
11          other Federal law shall be construed to prevent a parent  
12          assisted under this section from selecting the public or pri-  
13          vate, including religious, elementary school or secondary  
14          school that a child of the parent will attend within the  
15          State.

16          “(d) CONSIDERATION OF ASSISTANCE.—Subject to  
17          subsection (h), assistance made available under this sec-  
18          tion that is used to pay the costs for a student to attend  
19          a private or religious school shall not be considered to be  
20          Federal aid to the school, and the Federal Government  
21          shall have no authority to influence or regulate the oper-  
22          ations of a private or religious school as a result of assist-  
23          ance received under this section.

24          “(e) CONTINUING ELIGIBILITY.—A student assisted  
25          under this section shall remain eligible to continue receiv-

1 ing assistance under this section for at least 3 academic  
2 years without regard to whether the student is eligible for  
3 assistance under section 1114 or 1115(b).

4 “(f) TUITION CHARGES.—Assistance under this sec-  
5 tion may not be used to pay tuition or required fees at  
6 a private elementary school or secondary school in an  
7 amount that is greater than the tuition and required fees  
8 paid by students not assisted under this section at such  
9 school.

10 “(g) SPECIAL RULE.—Any school receiving assist-  
11 ance provided under this section shall comply with title  
12 VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et  
13 seq.) and not discriminate on the basis of race, color, or  
14 national origin.

15 “(h) ASSISTANCE; TAXES AND OTHER FEDERAL  
16 PROGRAMS.—

17 “(1) ASSISTANCE TO FAMILIES, NOT  
18 SCHOOLS.—Assistance provided under this section  
19 shall be considered to be aid to families, not schools.  
20 Use of such assistance at a school shall not be con-  
21 strued to be Federal financial aid or assistance to  
22 that school.

23 “(2) TAXES AND DETERMINATIONS OF ELIGI-  
24 BILITY FOR OTHER FEDERAL PROGRAMS.—Assist-  
25 ance provided under this section to a student shall

1 not be considered to be income of the student or  
2 the parent of such student for Federal, State, or  
3 local tax purposes or for determining eligibility for  
4 any other Federal program.

5 “(i) PART B OF THE INDIVIDUALS WITH DISABIL-  
6 ITIES EDUCATION ACT.—Nothing in this section shall be  
7 construed to affect the requirements of part B of the Indi-  
8 viduals with Disabilities Education Act (20 U.S.C. 1411  
9 et seq.).

10 “(j) MAXIMUM AMOUNT.—Notwithstanding any  
11 other provision of this section, the amount of assistance  
12 provided under this part for a student shall not exceed  
13 the per pupil expenditure for elementary or secondary edu-  
14 cation, as appropriate, by the local educational agency  
15 that serves the school where the criminal offense occurred  
16 for the fiscal year preceding the fiscal year for which the  
17 determination is made.”

18 **SEC. \_\_\_ 31B. TRANSFER OF REVENUES.**

19 (a) IN GENERAL.—Notwithstanding any other provi-  
20 sion of Federal law, a State, a State educational agency,  
21 or a local educational agency may transfer any non-Fed-  
22 eral public funds associated with the education of a stu-  
23 dent who is a victim of a violent criminal offense while  
24 in or on the grounds of a public elementary school or sec-  
25 ondary school served by a local educational agency to an-

1 other local educational agency or to a private elementary  
2 school or secondary school, including a religious school.

3 (b) DEFINITIONS.—For the purpose of subsection  
4 (a), the terms “elementary school”, “secondary school”,  
5 “local educational agency”, and “State educational agen-  
6 cy” have the meanings given such terms in section 14101  
7 of the Elementary and Secondary Education Act of 1965  
8 (20 U.S.C. 8801).

9 **Subchapter B—Victim and Witness Assist-**  
10 **ance Programs for Teachers and Stu-**  
11 **dents**

12 **SEC. \_\_\_32. AMENDMENTS TO VICTIMS OF CRIME ACT OF**  
13 **1984.**

14 (a) VICTIM COMPENSATION.—Section 1403 of the  
15 Victims of Crime Act of 1984 (42 U.S.C. 10602) is  
16 amended by adding at the end the following:

17 “(f) VICTIMS OF SCHOOL VIOLENCE.—

18 “(1) IN GENERAL.—Notwithstanding any other  
19 provision of law, an eligible crime victim compensa-  
20 tion program may expend funds appropriated under  
21 paragraph (2) to offer compensation to elementary  
22 and secondary school students or teachers who are  
23 victims of elementary and secondary school violence  
24 (as school violence is defined under applicable State  
25 law).

1           “(2) FUNDING.—There is authorized to be ap-  
2           propriated from the Trust Fund under section 401,  
3           such sums as may be necessary to carry out para-  
4           graph (1).”.

5           (b) VICTIM AND WITNESS ASSISTANCE.—Section  
6           1404(c) of the Victims of Crime Act of 1984 (42 U.S.C.  
7           10603(c)) is amended by adding at the end the following:

8           “(5) ASSISTANCE FOR VICTIMS OF AND WIT-  
9           NESSES TO SCHOOL VIOLENCE.—Notwithstanding  
10          any other provision of law, the Director may make  
11          a grant under this section for a demonstration  
12          project or for training and technical assistance serv-  
13          ices to a program that—

14                 “(A) assists State educational agencies and  
15                 local educational agencies (as the terms are de-  
16                 fined in section 14101 of the Elementary and  
17                 Secondary Education Act of 1965 (20 U.S.C.  
18                 8801)) in developing, establishing, and operat-  
19                 ing programs that are designed to protect vic-  
20                 tims of and witnesses to incidents of elementary  
21                 and secondary school violence (as school vio-  
22                 lence is defined under applicable State law), in-  
23                 cluding programs designed to protect witnesses  
24                 testifying in school disciplinary proceedings; or

1           “(B) supports a student safety toll-free  
2           hotline that provides students and teachers in  
3           elementary and secondary schools with con-  
4           fidential assistance relating to the issues of  
5           school crime, violence, drug dealing, and threats  
6           to personal safety.”.

7           **Subchapter C—Innovative Programs to**  
8           **Protect Teachers and Students**

9           SEC. \_\_\_35. DEFINITIONS.

10          In this subchapter:

11           (1) ELEMENTARY SCHOOL, LOCAL EDU-  
12          CATIONAL AGENCY, SECONDARY SCHOOL, AND STATE  
13          EDUCATIONAL AGENCY.—The terms “elementary  
14          school”, “local educational agency”, “secondary  
15          school”, and “State educational agency” have the  
16          meanings given the terms in section 14101 of the  
17          Elementary and Secondary Education Act of 1965  
18          (20 U.S.C. 8801).

19           (2) SECRETARY.—The term “Secretary” means  
20          the Secretary of Education.

21          SEC. \_\_\_36. AUTHORIZATION OF APPROPRIATIONS.

22          There is authorized to be appropriated from the  
23          Trust Fund under section 401 such sums as may be nec-  
24          essary to carry out this subchapter.



1 SEC. \_\_\_37. AUTHORIZATION FOR REPORT CARDS ON  
2 SCHOOLS.

3 (a) IN GENERAL.—The Secretary is authorized to  
4 award grants to States, State educational agencies, and  
5 local educational agencies to develop, establish, or conduct  
6 innovative programs to improve unsafe elementary schools  
7 or secondary schools.

8 (b) PRIORITY.—The Secretary shall give priority to  
9 awarding grants under subsection (a) to—

10 (1) programs that provide parent and teacher  
11 notification about incidents of physical violence,  
12 weapon possession, or drug activity on school  
13 grounds as soon after the incident as practicable;

14 (2) programs that provide to parents and teach-  
15 ers an annual report regarding—

16 (A) the total number of incidents of phys-  
17 ical violence, weapon possession, and drug activ-  
18 ity on school grounds;

19 (B) the percentage of students missing 10  
20 or fewer days of school; and

21 (C) a comparison, if available, to previous  
22 annual reports under this paragraph, which  
23 comparison shall not involve a comparison of  
24 more than 5 such previous annual reports; and

25 (3) programs to enhance school security meas-  
26 ures that may include—

1 (A) equipping schools with fences, closed  
2 circuit cameras, and other physical security  
3 measures;

4 (B) providing increased police patrols in  
5 and around elementary schools and secondary  
6 schools, including canine patrols; and

7 (C) mailings to parents at the beginning of  
8 the school year stating that the possession of a  
9 gun or other weapon, or the sale of drugs in  
10 school, will not be tolerated by school authori-  
11 ties.

12 SEC. \_\_\_\_38. APPLICATION.

13 (a) IN GENERAL.—Each State, State educational  
14 agency, or local educational agency desiring a grant under  
15 this subchapter shall submit an application to the Sec-  
16 retary at such time, in such manner, and accompanied by  
17 such information as the Secretary may require.

18 (b) CONTENTS.—Each application submitted under  
19 subsection (a) shall contain an assurance that the State  
20 or agency has implemented or will implement policies  
21 that—

22 (1) provide protections for victims and wit-  
23 nesses to school crime, including protections for at-  
24 tendance at school disciplinary proceedings;

1           (2) expel students who, on school grounds, sell  
2           drugs, or who commit a violent offense that causes  
3           serious bodily injury of another student or teacher;  
4           and

5           (3) require referral to law enforcement authori-  
6           ties or juvenile authorities of any student who on  
7           school grounds—

8                   (A) commits a violent offense resulting in  
9                   serious bodily injury; or

10                   (B) sells drugs.

11           (c) SPECIAL RULE.—For purposes of paragraphs (2)  
12           and (3) of subsection (b), State law shall determine what  
13           constitutes a violent offense or serious bodily injury.

14           SEC. \_\_\_39. INNOVATIVE VOLUNTARY RANDOM DRUG TEST-  
15                                   ING PROGRAMS.

16           Section 4116(b) of the Safe and Drug-Free Schools  
17           and Communities Act of 1994 (20 U.S.C. 7116(b)) is  
18           amended—

19                   (1) in paragraph (9), by striking “and” after  
20                   the semicolon;

21                   (2) by redesignating paragraph (10) as para-  
22                   graph (11); and

23                   (3) by inserting after paragraph (9) the follow-  
24                   ing:

1           “(10) innovative voluntary random drug testing  
2           programs; and”.

3           **Subchapter D—Parental Consent Drug**  
4           **Testing**

5   SEC. \_\_\_40. GRANTS FOR PARENTAL CONSENT DRUG TEST-  
6                           ING DEMONSTRATION PROJECTS.

7           (a) IN GENERAL.—The Administrator is authorized  
8           to award grants to States, State educational agencies, and  
9           local educational agencies to develop, establish, or conduct  
10          programs for testing students for illegal drug use with  
11          prior parental consent.

12          (b) GUIDELINES.—The Administrator may award  
13          grants under subsection (a) only to programs that sub-  
14          stantially comply with the following guidelines:

15               (1) Students will only be tested with their par-  
16               ent’s consent. If the program also requires the con-  
17               sent of the student, the parent will be informed of  
18               any refusal by the student to give consent.

19               (2) The program may involve random testing or  
20               testing of all students within certain grade or age  
21               parameters at a participating school. No students  
22               under seventh grade or over 12th grade may be test-  
23               ed using funds from grants awarded under this sec-  
24               tion.

1           (3) Students who test positive for illegal drugs  
2           or whose parents do not consent to the drug testing  
3           will not be penalized, except that the privilege of  
4           participating in optional courses or extra-curricula  
5           activities in which drug impairment might pose a  
6           safety risk (such as athletic teams, drivers edu-  
7           cation, or industrial arts) may be restricted.

8           (4) The parent of a student who tests positive  
9           for illegal drugs shall be notified of the results in a  
10          discrete manner by a health care professional, a  
11          counselor, or other appropriate person. Parents shall  
12          be advised of resources that may be available in the  
13          local area to treat drug dependency.

14          (5) The procedures used in the demonstration  
15          project shall be designed to ensure fairness and ac-  
16          curacy. The procedures shall also require personnel  
17          administering the drug testing program to treat in-  
18          dividual test results confidentially, and not to pro-  
19          vide individual test results to law enforcement offi-  
20          cials. Statistical information which does not reveal  
21          individual identifying information should be provided  
22          to law enforcement officials.

23          (c) SUBPOENAS AND DISCOVERY.—Test results for  
24          tests conducted under a demonstration project receiving  
25          funds under this section shall not be subject to subpoena

1 or discovery in any court or administrative forum, without  
2 the consent of the individual's parent, unless the individ-  
3 ual is no longer a minor, in which case the individual's  
4 consent is required.

5 (d) MATCHING FUNDS.—The Administrator may give  
6 a preference in the award of grants under this section to  
7 applicants who provide an assurance that such applicant  
8 will commit some level of matching funds or resources for  
9 the program.

10 (e) CONSTRUCTION OF THIS SECTION.—Nothing in  
11 this section shall be construed to restrict other permissible  
12 drug testing activities in schools. Additional drug testing  
13 not conducted in accordance with the guidelines in sub-  
14 section (b) may be conducted in schools which receive  
15 funding under this section, except that grants awarded  
16 under this section shall not be used to fund such addi-  
17 tional testing.

18 (f) DEFINITIONS.—In this section:

19 (1) ADMINISTRATOR.—The term "Adminis-  
20 trator" means the Administrator of the Office of Ju-  
21 venile Justice and Delinquency Prevention of the  
22 Department of Justice.

23 (2) PARENT.—The term "parent" means a cus-  
24 todial parent or legal guardian.

1           (3) STATE, STATE EDUCATIONAL AGENCY, AND  
2           LOCAL EDUCATIONAL AGENCY.—The terms “State”,  
3           “State educational agency”, and “local educational  
4           agency” have the meanings given such terms in sec-  
5           tion 14101 of the Elementary and Secondary Edu-  
6           cation Act of 1965 (20 U.S.C. 8801).

7           (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
8           authorized to be appropriated from the National Tobacco  
9           Settlement Trust Fund, \$10,000,000 for each of the fiscal  
10          years 1999 through 2003. Such sums shall remain avail-  
11          able until expended.

## 12   **CHAPTER 3—DRUG-FREE STUDENT LOANS**

### 13   **SEC. \_\_\_41. DRUG-FREE STUDENT LOANS**

14          (a) IN GENERAL.—Section 484 of the Higher Edu-  
15          cation Act of 1965 (20 U.S.C. 1091) is amended by add-  
16          ing at the end the following:

17          “(q) SUSPENSION OF ELIGIBILITY FOR DRUG-  
18          RELATED OFFENSES.—

19                 “(1) IN GENERAL.—An individual student who  
20                 has been convicted of any felony offense under any  
21                 Federal or State law involving the possession or sale  
22                 of a controlled substance shall not be eligible to re-  
23                 ceive any grant, loan, or work assistance under this  
24                 title during the period beginning on the date of such

1 conviction and ending after the interval specified in  
2 the following table:

“If convicted of an offense involving:

The possession of a controlled substance:	Ineligibility period is:
First offense .....	1 year
Second offense .....	2 years
Third offense .....	indefinite
The sale of a controlled substance:	
First offense .....	2 years
Second offense .....	indefinite

3           “(2) REHABILITATION.—A student whose eligi-  
4 bility has been suspended under paragraph (1) may  
5 resume eligibility before the end of the period deter-  
6 mined under such paragraph if the student satisfac-  
7 torily completes a drug rehabilitation program that  
8 complies with such criteria as the Secretary shall  
9 prescribe for purposes of this paragraph and that in-  
10 cludes two unannounced drug tests.

11           “(3) DEFINITIONS.—As used in this subsection,  
12 the term ‘controlled substance’ has the meaning  
13 given in section 102(6) of the Controlled Substances  
14 Act (21 U.S.C. 802(6)).”.

15           (b) EFFECTIVE DATE.—The amendment made by  
16 subsection (a) shall apply with respect to financial assist-  
17 ance to cover the costs of attendance for periods of enroll-  
18 ment beginning after the date of enactment of this Act.



1     **CHAPTER 4—DRUG-FREE WORKPLACES**

2     **SEC. \_\_\_51. SHORT TITLE.**

3         This chapter may be cited as the “Drug-Free Work-  
4     place Act of 1998”.

5     **SEC. \_\_\_52. FINDINGS; PURPOSES.**

6         (a) FINDINGS.—Congress finds that—

7             (1) 74 percent of adults who use illegal drugs  
8     are employed;

9             (2) small business concerns employ over 50 per-  
10    cent of the Nation’s workforce;

11            (3) in over 88 percent of families with children  
12    under the age of 18, at least 1 parent is employed;  
13    and

14            (4) employees who use drugs increase costs for  
15    businesses and risk the health and safety of all em-  
16    ployees because—

17                 (A) absenteeism is 66 percent higher  
18                 among drug users than nondrug users;

19                 (B) health benefit utilization is 300  
20                 percent higher among drug users than  
21                 nondrug users;

22                 (C) 47 percent of workplace accidents  
23                 are drug-related;

1 (D) disciplinary actions are 90 per-  
2 cent higher among drug users than  
3 nondrug users; and

4 (E) employee turnover is significantly  
5 higher among drug users than nondrug  
6 users.

7 (b) PURPOSES.—The purposes of this chapter are  
8 to—

9 (1) educate small business concerns about the  
10 advantages of a drug-free workplace;

11 (2) provide financial incentives and technical  
12 assistance to enable small business concerns to cre-  
13 ate a drug-free workplace; and

14 (3) assist working parents in keeping their chil-  
15 dren drug-free.

16 **SEC. \_\_\_53. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

18 (1) businesses should adopt drug-free workplace  
19 programs; and

20 (2) States should consider financial incentives,  
21 such as reductions in workers' compensation pre-  
22 miums, to encourage businesses to adopt drug-free  
23 workplace programs.

1 SEC. \_\_\_\_54. DRUG-FREE WORKPLACE DEMONSTRATION  
2 PROGRAM.

3 The Small Business Act (15 U.S.C. 636 et seq.) is  
4 amended—

5 (1) by redesignating section (32) as section  
6 (33); and

7 (2) by inserting after section 31 the following:

8 "SEC. 30. DRUG-FREE WORKPLACE DEMONSTRATION PRO-  
9 GRAM.

10 "(a) ESTABLISHMENT.—There is established a drug-  
11 free workplace demonstration program, under which the  
12 Administration may make grants to eligible intermediaries  
13 described in subsection (b) for the purpose of providing  
14 financial and technical assistance to small business con-  
15 cerns seeking to start a drug-free workplace program.

16 "(b) ELIGIBILITY FOR PARTICIPATION.—An  
17 intermediary shall be eligible to receive a grant under sub-  
18 section (a) if it meets the following criteria:

19 "(1) It is an organization described in section  
20 501(c)(3) of the Internal Revenue Code of 1986 that  
21 is exempt from tax under section 5(a) of such Act,  
22 a program of such organization, or provides services  
23 to such organization.

24 "(2) Its primary purpose is to develop com-  
25 prehensive drug-free workplace programs or to sup-  
26 ply drug-free workplace services.

1           “(3) It has at least 2 years of experience in  
2 drug-free workplace programs.

3           “(4) It has a drug-free workplace policy in ef-  
4 fect.

5           “(c) REQUIREMENTS FOR PROGRAM.—Any drug-free  
6 workplace program established as a result of this section  
7 shall include—

8           “(1) a written policy, including a clear state-  
9 ment of expectations for workplace behavior, prohibi-  
10 tions against substances in the workplace, and the  
11 consequences of violating such expectations and pro-  
12 hibitions;

13           “(2) training for at least 60 minutes for em-  
14 ployees and supervisors;

15           “(3) additional training for supervisors and em-  
16 ployees who are parents;

17           “(4) employee drug testing; and

18           “(5) employee access to an employee assistance  
19 program, including assessment, referral, and short-  
20 term problem resolution.

21           “(d) AUTHORIZATION.—There is authorized to be ap-  
22 propriated from the Trust Fund under section 401 of the  
23 National Tobacco Policy and Youth Smoking Reduction  
24 Act to carry out this section, \$10,000,000 for fiscal year  
25 1999. Such sums shall remain available until expended.”.

1 **SEC. \_\_\_55. SMALL BUSINESS DEVELOPMENT CENTERS.**

2 Section 21(c)(3) of the Small Business Act (15  
3 U.S.C. 648(c)(3)) is amended—

4 (1) in subparagraph (R), by striking “and” at  
5 the end;

6 (2) in subparagraph (S), by striking the period  
7 and inserting “; and”; and

8 (3) by inserting after subparagraph (S) the fol-  
9 lowing:

10 “(T) providing information and assistance to  
11 small business concerns with respect to developing  
12 drug-free workplace programs.”.

13 **SEC. \_\_\_56. CONTRACT AUTHORITY.**

14 The Administrator of the Small Business Administra-  
15 tion may contract with and compensate government and  
16 private agencies or persons for services related to carrying  
17 out the provisions of this chapter.

18 **CHAPTER 5—DRUG-FREE COMMUNITIES**

19 **SEC. \_\_\_61. DRUG-FREE COMMUNITIES.**

20 Section 1024(a) of the National Leadership Act of  
21 1988 (21 U.S.C. 1524(a)) is amended—

22 (1) in paragraph (1), by adding “and” after the  
23 semicolon; and

24 (2) by striking paragraphs (2) through (5), and  
25 inserting the following:

1           “(2) \$50,000,000 for each of the fiscal years  
2           1999 through 2003, of which \$10,000,000 in each  
3           such fiscal year shall be used for volunteer grass-  
4           roots drug prevention programs that mobilize parent  
5           action teams nationwide to conduct community teen  
6           drug awareness education and prevention activities  
7           that guarantee increased parental involvement.”.

8           **CHAPTER 6—BANNING FREE NEEDLES**  
9                           **FOR DRUG ADDICTS**

10          **SEC. \_\_\_65. PROHIBITION ON USE OF FUNDS FOR HYPO-**  
11                           **DERMIC NEEDLES.**

12          Notwithstanding any other provision of law, no Fed-  
13          eral funds shall be made available or used to carry out  
14          or support, directly or indirectly, any program of distribut-  
15          ing sterile hypodermic needles or syringes to individuals  
16          for the hypodermic injection of any illegal drug.

17           **Subtitle C—Defeating the Drug**  
18                           **Mafia**

19          **CHAPTER 1—INCREASED RESOURCES FOR**  
20                           **LAW ENFORCEMENT**

21          **SEC. \_\_\_71. INCREASED RESOURCES FOR LAW ENFORCE-**  
22                           **MENT.**

23           (a) **DRUG ENFORCEMENT ADMINISTRATION.**—In ad-  
24          dition to other amounts appropriated for the Drug En-  
25          forcement Administration for a fiscal year, there is author-

1 ized to be appropriated from the Trust Fund under section  
2 401, \$300,000,000 for each of the fiscal years 1999  
3 through 2003 to be used for additional activities to disrupt  
4 and dismantle drug trafficking organizations.

5 (b) FEDERAL BUREAU OF INVESTIGATION.—In addi-  
6 tion to other amounts appropriated for the Federal Bu-  
7 reau of Investigation for a fiscal year, there is authorized  
8 to be appropriated from the Trust Fund under section  
9 401, \$200,000,000 for each of the fiscal years 1999  
10 through 2003 to be used to enhance investigative and in-  
11 telligence gathering capabilities relating to illegal drugs.

12 **CHAPTER 2—MONEY-LAUNDERING**  
13 **PREVENTION**

14 **SEC. \_\_\_81. SHORT TITLE.**

15 This chapter may be cited as the “Money Laundering  
16 Act of 1998”.

17 **SEC. \_\_\_82. ILLEGAL MONEY TRANSMITTING BUSINESSES.**

18 (a) CIVIL FORFEITURE FOR MONEY TRANSMITTING  
19 VIOLATION.—Section 981(a)(1)(A) of title 18, United  
20 States Code, is amended by striking “or 1957” and insert-  
21 ing “, 1957, or 1960”.

22 (b) SCIENTER REQUIREMENT FOR SECTION 1960  
23 VIOLATION.—Section 1960 of title 18, United States  
24 Code, is amended by adding at the end the following:

1       “(c) SCIENTER REQUIREMENT.—For the purposes of  
2 proving a violation of this section involving an illegal  
3 money transmitting business—

4               “(1) it shall be sufficient for the Government to  
5 prove that the defendant knew that the money trans-  
6 mitting business lacked a license required by State  
7 law; and

8               “(2) it shall not be necessary to show that the  
9 defendant knew that the operation of such a busi-  
10 ness without the required license was an offense  
11 punishable as a felony or misdemeanor under State  
12 law.”.

13 **SEC. \_\_\_83. RESTRAINT OF ASSETS OF PERSONS ARRESTED**  
14 **ABROAD.**

15       Section 981(b) of title 18, United States Code, is  
16 amended by adding at the end the following:

17       “(3) RESTRAINT OF ASSETS.—

18               “(A) IN GENERAL.—If any person is arrested  
19 or charged in a foreign country in connection with  
20 an offense that would give rise to the forfeiture of  
21 property in the United States under this section or  
22 under the Controlled Substances Act, the Attorney  
23 General may apply to any Federal judge or mag-  
24 istrate judge in the district in which the property is  
25 located for an ex parte order restraining the prop-



1       erty subject to forfeiture for not more than 30 days,  
2       except that the time may be extended for good cause  
3       shown at a hearing conducted in the manner pro-  
4       vided in Rule 43(e) of the Federal Rules of Civil  
5       Procedure.

6       “(B) APPLICATION.—An application for a re-  
7       straining order under subparagraph (A) shall—

8               “(i) set forth the nature and circumstances  
9               of the foreign charges and the basis for belief  
10              that the person arrested or charged has prop-  
11              erty in the United States that would be subject  
12              to forfeiture; and

13              “(ii) contain a statement that the restrain-  
14              ing order is needed to preserve the availability  
15              of property for such time as is necessary to re-  
16              ceive evidence from the foreign country or else-  
17              where in support of probable cause for the sei-  
18              zure of the property under this subsection.”.

19   **SEC. \_\_\_84. ACCESS TO RECORDS IN BANK SECRECY JURIS-**  
20                                    **DICTIONS.**

21       Section 986 of title 18, United States Code, is  
22   amended by adding at the end the following:

23       “(d) ACCESS TO RECORDS LOCATED ABROAD.—

24               “(1) IN GENERAL.—In any civil forfeiture case,  
25       or in any ancillary proceeding in any criminal for-

1       feiture case governed by section 413(n) of the Con-  
2       trolled Substances Act (21 U.S.C. 853(n)), the re-  
3       fusal of the claimant to provide financial records lo-  
4       cated in a foreign country in response to a discovery  
5       request or take the action necessary otherwise to  
6       make the records available, shall result in the dis-  
7       missal of the claim with prejudice, if—

8               “(A) the financial records may be mate-  
9       rial—

10               “(i) to any claim or to the ability of  
11               the government to respond to such claim;  
12               or

13               “(ii) in a civil forfeiture case, to the  
14               ability of the government to establish the  
15               forfeitability of the property; and

16               “(B) it is within the capacity of the claim-  
17               ant to waive his or her rights under such se-  
18               crecy laws, or to obtain the financial records  
19               himself or herself, so that the financial records  
20               may be made available.

21               “(2) PRIVILEGE.—Nothing in this subsection  
22       shall be construed to affect the rights of a claimant  
23       to refuse production of any records on the basis of  
24       any privilege guaranteed by the Constitution of the

1 United States or any other provision of Federal  
2 law.”.

3 **SEC. \_\_\_85. CIVIL MONEY LAUNDERING JURISDICTION**  
4 **OVER FOREIGN PERSONS.**

5 Section 1956(b) of title 18, United States Code, is  
6 amended—

7 (1) by redesignating paragraphs (1) and (2) as  
8 subparagraphs (A) and (B), respectively, and indent-  
9 ing each subparagraph appropriately;

10 (2) by striking “(b) Whoever” and inserting the  
11 following:

12 “(b) CIVIL PENALTIES.—

13 “(1) IN GENERAL.—Whoever”; and

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

15 “(2) JURISDICTION.—For purposes of adju-  
16 dicating an action filed or enforcing a penalty or-  
17 dered under this section, the district courts of the  
18 United States shall have jurisdiction over any for-  
19 eign person, including any financial institution au-  
20 thorized under the laws of a foreign country, that  
21 commits an offense under subsection (a) involving a  
22 financial transaction that occurs in whole or in part  
23 in the United States, if service of process upon such  
24 foreign person is made in accordance with the Fed-

1 eral Rules of Civil Procedure or the laws of the for-  
2 eign country in which the foreign person is found.

3 “(3) SATISFACTION OF JUDGMENT.—In any ac-  
4 tion described in paragraph (2), the court may issue  
5 a pretrial restraining order or take any other action  
6 necessary to ensure that any bank account or other  
7 property held by the defendant in the United States  
8 is available to satisfy a judgment under this sec-  
9 tion.”.

10 **SEC. \_\_\_86. LAUNDERING MONEY THROUGH A FOREIGN**  
11 **BANK**

12 Section 1956(c)(6) of title 18, United States Code,  
13 is amended to read as follows:

14 “(6) the term ‘financial institution’ includes—

15 “(A) any financial institution described in  
16 section 5312(a)(2) of title 31, or the regula-  
17 tions promulgated thereunder; and

18 “(B) any foreign bank, as defined in sec-  
19 tion 1(b)(7) of the International Banking Act of  
20 1978 (12 U.S.C. 3101(7));”.

21 **SEC. \_\_\_87. SPECIFIED UNLAWFUL ACTIVITY FOR MONEY**  
22 **LAUNDERING.**

23 (a) IN GENERAL.—Section 1956(c)(7) of title 18,  
24 United States Code, is amended—

25 (1) in subparagraph (B)—

1 (A) by striking clause (ii) and inserting the  
2 following:

3 “(ii) any act or acts constituting a  
4 crime of violence;” and

5 (B) by adding at the end the following:

6 “(iv) fraud, or any scheme to defraud,  
7 committed against a foreign government or  
8 foreign governmental entity;

9 “(v) bribery of a public official, or the  
10 misappropriation, theft, or embezzlement  
11 of public funds by or for the benefit of a  
12 public official;

13 “(vi) smuggling or export control vio-  
14 lations involving munitions listed in the  
15 United States Munitions List or tech-  
16 nologies with military applications as de-  
17 fined in the Commerce Control List of the  
18 Export Administration Regulations; or

19 “(vii) an offense with respect to which  
20 the United States would be obligated by a  
21 multilateral treaty either to extradite the  
22 alleged offender or to submit the case for  
23 prosecution, if the offender were found  
24 with the territory of the United States;”;

25 (2) in subparagraph (D)—

1 (A) by inserting “section 541 (relating to  
2 goods falsely classified),” before “section 542”;

3 (B) by inserting “section 922(l) (relating  
4 to the unlawful importation of firearms), sec-  
5 tion 924(m) (relating to firearms trafficking),”  
6 before “section 956”;

7 (C) by inserting “section 1030 (relating to  
8 computer fraud and abuse),” before “1032”;  
9 and

10 (D) by inserting “any felony violation of  
11 the Foreign Agents Registration Act of 1938  
12 (22 U.S.C. 611 et seq.),” before “or any felony  
13 violation of the Foreign Corrupt Practices Act”;  
14 and

15 (3) in subparagraph (E), by inserting “the  
16 Clean Air Act (42 U.S.C. 6901 et seq.),” after “the  
17 Safe Drinking Water Act (42 U.S.C. 300f et seq.),”.

18 (b) NATIONAL SECURITY.—Section 1956(d) of title  
19 18, United States Code, is amended by adding at the end  
20 the following: “This section does not apply to any official  
21 conduct by a representative of, or to an action which is  
22 authorized by and conducted on behalf of, the United  
23 States Government.”.

1 SEC. \_\_\_88. CRIMINAL FORFEITURE FOR MONEY LAUNDER-  
2 ING CONSPIRACIES.

3 Section 982(a)(1) of title 18, United States Code, is  
4 amended by inserting “or a conspiracy to commit any such  
5 offense,” after “of this title,”.

6 SEC. \_\_\_89. SUBPOENAS FOR BANK RECORDS.

7 Section 986 of title 18, United States Code, is  
8 amended—

9 (1) in subsection (a)—

10 (A) by striking “section 1956, 1957, or  
11 1960 of this title, section 5322 or 5324 of title  
12 31, United States Code” and inserting “section  
13 981 or 982 of this title”;

14 (B) by inserting “before or” before  
15 “after”;

16 (C) by striking “in rem”; and

17 (D) by striking the last sentence; and

18 (2) in subsection (c), by inserting “or the Fed-  
19 eral Rules of Criminal Procedure” after “Proce-  
20 dure”.

21 SEC. \_\_\_90. FUGITIVE DISENTITLEMENT.

22 (a) IN GENERAL.—Chapter 163 of title 28, United  
23 States Code, is amended by adding at the end the follow-  
24 ing:

1 **“§ 2467. Fugitive disentitlement**

2 “Any person who, in order to avoid criminal prosecu-  
3 tion, purposely leaves the jurisdiction of the United States,  
4 declines to enter or reenter the United States to submit  
5 to the jurisdiction of the United States, or otherwise  
6 evades the jurisdiction of a court of the United States in  
7 which a criminal case is pending against the person, may  
8 not use the resources of the courts of the United States  
9 in furtherance of a claim in any related civil forfeiture ac-  
10 tion or a claim in any third-party proceeding in any relat-  
11 ed criminal forfeiture action.”.

12 (b) CONFORMING AMENDMENT.—The analysis for  
13 chapter 163 of title 28, United States Code, is amended  
14 by adding at the end the following:

“2467. Fugitive disentitlement.”.

15 **SEC. \_\_\_91. ADMISSIBILITY OF FOREIGN BUSINESS**  
16 **RECORDS.**

17 (a) IN GENERAL.—Chapter 163 of title 28, United  
18 States Code, is amended by adding at the end the follow-  
19 ing:

20 **“§ 2468. Foreign records**

21 “(a) DEFINITIONS.—In this section—

22 “(1) the term ‘business’ includes business, insti-  
23 tution, association, profession, occupation, and call-  
24 ing of every kind whether or not conducted for prof-  
25 it;



1           “(2) the term ‘foreign certification’ means a  
2 written declaration made and signed in a foreign  
3 country by the custodian of a record of regularly  
4 conducted activity or another qualified person, that  
5 if falsely made, would subject the maker to criminal  
6 penalty under the law of that country;

7           “(3) the term ‘foreign record of regularly con-  
8 ducted activity’ means a memorandum, report,  
9 record, or data compilation, in any form, of acts,  
10 events, conditions, opinions, or diagnoses, main-  
11 tained in a foreign country; and

12           “(4) the term ‘official request’ means a letter  
13 rogatory, a request under an agreement, treaty or  
14 convention, or any other request for information or  
15 evidence made by a court of the United States or an  
16 authority of the United States having law enforce-  
17 ment responsibility, to a court or other authority of  
18 a foreign country.

19           “(b) ADMISSIBILITY.—In a civil proceeding in a court  
20 of the United States, including a civil forfeiture proceeding  
21 and a proceeding in the United States Claims Court and  
22 the United States Tax Court, unless the source of infor-  
23 mation or the method or circumstances of preparation in-  
24 dicate lack of trustworthiness, a foreign record of regu-  
25 larly conducted activity (or a duplicate of such record),

1 obtained pursuant to an official request, shall not be ex-  
2 cluded as evidence by the hearsay rule if a foreign certifi-  
3 cation, also obtained pursuant to the same official request  
4 or subsequent official request that adequately identifies  
5 such foreign record, attests that—

6 “(1) the foreign record was made, at or near  
7 the time of the occurrence of the matters set forth,  
8 by (or from information transmitted by) a person  
9 with knowledge of those matters;

10 “(2) the foreign record was kept in the course  
11 of a regularly conducted business activity;

12 “(3) the business activity made such a record  
13 as a regular practice; and

14 “(4) if the foreign record is not the original, the  
15 record is a duplicate of the original.

16 “(c) FOREIGN CERTIFICATION.—A foreign certifi-  
17 cation under this section shall authenticate a record or  
18 duplicate described in subsection (b).

19 “(d) NOTICE OF INTENT TO FILE AND MOTION TO  
20 OPPOSE.—

21 “(1) INTENT TO FILE.—As soon as practicable  
22 after a responsive pleading has been filed, a party  
23 intending to offer in evidence under this section a  
24 foreign record of regularly conducted activity shall

1 provide written notice of that intention to each other  
2 party.

3 “(2) MOTION TO OPPOSITION.—A motion op-  
4 posing admission in evidence of a record under para-  
5 graph (1) shall be made by the opposing party and  
6 determined by the court before trial. Failure by a  
7 party to file such motion before trial shall constitute  
8 a waiver of objection to such record, except that the  
9 court for cause shown may grant relief from the  
10 waiver.”.

11 (b) CONFORMING AMENDMENT.—The analysis for  
12 chapter 163 of title 28, United States Code, is amended  
13 by adding at the end the following:

“2468. Foreign records.”.

14 **SEC. \_\_\_92. FUNGIBLE PROPERTY IN BANK ACCOUNTS.**

15 Section 984 of title 18, United States Code, is  
16 amended—

17 (1) by striking subsection (a);

18 (2) by redesignating subsections (b) through (d)  
19 as subsections (a) through (c), respectively;

20 (3) by striking subsection (b) (as so redesign-  
21 nated) and inserting the following:

22 “(b) The provisions of this section may be invoked  
23 only if the action for forfeiture was commenced by a sei-  
24 zure or an arrest in rem within 2 years of the date on

1 which the offense that is the basis for the forfeiture was  
2 committed.”;

3 (4) in subsection (c) (as so redesignated)—

4 (A) by striking paragraph (1), and insert-  
5 ing the following:

6 “(1) Subsection (a) shall not apply to an action  
7 against funds held by a financial institution in an inter-  
8 bank account unless that account holder knowingly en-  
9 gaged in the offense that is the basis for the forfeiture.”;  
10 and

11 (B) by adding at the end the following:

12 “(3) As used in this subsection, the term ‘financial  
13 institution’ includes a foreign bank, as defined in section  
14 1(b)(7) of the International Banking Act of 1978.”; and

15 (5) by adding at the end the following:

16 “(d) Nothing in this section is intended to limit the  
17 ability of the Federal Government to forfeit property  
18 under any statute where the property involved in the of-  
19 fense giving rise to the forfeiture or property traceable  
20 thereto is available for forfeiture.”.

21 **SEC. \_\_\_93. CHARGING MONEY LAUNDERING AS A COURSE**  
22 **OF CONDUCT.**

23 Section 1956(h) of title 18, United States Code, is  
24 amended—

1 (1) by striking “(h) Any person” and inserting  
2 the following:

3 “(h) CONSPIRACY; MULTIPLE VIOLATIONS.—

4 “(1) CONSPIRACY.—Any person”; and

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

6 “(2) MULTIPLE VIOLATIONS.—Any person who  
7 commits multiple violations of this section or section  
8 1957 that are part of the same scheme or continuing  
9 course of conduct may be charged, at the election of  
10 the Government, in a single count in an indictment  
11 or information.”.

12 SEC. \_\_\_94. VENUE IN MONEY LAUNDERING CASES.

13 Section 1956 of title 18, United States Code, is  
14 amended by adding at the end the following:

15 “(i) VENUE.—

16 “(1) IN GENERAL.—Except as provided in para-  
17 graph (2), a prosecution for an offense under this  
18 section or section 1957 may be brought in—

19 “(A) any district in which the financial or  
20 monetary transaction is conducted; or

21 “(B) any district where a prosecution for  
22 the underlying specified unlawful activity could  
23 be brought, if the defendant participated in the  
24 transfer of the proceeds of the specified unlaw-

1           ful activity from that district where the finan-  
2           cial or monetary transaction is conducted.

3           “(2) EXCEPTION.—A prosecution for an at-  
4           tempt or conspiracy offense under this section or  
5           section 1957 may be brought in the district in which  
6           venue would lie for the completed offense under  
7           paragraph (1), or in any other district in which an  
8           act in furtherance of the attempt or conspiracy took  
9           place.”.

10 **SEC. \_\_\_95. TECHNICAL AMENDMENT TO RESTORE WIRE-**  
11                           **TAP AUTHORITY FOR CERTAIN MONEY LAUN-**  
12                           **DERING OFFENSES.**

13           Section 2516(1)(g) of title 18, United States Code,  
14 is amended by striking “of title 31, United States Code  
15 (dealing with the reporting of currency transactions)” and  
16 inserting “or 5324 of title 31 (dealing with the reporting  
17 and illegal structuring of currency transactions)”.

18 **SEC. \_\_\_96. KNOWLEDGE THAT THE PROPERTY IS THE**  
19                           **PROCEEDS OF A FELONY.**

20           Section 1956(c)(1) of title 18, United States Code,  
21 is amended by inserting “, and regardless of whether or  
22 not the person knew that the activity constituted a felony”  
23 before the semicolon at the end.

1 SEC. \_\_\_97. MONEY PURCHASED ON THE BLACK MARKET.

2 (a) IN GENERAL.—Section 981(a) of title 18, United  
3 States Code, is amended by adding at the end the follow-  
4 ing:

5 “(3) INNOCENT OWNER DEFENSE.—

6 “(A) IN GENERAL.—A person asserting an in-  
7 nocent owner defense under paragraph (2), or any  
8 other provision of law, in currency, monetary instru-  
9 ments, or funds purchased from a money broker  
10 must be a bona fide purchaser for value without rea-  
11 son to know that the currency, monetary instru-  
12 ments, or funds were subject to forfeiture, and must  
13 establish that such person took all reasonable af-  
14 firmative steps to determine the source of the cur-  
15 rency, monetary instruments, or funds, or to verify  
16 that the currency, monetary instruments, or funds  
17 were not derived from illegal activity.

18 “(B) DEFINITIONS.—In this paragraph—

19 “(i) the term ‘money broker’ means any  
20 person who sells or exchanges currency, mone-  
21 tary instruments, or funds, either in the United  
22 States or in a foreign country, either independ-  
23 ently, or through any parallel market, black  
24 market, casa de cambio, or other currency ex-  
25 change business; and

1           “(ii) what constitutes ‘all reasonable af-  
2           firmative steps’ depends on the facts and cir-  
3           cumstances surrounding the transaction, but if  
4           the money broker is a financial institution, as  
5           defined in section 20 of this title, the purchaser  
6           takes ‘all reasonable affirmative steps’ if the  
7           purchaser conducts the transaction at the fi-  
8           nancial institution during normal business  
9           hours in an arms-length transaction and has no  
10          reason to know that the currency, monetary in-  
11          struments, or funds were derived from or used  
12          to commit any unlawful activity.”.

13          (b) APPLICATION.—The amendments made by this  
14          section apply to any action pending on the date of enact-  
15          ment of this Act.

16          **SEC. \_\_\_98. ASSET FORFEITURE TRANSFERS.**

17          Section 511(e)(1)(E)(iii) of the Controlled Sub-  
18          stances Act (21 U.S.C. 881(e)(1)(E)(iii)) is amended by  
19          inserting “, or to a country that has not been so certified,  
20          if the Secretary of State determines that transfer to be  
21          in the national interest” before the period.

22          **SEC. \_\_\_99. RECEIPT AND DEPOSIT AMENDMENT.**

23          The United States Sentencing Commission shall  
24          amend the Federal sentencing guidelines to provide that  
25          the sentence for an offense under section 1957 of title 18,



1 United States Code, if the transaction in criminally de-  
2 rived property consists of a deposit of that property in  
3 a financial institution without any intent to disguise or  
4 conceal the nature, location, source, ownership, or control  
5 of such proceeds, shall not exceed the sentence for the of-  
6 fense giving rise to such property by more than 1 offense  
7 level.

8 **SEC. \_\_\_99A. COVERAGE OF FOREIGN BANK BRANCHES IN**  
9 **THE TERRITORIES.**

10 Section 20(9) of title 18, United States Code, is  
11 amended by inserting “, except that, for purposes of the  
12 application of that definition, the term ‘State’ as used in  
13 such Act, includes a commonwealth, territory, or posses-  
14 sion of the United States” after “Banking Act of 1978”.

15 **CHAPTER 3—REGISTRATION OF**  
16 **CONVICTED DRUG DEALERS**

17 **SEC. \_\_\_99B. REGISTRATION OF CONVICTED DRUG DEAL-**  
18 **ERS.**

19 (a) **IN GENERAL.**—The Attorney General shall estab-  
20 lish an incentive grant program for States to assist the  
21 States in enacting laws that establish State registration  
22 programs for individuals convicted of criminals offenses  
23 involving drug trafficking.

24 (b) **GRANT REQUIREMENTS.**—To qualify for a grant  
25 under subsection (a) a State shall enact, actively enforce,

1 and publicize a law that requires that a person who is con-  
2 victed of a criminal offense involving drug trafficking reg-  
3 ister a current address with a designated State law en-  
4 forcement agency for up to 10-years following the date on  
5 which such individual is convicted or released from prison.

6 (c) REQUIREMENTS OF STATE LAW.—A State law  
7 enacted under subsection (b) shall contain the following  
8 elements:

9 (1) DUTIES OF RESPONSIBLE OFFICIALS.—If a  
10 person who is required to register under a State law  
11 under this section is released from prison, or placed  
12 on parole, supervised release, or probation, a State  
13 prison officer, the court, or another responsible offi-  
14 cer or official, shall—

15 (A) inform the person of the duty to reg-  
16 ister and obtain the information required for  
17 such registration;

18 (B) inform the person that if the person  
19 changes residence address, the person shall re-  
20 port the change of address as provided by State  
21 law;

22 (C) inform the person that if the person  
23 changes residence to another State, the person  
24 shall report the change of address as provided  
25 by State law and comply with any registration

1 requirement in the new State of residence, and  
2 inform the person that the person must also  
3 register in a State where the person is em-  
4 ployed, carries on a vocation, or is a student;

5 (D) obtain fingerprints and a photograph  
6 of the person if these have not already been ob-  
7 tained in connection with the offense that trig-  
8 gers registration; and

9 (E) require the person to read and sign a  
10 form stating that the duty of the person to reg-  
11 ister under this section has been explained.

12 (2) TRANSFER OF INFORMATION TO STATE.—  
13 State procedures under the State law shall ensure  
14 that the registration information is promptly made  
15 available to a law enforcement agency having juris-  
16 diction where the person expects to reside and en-  
17 tered into the appropriate State records or data sys-  
18 tem.

19 (3) VERIFICATION.—For a person required to  
20 register, State procedures under the State law shall  
21 provide for verification of address at least annually.

22 (4) NOTIFICATION OF LOCAL LAW ENFORCE-  
23 MENT AGENCIES OF CHANGES IN ADDRESS.—A  
24 change of address by a person required to register  
25 under a State law under this section shall be re-

1       ported by the person in the manner provided by  
2       State law. State procedures shall ensure that the up-  
3       dated address information is promptly made avail-  
4       able to a law enforcement agency having jurisdiction  
5       where the person will reside and entered into the ap-  
6       propriate State records or data system.

7               (5) REGISTRATION FOR CHANGE OF ADDRESS  
8       TO ANOTHER STATE.—A person who has been con-  
9       victed of an offense which requires registration  
10      under a State law under this section and who moves  
11      to another State, shall report the change of address  
12      to the responsible agency in the State the person is  
13      leaving, and shall comply with any registration re-  
14      quirement in the new State of residence. The proce-  
15      dures of the State the person is leaving shall ensure  
16      that notice is provided promptly to an agency re-  
17      sponsible for registration in the new State, if that  
18      State requires registration.

19              (6) LENGTH OF REGISTRATION.—A person re-  
20      quired to register under a State law under this sec-  
21      tion shall continue to comply with this section, ex-  
22      cept during ensuing periods of incarceration, until  
23      10 years have elapsed since the person was released  
24      from prison or placed on parole, supervised release,  
25      or probation.

1           (7) REGISTRATION OF OUT-OF-STATE OFFEND-  
2           ERS, FEDERAL OFFENDERS, PERSONS SENTENCED  
3           BY COURTS MARTIAL, AND OFFENDERS CROSSING  
4           STATE BORDERS.—A State shall include in its reg-  
5           istration program residents who were convicted in  
6           another State and shall ensure that procedures are  
7           in place to accept registration information from—

8                   (A) residents who were convicted in an-  
9                   other State, convicted of a Federal offense, or  
10                  sentenced by a court martial; and

11                  (B) nonresident offenders who have  
12                  crossed into another State in order to work or  
13                  attend school.

14           (8) REGISTRATION OF OFFENDER CROSSING  
15           STATE BORDER.—Any person who is required under  
16           a State law under this section to register in the  
17           State in which such person resides shall also register  
18           in any State in which the person is employed, carries  
19           on a vocation, or is a student.

20           (9) PENALTY.—A person required to register  
21           under a State law under this section who knowingly  
22           fails to so register and keep such registration cur-  
23           rent shall be subject to criminal penalties in any  
24           State in which the person has so failed.

25           (10) RELEASE OF INFORMATION.—

1 (A) IN GENERAL.—The information col-  
2 lected under a State registration program under  
3 this section may be disclosed for any purpose  
4 permitted under the laws of the State.

5 (B) PROTECTION OF THE PUBLIC.—The  
6 State or any agency authorized by the State  
7 shall release relevant information that is nec-  
8 essary to protect the public concerning a spe-  
9 cific person required to register under this sec-  
10 tion.

11 (11) IMMUNITY FOR GOOD FAITH CONDUCT.—  
12 Law enforcement agencies, employees of law enforce-  
13 ment agencies and independent contractors acting at  
14 the direction of such agencies, and State officials  
15 shall be immune from liability for good faith conduct  
16 under a State law under this section.

17 (12) FINGERPRINTS.—Each requirement to  
18 register under a State law under this section shall  
19 be deemed to also require the submission of a set of  
20 fingerprints of the person required to register, ob-  
21 tained in accordance with regulations prescribed by  
22 the Attorney General under section 170102(h).

23 (d) USE.—A State may only use a grant under sub-  
24 section (a) to implement and enforce the law described in  
25 subsection (b).

1 (e) DEFINITION.—In this section, the term “offenses  
2 involving drug trafficking” means a criminal offense under  
3 Federal or applicable State law relating to—

4 (1) the distribution of illegal drugs to individ-  
5 uals under the age of 21 years;

6 (2) the distribution of manufacturing of illegal  
7 drugs in or near schools, colleges, universities, or  
8 youth-centered recreational facilities; or

9 (3) any other activity relating to illegal drugs  
10 determined appropriate by the chief executive officer  
11 of the State involved.

12 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriate form amounts made  
14 available from the Trust Fund under section 401,  
15 \$5,000,000 for each of the fiscal years 1999 through  
16 2003.

17 **Subtitle D—National Drug Control**  
18 **Strategy**

19 **SEC. \_\_\_99C. DEVELOPMENT, SUBMISSION, IMPLEMENTA-**  
20 **TION, AND ASSESSMENT OF NATIONAL DRUG**  
21 **CONTROL STRATEGY.**

22 Section 1005 of the National Narcotics Leadership  
23 Act of 1988 (21 U.S.C. 1504) is amended to read as fol-  
24 lows:

1 "SEC. 1005. DEVELOPMENT, SUBMISSION, IMPLEMENTA-  
2 TION, AND ASSESSMENT OF NATIONAL DRUG  
3 CONTROL STRATEGY.

4 "(a) TIMING, CONTENTS, AND PROCESS FOR DEVEL-  
5 OPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL  
6 STRATEGY.—

7 "(1) TIMING.—

8 "(A) IN GENERAL.—Not later than Octo-  
9 ber 1, 1998, the President shall submit to Con-  
10 gress a National Drug Control Strategy, which  
11 shall set forth a comprehensive 2-year plan for  
12 reducing drug abuse and the consequences of  
13 drug abuse in the United States, by limiting the  
14 availability of and reducing the demand for ille-  
15 gal drugs.

16 "(B) 4-YEAR PLAN.—Not later than Octo-  
17 ber 1, 2001, and on October 1 of every fourth  
18 year thereafter, the President shall submit to  
19 Congress a revised National Drug Control  
20 Strategy, which shall set forth a comprehensive  
21 4-year plan for reducing drug abuse and the  
22 consequences of drug abuse in the United  
23 States, by limiting the availability of and reduc-  
24 ing the demand for illegal drugs, and shall in-  
25 clude quantifiable 4-year performance objec-



1 tives, targets, and measures for each National  
2 Drug Control Strategy goal and objective.

3 “(2) CONTENTS.—

4 “(A) IN GENERAL.—The National Drug  
5 Control Strategy submitted under paragraph  
6 (1) shall include—

7 “(i) comprehensive, research-based,  
8 long-range, quantifiable, goals for reducing  
9 drug abuse and the consequences of drug  
10 abuse in the United States;

11 “(ii) short-term measurable objectives  
12 to accomplish long-term quantifiable goals  
13 that the Director determines may be real-  
14 istically achieved during the 2-year period  
15 beginning on the date on which the strat-  
16 egy is submitted;

17 “(iii) 5-year projections for program  
18 and budget priorities; and

19 “(iv) a review of State, local, and pri-  
20 vate sector drug control activities to ensure  
21 that the United States pursues well-coordi-  
22 nated and effective drug control at all lev-  
23 els of government.

24 “(B) CLASSIFIED INFORMATION.—Any  
25 contents of the National Drug Control Strategy

1 that involves information properly classified  
2 under criteria established by an Executive order  
3 shall be presented to Congress separately from  
4 the rest of the Strategy.

5 “(3) PROCESS FOR DEVELOPMENT AND SUB-  
6 MISSION.—

7 “(A) CONSULTATION.—In developing and  
8 effectively implementing the National Drug  
9 Control Strategy, the Director—

10 “(i) shall consult with—

11 “(I) the heads of the National  
12 Drug Control Program agencies;

13 “(II) Congress;

14 “(III) State and local officials;

15 “(IV) private citizens and organi-  
16 zations with experience and expertise  
17 in demand reduction; and

18 “(V) private citizens and organi-  
19 zations with experience and expertise  
20 in supply reduction; and

21 “(ii) may require the National Drug  
22 Intelligence Center and the El Paso Intel-  
23 ligence Center to undertake specific tasks  
24 or projects to implement the Strategy.

1           “(B) INCLUSION IN STRATEGY.—The Na-  
2           tional Drug Control Strategy under this sub-  
3           section, and each report submitted under sub-  
4           section (b), shall include a list of each entity  
5           consulted under subparagraph (A)(i).

6           “(4) MODIFICATION AND RESUBMITTAL.—Not-  
7           withstanding any other provision of law, the Director  
8           may modify a National Drug Control Strategy sub-  
9           mitted under paragraph (1) at any time.

10          “(b) ANNUAL STRATEGY REPORT.—

11           “(1) IN GENERAL.—Not later than February 1,  
12           1999, and on February 1 of each year thereafter,  
13           the President shall submit to Congress a report on  
14           the progress in implementing the Strategy under  
15           subsection (a), which shall include—

16           “(A) an assessment of the Federal effec-  
17           tiveness in achieving the Strategy goals and ob-  
18           jectives using the performance measurement  
19           system described in subsection (c), including—

20           “(i) an assessment of drug use and  
21           availability in the United States; and

22           “(ii) an estimate of the effectiveness  
23           of interdiction, treatment, prevention, law  
24           enforcement, and international programs  
25           under the National Drug Control Strategy



- 1                   “(II) high-risk populations, in-  
2                   cluding school dropouts, the homeless  
3                   and transient, arrestees, parolees, pro-  
4                   bationers, and juvenile delinquents;  
5                   and  
6                   “(III) drug use in the workplace  
7                   and the productivity lost by such use;  
8                   “(ii) an assessment of the reduction of  
9                   drug availability against an ascertained  
10                  baseline, as measured by—  
11                  “(I) the quantities of cocaine,  
12                  heroin, marijuana, methamphetamine,  
13                  and other drugs available for con-  
14                  sumption in the United States;  
15                  “(II) the amount of marijuana,  
16                  cocaine, and heroin entering the Unit-  
17                  ed States;  
18                  “(III) the number of hectares of  
19                  marijuana, poppy, and coca cultivated  
20                  and destroyed;  
21                  “(IV) the number of metric tons  
22                  of marijuana, heroin, and cocaine  
23                  seized;

1                   “(V) the number of cocaine and  
2                   methamphetamine processing labora-  
3                   tories destroyed;

4                   “(VI) changes in the price and  
5                   purity of heroin and cocaine;

6                   “(VII) the amount and type of  
7                   controlled substances diverted from le-  
8                   gitimate retail and wholesale sources;  
9                   and

10                  “(VIII) the effectiveness of Fed-  
11                  eral technology programs at improving  
12                  drug detection capabilities in interdic-  
13                  tion, and at United States ports of  
14                  entry;

15                  “(iii) an assessment of the reduction  
16                  of the consequences of drug use and avail-  
17                  ability, which shall include estimation of—

18                  “(I) the burden drug users  
19                  placed on hospital emergency depart-  
20                  ments in the United States, such as  
21                  the quantity of drug-related services  
22                  provided;

23                  “(II) the annual national health  
24                  care costs of drug use, including costs  
25                  associated with people becoming in-

1                   fected       with       the       human  
2                   immunodeficiency virus and other in-  
3                   fectious diseases as a result of drug  
4                   use;

5                   “(III) the extent of drug-related  
6                   crime and criminal activity; and

7                   “(IV) the contribution of drugs  
8                   to the underground economy, as  
9                   measured by the retail value of drugs  
10                  sold in the United States;

11                  “(iv) a determination of the status of  
12                  drug treatment in the United States, by  
13                  assessing—

14                  “(I) public and private treatment  
15                  capacity within each State, including  
16                  information on the treatment capacity  
17                  available in relation to the capacity  
18                  actually used;

19                  “(II) the extent, within each  
20                  State, to which treatment is available;

21                  “(III) the number of drug users  
22                  the Director estimates could benefit  
23                  from treatment; and

24                  “(IV) the specific factors that re-  
25                  strict the availability of treatment

1 services to those seeking it and pro-  
2 posed administrative or legislative  
3 remedies to make treatment available  
4 to those individuals; and

5 “(v) a review of the research agenda  
6 of the Counter-Drug Technology Assess-  
7 ment Center to reduce the availability and  
8 abuse of drugs; and

9 “(F) an assessment of private sector initia-  
10 tives and cooperative efforts between the Fed-  
11 eral Government and State and local govern-  
12 ments for drug control.

13 “(2) SUBMISSION OF REVISED STRATEGY.—The  
14 President may submit to Congress a revised Na-  
15 tional Drug Control Strategy that meets the require-  
16 ments of this section—

17 “(A) at any time, upon a determination by  
18 the President and the Director that the Na-  
19 tional Drug Control Strategy in effect is not  
20 sufficiently effective; and

21 “(B) if a new President or Director takes  
22 office.

23 “(c) PERFORMANCE MEASUREMENT SYSTEM.—

24 “(1) IN GENERAL.—Not later than October 1,  
25 1998, the Director shall submit to Congress a de-



1 description of the national drug control performance  
2 measurement system, designed in consultation with  
3 affected National Drug Control Program agencies,  
4 that—

5 “(A) develops performance objectives,  
6 measures, and targets for each National Drug  
7 Control Strategy goal and objective;

8 “(B) revises performance objectives, meas-  
9 ures, and targets, to conform with National  
10 Drug Control Program Agency budgets;

11 “(C) identifies major programs and activi-  
12 ties of the National Drug Control Program  
13 agencies that support the goals and objectives  
14 of the National Drug Control Strategy;

15 “(D) evaluates implementation of major  
16 program activities supporting the National  
17 Drug Control Strategy developed under section  
18 1005;

19 “(E) monitors consistency between the  
20 drug-related goals and objectives of the Na-  
21 tional Drug Control Program agencies and en-  
22 sures that drug control agency goals and budg-  
23 ets support and are fully consistent with the  
24 National Drug Control Strategy; and

1           “(F) coordinates the development and im-  
2           plementation of national drug control data col-  
3           lection and reporting systems to support policy  
4           formulation and performance measurement, in-  
5           cluding an assessment of—

6                   “(i) the quality of current drug use  
7                   measurement instruments and techniques  
8                   to measure supply reduction and demand  
9                   reduction activities;

10                   “(ii) the adequacy of the coverage of  
11                   existing national drug use measurement in-  
12                   struments and techniques to measure the  
13                   casual drug user population and groups  
14                   that are at risk for drug use; and

15                   “(iii) the actions the Director shall  
16                   take to correct any deficiencies and limita-  
17                   tions identified pursuant to subparagraphs  
18                   (A) and (B) of subsection (b)(4).

19           “(2) MODIFICATIONS.—A description of any  
20           modifications made during the preceding year to the  
21           national drug control performance measurement sys-  
22           tem described in paragraph (1) shall be included in  
23           each report submitted under subsection (b).”.

1 SEC. \_\_\_99D. REPORT BY PRESIDENT.

2 Not later than October 1, 1998, and every April 1  
3 and October 1 thereafter, the President shall prepare and  
4 submit to the appropriate committees of Congress a report  
5 on the prevalence of the use of any illegal drugs by youth  
6 between the ages of 12 and 17.

7 **Subtitle E—Miscellaneous**  
8 **Provisions**

9 SEC. \_\_\_99E. LIMITATIONS ON FUNDING.

10 (b) IN GENERAL.—Notwithstanding section 451(b),  
11 amounts in the Public Health Account shall be available  
12 to the extent and only in the amounts provided in advance  
13 in appropriations Acts, to remain available until expended,  
14 only for the purposes of—

15 (1) carrying out smoking cessation activities  
16 under part D of title XIX of the Public Health Serv-  
17 ice Act, as added by title II of this Act;

18 (2) carrying out activities under section 453;

19 (3) carrying out—

20 (A) counter-advertising activities under  
21 section 1982 of the Public Health Service Act  
22 as amended by this Act;

23 (B) smoking prevention activities under  
24 section 223;

25 (C) surveys under section 1991C of the  
26 Public Health Service Act, as added by this Act

1 (but, in no fiscal year may the amounts used to  
2 carry out such surveys be less than 10 percent  
3 of the amounts available under this subsection);  
4 and  
5 (D) international activities under section  
6 1132;  
7 (4) carrying out—  
8 (A) Food and Drug Administration activi-  
9 ties;  
10 (B) State retail licensing activities under  
11 section 251;  
12 (C) anti-Smuggling activities under section  
13 1141; and  
14 (5) carrying out education and prevention relat-  
15 ing to drugs under this title.

1.2 billion per year - out of  
trust fund

\$500 million - Customs  
\$470 million - DOD  
\$400 - Coast Guard

10 million - Drug testing

10 million - School Drug testing

10 million - Workplace Demos

50 million - Drug free Communities

\$200 million - FBI

2.0 billion per year

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Abraham

2.6 -

\$14 billion

5 states

2 Firms

Total 7 - billion

- 1 - drugs

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