

107TH CONGRESS
1ST SESSION

S. 89

To enhance the illegal narcotics control activities of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2001

Mr. GRASSLEY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To enhance the illegal narcotics control activities of the United States, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Drug-Free America Act of 2001”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—DOMESTIC DEMAND REDUCTION

Sec. 101. Short title.

Subtitle A—Drug Treatment and Research

- Sec. 111. Short title.
- Sec. 112. Amendments to the Public Health Service Act.
- Sec. 113. Adolescent therapeutic community treatment programs.
- Sec. 114. Residential treatment program in Federal prisons.
- Sec. 115. Counter-Drug Technology Assessment Center.
- Sec. 116. Sense of Congress on research by the National Institutes of Health.

Subtitle B—Drug-Free Communities

- Sec. 121. Findings.
- Sec. 122. Drug-free communities support program.

Subtitle C—Drug-Free Families

- Sec. 131. Short title.
- Sec. 132. Findings.
- Sec. 133. Purposes.
- Sec. 134. Definitions.
- Sec. 135. Establishment of drug-free families support program.
- Sec. 136. Authorization of appropriations.

Subtitle D—National Community Antidrug Coalition Institute

- Sec. 141. Short title.
- Sec. 142. Establishment.
- Sec. 143. Authorization of appropriations.

TITLE II—DOMESTIC LAW ENFORCEMENT

Subtitle A—National Guard Matters

- Sec. 201. Minimum number of members of the National Guard on duty to perform drug interdiction or counter-drug activities.
- Sec. 202. National Guard counterdrug schools.

Subtitle B—Customs Matters

- Sec. 211. Short title.

PART I—AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES CUSTOMS SERVICE FOR ENHANCED INSPECTION, TRADE FACILITATION, AND DRUG INTERDICTION

- Sec. 221. Authorization of appropriations.
- Sec. 222. Cargo inspection and narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and Gulf Coast seaports; internal management improvements.
- Sec. 223. Peak hours and investigative resource enhancement for the United States-Mexico and United States-Canada borders, Florida and Gulf Coast seaports, and the Bahamas.
- Sec. 224. Agent rotations; elimination of backlog of background investigations.
- Sec. 225. Air and marine operation and maintenance funding.
- Sec. 226. Compliance with performance plan requirements.
- Sec. 227. Report on intelligence requirements.

PART II—CUSTOMS MANAGEMENT

- Sec. 231. Term and salary of the Commissioner of Customs.

Sec. 232. Internal compliance.

Sec. 233. Report on personnel flexibility.

Sec. 234. Report on personnel allocation model.

Sec. 235. Report on detection and monitoring requirements along the southern tier and northern border.

PART III—MARKING VIOLATIONS

Sec. 241. Civil penalties for marking violations.

Subtitle C—Miscellaneous

Sec. 251. Tethered Aerostat Radar System.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Illegal drugs cost America more than
 4 \$70,000,000,000 annually. These costs include lost
 5 productivity, as well as money spent for drug treat-
 6 ment, illnesses related to drug use, crime prevention
 7 and enforcement, and welfare.

8 (2) Federal, State, and local governments spend
 9 more than \$30,000,000,000 annually to combat ille-
 10 gal drugs and the consequences of illegal drugs.

11 (3) The estimated total expenditure by Ameri-
 12 cans on illicit drugs in 1993 was \$48,700,000,000.
 13 The vast majority of these illegal drugs are produced
 14 overseas and then smuggled into the United States
 15 by major criminal organizations.

16 (4) The estimated worldwide potential of coca
 17 net production in 1996 was 303,600 metric tons,
 18 and in the same year, the worldwide coca cultivation
 19 was 209,700 hectares.

1 (5) The production of opium has also been in-
2 creasing for at least the past 10 years, and reached
3 a new high in 1996 of 4,212 metric tons. Production
4 throughout the world has led to an increase in the
5 heroin addict population of the United States, bring-
6 ing it to a new high of more than 600,000 people.

7 (6) Money laundering constitutes a serious
8 challenge to the maintenance of law and order
9 throughout the hemisphere and poses a threat to
10 stability, reliability, and the integrity of govern-
11 ments, financial systems, and commerce.

12 (7) Money laundering of illegal drug profits is
13 an integral part of the drug trafficking process, cre-
14 ating an obstacle in fighting drugs. It is estimated
15 that \$100,000,000,000 to \$300,000,000,000 in
16 United States currency is laundered each year.

17 (8) Certification pursuant to the Foreign As-
18 sistance Act of 1961 is an essential tool in United
19 States foreign policy. Through the certification proc-
20 ess there has been improvement in cooperation levels
21 that demonstrates the importance of holding coun-
22 tries responsible for being major producing, transit,
23 and money laundering countries.

24 (9) The major criminal organizations that traf-
25 fic in illegal narcotics are international in scope and

1 extremely flexible in their activities, and are becom-
2 ing increasingly sophisticated in their methods of op-
3 eration. Their influence reaches to the highest levels
4 of some foreign governments.

5 (10) The threat of corruption at all levels of
6 government remains a significant concern when deal-
7 ing with many nations. Explosive corruption in a
8 number of countries is undermining domestic proc-
9 esses and the rule of law. United States assistance
10 and the pressure of decertification have encouraged
11 many countries to take corruption seriously.

12 (11) The production and trafficking of illegal
13 narcotics presents a threat to United States inter-
14 ests, both domestic and foreign. Drugs are a corro-
15 sive influence on our children, our values, and our
16 Government.

17 **TITLE I—DOMESTIC DEMAND**
18 **REDUCTION**

19 **SEC. 101. SHORT TITLE.**

20 This title may be cited as the “Domestic Narcotic De-
21 mand Reduction Act of 2001”.

1 **Subtitle A—Drug Treatment and**
2 **Research**

3 **SEC. 111. SHORT TITLE.**

4 This subtitle may be cited as the “Drug Treatment
5 and Research Enhancement Act of 2001”.

6 **SEC. 112. AMENDMENTS TO THE PUBLIC HEALTH SERVICE**
7 **ACT.**

8 (a) **SHORT TITLE.**—This section may be cited as the
9 “Key Professionals Education Act”.

10 (b) **CORE COMPETENCIES.**—Subpart 2 of part B of
11 title V of the Public Health Service Act (42 U.S.C. 290bb–
12 21 et seq.), as amended by the Youth Drug and Mental
13 Health Services Act (Public Law 106–310), is amended
14 by adding at the end the following:

15 **“SEC. 519F. CORE COMPETENCIES.**

16 “(a) **FINDINGS.**—Congress makes the following find-
17 ings:

18 “(1) According to a 1999 Monitoring the Fu-
19 ture Report, heroin use doubled among youth in the
20 United States between 1991 and 1995. Since that
21 time, such heroin use among such youth has re-
22 mained at the high level reached in 1995.

23 “(2) The sharp increase in heroin use during
24 the 1990’s may be a result of the introduction into
25 the market of heroin of a higher purity.

1 “(3) According to the National Center on Ad-
2 diction and Substance Abuse, 29.9 percent of the
3 population living in rural areas, 32.4 percent of the
4 population living in small cities, and 30.2 percent of
5 the population living in big cities found heroin very
6 easy or fairly easy to procure.

7 “(4) Studies show a high correlation between
8 drug use, availability of drugs, and violence.

9 “(5) A March 2000 report by the Office of Na-
10 tional Drug Control Policy reported that in 1999
11 persons using illegal drugs were 16 times more likely
12 than nonusers to be arrested for larceny or theft, at
13 least 14 times more likely to be arrested for driving
14 under the influence, drunkenness, and liquor law vio-
15 lations, and at least 9 times more likely to be ar-
16 rested for assault.

17 “(b) PURPOSE.—The purpose of this section is—

18 “(1) to educate, train, motivate, and engage key
19 professionals to identify and intervene with children
20 in families affected by substance abuse and to refer
21 members of such families to appropriate programs
22 and services in the communities of such families;

23 “(2) to encourage professionals to collaborate
24 with key professional organizations representing the
25 targeted professional groups, such as groups of edu-

1 cators, social workers, faith community members,
2 and probation officers, for the purposes of devel-
3 oping and implementing relevant core competencies;
4 and

5 “(3) to encourage professionals to develop net-
6 works to coordinate local substance abuse prevention
7 coalitions.

8 “(c) PROGRAM AUTHORIZED.—The Secretary shall
9 award grants to leading nongovernmental organizations
10 with an expertise in aiding children of substance abusing
11 parents or experience with community antidrug coalitions
12 to help professionals participate in such coalitions and
13 identify and help youth affected by familial substance
14 abuse.

15 “(d) DURATION OF GRANTS.—No organization shall
16 receive a grant under subsection (c) for more than 5 con-
17 secutive years.

18 “(e) APPLICATION.—Any organization desiring a
19 grant under subsection (c) shall prepare and submit an
20 application to the Secretary at such time, in such manner,
21 and containing such information as the Secretary may re-
22 quire, including a plan for the evaluation of the project
23 involved, including both process and outcome evaluation,
24 and the submission of the evaluation at the end of the
25 project period.

1 “(f) USE OF FUNDS.—Grants awarded under sub-
2 section (c) shall be used to—

3 “(1) develop core competencies with various
4 professional groups that the professionals can use in
5 identifying and referring children affected by sub-
6 stance abuse;

7 “(2) widely disseminate the competencies to
8 professionals and professional organizations through
9 publications and journals that are widely read and
10 respected;

11 “(3) develop training modules around the com-
12 petencies; and

13 “(4) develop training modules for community
14 coalition leaders to enable such leaders to engage
15 professionals from identified groups at the local level
16 in community-wide prevention and intervention ef-
17 forts.

18 “(g) DEFINITION.—In this section, the term ‘profes-
19 sional’ includes a physician, student assistance profes-
20 sional, social worker, youth and family social service agen-
21 cy counselor, Head Start teacher, clergy, elementary and
22 secondary school teacher, school counselor, juvenile justice
23 worker, child care provider, or a member of any other pro-
24 fessional group in which the members provide services to
25 or interact with children, youth, or families.

1 “(A) identify factors that affect successful
2 adoption of new treatments in order to trans-
3 port research findings into real-life practice;
4 and

5 “(B) rapidly and efficiently disseminate
6 scientific findings to the field and to commu-
7 nities in need.

8 “(c) MEMBERS OF NETWORK.—The Network de-
9 scribed in subsection (a) shall consist of research and
10 training centers that are linked with community-based
11 treatment programs that represent a diversity of treat-
12 ment settings and patient populations in the regions of
13 such centers.

14 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this section
16 such sums as may be necessary for each of fiscal years
17 2002 through 2007.”.

18 (d) SURVEY.—Title II of the Public Health Service
19 Act (42 U.S.C. 202 et seq.) is amended by adding at the
20 end the following:

21 “**SEC. 247. SURVEYS.**

22 “‘The results of any federally funded survey under
23 this Act shall be made available in at least a preliminary
24 format to the public not later than 1 year after the date
25 on which any such survey is complete.’”.

1 (e) PRACTICE/RESEARCH COLLABORATIVES.—Part A
2 of title V of the Public Health Service Act (42 U.S.C.
3 290aa et seq.), as amended by the Youth Drug and Mental
4 Health Services Act (Public Law 106–310), is amended
5 by adding the following:

6 **“SEC. 506C. PRACTICE/RESEARCH COLLABORATIVES.**

7 “(a) IN GENERAL.—The Secretary shall award
8 grants, cooperative agreements, or contracts to public or
9 private nonprofit entities for the purpose of assisting local
10 communities and regions within States in improving the
11 quality of substance abuse treatment and clinical preven-
12 tive services provided in such communities and regions by
13 increasing interaction and knowledge exchange among key
14 community-based stakeholders, including substance abuse
15 treatment providers, community-based organizations that
16 provide support services to substance abusers, researchers,
17 and policymakers including managed care plan managers
18 and purchasers of substance abuse treatment services.

19 “(b) ELIGIBILITY.—To be eligible to receive a grant,
20 contract, or cooperative agreement under this section an
21 entity shall—

22 “(1) be a public or private nonprofit entity;

23 “(2) prepare and submit to the Secretary an
24 application, at such time, in such manner, and con-

1 taining such information as the Secretary may re-
2 quire; and

3 “(3) demonstrate that the entity has developed
4 a full partnership among—

5 “(A) community-based treatment and pre-
6 vention service providers that provide treatment
7 services representing a variety of modalities and
8 including both for profit and nonprofit private
9 entities and programs that serve diverse popu-
10 lations;

11 “(B) researchers on substance abuse pre-
12 vention and treatment issues;

13 “(C) government officials from the commu-
14 nity involved in the grant application;

15 “(D) State officials involved in the funding
16 of substance abuse prevention and treatment
17 services;

18 “(E) service organizations that serve sub-
19 stance abusers including organizations pro-
20 viding health and mental health services, child
21 welfare, law enforcement, social services, edu-
22 cation, and other such services; and

23 “(F) policymakers.

1 “(c) USE OF FUNDS.—Amounts awarded under a
2 grant, contract, or cooperative agreement under sub-
3 section (a) may be used to—

4 “(1) develop ongoing communications for the
5 entities described in subsection (b)(3) to support the
6 establishment of an infrastructure for community-
7 based studies and knowledge transfer;

8 “(2) share evaluation and applied research re-
9 sults in seminars and publications;

10 “(3) identify areas of particularly local concern
11 for further study;

12 “(4) determine, in consultation with appropriate
13 agencies (including the National Institutes of
14 Health), public policy issues of interest to be in-
15 cluded in an applied research agenda;

16 “(5) identify and describe existing prevention
17 and intervention strategies;

18 “(6) improve methods for evaluating prevention
19 and treatment strategies;

20 “(7) recruit or retain substance abuse educators
21 and practitioners to participate in specialized train-
22 ing programs to improve knowledge exchange and
23 transfer;

1 “(8) provide for the implementation of training
2 programs to sustain the adoption of community-
3 based treatment study findings; and

4 “(9) provide public policymakers and State offi-
5 cials with appropriate information.

6 “(d) CONDITIONS.—The Secretary shall ensure that
7 awards made under subsection (a) are distributed among
8 urban and rural areas and address the needs of vulnerable
9 populations including ethnic and racial minorities, women
10 of childbearing age, individuals with sexually transmitted
11 diseases or HIV.

12 “(e) DURATION OF AWARDS.—With respect to
13 grants, cooperative agreements, or contracts awarded
14 under this section, the period during which payments
15 under such awards are made to the recipient may not ex-
16 ceed 5 years.

17 “(f) REPORT.—A recipient of a grant, contract, or
18 cooperative agreement under this section shall prepare and
19 submit to the Secretary a report for each year under the
20 grant, contract, or cooperative agreement of the grant a
21 report that details the activities of the recipient under the
22 grant, contract, or cooperative agreement, and makes rec-
23 ommendations for a research agenda for future years
24 based on the information received from those assisted
25 under the grant, contract, or cooperative agreement.

1 (4) The National Institute of Justice Arrestee
2 Drug Abuse Monitoring drug testing program found
3 that more than half of juvenile male arrestees tested
4 positive for at least 1 drug in 1998.

5 (5) The 1999 Monitoring the Future study
6 showed that more than half of the teenagers in the
7 United States have tried an illicit drug by the time
8 such teenagers finish high school, and more than 28
9 percent of such teenagers have tried an illicit drug
10 by the time such teenagers are in eighth grade.

11 (6) According to the 1999 National Household
12 Survey on Drug Abuse, the average age of new her-
13 oin users has dropped from 26.0 years of age in
14 1992 to 21.3 years of age in 1998.

15 (7) Studies have shown that intervention at an
16 early stage of addiction is essential in stopping an
17 increasingly frequent drug user from becoming an
18 addict. Whether voluntarily or through legal or pa-
19 rental pressure, the sooner a drug user enters into
20 a well-designed treatment program, the more likely
21 such treatment is to be effective. Voluntary partici-
22 pation in substance abuse programs is not necessary
23 in order to successfully treat a drug user.

24 (c) PROGRAM AUTHORIZED.—The Secretary shall
25 award competitive grants to treatment providers who ad-

1 minister treatment programs to enable such providers to
2 establish adolescent residential substance abuse treatment
3 programs that provide services for individuals who are be-
4 tween the ages of 14 and 21.

5 (d) PREFERENCE.—In awarding grants under sub-
6 section (c), the Secretary shall consider the geographic lo-
7 cation of each treatment provider and give preference to
8 such treatment providers that are geographically located
9 in such a manner as to provide services to addicts from
10 non-metropolitan areas.

11 (e) DURATION OF GRANTS.—For awards made under
12 subsection (c), the period during which payments are
13 made may not exceed 5 years.

14 (f) RESTRICTIONS.—A treatment provider receiving
15 a grant under subsection (c) shall not use any amount
16 of the grant under this section for land acquisition or a
17 construction project.

18 (g) CONSTRUCTION.—Nothing in this subsection
19 shall be construed to preclude qualifying faith-based treat-
20 ment providers from receiving a grant under subsection
21 (c).

22 (h) APPLICATION.—A treatment provider that desires
23 a grant under subsection (c) shall submit an application
24 to the Secretary at such time, in such manner, and con-
25 taining such information as the Secretary may require.

1 (i) USE OF FUNDS.—A treatment provider that re-
2 ceives a grant under subsection (c) shall use funds re-
3 ceived under such grant to provide substance abuse serv-
4 ices for adolescents, including—

5 (1) a thorough psychosocial assessment;

6 (2) individual treatment planning;

7 (3) a strong education component integral to
8 the treatment regimen;

9 (4) life skills training;

10 (5) individual and group counseling;

11 (6) family services;

12 (7) daily work responsibilities; and

13 (8) community-based aftercare, providing 6
14 months of treatment following discharge from a resi-
15 dential facility.

16 (j) TREATMENT TYPE.—The Therapeutic Commu-
17 nity model shall be used as a basis for all adolescent resi-
18 dential substance abuse treatment programs established
19 under this section, which shall be characterized by—

20 (1) the self-help dynamic, requiring youth to
21 participate actively in their own treatment;

22 (2) the role of mutual support and the thera-
23 peutic importance of the peer therapy group;

24 (3) a strong focus on family involvement and
25 family strengthening;

1 (4) a clearly articulated value system empha-
2 sizing both individual responsibility and responsi-
3 bility for the community; and

4 (5) an emphasis on development of positive so-
5 cial skills.

6 (k) REPORT BY PROVIDER.—Not later than 1 year
7 after receiving a grant under this section, and annually
8 thereafter, a treatment provider shall prepare and submit
9 to the Secretary a report describing the services provided
10 pursuant to this section.

11 (l) REPORT BY SECRETARY.—

12 (1) IN GENERAL.—Not later than 3 months
13 after receiving all reports by providers under sub-
14 section (k), and annually thereafter, the Secretary
15 shall prepare and submit a report containing infor-
16 mation described in paragraph (2) to—

17 (A) the Committee on Health, Education,
18 Labor, and Pensions of the Senate;

19 (B) the Committee on Appropriations of
20 the Senate;

21 (C) the United States Senate Caucus on
22 International Narcotics Control;

23 (D) the Committee on Commerce of the
24 House of Representatives;

1 (E) the Committee on Appropriations of
2 the House of Representatives; and

3 (F) the Committee on Government Reform
4 of the House of Representatives.

5 (2) CONTENT.—The report described in para-
6 graph (1) shall—

7 (A) outline the services provided by pro-
8 viders pursuant to this section;

9 (B) evaluate the effectiveness of such serv-
10 ices;

11 (C) identify the geographic distribution of
12 all treatment centers provided pursuant to this
13 section, and evaluate the accessibility of such
14 centers for addicts from rural areas and small
15 towns; and

16 (D) make recommendations to improve the
17 programs carried out pursuant to this section.

18 (m) DEFINITIONS.—In this section:

19 (1) ADOLESCENT RESIDENTIAL SUBSTANCE
20 ABUSE TREATMENT PROGRAM.—The term “adoles-
21 cent residential substance abuse treatment program”
22 means a program that provides a regimen of indi-
23 vidual and group activities, lasting ideally not less
24 than 12 months, in a community-based residential
25 facility that provides comprehensive services tailored

1 to meet the needs of adolescents and designed to re-
 2 turn youth to their families in order that such youth
 3 may become capable of enjoying and supporting
 4 positive, productive, drug-free lives.

5 (2) SECRETARY.—The term “Secretary” means
 6 the Secretary of Health and Human Services.

7 (3) THERAPEUTIC COMMUNITY.—The term
 8 “Therapeutic Community” means a highly struc-
 9 tured residential treatment facility that—

10 (A) employs a treatment methodology;

11 (B) relies on self-help methods and group
 12 process, a view of drug abuse as a disorder af-
 13 fecting the whole person, and a comprehensive
 14 approach to recovery;

15 (C) maintains a strong educational compo-
 16 nent; and

17 (D) carries out activities that are designed
 18 to help youths address alcohol or other drug
 19 abuse issues and learn to act in their own best
 20 interests, as well as in the best interests of their
 21 peers and families.

22 (n) AUTHORIZATION OF APPROPRIATIONS.—There
 23 are authorized be appropriated to carry out this section—

24 (1) \$21,000,000 for fiscal year 2002;

25 (2) \$42,000,000 for fiscal year 2003;

- 1 (3) \$63,000,000 for fiscal year 2004;
- 2 (4) \$84,000,000 for fiscal year 2005; and
- 3 (5) \$105,000,000 for fiscal year 2006.

4 **SEC. 114. RESIDENTIAL TREATMENT PROGRAM IN FED-**
5 **ERAL PRISONS.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) In April 2000, there were more than
9 140,000 inmates in the Federal prison system.

10 (2) In April 2000, nearly 30 percent of Federal
11 inmates were serving sentences ranging between 5
12 and 10 years, and just over 58 percent of such in-
13 mates, or 61,547 persons, were serving time for a
14 drug related offense.

15 (3) A March 2000 report by the Office of Na-
16 tional Drug Control Policy reported that in 1999 il-
17 licit drug users—

18 (A) were 16 times more likely than non-
19 users to be arrested and booked for larceny or
20 theft;

21 (B) were more than 14 times more likely
22 to be arrested and booked for driving under the
23 influence, drunkenness, and liquor law viola-
24 tions; and

1 (C) were more than 9 times more likely to
2 be arrested and booked for assault.

3 (4) According to the Federal Bureau of Inves-
4 tigation's Uniform Crime Reports, drugs are one of
5 the main factors leading to the total number of all
6 homicides.

7 (5) In a 1999 study, the Bureau of Prisons re-
8 ported that—

9 (A) offenders who completed a residential
10 drug abuse treatment program and had been
11 released for a minimum of 6 months were less
12 likely to be arrested and use illegal drugs than
13 inmates who did not participate in such pro-
14 gram; and

15 (B) only 3.3 percent of such offenders who
16 completed such program were likely to be ar-
17 rested within the first 6 months that such of-
18 fenders were in the community.

19 (b) PURPOSE.—The purpose of this section is to in-
20 crease residential drug abuse treatment units in Federal
21 prisons to reduce the number of criminal offenders who
22 are rearrested or who use illegal drugs after release from
23 prison.

24 (c) PROGRAM AUTHORIZED.—The Director of the
25 Federal Bureau of Prisons shall use funds made available

1 under this section to establish residential drug abuse
2 treatment units in Federal prisons.

3 (d) REQUIREMENTS.—A residential drug abuse treat-
4 ment unit that receives funds under this section shall—

5 (1) maintain not less than 1,000 hours of ac-
6 tivities during a 1-year period;

7 (2) maintain a staff of such unit in which there
8 is not more than 1 staff member per 12 inmates;

9 (3) provide intensive treatment activities for all
10 inmates in the residential drug treatment program,
11 including individual and group therapy, specialty
12 seminars, self improvement group counseling, and
13 education, work skills training, and other programs;
14 and

15 (4) have frequent, regular, and random drug test-
16 ing for inmates and staff.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$2,500,000 for each of fiscal years 2002 and 2003.

20 **SEC. 115. COUNTER-DRUG TECHNOLOGY ASSESSMENT CEN-**
21 **TER.**

22 (a) STUDY OF HEROIN USE IN THE UNITED
23 STATES.—

24 (1) IN GENERAL.—Using amounts appropriated
25 pursuant to the authorization of appropriations in

1 subsection (c)(1), the Counter-Drug Technology As-
2 sessment Center (CTAC) of the Office of National
3 Drug Control Policy shall carry out a study on the
4 number of individuals in the United States who en-
5 gaged in sustained use of heroin.

6 (2) BASIS FOR STUDY.—The study under para-
7 graph (1) shall be based on the study entitled “A
8 Plan for Estimated the Number of ‘Hardcore’ Drug
9 Users in the United States”.

10 (b) COUNTER-DRUG TECHNOLOGY INITIATIVES.—
11 Using amounts appropriated pursuant to the authoriza-
12 tion of appropriations in subsection (c)(2), the Counter-
13 Drug Technology Assessment Center of the Office of Na-
14 tional Drug Control Policy shall—

15 (1) conduct outreach for purposes of reducing
16 duplication of activities among Federal, State, and
17 local entities regarding counterdrug technologies;

18 (2) develop and implement mechanisms for
19 monitoring and coordinating such activities; and

20 (3) assist in the transfer of such technologies to
21 State and local law enforcement agencies under the
22 Technology Transfer Program.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
24 hereby authorized to be appropriated for the Counter-
25 Drug Technology Assessment Center of the Office of Na-

1 tional Drug Control Policy for fiscal year 2002 the fol-
2 lowing:

3 (1) \$15,000,000 for purposes of the study re-
4 quired by subsection (a).

5 (2) \$15,000,000 for purposes of activities under
6 subsection (b).

7 **SEC. 116. SENSE OF CONGRESS ON RESEARCH BY THE NA-**
8 **TIONAL INSTITUTES OF HEALTH.**

9 It is the sense of Congress that the National Insti-
10 tutes of Health should work with or collaborate with ex-
11 perts from private industry to promote research regarding
12 pharmacological options that may be employed to support
13 drug treatment efforts.

14 **Subtitle B—Drug-Free**
15 **Communities**

16 **SEC. 121. FINDINGS.**

17 Congress makes the following findings:

18 (1) A child that has a positive relationship with
19 both parents is less likely to use illegal drugs.

20 (2) Family activities, such as eating dinners to-
21 gether and spending quality time together, can re-
22 duce the risk that a child engaged by such activities
23 will use illegal drugs.

24 (3) Most parents today work and have little op-
25 portunity to spend quality time with their children.

1 (4) Many families are headed by single parents
2 who work all day and do not have enough time to
3 spend with their children.

4 (5) The 1999 Parent’s Resource Institute for
5 Drug Education study (referred to in this section as
6 the “PRIDE study”) reported that more than
7 4,000,000 students who are between the ages 11
8 and 18 used drugs regularly, and more than
9 1,000,000 of such students used an illegal drug
10 every day.

11 (6) The PRIDE study found that students with
12 parents who talked to them about drug use had a
13 37 percent lower drug use rate than students with
14 parents who did not talk to them about drug use.

15 (7) The 1999 Monitoring the Future study
16 found that nearly 55 percent of high school seniors
17 in the United States had used an illicit drug in the
18 past month.

19 (8) A 1999 Mellman Group study found that—

20 (A) 56 percent of the population in the
21 United States believed that drug use was in-
22 creasing in 1999;

23 (B) 92 percent of the population viewed il-
24 legal drug use as a serious problem in the
25 United States; and

1 (C) 73 percent of the population viewed il-
2 legal drug use as a serious problem in their
3 communities.

4 **SEC. 122. DRUG-FREE COMMUNITIES SUPPORT PROGRAM.**

5 (a) EXTENSION AND INCREASE OF PROGRAM.—Sec-
6 tion 1024(a) of the National Narcotics Leadership Act of
7 1988 (21 U.S.C. 1524(a)) is amended—

8 (1) by striking “and” at the end of paragraph
9 (4);

10 (2) by striking the period at the end of para-
11 graph (5) and inserting a semicolon; and

12 (3) by adding at the end the following new
13 paragraphs:

14 “(6) \$46,000,000 for fiscal year 2003;

15 “(7) \$48,500,000 for fiscal year 2004;

16 “(8) \$51,000,000 for fiscal year 2005;

17 “(9) \$53,500,000 for fiscal year 2006; and

18 “(10) \$56,000,000 for fiscal year 2007.”.

19 (b) EXTENSION OF LIMITATION ON ADMINISTRATIVE
20 COSTS.—Section 1024(b) of that Act (21 U.S.C. 1524(b))
21 is amended by adding at the end the following new para-
22 graph:

23 “(6) 8 percent for each of fiscal years 2003
24 through 2007.”.

1 (c) MODIFICATION OF ELIGIBILITY CRITERIA OR
 2 AMOUNT FOR GRANT RENEWALS.—Section 1032 of that
 3 Act (21 U.S.C. 1532) is amended by adding at the end
 4 the following new subsection:

5 “(c) MODIFICATION OF ELIGIBILITY CRITERIA OR
 6 AMOUNT FOR GRANT RENEWALS.—The Administrator
 7 may not implement any modification in the criteria for eli-
 8 gibility for the renewal of a grant under this section, or
 9 any modification in grant amount upon renewal of a grant
 10 under this section, until one year after the date on which
 11 the Administrator notifies the recipient of the grant con-
 12 cerned of such modification.”.

13 (d) SOURCE OF FUNDS FOR EVALUATION OF PRO-
 14 GRAM BY ADMINISTRATOR.—Section 1033(b) of that Act
 15 (21 U.S.C. 1533(b)) is amended by adding at the end the
 16 following new paragraph:

17 “(3) SOURCE OF FUNDS FOR EVALUATION OF
 18 PROGRAM.—Amounts for activities under paragraph
 19 (2)(B) shall be derived from amounts under section
 20 1024(a) that are available under section 1024(b) for
 21 administrative costs.”.

22 **Subtitle C—Drug-Free Families**

23 **SEC. 131. SHORT TITLE.**

24 This subtitle may be cited as the “Drug-Free Fami-
 25 lies Act of 2001”.

1 **SEC. 132. FINDINGS.**

2 Congress makes the following findings:

3 (1) The National Institute on Drug Abuse esti-
4 mates that in 1962, less than 1 percent of the na-
5 tion's adolescents had ever tried an illicit drug. By
6 1979, drug use among young people had escalated to
7 the highest levels in history: 34 percent of adoles-
8 cents (ages 12–17), 65 percent of high school sen-
9 iors (age 18), and 70 percent of young adults (ages
10 18–25) had used an illicit drug in their lifetime.

11 (2) Drug use among young people was not con-
12 fined to initial trials. By 1979, 16 percent of adoles-
13 cents, 39 percent of high school seniors, and 38 per-
14 cent of young adults had used an illicit drug in the
15 past month. Moreover, 1 in 9 high school seniors
16 used marijuana daily.

17 (3) In 1979, the year the largest number of
18 seniors used marijuana, their belief that marijuana
19 could hurt them was at its lowest (35 percent) since
20 surveys have tracked these measures.

21 (4) Three forces appeared to be driving this es-
22 calation in drug use among children and young
23 adults. Between 1972 and 1978, a nationwide polit-
24 ical campaign conducted by drug legalization advo-
25 cates persuaded 11 State legislatures to “decrimi-
26 nalize” marijuana. (Many of those States have sub-

1 sequently “recriminalized” the drug.) Such legisla-
2 tive action reinforced advocates’ assertion that mari-
3 juana was “relatively harmless.”

4 (5) The decriminalization effort gave rise to the
5 emergence of “head shops” (shops for “heads,” or
6 drug users—“coke heads,” “pot heads,” “acid
7 heads,” etc.) which sold drug paraphernalia—an
8 array of toys, implements, and instructional pam-
9 phlets and booklets to enhance the use of illicit
10 drugs. Some 30,000 such shops were estimated to be
11 doing business throughout the nation by 1978.

12 (6) In the absence of Federal funding for drug
13 education then, most of the drug education materials
14 that were available proclaimed that few illicit drugs
15 were addictive and most were “less harmful” than
16 alcohol and tobacco and therefore taught young peo-
17 ple how to use marijuana, cocaine, and other illicit
18 drugs “responsibly”.

19 (7) Between 1977 and 1980, 3 national parent
20 drug-prevention organizations—National Families in
21 Action, PRIDE, and the National Federation of
22 Parents for Drug-Free Youth (now called the Na-
23 tional Family Partnership)—emerged to help con-
24 cerned parents form some 4,000 local parent preven-
25 tion groups across the nation to reverse all of these

1 trends in order to prevent children from using
2 drugs. Their work created what has come to be
3 known as the parent drug-prevention movement, or
4 more simply, the parent movement. This movement
5 set 3 goals: to prevent the use of any illegal drug,
6 to persuade those who had started using drugs to
7 stop, and to obtain treatment for those who had be-
8 come addicted so that they could return to drug-free
9 lives.

10 (8) The parent movement pursued a number of
11 objectives to achieve these goals. First, it helped par-
12 ents educate themselves about the harmful effects of
13 drugs, teach that information to their children, com-
14 municate that they expected their children not to use
15 drugs, and establish consequences if children failed
16 to meet that expectation. Second, it helped parents
17 form groups with other parents to set common age-
18 appropriate social and behavioral guidelines to pro-
19 tect their children from exposure to drugs. Third, it
20 encouraged parents to insist that their communities
21 reinforce parents' commitment to protect children
22 from drug use.

23 (9) The parent movement stopped further ef-
24 forts to decriminalize marijuana, both in the States
25 and at the Federal level.

1 (10) The parent movement worked for laws to
2 ban the sale of drug paraphernalia. If drugs were il-
3 legal, it made no sense to condone the sale of toys
4 and implements to enhance the use of illegal drugs,
5 particularly when those products targeted children.
6 As town, cities, counties, and States passed anti-par-
7 aphernalia laws, drug legalization organizations chal-
8 lenged their Constitutionality in Federal courts until
9 the early 1980's, when the United States Supreme
10 Court upheld Nebraska's law and established the
11 right of communities to ban the sale of drug para-
12 phernalia.

13 (11) The parent movement insisted that drug-
14 education materials convey a strong no-use message
15 in compliance with both the law and with medical
16 and scientific information that demonstrates that
17 drugs are harmful, particularly to young people.

18 (12) The parent movement encouraged others
19 in society to join the drug prevention effort and
20 many did, from First Lady Nancy Reagan to the en-
21 tertainment industry, the business community, the
22 media, the medical community, the educational com-
23 munity, the criminal justice community, the faith
24 community, and local, State, and national political
25 leaders.

1 (13) The parent movement helped to cause
2 drug use among young people to peak in 1979. As
3 its efforts continued throughout the next decade,
4 and as others joined parents to expand the drug-pre-
5 vention movement, between 1979 and 1992 these
6 collaborative prevention efforts contributed to reduc-
7 ing monthly illicit drug use by two-thirds among
8 adolescents and young adults and reduced daily
9 marijuana use among high-school seniors from 10.7
10 percent to 1.9 percent. Concurrently, both the par-
11 ent movement and the larger prevention movement
12 that evolved throughout the 1980's, working to-
13 gether, increased high school seniors' belief that
14 marijuana could hurt them, from 35 percent in 1979
15 to 79 percent in 1991.

16 (14) Unfortunately, as drug use declined, most
17 of the 4,000 volunteer parents groups that contrib-
18 uted to the reduction in drug use disbanded, having
19 accomplished the job they set out to do. But the ab-
20 sence of active parent groups left a vacuum that was
21 soon filled by a revitalized drug-legalization move-
22 ment. Proponents began advocating for the legaliza-
23 tion of marijuana for medicine, the legalization of all
24 Schedule I drugs for medicine, the legalization of
25 hemp for medicinal, industrial and recreational use,

1 and a variety of other proposals, all designed to ulti-
2 mately attack, weaken, and eventually repeal the na-
3 tion's drug laws.

4 (15) Furthermore, legalization proponents are
5 also beginning to advocate for treatment that main-
6 tains addicts on the drugs to which they are ad-
7 dicted (heroin maintenance for heroin addicts, con-
8 trolled drinking for alcoholics, etc.), for teaching
9 school children to use drugs "responsibly," and for
10 other measures similar to those that produced the
11 drug epidemic among young people in the 1970's.

12 (16) During the 1990's, the message embodied
13 in all of this activity has once again driven down
14 young people's belief that drugs can hurt them. As
15 a result, the reductions in drug use that occurred
16 over 13 years reversed in 1992, and adolescent drug
17 use has more than doubled.

18 (17) In 1970, 40.5 percent of women in the
19 workforce were married. By 1997, that percentage
20 has climbed to 61.6 percent, meaning fewer parents
21 have time to volunteer. Many families are headed by
22 single parents. In some families no parents are avail-
23 able, and grandparents, aunts, uncles, or foster par-
24 ents are raising the family's children.

1 (18) Recognizing that these challenges make it
2 much more difficult to reach parents today, several
3 national parent and family drug-prevention organi-
4 zations have formed the Parent Collaboration to ad-
5 dress these issues in order to build a new parent and
6 family movement to prevent drug use among chil-
7 dren.

8 (19) Motivating parents and parent groups to
9 coordinate with local community anti-drug coalitions
10 is a key goal of the Parent Collaboration, as well as
11 coordinating parent and family drug-prevention ef-
12 forts with Federal, State, and local governmental
13 and private agencies and political, business, medical
14 and scientific, educational, criminal justice, religious,
15 and media and entertainment industry leaders.

16 **SEC. 133. PURPOSES.**

17 The purposes of this subtitle are to—

18 (1) build a movement to help parents and fami-
19 lies prevent drug use among their children and ado-
20 lescents;

21 (2) help parents and families reduce drug abuse
22 and drug addiction among adolescents who are al-
23 ready using drugs, and return them to drug-free
24 lives;

1 (3) increase young people’s perception that
2 drugs are harmful to their health, well-being, and
3 ability to function successfully in life;

4 (4) help parents and families educate society
5 that the best way to protect children from drug use
6 and all of its related problems is to convey a clear,
7 consistent, no-use message;

8 (5) strengthen coordination, cooperation, and
9 collaboration between parents and families and all
10 others who are interested in protecting children from
11 drug use and all of its related problems;

12 (6) help parents strengthen their families,
13 neighborhoods, and school communities to reduce
14 risk factors and increase protective factors to ensure
15 the healthy growth of children; and

16 (7) provide resources in the fiscal year 2002
17 Federal drug control budget for a grant to the Par-
18 ent Collaboration to conduct a national campaign to
19 mobilize today’s parents and families through the
20 provision of information, training, technical assist-
21 ance, and other services to help parents and families
22 prevent drug use among their children and to build
23 a new parent and family drug-prevention movement.

24 **SEC. 134. DEFINITIONS.**

25 In this subtitle:

1 (1) ADMINISTRATIVE COSTS.—The term “ad-
2 ministrative costs” means those costs that the as-
3 signed Federal agency will incur to administer the
4 grant to the Parent Collaboration.

5 (2) NO-USE MESSAGE.—The term “no-use mes-
6 sage” means a message advocating no use of any il-
7 legal drug and no illegal use of any legal drug or
8 substance that is sometimes used illegally, such as
9 prescription drugs, inhalants, and alcohol and to-
10 bacco for children and adolescents under the legal
11 purchase age.

12 (3) PARENT COLLABORATION.—The term “Par-
13 ent Collaboration” means a legal entity, that is ex-
14 empt from income taxation under section 501(c)(3)
15 of the Internal Revenue Code of 1986, and is cre-
16 ated by 3 or more groups that—

17 (A) have a primary mission of helping par-
18 ents prevent drug use, drug abuse, and drug
19 addiction among their children, their families,
20 and their communities;

21 (B) have carried out this mission for a
22 minimum of 5 consecutive years; and

23 (C) base their drug-prevention missions on
24 the foundation of a strong, no-use message in
25 compliance with international, Federal, State,

1 and local treaties and laws that prohibit the
2 possession, production, cultivation, distribution,
3 sale, and trafficking in illegal drugs;
4 in order to build a new parent and family movement
5 to prevent drug use among children and adolescents.

6 **SEC. 135. ESTABLISHMENT OF DRUG-FREE FAMILIES SUP-**
7 **PORT PROGRAM.**

8 (a) **IN GENERAL.**—The Attorney General shall make
9 a grant to the Parents Collaboration to conduct a national
10 campaign to build a new parent and family movement to
11 help parents and families prevent drug abuse among their
12 children.

13 (b) **TERMINATION.**—The period of the grant under
14 this section shall be 5 years.

15 **SEC. 136. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) **IN GENERAL.**—There is authorized to be appro-
17 priated to carry out this subtitle, \$5,000,000 for each of
18 fiscal years 2002 through 2006 for a grant to the Parent
19 Collaboration to conduct the national campaign to mobi-
20 lize parents and families.

21 (b) **ADMINISTRATIVE COSTS.**—Not more than 5 per-
22 cent of the total amount made available under subsection
23 (a) in each fiscal year may be used to pay administrative
24 costs of the Parent Collaboration.

1 **Subtitle D—National Community**
2 **Antidrug Coalition Institute**

3 **SEC. 141. SHORT TITLE.**

4 This subtitle may be cited as the “National Commu-
5 nity Antidrug Coalition Institute Act of 2001”.

6 **SEC. 142. ESTABLISHMENT.**

7 (a) **IN GENERAL.**—The Director of the Office of Na-
8 tional Drug Control Policy may make grants to an organi-
9 zation to provide for the establishment of a National Com-
10 munity Antidrug Coalition Institute.

11 (b) **REQUIREMENTS.**—The organization receiving a
12 grant under subsection (a) shall—

13 (1) be a national nonprofit organization that
14 represents, provides technical assistance and train-
15 ing to, and has special expertise and broad, national-
16 level experience in community anti-drug coalitions;
17 and

18 (2) establish a National Community Antidrug
19 Coalition Institute that will—

20 (A) provide education, training, and tech-
21 nical assistance for coalition leaders and com-
22 munity teams;

23 (B) conduct evaluation, testing, and diffu-
24 sion of tools, mechanisms, and measures to bet-

1 ter assess and document coalition performance
2 measures and outcomes; and

3 (C) bridge the gap between research and
4 practice by translating knowledge from research
5 into practical information.

6 (c) DISCHARGE OF RESPONSIBILITIES.—The Direc-
7 tor may employ such staff and enter into such contracts
8 and agreements, including agreements or memoranda of
9 understanding with other governmental agencies, as the
10 Director considers appropriate for purposes of making
11 grants under this section and otherwise carrying out the
12 responsibilities of the Director under this subtitle.

13 **SEC. 143. AUTHORIZATION OF APPROPRIATIONS.**

14 There is authorized to be appropriated \$2,000,000
15 for each of fiscal years 2002 and 2003 for purposes of
16 making grants as provided in section 142.

1 **TITLE II—DOMESTIC LAW**
2 **ENFORCEMENT**
3 **Subtitle A—National Guard**
4 **Matters**

5 **SEC. 201. MINIMUM NUMBER OF MEMBERS OF THE NA-**
6 **TIONAL GUARD ON DUTY TO PERFORM DRUG**
7 **INTERDICTION OR COUNTER-DRUG ACTIVI-**
8 **TIES.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings regarding members of the National Guard who par-
11 ticipate in drug interdiction and counter-drug activities of
12 the National Guard:

13 (1) Such members have significantly higher
14 rates of attendance at inactive duty training and an-
15 nual training than members of the National Guard
16 who do not participate in such activities.

17 (2) Such members attend significantly more
18 military training than members of the National
19 Guard who do not participate in such activities,
20 thereby putting such members at a higher state of
21 military readiness.

22 (3) Such members attend significantly more
23 non-military training designed to enhance support of
24 law enforcement and community-based agencies than

1 members of the National Guard who do not partici-
2 pate in such activities.

3 (4) Such members are above-average soldiers
4 and airmen who maintain a high level of individual
5 combat readiness.

6 (5) This high level of individual combat readi-
7 ness has a positive effect on individual combat readi-
8 ness in the National Guard as a whole and contrib-
9 utes to the success of unit training and evaluations
10 and unit readiness.

11 (6) Such members evoke positive comments re-
12 garding their qualifications and performance in the
13 National Guard.

14 (b) MINIMUM NUMBER OF MEMBERS ON DUTY.—
15 Section 112(f) of title 32, United States Code, is
16 amended—

17 (1) by striking “END STRENGTH LIMITA-
18 TION.—(1) Except as provided in paragraph (2), at
19 the end of a fiscal year there may not be more than
20 4000 members” and inserting “MINIMUM NUMBER
21 OF MEMBERS ON DUTY PERFORMING ACTIVITIES.—

22 (1) At the end of a fiscal year there may not be less
23 than 4,000 members”;

24 (2) by striking paragraph (2); and

1 (3) by adding at the end the following new
2 paragraph (2):

3 “(2) The President may waive the minimum in para-
4 graph (1) in the event that the armed forces are involved
5 in hostilities or that imminent involvement by the armed
6 forces in hostilities is clearly indicated by the cir-
7 cumstances.”.

8 (c) APPLICABILITY.—The amendments made by sub-
9 section (b) shall take effect on October 1, 2001, and shall
10 apply with respect to fiscal years ending after that date.

11 **SEC. 202. NATIONAL GUARD COUNTERDRUG SCHOOLS.**

12 (a) AUTHORITY TO OPERATE.—Under such regula-
13 tions as the Secretary of Defense may prescribe, the Chief
14 of the National Guard Bureau may establish and operate
15 not more than five schools (to be known generally as “Na-
16 tional Guard counterdrug schools”) for the provision by
17 the National Guard of training in drug interdiction and
18 counter-drug activities, and drug demand reduction activi-
19 ties, to the personnel of the following:

20 (1) Federal agencies.

21 (2) State and local law enforcement agencies.

22 (3) Community-based organizations engaged in
23 such activities.

1 (4) Other non-Federal governmental and pri-
2 vate entities and organizations engaged in such ac-
3 tivities.

4 (b) COUNTERDRUG SCHOOLS SPECIFIED.—The Na-
5 tional Guard counterdrug schools operated under the au-
6 thority in subsection (a) are as follows:

7 (1) The National Interagency Civil-Military In-
8 stitute (NICI), San Luis Obispo, California.

9 (2) The Multi-Jurisdictional Counterdrug Task
10 Force Training (MCTFT), St. Petersburg, Florida.

11 (3) The Midwest Counterdrug Training Center
12 (MCTC), to be established in Johnston, Iowa.

13 (4) The Regional Counterdrug Training Acad-
14 emy (RCTA), Meridian, Mississippi.

15 (5) The Northeast Regional Counterdrug Train-
16 ing Center (NCTC), Fort Indiantown Gap, Pennsyl-
17 vania.

18 (c) USE OF NATIONAL GUARD PERSONNEL.—(1) To
19 the extent provided for in the State drug interdiction and
20 counter-drug activities plan of a State in which a National
21 Guard counterdrug school is located, personnel of the Na-
22 tional Guard of that State who are ordered to perform
23 full-time National Guard duty authorized under section
24 112(b) of title 32, United States Code, may provide train-
25 ing referred to in subsection (a) at that school.

1 (2) In this subsection, the term “State drug interdic-
2 tion and counter-drug activities plan”, in the case of a
3 State, means the current plan submitted by the Governor
4 of the State to the Secretary of Defense under section 112
5 of title 32, United States Code.

6 (d) ANNUAL REPORTS ON ACTIVITIES.—(1) Not
7 later than February 1, 2002, and annually thereafter, the
8 Secretary of Defense shall submit to Congress a report
9 on the activities of the National Guard counterdrug
10 schools.

11 (2) Each report under paragraph (1) shall set forth
12 the following:

13 (A) The amount made available for each Na-
14 tional Guard counterdrug school during the fiscal
15 year ending in the year preceding the year in which
16 such report is submitted.

17 (B) A description of the activities of each Na-
18 tional Guard counterdrug school during the year
19 preceding the year in which such report is sub-
20 mitted.

21 (3) The report under paragraph (1) in 2002 shall set
22 forth, in addition to the matters described in paragraph
23 (2), a description of the activities relating to the establish-
24 ment of the Midwest Counterdrug Training Center in
25 Johnston, Iowa.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—(1)

2 There is hereby authorized to be appropriated for the De-
3 partment of Defense for the National Guard for fiscal year
4 2002, \$25,000,000 for purposes of the National Guard
5 counterdrug schools in that fiscal year.

6 (2) The amount authorized to be appropriated by
7 paragraph (1) is in addition to any other amount author-
8 ized to be appropriated for the Department of Defense for
9 the National Guard for fiscal year 2002.

10 (f) AVAILABILITY OF FUNDS.—(1) Of the amount
11 authorized to be appropriated by subsection (e)(1)—

12 (A) \$4,000,000 shall be available for the Na-
13 tional Interagency Civil-Military Institute, San Luis
14 Obispo, California;

15 (B) \$8,000,000 shall be available for the Multi-
16 Jurisdictional Counterdrug Task Force Training, St.
17 Petersburg, Florida;

18 (C) \$3,000,000 shall be available for the Mid-
19 west Counterdrug Training Center, Johnston, Iowa;

20 (D) \$5,000,000 shall be available for the Re-
21 gional Counterdrug Training Academy, Meridian,
22 Mississippi; and

23 (E) \$5,000,000 shall be available for the North-
24 east Regional Counterdrug Training Center, Fort
25 Indiantown Gap, Pennsylvania.

1 (2) Amounts available under paragraph (1) shall re-
2 main available until expended.

3 (g) FUNDING FOR FISCAL YEARS AFTER FISCAL
4 YEAR 2002.—(1) The budget of the President that is sub-
5 mitted to Congress under section 1105 of title 31, United
6 States Code, for any fiscal year after fiscal year 2002 shall
7 set forth as a separate budget item the amount requested
8 for such fiscal year for the National Guard counterdrug
9 schools.

10 (2) It is the sense of Congress that—

11 (A) the amount authorized to appropriated for
12 the National Guard counterdrug schools for any fis-
13 cal year after fiscal year 2002 should not be less
14 than the amount authorized to be appropriated for
15 those schools for fiscal year 2002 by subsection
16 (e)(1), in constant fiscal year 2002 dollars; and

17 (B) the amount made available to each Na-
18 tional Guard counterdrug school for any fiscal year
19 after fiscal year 2002 should not be less than the
20 amount made available for such school for fiscal
21 year 2002 by subsection (f)(1), in constant fiscal
22 year 2002 dollars, except that the amount made
23 available for the Midwest Counterdrug Training
24 School should not be less than \$5,000,000, in con-
25 stant fiscal year 2002 dollars.

1 **Subtitle B—Customs Matters**

2 **SEC. 211. SHORT TITLE.**

3 This subtitle may be cited as the “Customs Author-
4 ization Act of 2001”.

5 **PART I—AUTHORIZATION OF APPROPRIA-**
6 **TIONS FOR UNITED STATES CUSTOMS**
7 **SERVICE FOR ENHANCED INSPEC-**
8 **TION, TRADE FACILITATION, AND**
9 **DRUG INTERDICTION**

10 **SEC. 221. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) DRUG ENFORCEMENT AND OTHER NONCOMMER-
12 CIAL OPERATIONS.—Subparagraphs (A) and (B) of sec-
13 tion 301(b)(1) of the Customs Procedural Reform and
14 Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) are
15 amended to read as follows:

16 “(A) \$1,029,608,384 for fiscal year 2002.

17 “(B) \$1,111,450,668 for fiscal year
18 2003.”.

19 (b) COMMERCIAL OPERATIONS.—Clauses (i) and (ii)
20 of section 301(b)(2)(A) of such Act (19 U.S.C.
21 2075(b)(2)(A)) are amended to read as follows:

22 “(i) \$1,251,794,435 for fiscal year
23 2002.

24 “(ii) \$1,348,676,435 for fiscal year
25 2003.”.

1 (c) AIR AND MARINE INTERDICTION.—Subpara-
2 graphs (A) and (B) of section 301(b)(3) of such Act (19
3 U.S.C. 2075(b)(3)) are amended to read as follows:

4 “(A) \$229,001,000 for fiscal year 2002.

5 “(B) \$176,967,000 for fiscal year 2003.”.

6 (d) SUBMISSION OF BUDGET PROJECTIONS.—Sec-
7 tion 301(a) of such Act (19 U.S.C. 2075(a)) is amended
8 by adding at the end the following:

9 “(3) By no later than the date on which the
10 President submits to Congress the budget of the
11 United States Government for a fiscal year, the
12 Commissioner of Customs shall submit to the Com-
13 mittee on Appropriations and the Committee on
14 Ways and Means of the House of Representatives
15 and the Committee on Appropriations and the Com-
16 mittee on Finance of the Senate the budget request
17 submitted to the Secretary of the Treasury esti-
18 mating the amount of funds for that fiscal year that
19 will be necessary for the operations of the Customs
20 Service as provided for in subsection (b).”.

21 (e) AUTHORIZATION OF APPROPRIATIONS FOR MOD-
22 ERNIZING CUSTOMS SERVICE COMPUTER SYSTEMS.—

23 (1) ESTABLISHMENT OF AUTOMATION MOD-
24 ERNIZATION WORKING CAPITAL FUND.—There is es-
25 tablished within the United States Customs Service

1 an Automation Modernization Working Capital
2 Fund (in this section referred to as the “Fund”).
3 The Fund shall consist of the amounts authorized to
4 be appropriated under paragraph (2) and shall be
5 available as follows:

6 (A) To implement a program for modern-
7 izing the Customs Service computer systems.

8 (B) To maintain the existing computer sys-
9 tems of the Customs Service until a modernized
10 computer system is fully implemented.

11 (C) For related computer system mod-
12 ernization activities of the Customs Service.

13 (2) AUTHORIZATION OF APPROPRIATIONS.—

14 There are authorized to be appropriated for the
15 Fund \$242,000,000 for fiscal year 2002 and
16 \$336,000,000 for fiscal year 2003. The amounts au-
17 thorized to be appropriated under this paragraph
18 shall remain available until expended.

19 (3) REPORT AND AUDIT.—

20 (A) REPORT.—The Commissioner of Cus-
21 toms shall, not later than March 31 and Sep-
22 tember 30 of each year, submit to the Comp-
23 troller General of the United States, the Com-
24 mittee on Appropriations and the Committee on
25 Ways and Means of the House of Representa-

1 tives and the Committee on Appropriations and
2 the Committee on Finance of the Senate a re-
3 port on the progress being made in the mod-
4 ernization of the Customs Service computer sys-
5 tems. Each such report shall—

6 (i) include explicit criteria used to
7 identify, evaluate, and prioritize invest-
8 ments for computer systems modernization
9 planned for the Customs Service for each
10 of fiscal years 2002 through 2006;

11 (ii) provide a schedule for mitigating
12 any deficiencies identified by the Comp-
13 troller General and for developing and im-
14 plementing all computer systems mod-
15 ernization projects;

16 (iii) provide a plan for expanding the
17 utilization of private sector sources for the
18 development and integration of computer
19 systems; and

20 (iv) contain timely schedules and re-
21 source allocations for implementing the
22 modernization of the Customs Service com-
23 puter systems.

24 (B) AUDIT.—Not later than 30 days after
25 a report described in subparagraph (A) is re-

1 ceived, the Comptroller General shall audit the
2 report and shall provide the results of the audit
3 to the Commissioner of Customs, the Com-
4 mittee on Appropriations and the Committee on
5 Ways and Means of the House of Representa-
6 tives, and the Committee on Appropriations and
7 the Committee on Finance of the Senate.

8 (C) CESSATION OF REPORT.—No report is
9 required under this paragraph after September
10 30, 2006.

11 **SEC. 222. CARGO INSPECTION AND NARCOTICS DETECTION**
12 **EQUIPMENT FOR THE UNITED STATES-MEX-**
13 **ICO BORDER, UNITED STATES-CANADA BOR-**
14 **DER, AND FLORIDA AND GULF COAST SEA-**
15 **PORTS; INTERNAL MANAGEMENT IMPROVE-**
16 **MENTS.**

17 (a) FISCAL YEAR 2002.—Of the amounts made avail-
18 able for fiscal year 2002 under section 301(b)(1)(A) of
19 the Customs Procedural Reform and Simplification Act of
20 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section
21 221(a) of this Act, \$118,936,000 shall be available until
22 expended for acquisition and other expenses associated
23 with implementation and deployment of narcotics detec-
24 tion equipment along the United States-Mexico border, the
25 United States-Canada border, and Florida and the Gulf

1 Coast seaports, and for internal management improve-
2 ments as follows:

3 (1) UNITED STATES-MEXICO BORDER.—For the
4 United States-Mexico border, the following amounts
5 shall be available:

6 (A) \$6,000,000 for 8 Vehicle and Con-
7 tainer Inspection Systems (VACIS).

8 (B) \$11,000,000 for 5 mobile truck x-rays
9 with transmission and backscatter imaging.

10 (C) \$12,000,000 for the upgrade of 8
11 fixed-site truck x-rays from the present energy
12 level of 450,000 electron volts to 1,000,000
13 electron volts (1-MeV).

14 (D) \$7,200,000 for 8 1-MeV pallet x-rays.

15 (E) \$1,000,000 for 200 portable contra-
16 band detectors (busters) to be distributed
17 among ports where the current allocations are
18 inadequate.

19 (F) \$600,000 for 50 contraband detection
20 kits to be distributed among all southwest bor-
21 der ports based on traffic volume.

22 (G) \$500,000 for 25 ultrasonic container
23 inspection units to be distributed among all
24 ports receiving liquid-filled cargo and to ports
25 with a hazardous material inspection facility.

1 (H) \$2,450,000 for 7 automated targeting
2 systems.

3 (I) \$360,000 for 30 rapid tire deflator sys-
4 tems to be distributed to those ports where port
5 runners are a threat.

6 (J) \$480,000 for 20 portable Treasury En-
7 forcement Communications Systems (TECS)
8 terminals to be moved among ports as needed.

9 (K) \$1,000,000 for 20 remote watch sur-
10 veillance camera systems at ports where there
11 are suspicious activities at loading docks, vehi-
12 cle queues, secondary inspection lanes, or areas
13 where visual surveillance or observation is ob-
14 scured.

15 (L) \$1,254,000 for 57 weigh-in-motion
16 sensors to be distributed among the ports with
17 the greatest volume of outbound traffic.

18 (M) \$180,000 for 36 AM traffic informa-
19 tion radio stations, with 1 station to be located
20 at each border crossing.

21 (N) \$1,040,000 for 260 inbound vehicle
22 counters to be installed at every inbound vehicle
23 lane.

24 (O) \$950,000 for 38 spotter camera sys-
25 tems to counter the surveillance of customs in-

1 specification activities by persons outside the bound-
2 aries of ports where such surveillance activities
3 are occurring.

4 (P) \$390,000 for 60 inbound commercial
5 truck transponders to be distributed to all ports
6 of entry.

7 (Q) \$1,600,000 for 40 narcotics vapor and
8 particle detectors to be distributed to each bor-
9 der crossing.

10 (R) \$400,000 for license plate reader auto-
11 matic targeting software to be installed at each
12 port to target inbound vehicles.

13 (S) \$1,000,000 for a demonstration site
14 for a high-energy relocatable rail car inspection
15 system with an x-ray source switchable from
16 2,000,000 electron volts (2-MeV) to 6,000,000
17 electron volts (6-MeV) at a shared Department
18 of Defense testing facility for a two-month test-
19 ing period.

20 (T) \$2,500,000 for a demonstration
21 project for passive detection technology.

22 (2) UNITED STATES-CANADA BORDER.—For the
23 United States-Canada border, the following amounts
24 shall be available:

1 (A) \$3,000,000 for 4 Vehicle and Con-
2 tainer Inspection Systems (VACIS).

3 (B) \$8,800,000 for 4 mobile truck x-rays
4 with transmission and backscatter imaging.

5 (C) \$3,600,000 for 4 1-MeV pallet x-rays.

6 (D) \$250,000 for 50 portable contraband
7 detectors (busters) to be distributed among
8 ports where the current allocations are inad-
9 equate.

10 (E) \$300,000 for 25 contraband detection
11 kits to be distributed among ports based on
12 traffic volume.

13 (F) \$240,000 for 10 portable Treasury
14 Enforcement Communications Systems (TECS)
15 terminals to be moved among ports as needed.

16 (G) \$400,000 for 10 narcotics vapor and
17 particle detectors to be distributed to each bor-
18 der crossing based on traffic volume.

19 (H) \$600,000 for 30 fiber optic scopes.

20 (I) \$250,000 for 50 portable contraband
21 detectors (busters) to be distributed among
22 ports where the current allocations are inad-
23 equate.

24 (J) \$3,000,000 for 10 x-ray vans with par-
25 ticle detectors.

1 (K) \$40,000 for 8 AM loop radio systems.

2 (L) \$400,000 for 100 vehicle counters.

3 (M) \$1,200,000 for 12 examination tool
4 trucks.

5 (N) \$2,400,000 for 3 dedicated commuter
6 lanes.

7 (O) \$1,050,000 for 3 automated targeting
8 systems.

9 (P) \$572,000 for 26 weigh-in-motion sen-
10 sors.

11 (Q) \$480,000 for 20 portable Treasury
12 Enforcement Communication Systems (TECS).

13 (3) FLORIDA AND GULF COAST SEAPORTS.—

14 For Florida and the Gulf Coast seaports, the fol-
15 lowing amounts shall be available:

16 (A) \$4,500,000 for 6 Vehicle and Con-
17 tainer Inspection Systems (VACIS).

18 (B) \$11,800,000 for 5 mobile truck x-rays
19 with transmission and backscatter imaging.

20 (C) \$7,200,000 for 8 1-MeV pallet x-rays.

21 (D) \$250,000 for 50 portable contraband
22 detectors (busters) to be distributed among
23 ports where the current allocations are inad-
24 equate.

1 (E) \$300,000 for 25 contraband detection
2 kits to be distributed among ports based on
3 traffic volume.

4 (4) INTERNAL MANAGEMENT IMPROVE-
5 MENTS.—For internal management improvements,
6 the following amounts shall be available:

7 (A) \$2,500,000 for automated systems for
8 management of internal affairs functions.

9 (B) \$700,000 for enhanced internal affairs
10 file management systems.

11 (C) \$2,700,000 for enhanced financial
12 asset management systems.

13 (D) \$6,100,000 for enhanced human re-
14 sources information system to improve per-
15 sonnel management.

16 (E) \$2,700,000 for new data management
17 systems for improved performance analysis, in-
18 ternal and external reporting, and data anal-
19 ysis.

20 (F) \$1,700,000 for automation of the col-
21 lection of key export data as part of the imple-
22 mentation of the Automated Export system.

23 (b) TEXTILE TRANSSHIPMENT.—Of the amounts
24 made available for fiscal years 2002 and 2003 under sec-
25 tion 301(b)(1)(B) of the Customs Procedural Reform and

1 Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as
2 amended by section 221(a) of this Act, \$3,364,435 shall
3 be available for each such fiscal year for textile trans-
4 shipment enforcement.

5 (c) FISCAL YEAR 2003.—Of the amounts made avail-
6 able for fiscal year 2003 under section 301(b)(1)(B) of
7 the Customs Procedural Reform and Simplification Act of
8 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section
9 221(a) of this Act, \$9,923,500 shall be available for the
10 maintenance and support of the equipment and training
11 of personnel to maintain and support the equipment de-
12 scribed in subsection (a).

13 (d) ACQUISITION OF TECHNOLOGICALLY SUPERIOR
14 EQUIPMENT; TRANSFER OF FUNDS.—

15 (1) IN GENERAL.—The Commissioner of Cus-
16 toms may use amounts made available for fiscal year
17 2002 under section 301(b)(1)(A) of the Customs
18 Procedural Reform and Simplification Act of 1978
19 (19 U.S.C. 2075(b)(1)(A)), as amended by section
20 221(a) of this Act, for the acquisition of equipment
21 other than the equipment described in subsection (a)
22 if such other equipment—

23 (A)(i) is technologically superior to the
24 equipment described in subsection (a); and

1 (ii) will achieve at least the same results at
2 a cost that is the same or less than the equip-
3 ment described in subsection (a); or

4 (B) is technologically equivalent to the
5 equipment described in subsection (a) and can
6 be obtained at a lower cost than the equipment
7 described in subsection (a).

8 (2) TRANSFER OF FUNDS.—Notwithstanding
9 any other provision of this section, the Commissioner
10 of Customs may reallocate an amount not to exceed
11 25 percent of—

12 (A) the amount specified in any of sub-
13 paragraphs (A) through (R) of subsection
14 (a)(1) for equipment specified in any other of
15 such subparagraphs (A) through (R);

16 (B) the amount specified in any of sub-
17 paragraphs (A) through (Q) of subsection
18 (a)(2) for equipment specified in any other of
19 such subparagraphs (A) through (Q); and

20 (C) the amount specified in any of sub-
21 paragraphs (A) through (E) of subsection
22 (a)(3) for equipment specified in any other of
23 such subparagraphs (A) through (E).

1 **SEC. 223. PEAK HOURS AND INVESTIGATIVE RESOURCE EN-**
2 **HANCEMENT FOR THE UNITED STATES-MEX-**
3 **ICO AND UNITED STATES-CANADA BORDERS,**
4 **FLORIDA AND GULF COAST SEAPORTS, AND**
5 **THE BAHAMAS.**

6 (a) IN GENERAL.—Of the amounts made available
7 for fiscal years 2002 and 2003 under subparagraphs (A)
8 and (B) of section 301(b)(1) of the Customs Procedural
9 Reform and Simplification Act of 1978 (19 U.S.C.
10 2075(b)(1)), as amended by section 221(a) of this Act,
11 \$181,864,800 for fiscal year 2002 (including \$5,673,600
12 until expended for investigative equipment) and
13 \$230,983,340 for fiscal year 2003 shall be available for
14 the following:

15 (1) A net increase of 535 inspectors, 120 spe-
16 cial agents, and 10 intelligence analysts for the
17 United States-Mexico border, and 375 inspectors for
18 the United States-Canada border, in order to open
19 all primary lanes on such borders during peak hours
20 and enhance investigative resources.

21 (2) A net increase of 285 inspectors and canine
22 enforcement officers to be distributed at large cargo
23 facilities as needed to process and screen cargo (in-
24 cluding rail cargo) and reduce commercial waiting
25 times on the United States-Mexico border and a net
26 increase of 125 inspectors to be distributed at large

1 cargo facilities as needed to process and screen
2 cargo (including rail cargo) and reduce commercial
3 waiting times on the United States-Canada border.

4 (3) A net increase of 40 special agents and 10
5 intelligence analysts to facilitate the activities of the
6 additional inspectors authorized under paragraphs
7 (1) and (2).

8 (4) A net increase of 40 inspectors at sea ports
9 in southeast Florida to process and screen cargo.

10 (5) A net increase of 70 special agent positions,
11 23 intelligence analyst positions, 9 support staff po-
12 sitions, and the necessary equipment to enhance in-
13 vestigation efforts targeted at internal conspiracies
14 at the Nation's seaports.

15 (6) A net increase of 360 special agents, 30 in-
16 telligence analysts, and additional resources to be
17 distributed among offices that have jurisdiction over
18 major metropolitan drug or narcotics distribution
19 and transportation centers for intensification of ef-
20 forts against drug smuggling and money-laundering
21 organizations.

22 (7) A net increase of 2 special agent positions
23 to re-establish a Customs Attache office in Nassau.

1 (8) A net increase of 62 special agent positions
2 and 8 intelligence analyst positions for maritime
3 smuggling investigations and interdiction operations.

4 (9) A net increase of 50 positions and addi-
5 tional resources to the Office of Internal Affairs to
6 enhance investigative resources for anticorruption ef-
7 forts.

8 (10) The costs incurred as a result of the in-
9 crease in personnel hired pursuant to this section.

10 (b) RELOCATION OF PERSONNEL.—Notwithstanding
11 any other provision of this section, the Commissioner of
12 Customs may reduce the amount of additional personnel
13 provided for in any of paragraphs (1) through (9) of sub-
14 section (a) by not more than 25 percent, if the Commis-
15 sioner of Customs makes a corresponding increase in the
16 personnel provided for in one or more of such paragraphs
17 (1) through (9).

18 (c) NET INCREASE.—In this section, the term “net
19 increase” means an increase in the number of employees
20 in each position described in this section over the number
21 of employees in each such position that was provided for
22 in fiscal year 2000.

1 **SEC. 224. AGENT ROTATIONS; ELIMINATION OF BACKLOG**
2 **OF BACKGROUND INVESTIGATIONS.**

3 Of the amounts made available for fiscal years 2002
4 and 2003 under subparagraphs (A) and (B) of section
5 301(b)(1) of the Customs Procedural Reform and Sim-
6 plification Act of 1978 (19 U.S.C. 2075(b)(1)), as amend-
7 ed by section 221(a) of this Act, \$16,000,000 for fiscal
8 year 2002 (including \$10,000,000 until expended) and
9 \$6,000,000 for fiscal year 2003 shall be available to—

10 (1) provide additional funding to clear the back-
11 log of existing background investigations and to pro-
12 vide for background investigations during extraor-
13 dinary recruitment activities of the agency; and

14 (2) provide for the interoffice transfer of up to
15 100 special agents, including costs related to reloca-
16 tions, between the Office of Investigations and Office
17 of Internal Affairs, at the discretion of the Commis-
18 sioner of Customs.

19 **SEC. 225. AIR AND MARINE OPERATION AND MAINTENANCE**
20 **FUNDING.**

21 (a) FISCAL YEAR 2002.—Of the amounts made avail-
22 able for fiscal year 2002 under subparagraphs (A) and
23 (B) of section 301(b)(3) of the Customs Procedural Re-
24 form and Simplification Act of 1978 (19 U.S.C.
25 2075(b)(3)), as amended by section 221(e) of this Act,

1 \$130,513,000 shall be available until expended for the fol-
2 lowing:

3 (1) \$96,500,000 for Customs Service aircraft
4 restoration and replacement initiative.

5 (2) \$15,000,000 for increased air interdiction
6 and investigative support activities.

7 (3) \$19,013,000 for marine vessel replacement
8 and related equipment.

9 (b) FISCAL YEAR 2003.—Of the amounts made avail-
10 able for fiscal year 2003 under subparagraphs (A) and
11 (B) of section 301(b)(3) of the Customs Procedural Re-
12 form and Simplification Act of 1978 (19 U.S.C.
13 2075(b)(3)) as amended by section 221(c) of this Act,
14 \$75,524,000 shall be available until expended for the fol-
15 lowing:

16 (1) \$36,500,000 for Customs Service aircraft
17 restoration and replacement.

18 (2) \$15,000,000 for increased air interdiction
19 and investigative support activities.

20 (3) \$24,024,000 for marine vessel replacement
21 and related equipment.

22 **SEC. 226. COMPLIANCE WITH PERFORMANCE PLAN RE-**
23 **QUIREMENTS.**

24 (a) IN GENERAL.—As part of the annual perform-
25 ance plan for each of fiscal years 2002 and 2003, as re-

1 quired under section 1115 of title 31, United States Code,
2 the Commissioner of Customs shall evaluate the benefits
3 of the activities authorized to be carried out pursuant to
4 sections 222 through 225 of this Act.

5 (b) ENFORCEMENT PERFORMANCE MEASURES.—
6 The Commissioner of Customs is authorized to contract
7 for the review and assessment of enforcement performance
8 goals and indicators required by section 1115 of title 31,
9 United States Code, with experts in the field of law en-
10 forcement, from academia, and from the research commu-
11 nity. Any contract for review or assessment conducted
12 pursuant to this subsection shall provide for recommenda-
13 tions of additional measures that would improve the en-
14 forcement strategy and activities of the Customs Service.

15 (c) REPORT TO CONGRESS.—The Commissioner of
16 Customs shall submit any assessment, review, or report
17 provided for under this section to the Committee on Fi-
18 nance of the Senate and the Committee on Ways and
19 Means of the House of Representatives.

20 **SEC. 227. REPORT ON INTELLIGENCE REQUIREMENTS.**

21 The Commissioner of Customs shall, not later than
22 one year of the date of the enactment of this Act, submit
23 to the Committee on Finance of the Senate and the Com-
24 mittee on Ways and Means of the House of Representa-
25 tives a report containing the following:

1 (1) An assessment of the intelligence-gathering
2 and information-gathering capabilities and needs of
3 the Customs Service.

4 (2) An assessment of the impact of any limita-
5 tions on the intelligence-gathering and information-
6 gathering capabilities necessary for adequate en-
7 forcement of the customs laws of the United States
8 and other laws enforced by the Customs Service.

9 (3) The Commissioner's recommendations for
10 improving the intelligence-gathering and informa-
11 tion-gathering capabilities of the Customs Service.

12 **PART II—CUSTOMS MANAGEMENT**

13 **SEC. 231. TERM AND SALARY OF THE COMMISSIONER OF** 14 **CUSTOMS.**

15 (a) TERM.—

16 (1) GENERAL REQUIREMENTS.—The first sec-
17 tion of the Act entitled “An Act to create a Bureau
18 of Customs and a Bureau of Prohibition in the De-
19 partment of the Treasury”, approved March 3, 1927
20 (19 U.S.C. 2071), is amended—

21 (A) by striking “There shall be” and in-
22 serting “(a) IN GENERAL.—There shall be”;

23 (B) in the second sentence—

24 (i) by inserting “for a term of 5
25 years” after “Senate”;

1 (ii) by striking “and” at the end of
2 paragraph (2);

3 (iii) by striking the period at the end
4 of paragraph (3) and inserting “; and”;
5 and

6 (iv) by adding at the end the following
7 new paragraph:

8 “(4) have demonstrated ability in manage-
9 ment.”; and

10 (C) by adding at the end the following:

11 “(b) VACANCY.—Any individual appointed to fill a va-
12 cancy in the position of Commissioner occurring before the
13 expiration of the term for which the individual’s prede-
14 cessor was appointed shall be appointed only for the re-
15 mainder of that term.

16 “(c) REMOVAL.—The Commissioner may be removed
17 at the will of the President.

18 “(d) REAPPOINTMENT.—The Commissioner may be
19 appointed to more than one 5-year term.”.

20 (2) CURRENT OFFICE HOLDER.— In the case of
21 an individual serving as the Commissioner of Cus-
22 toms on the date of the enactment of this Act, who
23 was appointed to such position before such date, the
24 5-year term required by the first section of the Act
25 entitled “An Act to create a Bureau of Customs and

1 a Bureau of Prohibition in the Department of the
2 Treasury”, as amended by this section, shall begin
3 as of the date of such appointment.

4 (b) SALARY.—

5 (1) IN GENERAL.—

6 (A) Section 5315 of title 5, United States
7 Code, is amended by striking the following item:
8 “Commissioner of Customs, Department of the
9 Treasury.”.

10 (B) Section 5314 of title 5, United States
11 Code, is amended by inserting at the end the
12 following item:

13 “Commissioner of Customs, Department of the
14 Treasury.”.

15 (2) EFFECTIVE DATE.—The amendments made
16 by this subsection shall take effect on October 1,
17 2001.

18 **SEC. 232. INTERNAL COMPLIANCE.**

19 (a) ESTABLISHMENT OF INTERNAL COMPLIANCE
20 PROGRAM.—The Commissioner of Customs shall—

21 (1) establish, within the Office of Internal Af-
22 fairs, a program of internal compliance designed to
23 enhance the performance of the basic mission of the
24 Customs Service to ensure compliance with all appli-
25 cable laws and, in particular, with the implementa-

1 tion of title VI of the North American Free Trade
2 Agreement Implementation Act (commonly referred
3 to as the “Customs Modernization Act”);

4 (2) institute a program of ongoing self-assess-
5 ment and conduct a review on an annual basis of the
6 performance of all core functions of the Customs
7 Service;

8 (3) identify deficiencies in the current perform-
9 ance of the Customs Service with respect to commer-
10 cial operations, enforcement, and internal manage-
11 ment and propose specific corrective measures to ad-
12 dress such concerns; and

13 (4) not later than 6 months after the date of
14 the enactment of this Act, and annually thereafter,
15 submit to the Committee on Finance of the Senate
16 and the Committee on Ways and Means of the
17 House of Representatives a report on the programs
18 and reviews conducted under this subsection.

19 (b) EVALUATION AND REPORT ON BEST PRAC-
20 TICES.—The Commissioner of Customs shall, as part of
21 the development of an improved system of internal compli-
22 ance, initiate a review of current best practices in internal
23 compliance programs among government agencies and pri-
24 vate sector organizations and, not later than 18 months
25 after the date of the enactment of this Act, report on the

1 results of the review to the Committee on Governmental
2 Affairs and the Committee on Finance of the Senate and
3 the Committee on Government Reform and the Committee
4 on Ways and Means of the House of Representatives.

5 (c) REVIEW BY INSPECTOR GENERAL.—The Inspec-
6 tor General of the Department of the Treasury shall re-
7 view and audit the implementation of the programs de-
8 scribed in subsection (a) as part of the Inspector General’s
9 report required under the Inspector General Act of 1978
10 (5 U.S.C. App).

11 **SEC. 233. REPORT ON PERSONNEL FLEXIBILITY.**

12 Not later than 6 months after the date of the enact-
13 ment of this Act, the Commissioner of Customs shall sub-
14 mit to the Committee on Governmental Affairs and the
15 Committee on Finance of the Senate and the Committee
16 on Government Reform and the Committee on Ways and
17 Means of the House of Representatives a report on the
18 Commissioner’s recommendations for modifying existing
19 personnel rules to permit more effective management of
20 the resources of the Customs Service and for improving
21 the ability of the Customs Service to fulfill its mission.
22 The report shall also include an analysis of why the flexi-
23 bility provided under existing personnel rules is insuffi-
24 cient to meet the needs of the Customs Service.

1 **SEC. 234. REPORT ON PERSONNEL ALLOCATION MODEL.**

2 Not later than 6 months after the date of the enact-
3 ment of this Act, the Commissioner of Customs shall sub-
4 mit to the Committee on Finance of the Senate and the
5 Committee on Ways and Means of the House of Rep-
6 resentatives a report on the following:

7 (1) The resources and personnel requirements
8 under the personnel allocation model under develop-
9 ment in the Customs Service.

10 (2) The implementation of the personnel alloca-
11 tion model.

12 **SEC. 235. REPORT ON DETECTION AND MONITORING RE-**
13 **QUIREMENTS ALONG THE SOUTHERN TIER**
14 **AND NORTHERN BORDER.**

15 Not later than 6 months after the date of the enact-
16 ment of this Act, the Commissioner of Customs shall sub-
17 mit to the Committee on Finance of the Senate and the
18 Committee on Ways and Means of the House of Rep-
19 resentatives a report on the requirements of the Customs
20 Service for counterdrug detection and monitoring of the
21 arrival zones along the southern tier and northern border
22 of the United States. The report shall include an assess-
23 ment of—

24 (1) the performance of existing detection and
25 monitoring equipment, technology, and personnel;

1 (2) any gaps in radar coverage of the arrival
2 zones along the southern tier and northern border of
3 the United States; and

4 (3) any limitations imposed on the enforcement
5 activities of the Customs Service as a result of the
6 reliance on detection and monitoring equipment,
7 technology, and personnel operated under the aus-
8 pices of the Department of Defense.

9 **PART III—MARKING VIOLATIONS**

10 **SEC. 241. CIVIL PENALTIES FOR MARKING VIOLATIONS.**

11 Section 304(l) of the Tariff Act of 1930 (19 U.S.C.
12 1304(l)) is amended—

13 (1) by redesignating paragraphs (1) and (2) as
14 subparagraphs (A) and (B), respectively;

15 (2) by striking “Any person” and inserting “(1)
16 IN GENERAL.—Any person”;

17 (3) by moving the remaining text 2 ems to the
18 right; and

19 (4) by adding at the end the following new
20 paragraph:

21 “(2) CIVIL PENALTIES.—Any person who de-
22 faces, destroys, removes, alters, covers, obscures, or
23 obliterates any mark required under this section
24 shall be liable for a civil penalty of not more than
25 \$10,000 for each violation. The civil penalty imposed

1 under this subsection shall be in addition to any
2 marking duties owed under subsection (i).”.

3 **Subtitle C—Miscellaneous**

4 **SEC. 251. TETHERED AEROSTAT RADAR SYSTEM.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) Drug traffickers exploit openings in the
8 United States detection and monitoring network.
9 Tethered Aerostat Radar Systems (TARS) are a
10 critical element in closing potential routes for drug
11 smuggling.

12 (2) The Tethered Aerostat Radar System, a
13 network of 11 radar sites, serves as an important
14 component of the counterdrug mission of the United
15 States by providing low altitude radar surveillance,
16 detection, and monitoring capabilities to military
17 and law enforcement entities. Failure to operate the
18 TARS system results in a degraded counterdrug ca-
19 pability for the United States.

20 (3) Most of the illicit drugs consumed in the
21 United States enter the country over the Southwest,
22 Gulf of Mexico, or Florida borders. The United
23 States will not have complete coastal radar coverage
24 to combat counterdrug threats unless the entire
25 Tethered Aerostat Radar System network is stand-

1 ardized and maintained, including the Tethered Aerostat Radar System sites in Matagorda, Texas, Morgan City, Louisiana, and Horseshoe Beach, Florida.

2
3
4 (4) The Department of Defense, the lead Federal agency for detection and monitoring, is responsible for fulfilling the surveillance, detection, and monitoring mission in support of counterdrug operations.

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9 (5) The Department of Defense's current budget allocation for the Tethered Aerostat Radar System is inadequate. At present, 3 sites are not in operation because of the expiration of their life cycle.

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13 (b) RESPONSIBILITY FOR TETHERED AEROSTAT RADAR SYSTEM.—The Secretary of Defense shall take all necessary actions to ensure that the 11 sites that comprise the Tethered Aerostat Radar System network are placed under the policy direction of the Drug Enforcement Policy and Support office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

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20 (c) LIMITATION ON TRANSFER.—The Secretary shall cease all activities relating to the transfer of responsibility for the Tethered Aerostat Radar System program to any entity outside the Department of Defense.

21
22
23
24 (d) REPORT ON STATUS.—(1) The Secretary shall annually submit to the congressional defense committees

1 and the United States Senate Caucus on International
2 Narcotics Control a report on the status of the Tethered
3 Aerostat Radar System network.

4 (2) In this subsection, the term “congressional de-
5 fense committees” means the following:

6 (A) The Committees on Armed Services and
7 Appropriations of the Senate.

8 (B) The Committees on Armed Services and
9 Appropriations of the House of Representatives.

10 (e) AUTHORIZATION.—There is hereby authorized to
11 be appropriated for the requirements of the 11-site net-
12 work of the Tethered Aerostat Radar System, including
13 standardization of the sites located along the Gulf of Mex-
14 ico of the United States, amounts as follows:

15 (1) For fiscal year 2002, \$76,000,000.

16 (2) For fiscal year 2003, \$48,500,000.

17 (2) For fiscal year 2004, \$40,500,000.

18 (3) For fiscal year 2005, \$44,700,000.

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