

ANTI-DRUG ABUSE ACT OF 1988

[Public Law 100–690; 102 Stat. 4181 et seq.]

[As Amended Through P.L. 115–271, Enacted October 24, 2018]

【Currency: This publication is a compilation of the text of Public Law 100–690. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

SECTION 1. SHORT TITLE.

This Act may be cited as the “Anti-Drug Abuse Act of 1988”.

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TITLE I—COORDINATION OF NATIONAL DRUG POLICY

Subtitle A—National Drug Control Program¹

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CHAPTER 1—OFFICE OF NATIONAL DRUG CONTROL POLICY²

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¹This subtitle and the amendments made by this subtitle (other than section 1007) are repealed effective September 30, 1997.

Section 2(b) of Public Law 105–20 (111 Stat. 234) provides:

(b) REFERENCES.—Each reference in Federal law to subtitle A of the Anti-Drug Abuse Act of 1988, with the exception of section 1001 of such subtitle, in any provision of law that is in effect on the day before the date of enactment of this Act shall be deemed to be a reference to chapter 1 of the National Narcotics Leadership Act of 1988 (as so designated by this section).

²For current statutory authority, see the Office of Drug Control Policy Reauthorization Act of 1998.

SEC. 1007. TERMINATION OF NATIONAL DRUG ENFORCEMENT POLICY BOARD, NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM, AND WHITE HOUSE DRUG ABUSE POLICY OFFICE.

(a) NATIONAL DRUG ENFORCEMENT POLICY BOARD.—(1) The National Drug Enforcement Policy Board is terminated effective on the 30th day after the first Director is confirmed by the Senate. Upon such termination, all records and property of the National Drug Enforcement Policy Board shall be transferred to the Director. The Director of the Office of Management and Budget shall take such actions as are necessary to facilitate such transfer.

(2) All strategies, implementation plans, memoranda of understanding, and directives that have been issued or made by the National Drug Policy Board before the effective date of this subtitle shall continue in effect until modified, terminated, superseded, set aside, or revoked by the President or the Director.

(3) The National Narcotics Act of 1984 (21 U.S.C. 1201 et seq.) is repealed effective on the 30th day after the first Director is confirmed by the Senate.

(b) NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM.—Notwithstanding any other provision of law, no funds may be expended after 30 days after the date on which the first Director is confirmed by the Senate for any activities or operations of the entity otherwise known as the National Narcotics Border Interdiction System.

(c) WHITE HOUSE OFFICE OF DRUG ABUSE POLICY.—(1) Sections 103, 201, 202, 203, 204, and 206 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1103, 1111, 1112, 1113, 1114, and 1116) are repealed. Section 205 of such Act is redesignated as section 201.

(2) The White House Office of Drug Abuse Policy shall terminate on the 30th day after the date on which the first Director is confirmed by the Senate.

(3) Section 5314 of title 5, United States Code, is amended by striking “Director of the Office of Drug Abuse Policy.”

(4) Section 5315 of title 5, United States Code, is amended by striking “Deputy Director of the Office of Drug Abuse Policy.”

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CHAPTER 2—DRUG-FREE COMMUNITIES³

SEC. 1021. [21 U.S.C. 1521] FINDINGS.

Congress finds the following:

(1) Substance abuse among youth has more than doubled in the 5-year period preceding 1996, with substantial increases in the use of marijuana, inhalants, cocaine, methamphetamine, LSD, and heroin.

(2) The most dramatic increases in substance abuse has occurred among 13- and 14-year-olds.

³ Chapter 2 of subtitle A of title I (except for subchapter II of such chapter), as in effect on September 29, 1997, and as amended by Public Laws 107-82 and 109-469 is revived and restored by section 8203 of Public Law 115-271 (as so amended by Public Law 116-74). In addition, section 8203 of Public Law 115-271 provides for further amendments to Chapter 2 of subtitle A.

(3) Casual or periodic substance abuse by youth today will contribute to hard core or chronic substance abuse by the next generation of adults.

(4) Substance abuse is at the core of other problems, such as rising violent teenage and violent gang crime, increasing health care costs, HIV infections, teenage pregnancy, high school dropouts, and lower economic productivity.

(5) Increases in substance abuse among youth are due in large part to an erosion of understanding by youth of the high risks associated with substance abuse, and to the softening of peer norms against use.

(6)(A) Substance abuse is a preventable behavior and a treatable disease; and

(B)(i) during the 13-year period beginning with 1979, monthly use of illegal drugs among youth 12 to 17 years of age declined by over 70 percent; and

(ii) data suggests that if parents would simply talk to their children regularly about the dangers of substance abuse, use among youth could be expected to decline by as much as 30 percent.

(7) Community anti-drug coalitions throughout the United States are successfully developing and implementing comprehensive, long-term strategies to reduce substance abuse among youth on a sustained basis.

(8) Intergovernmental cooperation and coordination through national, State, and local or tribal leadership and partnerships are critical to facilitate the reduction of substance abuse among youth in communities throughout the United States.

SEC. 1022. [21 U.S.C. 1522] PURPOSES.

The purposes of this chapter are—

(1) to reduce substance use and misuse among youth in communities throughout the United States, and over time, to reduce substance use and misuse among adults;

(2) to strengthen collaboration among communities, the Federal Government, and State, local, and tribal governments;

(3) to enhance intergovernmental cooperation and coordination on the issue of substance use and misuse among youth;

(4) to serve as a catalyst for increased citizen participation and greater collaboration among all sectors and organizations of a community that first demonstrates a long-term commitment to reducing substance use and misuse among youth;

(5) to rechannel resources from the fiscal year 1998 Federal drug control budget to provide technical assistance, guidance, and financial support to communities that demonstrate a long-term commitment in reducing substance use and misuse among youth;

(6) to disseminate to communities timely information regarding the state-of-the-art practices and initiatives that have proven to be effective in reducing substance use and misuse among youth;

(7) to enhance, not supplant, local community initiatives for reducing substance use and misuse among youth; and

(8) to encourage the creation of and support for community anti-drug coalitions throughout the United States.

SEC. 1023. [21 U.S.C. 1523] DEFINITIONS.

In this chapter:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator appointed by the Director under section 1031(c).

(2) ADVISORY COMMISSION.—The term “Advisory Commission” means the Advisory Commission established under section 1041.

(3) COMMUNITY.—The term “community” shall have the meaning provided that term by the Administrator, in consultation with the Advisory Commission.

(4) DIRECTOR.—The term “Director” means the Director of the Office of National Drug Control Policy.

(5) ELIGIBLE COALITION.—The term “eligible coalition” means a coalition that meets the applicable criteria under section 1032(a).

(6) GRANT RECIPIENT.—The term “grant recipient” means the recipient of a grant award under section 1032.

(7) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(8) PROGRAM.—The term “Program” means the program established under section 1031(a).

(9) SUBSTANCE USE AND MISUSE.—The term “substance use and misuse” means—

(A) the illegal use or misuse of drugs, including substances for which a listing is effect under any of schedules I through V under section 202 of the Controlled Substances Act (21 U.S.C. 812);

(B) the misuse of inhalants or over-the-counter drugs;

or

(C) the use of alcohol, tobacco, or other related product as such use is prohibited by State or local law.

(10) YOUTH.—The term “youth” shall have the meaning provided that term by the Administrator, in consultation with the Advisory Commission.

SEC. 1024. [21 U.S.C. 1524] AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this chapter \$99,000,000 for each of fiscal years 2018 through 2023.

(b) ADMINISTRATIVE COSTS.—Not more than 8 percent of the funds appropriated to carry out this chapter may be used by the Office of National Drug Control Policy to pay administrative costs associated with the responsibilities of the Office under this chapter.

Subchapter I—Drug-Free Communities Support Program⁴**SEC. 1031. [21 U.S.C. 1531] ESTABLISHMENT OF DRUG-FREE COMMUNITIES SUPPORT PROGRAM.**

(a) **ESTABLISHMENT.**—The Director shall establish a program to support communities in the development and implementation of comprehensive, long-term plans and programs to prevent and treat substance use and misuse among youth.

(b) **PROGRAM.**—In carrying out the Program, the Director shall—

- (1) make and track grants to grant recipients;
- (2) provide for technical assistance and training, data collection, and dissemination of information on state-of-the-art practices that the Director determines to be effective in reducing substance use and misuse; and
- (3) provide for the general administration of the Program.

(c) **ADMINISTRATION.**—Not later than 30 days after receiving recommendations from the Advisory Commission under section 1042(a)(1), the Director shall appoint an Administrator to carry out the Program.

(d) **CONTRACTING.**—The Director may employ any necessary staff and may enter into contracts or agreements with national drug control agencies, including interagency agreements to delegate authority for the execution of grants and for such other activities necessary to carry out this chapter.

SEC. 1032. [21 U.S.C. 1532] PROGRAM AUTHORIZATION.

(a) **GRANT ELIGIBILITY.**—To be eligible to receive an initial grant or a renewal grant under this subchapter, a coalition shall meet each of the following criteria:

- (1) **APPLICATION.**—The coalition shall submit an application to the Administrator in accordance with section 1033(a)(2).
- (2) **MAJOR SECTOR INVOLVEMENT.**—

(A) **IN GENERAL.**—The coalition shall consist of 1 or more representatives of each of the following categories:

- (i) Youth.
- (ii) Parents.
- (iii) Businesses.
- (iv) The media.
- (v) Schools.
- (vi) Organizations serving youth.
- (vii) Law enforcement.
- (viii) Religious or fraternal organizations.
- (ix) Civic and volunteer groups.
- (x) Health care professionals.
- (xi) State, local, or tribal governmental agencies with expertise in the field of substance use and misuse (including, if applicable, the State authority with primary authority for substance use and misuse).
- (xii) Other organizations involved in reducing substance use and misuse.

(B) **ELECTED OFFICIALS.**—If feasible, in addition to representatives from the categories listed in subparagraph

⁴ So in law. There is no subsequent subchapters in this chapter.

(A), the coalition shall have an elected official (or a representative of an elected official) from—

(i) the Federal Government; and

(ii) the government of the appropriate State and political subdivision thereof or the governing body or an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination Act (25 U.S.C. 450b(e))).

(C) REPRESENTATION.—An individual who is a member of the coalition may serve on the coalition as a representative of not more than 1 category listed under subparagraph (A).

(3) COMMITMENT.—The coalition shall demonstrate, to the satisfaction of the Administrator—

(A) that the representatives of the coalition have worked together on substance use and misuse reduction initiatives, which, at a minimum, includes initiatives that target drugs referenced in section 1023(9)(A), for a period of not less than 6 months, acting through entities such as task forces, subcommittees, or community boards; and

(B) substantial participation from volunteer leaders in the community involved (especially in cooperation with individuals involved with youth such as parents, teachers, coaches, youth workers, and members of the clergy).

(4) MISSION AND STRATEGIES.—The coalition shall, with respect to the community involved—

(A) have as its principal mission the reduction of substance use and misuse, which, at a minimum, includes the use and abuse of drugs referenced in section 1023(9)(A), in a comprehensive and long-term manner, with a primary focus on youth in the community;

(B) describe and document the nature and extent of the substance use and misuse problem, which, at a minimum, includes the use and abuse of drugs referenced in section 1023(9)(A), in the community;

(C)(i) provide a description of substance use and misuse prevention and treatment programs and activities, which, at a minimum, includes programs and activities relating to the use and abuse of drugs referenced in section 1023(9)(A), in existence at the time of the grant application; and

(ii) identify substance use and misuse programs and service gaps, which, at a minimum, includes programs and gaps relating to the use and abuse of drugs referenced in section 1023(9)(A), in the community;

(D) develop a strategic plan to reduce substance use and misuse among youth, which, at a minimum, includes the use and abuse of drugs referenced in section 1023(9)(A), in a comprehensive and long-term fashion; and

(E) work to develop a consensus regarding the priorities of the community to combat substance use and misuse among youth, which, at a minimum, includes the use and abuse of drugs referenced in section 1023(9)(A).

(5) SUSTAINABILITY.—The coalition shall demonstrate that the coalition is an ongoing concern by demonstrating that the coalition—

(A) is—

(i)(I) a nonprofit organization; or

(II) an entity that the Administrator determines to be appropriate; or

(ii) part of, or is associated with, an established legal entity;

(B) receives financial support (including, in the discretion of the Administrator, in-kind contributions) from non-Federal sources; and

(C) has a strategy to solicit substantial financial support from non-Federal sources to ensure that the coalition and the programs operated by the coalition are self-sustaining.

(6) ACCOUNTABILITY.—The coalition shall—

(A) establish a system to measure and report outcomes—

(i) consistent with common indicators and evaluation protocols established by the Administrator; and

(ii) approved by the Administrator;

(B) conduct—

(i) for an initial grant under this subchapter, an initial benchmark survey of drug use among youth (or use local surveys or performance measures available or accessible in the community at the time of the grant application); and

(ii) biennial surveys (or incorporate local surveys in existence at the time of the evaluation) to measure the progress and effectiveness of the coalition; and

(C) provide assurances that the entity conducting an evaluation under this paragraph, or from which the coalition receives information, has experience—

(i) in gathering data related to substance use and misuse among youth; or

(ii) in evaluating the effectiveness of community anti-drug coalitions.

(7) ADDITIONAL CRITERIA.—The Director shall not impose any eligibility criteria on new applicants or renewal grantees not provided in this chapter.

(b) GRANT AMOUNTS.—

(1) IN GENERAL.—

(A) GRANTS.—

(i) IN GENERAL.—Subject to clause (iv), for a fiscal year, the Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

(ii) SUSPENSION OF GRANTS.—If such grant recipient fails to continue to meet the criteria specified in subsection (a), the Administrator may suspend the

grant, after providing written notice to the grant recipient and an opportunity to appeal.

(iii) RENEWAL GRANTS.—Subject to clause (iv), the Administrator may award a renewal grant to a grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year, during the 4-year period following the period of the initial grant.

(iv) LIMITATION.—The amount of a grant award under this subparagraph may not exceed \$125,000 for a fiscal year.

(B) COALITION AWARDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Administrator may, with respect to a community, make a grant to 1 eligible coalition that represents that community.

(ii) EXCEPTION.—The Administrator may make a grant to more than 1 eligible coalition that represents a community if—

(I) the eligible coalitions demonstrate that the coalitions are collaborating with one another; and

(II) each of the coalitions has independently met the requirements set forth in subsection (a).

(2) RURAL COALITION GRANTS.—

(A) IN GENERAL.—

(i) IN GENERAL.—In addition to awarding grants under paragraph (1), to stimulate the development of coalitions in sparsely populated and rural areas, the Administrator, in consultation with the Advisory Commission, may award a grant in accordance with this section to a coalition that represents a county with a population that does not exceed 30,000 individuals. In awarding a grant under this paragraph, the Administrator may waive any requirement under subsection (a) if the Administrator considers that waiver to be appropriate.

(ii) MATCHING REQUIREMENT.—Subject to subparagraph (C), for a fiscal year, the Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

(iii) SUSPENSION OF GRANTS.—If such grant recipient fails to continue to meet any criteria specified in subsection (a) that has not been waived by the Administrator pursuant to clause (i), the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

(B) RENEWAL GRANTS.—The Administrator may award a renewal grant to an eligible coalition that is a grant recipient under this paragraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an

amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, during the 4-year period following the period of the initial grant.

(C) LIMITATIONS.—

(i) AMOUNT.—The amount of a grant award under this paragraph shall not exceed \$125,000 for a fiscal year.

(ii) AWARDS.—With respect to a county referred to in subparagraph (A), the Administrator may award a grant under this section to not more than 1 eligible coalition that represents the county.

(3) ADDITIONAL GRANTS.—

(A) IN GENERAL.—Subject to subparagraph (F), the Administrator may award an additional grant under this paragraph to an eligible coalition awarded a grant under paragraph (1) or (2) for any first fiscal year after the end of the 4-year period following the period of the initial grant under paragraph (1) or (2), as the case may be.

(B) SCOPE OF GRANTS.—A coalition awarded a grant under paragraph (1) or (2), including a renewal grant under such paragraph, may not be awarded another grant under such paragraph, and is eligible for an additional grant under this section only under this paragraph.

(C) NO PRIORITY FOR APPLICATIONS.—The Administrator may not afford a higher priority in the award of an additional grant under this paragraph than the Administrator would afford the applicant for the grant if the applicant were submitting an application for an initial grant under paragraph (1) or (2) rather than an application for a grant under this paragraph.

(D) RENEWAL GRANTS.—Subject to clause (iv), the Administrator may award a renewal grant to a grant recipient under this subparagraph for each fiscal year of the 4-fiscal-year period following the first fiscal year for which the initial additional grant is awarded in an amount not to exceed the following:

(i) For the first and second fiscal years of the 4-fiscal-year period, the amount of the non-Federal funds, including in-kind contributions, raised by the coalition for the applicable fiscal year is not less than 125 percent of the amount awarded.

(ii) For the third and fourth fiscal years of the 4-fiscal-year period, the amount of the non-Federal funds, including in-kind contributions, raised by the coalition for the applicable fiscal year is not less than 150 percent of the amount awarded.

(E) SUSPENSION.—If a grant recipient under this paragraph fails to continue to meet the criteria specified in subsection (a), the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

(F) LIMITATION.—The amount of a grant award under this paragraph may not exceed \$125,000 for a fiscal year.

(4) PROCESS FOR SUSPENSION.—A grantee shall not be suspended or terminated under paragraph (1)(A)(ii), (2)(A)(iii), or (3)(E) unless that grantee is afforded a fair, timely, and independent appeal prior to such suspension or termination.

(c) TREATMENT OF FUNDS FOR COALITIONS REPRESENTING CERTAIN ORGANIZATIONS.—Funds appropriated for the substance use and misuse activities of a coalition that includes a representative of the Bureau of Indian Affairs, the Indian Health Service, or a tribal government agency with expertise in the field of substance use and misuse may be counted as non-Federal funds raised by the coalition for purposes of this section.

(d) PRIORITY IN AWARDING GRANTS.—In awarding grants under subsection (b)(1)(A)(i), priority shall be given to a coalition serving economically disadvantaged areas.

SEC. 1033. [21 U.S.C. 1533] INFORMATION COLLECTION AND DISSEMINATION WITH RESPECT TO GRANT RECIPIENTS.

(a) COALITION INFORMATION.—

(1) GENERAL AUDITING AUTHORITY.—For the purpose of audit and examination, the Administrator—

(A) shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this chapter; and

(B) may periodically request information from a grant recipient to ensure that the grant recipient meets the applicable criteria under section 1032(a).

(2) APPLICATION PROCESS.—The Administrator shall issue a request for proposal regarding, with respect to the grants awarded under section 1032, the application process, grant renewal, and suspension or withholding of renewal grants. Each application under this paragraph shall be in writing and shall be subject to review by the Administrator.

(3) REPORTING.—The Administrator shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a grant recipient and expedite any application for a renewal grant made under this subchapter.

(b) DATA COLLECTION AND DISSEMINATION.—

(1) IN GENERAL.—The Administrator may collect data from—

(A) national substance use and misuse organizations that work with eligible coalitions, community anti-drug coalitions, departments or agencies of the Federal Government, or State or local governments and the governing bodies of Indian tribes; and

(B) any other entity or organization that carries out activities that relate to the purposes of the Program.

(2) ACTIVITIES OF ADMINISTRATOR.—The Administrator may—

(A) evaluate the utility of specific initiatives relating to the purposes of the Program;

(B) conduct an evaluation of the Program; and

(C) disseminate information described in this subsection to—

- (i) eligible coalitions and other substance use and misuse organizations; and
- (ii) the general public.

(3) **CONSULTATION.**—The Administrator shall carry out activities under this subsection in consultation with the Advisory Commission and the National Community Antidrug Coalition Institute.

(4) **LIMITATION ON USE OF CERTAIN FUNDS FOR EVALUATION OF PROGRAM.**—Amounts for activities under paragraph (2)(B) may not be derived from amounts under section 1024(a) except for amounts that are available under section 1024(b) for administrative costs.

SEC. 1034. [21 U.S.C. 1534] TECHNICAL ASSISTANCE AND TRAINING.

(a) **IN GENERAL.**—

(1) **TECHNICAL ASSISTANCE AND AGREEMENTS.**—With respect to any grant recipient or other organization, the Administrator may—

- (A) offer technical assistance and training; and
- (B) enter into contracts and cooperative agreements.

(2) **COORDINATION OF PROGRAMS.**—The Administrator may facilitate the coordination of programs between a grant recipient and other organizations and entities.

(b) **TRAINING.**—The Administrator may provide training to any representative designated by a grant recipient in—

- (1) coalition building;
- (2) task force development;
- (3) mediation and facilitation, direct service, assessment and evaluation; or
- (4) any other activity related to the purposes of the Program.

SEC. 1035. [21 U.S.C. 1535] SUPPLEMENTAL GRANTS FOR COALITION MENTORING ACTIVITIES.

(a) **AUTHORITY TO MAKE GRANTS.**—As part of the program established under section 1031, the Director may award an initial grant under this subsection, and renewal grants under subsection (f), to any coalition awarded a grant under section 1032 that meets the criteria specified in subsection (d) in order to fund coalition mentoring activities by such coalition in support of the program.

(b) **TREATMENT WITH OTHER GRANTS.**—

(1) **SUPPLEMENT.**—A grant awarded to a coalition under this section is in addition to any grant awarded to the coalition under section 1032.

(2) **REQUIREMENT FOR BASIC GRANT.**—A coalition may not be awarded a grant under this section for a fiscal year unless the coalition was awarded a grant or renewal grant under section 1032(b) for that fiscal year.

(c) **APPLICATION.**—A coalition seeking a grant under this section shall submit to the Administrator an application for the grant in such form and manner as the Administrator may require.

(d) **CRITERIA.**—A coalition meets the criteria specified in this subsection if the coalition—

- (1) has been in existence for at least 5 years;

(2) has achieved, by or through its own efforts, measurable results in the prevention and treatment of substance use and misuse among youth;

(3) has staff or members willing to serve as mentors for persons seeking to start or expand the activities of other coalitions in the prevention and treatment of substance use and misuse;

(4) has demonstrable support from some members of the community in which the coalition mentoring activities to be supported by the grant under this section are to be carried out; and

(5) submits to the Administrator a detailed plan for the coalition mentoring activities to be supported by the grant under this section.

(e) USE OF GRANT FUNDS.—A coalition awarded a grant under this section shall use the grant amount for mentoring activities to support and encourage the development of new, self-supporting community coalitions that are focused on the prevention and treatment of substance use and misuse in such new coalitions' communities. The mentoring coalition shall encourage such development in accordance with the plan submitted by the mentoring coalition under subsection (d)(5).

(f) RENEWAL GRANTS.—The Administrator may make a renewal grant to any coalition awarded a grant under subsection (a), or a previous renewal grant under this subsection, if the coalition, at the time of application for such renewal grant—

(1) continues to meet the criteria specified in subsection (d); and

(2) has made demonstrable progress in the development of one or more new, self-supporting community coalitions that are focused on the prevention and treatment of substance use and misuse.

(g) GRANT AMOUNTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the total amount of grants awarded to a coalition under this section for a fiscal year may not exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year. Funds appropriated for the substance use and misuse activities of a coalition that includes a representative of the Bureau of Indian Affairs, the Indian Health Service, or a tribal government agency with expertise in the field of substance use and misuse may be counted as non-Federal funds raised by the coalition.

(2) INITIAL GRANTS.—The amount of the initial grant awarded to a coalition under subsection (a) may not exceed \$75,000.

(3) RENEWAL GRANTS.—The total amount of renewal grants awarded to a coalition under subsection (f) for any fiscal year may not exceed \$75,000.

(h) FISCAL YEAR LIMITATION ON AMOUNT AVAILABLE FOR GRANTS.—The total amount available for grants under this section, including renewal grants under subsection (f), in any fiscal year may not exceed the amount equal to five percent of the amount authorized to be appropriated by section 1024(a) for that fiscal year.

(i) **PRIORITY IN AWARDING INITIAL GRANTS.**—In awarding initial grants under this section, priority shall be given to a coalition that expressly proposes to provide mentorship to a coalition or aspiring coalition serving economically disadvantaged areas.

Subtitle B—Department of Justice Civil Enforcement Enhancement

SEC. 1051. SHORT TITLE.

This subtitle may be cited as the “Justice Department Organized Crime and Drug Enforcement Enhancement Act of 1988”.

SEC. 1052. FINDINGS.

The Congress finds that—

(1) organized criminal activity contributes significantly to the importation, distribution, and sale of illegal and dangerous drugs;

(2) trends in drug trafficking patterns necessitate a response that gives appropriate weight to—

(A) the prosecution of drug-related crimes; and

(B) the forfeiture and seizure of assets and other civil remedies used to strike at the inherent strength of the drug networks and organized crime groups;

(3) law enforcement components of the Department of Justice should give high priority to the enforcement of civil sanctions against drug networks and organized crime groups; and

(4) the structure of the Department of Justice Criminal Division needs to be reviewed in order to determine the most effective structure to address such drug-related problems.

SEC. 1053. CIVIL ENFORCEMENT REPORT.

(a) **REPORT.**—Not later than 1 year after the date of the enactment of this title, the Director of National Drug Control Policy (the Director) in consultation with the Attorney General, shall report to the Congress on the necessity to establish a new division or make other organizational changes within the Department of Justice in order to promote better civil and criminal law enforcement. In preparing such report, the Director shall consider restructuring and consolidating one or more of the following divisions and programs—

(1) the Organized Crime and Racketeering Section of the Criminal Division and all subordinate strike forces therein;

(2) the Narcotic and Dangerous Drug Section of the Criminal Division;

(3) the Asset Forfeiture Office of the Criminal Division; and

(4) the Organized Crime Drug Enforcement Task Force Program;

(b) **LEGISLATIVE RECOMMENDATIONS.**—The report submitted under subsection (a) shall include appropriate legislative recommendations for the Congress.

SEC. 1054. CIVIL ENFORCEMENT ENHANCEMENT.

(a) **DUTY OF ATTORNEY GENERAL.**—The Attorney General shall insure that each component of the Department of Justice having

criminal law enforcement responsibilities with respect to the prosecution of organized crime and controlled substances violations, including each United States Attorney's Office, attaches a high priority to the enforcement of civil statutes creating ancillary sanctions and remedies for such violations, such as civil penalties and actions, forfeitures, injunctions and restraining orders, and collection of fines.

(b) DUTY OF ASSOCIATE ATTORNEY GENERAL.—The Associate Attorney General shall be responsible for implementing the policy set forth in this subsection.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated \$3,000,000 for salaries and expenses to the Department of Justice General Legal Activities Account and \$3,000,000 for salaries and expenses for United States Attorneys for fiscal year 1989.

(2) Any appropriation of funds authorized under paragraph (1) shall be—

(A) in addition to any appropriations requested by the President in the 1989 fiscal year budget submitted by the President to the Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989; and

(B) used to increase the number of field attorneys and related support staff over such personnel levels employed at the Department of Justice on September 30, 1988.

(3) Any increase in full-time equivalent positions described under paragraph (2)(B) shall be exclusively used for asset forfeiture and civil enforcement and be assigned to appropriate field offices of the Organized Crime and Racketeering Section and the Organized Crime Drug Enforcement Task Forces.

(d) REPORTING REQUIREMENT.—The Attorney General, at the end of each such fiscal year, shall file a report with the Congress setting forth the extent of such enforcement efforts, as well as the need for any enhancements in resources necessary to carry out this policy.

SEC. 1055. EXPENSES OF TASK FORCES.

(a) APPROPRIATIONS AND REIMBURSEMENTS PROCEDURE.—Beginning in fiscal year 1990, the Attorney General in his budget shall submit a separate appropriations request for expenses relating to all Federal agencies participating in the Organized Crime Drug Enforcement Task Forces. Such appropriations shall be made to the Department of Justice's Interagency Law Enforcement Appropriation Account for the Attorney General to make reimbursements to the involved agencies as necessary.

(b) ENHANCEMENT OF FIELD ACTIVITIES.—The appropriations and reimbursements procedure described under subsection (a) shall—

(1) provide for the flexibility of the Task Forces which is vital to success;

(2) permit Federal law enforcement resources to be shifted in response to changing patterns of organized criminal drug activities;

(3) permit the Attorney General to reallocate resources among the organizational components of the Task Forces and between regions without undue delay; and

(4) ensure that the Task Forces function as a unit, without the competition for resources among the participating agencies that would undermine the overall effort.

[28 U.S.C. 509 nt]

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TITLE III—DRUG ABUSE EDUCATION AND PREVENTION

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Subtitle B—Drug Abuse Education and Prevention

CHAPTER 1—DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS

SEC. 3501. ESTABLISHMENT OF DRUG ABUSE EDUCATION AND PREVENTION PROGRAM RELATING TO YOUTH GANGS.

The Secretary of Health and Human Services, through the Administration on Children, Youth, and Families, shall make grants to, and enter into contracts with, public and nonprofit private agencies (including agencies described in paragraph (7)(A) acting jointly), organizations (including community based organizations with demonstrated experience in this field), institutions, and individuals, to carry out projects and activities—

(1) to prevent and to reduce the participation of youth in the activities of gangs that engage in illicit drug-related activities,

(2) to promote the involvement of youth in lawful activities in communities in which such gangs commit drug-related crimes,

(3) to prevent the abuse of drugs by youth, to educate youth about such abuse, and to refer for treatment and rehabilitation members of such gangs who abuse drugs,

(4) to support activities of local police departments and other local law enforcement agencies to conduct educational outreach activities in communities in which gangs commit drug-related crimes,

(5) to inform gang members and their families of the availability of treatment and rehabilitation services for drug abuse,

(6) to facilitate Federal and State cooperation with local school officials to assist youth who are likely to participate in gangs that commit drug-related crimes,

(7) to facilitate coordination and cooperation among—

(A) local education, juvenile justice, employment and social service agencies, and

(B) drug abuse referral, treatment, and rehabilitation programs,
for the purpose of preventing or reducing the participation of youth in activities of gangs that commit drug-related crimes, and

(8) to provide technical assistance to eligible organizations in planning and implementing drug abuse education, prevention, rehabilitation, and referral programs for youth who are members of gangs that commit drug-related crimes.

【42 U.S.C. 11801】

SEC. 3502. APPLICATION FOR GRANTS AND CONTRACTS.

(a) **SUBMISSION OF APPLICATIONS.**—Any agency, organization, institution, or individual desiring to receive a grant, or to enter into a contract, under section 3501 shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require by rule.

(b) **CONTENTS OF APPLICATION.**—Each application for assistance under this chapter shall—

(1) set forth a project or activity for carrying out one or more of the purposes specified in section 3501 and specifically identify each such purpose such project or activity is designed to carry out,

(2) provide that such project or activity shall be administered by or under the supervision of the applicant,

(3) provide for the proper and efficient administration of such project or activity,

(4) provide for regular evaluation of the operation of such project or activity,

(5) provide that regular reports on such project or activity shall be submitted to the Secretary, and

(6) provide such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this chapter.

【42 U.S.C. 11802】

SEC. 3503. APPROVAL OF APPLICATIONS.

In selecting among applications submitted under section 3502(a), the Secretary shall give priority to applicants who propose to carry out projects and activities—

(1) for the purposes specified in section 3501 in geographical areas in which frequent and severe drug-related crimes are committed by gangs whose membership is composed primarily of youth, and

(2) that the applicant demonstrates have the broad support of community based organizations in such geographical areas.

【42 U.S.C. 11803】

SEC. 3504. COORDINATION WITH JUVENILE JUSTICE PROGRAMS.

The Secretary shall coordinate the program established by section 3501 with the programs and activities carried out under the

Juvenile Justice and Delinquency Prevention Act of 1974 and with the programs and activities of the Attorney General, to ensure that all such programs and activities are complementary and not duplicative.

[42 U.S.C. 11804]

SEC. 3505. AUTHORIZATION OF APPROPRIATIONS.

To carry out this chapter, there are authorized to be appropriated \$16,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994.

[42 U.S.C. 11805]

SEC. 3506. ANNUAL REPORT.

Not later than 180 days after the end of each fiscal year, the Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report describing—

- (1) the types of projects and activities for which grants and contracts were made under this chapter for such fiscal year,
- (2) the number and characteristics of the youth and families served by such projects and activities, and
- (3) each of such projects and activities the Secretary considers to be exemplary.

[42 U.S.C. 11806]

CHAPTER 2—PROGRAM FOR RUNAWAY AND HOMELESS YOUTH

SEC. 3511. ESTABLISHMENT OF PROGRAM.

(a) The Secretary shall make grants to public and private non-profit agencies, organizations, and institutions to carry out research, demonstration, and services projects designed—

- (1) to provide individual, family, and group counseling to runaway youth and their families and to homeless youth for the purpose of preventing or reducing the illicit use of drugs by such youth,
- (2) to develop and support peer counseling programs for runaway and homeless youth related to the illicit use of drugs,
- (3) to develop and support community education activities related to illicit use of drugs by runaway and homeless youth, including outreach to youth individually,
- (4) to provide to runaway and homeless youth in rural areas assistance (including the development of community support groups) related to the illicit use of drugs,
- (5) to provide to individuals involved in providing services to runaway and homeless youth, information and training regarding issues related to the illicit use of drugs by runaway and homeless youth,
- (6) to support research on the illicit drug use by runaway and homeless youth, and the effects on such youth of drug abuse by family members, and any correlation between such use and attempts at suicide, and

(7) to improve the availability and coordination of local services related to drug abuse, for runaway and homeless youth.

(b) PRIORITY.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies and organizations that have experience in providing services to runaway and homeless youth.

(c) LIMITATION.—Grants under this section may be made for a period not to exceed 3 years.

【42 U.S.C. 11821】

SEC. 3512. ANNUAL REPORT.

Not later than 180 days after the end of a fiscal year for which funds are appropriated to carry out this chapter, the Secretary shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains—

(1) a description of the types of projects and activities for which grants were made under this chapter for such fiscal year,

(2) a description of the number and characteristics of the youth and families served by such projects and activities, and

(3) a description of exemplary projects and activities for which grants were made under this chapter for such fiscal year.

【42 U.S.C. 11822】

SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.

To carry out this chapter, there are authorized to be appropriated \$16,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994.

【42 U.S.C. 11823】

SEC. 3514. APPLICATIONS.

(a) SUBMISSION OF APPLICATION.—Any State, unit of local government (or combination of units of local government), agency, organization, institution, or individual desiring to receive a grant, or enter into a contract, under this chapter shall submit an application at such time, in such manner, and containing or accompanied by such information as may be prescribed by the Federal officer who is authorized to make such grant or enter into such contract (hereinafter in this chapter referred to as the “appropriate Federal officer”).

(b) CONTENTS OF APPLICATION.—In accordance with guidelines established by the appropriate Federal officer, each application for assistance under this chapter shall—

(1) set forth a project or activity for carrying out one or more of the purposes for which such grant or contract is authorized to be made and expressly identify each such purpose such project or activity is designed to carry out,

(2) provide that such project or activity shall be administered by or under the supervision of the applicant,

(3) provide for the proper and efficient administration of such project or activity,

- (4) provide for regular evaluation of such project or activity,
- (5) provide that regular reports on such project or activity shall be sent to the appropriate Federal officer, and
- (6) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this chapter.

【42 U.S.C. 11824】

SEC. 3515. REVIEW OF APPLICATIONS.

(a) **CONSIDERATION OF FACTORS.**—In reviewing applications submitted under this chapter, the appropriate Federal officer shall consider—

- (1) the relative cost and effectiveness of the proposed project or activity in carrying out purposes for which the requested grant or contract is authorized to be made,
- (2) the extent to which such project or activity will incorporate new or innovative techniques,
- (3) the increase in capacity of the State or the public or nonprofit private agency, organization, institution, or individual involved to provide services to address the illicit use of drugs by runaway and homeless youth,
- (4) the extent to which such project or activity serves communities which have high rates of illicit drug use by juveniles (including runaway and homeless youth),
- (5) the extent to which such project or activity will provide services in geographical areas where similar services are unavailable or in short supply, and
- (6) the extent to which such project or activity will increase the level of services, or coordinate other services, in the community available to eligible youth.

(b) **COMPETITIVE PROCESS.**—(1) Applications submitted under this chapter shall be selected for approval through a competitive process to be established by rule by the appropriate Federal officer. As part of such a process, such officer shall publish a notice in the Federal Register—

- (A) announcing the availability of funds to carry out this part,
- (B) stating the general criteria applicable to the selection of applicants to receive such funds, and
- (C) describing the procedures applicable to submitting and reviewing applications for such funds.

(2) As part of such process, each application referred to in subsection (a) shall be subject to peer review by individuals (excluding officers and employees of the Department of Justice and the Department of Health and Human Services) who have expertise in the subject matter related to the project or activity proposed in such application.

(c) **EXPEDITED REVIEW.**—The appropriate Federal officer shall expedite the consideration of an application referred to in sub-

section (a) if the applicant demonstrates, to the satisfaction of the⁵ such officer, that the failure to expedite such consideration would prevent the effective implementation of the project or activity set forth in such application.

【42 U.S.C. 11825】

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Subtitle C—Miscellaneous

SEC. 3601. DEFINITIONS.

Unless otherwise defined by an Act amended by this title, for purposes of this title and the amendments made by this title—

(1) the term “community based” has the meaning given it in section 103(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(1)),

(2) the term “controlled substance” has the meaning given it in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)),

(3) the term “controlled substance analogue” has the meaning given it in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)),

(4) the term “drug” means—

(A) a beverage containing alcohol,

(B) a controlled substance, or

(C) a controlled substance analogue,

(5) the term “Director” means the Chief Executive Officer of the Corporation for National and Community Service,

(6) the term “illicit” means unlawful or injurious,

(7) the term “institution of higher education” has the meaning given it in section 101 of the Higher Education Act of 1965,

(8) the term “public agency” has the meaning given it in section 103(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(11)),

(9) the term “Secretary” means—

(A) the Secretary of Education for purposes of subtitle A (other than section 3201),

(B) the Secretary of Agriculture for purposes of the amendments made by section 3201, and

(C) the Secretary of Health and Human Services for purposes of subtitle B,

(10) the term “State” has the meaning given it in section 103(7) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(7)),

(11) the term “treatment” has the meaning given it in section 103(15) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(15)), and

(12) the term “unit of general local government” has the meaning given it in section 103(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(8)).

⁵ Error in amendment made by section 1001(b)(2) of Pub. L. 101-204. Should strike “the”.

[42 U.S.C. 11851]

TITLE IV—INTERNATIONAL NARCOTICS CONTROL

【This title (excluding the heading and section 4702 (a) through (f)) was repealed by section 103(b) of the International Narcotics Control Corrections Act of 1994 (P.L. 103–447; 108 Stat. 4693).】

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TITLE V—USER ACCOUNTABILITY

【Sections 5151 through 5158 were repealed by section 7(b) of Public Law 111–350; 124 Stat. 3855, which provides for the codification of title 41, U.S.C. into positive law.】

SEC. 5001. TABLE OF CONTENTS.

The table of contents for this title is as follows:

TITLE V—USER ACCOUNTABILITY

Sec. 5001. Table of contents.

Subtitle A—Opposition to Legalization and Public Awareness

Sec. 5011. Sense of the Congress opposing legalization of drugs.

Sec. 5012. Public awareness campaign.

Subtitle B—National Commission on Drug-Free Schools

Sec. 5051. National commission on drug-free schools.

Subtitle C—Preventing Drug Abuse in Public Housing

CHAPTER 1—REGULATORY AND ENFORCEMENT PROVISIONS

Sec. 5101. Termination of tenancy in public housing.

Sec. 5102. Study of public housing security activities.

Sec. 5103. Report on impact of public housing lease and grievance regulation on ability of public housing agencies to take action against tenants engaging in drug crimes.

Sec. 5104. Eligible activities under Bureau of Justice Assistance block grant program.

Sec. 5105. Inclusion of leasehold interests in property subject to forfeiture under Controlled Substances Act.

CHAPTER 2—PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION

Sec. 5121. Short title.

Sec. 5122. Congressional findings.

Sec. 5123. Authority to make grants.

Sec. 5124. Eligible activities.

Sec. 5125. Applications.

Sec. 5126. Definitions.

Sec. 5127. Implementation.

Sec. 5128. Reports.

Sec. 5129. Monitoring.

Sec. 5130. Authorization of appropriations.

CHAPTER 3—DRUG-FREE PUBLIC HOUSING

Sec. 5141. Short title.

Sec. 5142. Statement of purpose.

Sec. 5143. Clearinghouse on drug abuse in public housing.

- Sec. 5144. Regional training program on drug abuse in public housing.
- Sec. 5145. Definitions.
- Sec. 5146. Regulations.

Subtitle D—Drug-Free Workplace Act of 1988

- Sec. 5151. Short title.
- Sec. 5152. Drug-free workplace requirements for Federal contractors.
- Sec. 5153. Drug-free workplace requirements for Federal grant recipients.
- Sec. 5154. Employee sanctions and remedies.
- Sec. 5155. Waiver.
- Sec. 5156. Regulations.
- Sec. 5157. Definitions.
- Sec. 5158. Construction of subtitle.
- Sec. 5159. Repeal of limitation on use of funds.
- Sec. 5160. Effective date.

Subtitle E—President’s Media Commission on Alcohol and Drug Abuse Prevention

- Sec. 5201. Authorization of appropriations for President’s Media Commission on Alcohol and Drug Abuse Prevention.

Subtitle F—Drug-Free America Policy

- Sec. 5251. United States policy for a drug-free America by 1995.

Subtitle G—Denial of Federal Benefits to Drug Traffickers and Possessors

- Sec. 5301. Denial of Federal benefits to drug traffickers and possessors.

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SUBTITLE B—NATIONAL COMMISSION ON DRUG-FREE SCHOOLS

SEC. 5051. NATIONAL COMMISSION ON DRUG-FREE SCHOOLS.

(a) ESTABLISHMENT OF COMMISSION.—There is established a National Commission on Drug-Free Schools (hereinafter referred to as the “Commission”).

(b) MEMBERSHIP OF THE COMMISSION.—(1) The Commission shall consist of the following 26 members:

(A) The Secretary of Education (hereinafter referred to as the “Secretary”).

(B) The Director of National Drug Control Policy (hereinafter referred to as the “Director”).

(C) Sixteen individuals appointed by the Secretary and the Director.

(D) Four members of the House of Representatives, of which 2 members shall be appointed by the Speaker of the House of Representatives and 2 members shall be appointed by the Minority Leader of the House of Representatives.

(E) Four members of the Senate, of which 2 members shall be appointed by the Majority Leader of the Senate and 2 members shall be appointed by the Minority Leader of the Senate.

(2) The Secretary and the Director shall cochair the Commission.

(3) The members of the Commission appointed under paragraph (1)(C) shall consist of—

(A) experts in the fields of drug abuse prevention and education;

(B) representatives of State and local school authorities;

(C) representatives of parent-teacher associations;

(D) representatives of national education organizations;

(E) representatives of community groups with demonstrated records in drug abuse and prevention education;

(F) representatives of law enforcement officials; and
(G) other appropriate individuals as determined by the Secretary and the Director.

(c) APPOINTMENTS.—Members shall be appointed to the Commission not later than 30 days after the date of the enactment of this Act.

(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment was made. A vacancy in the Commission shall not affect the powers of the Commission.

(e) QUORUM.—Fourteen members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) DUTIES OF THE COMMISSION.—The Commission shall—

(1) develop recommendations of criteria for identifying drug-free schools and campuses;

(2) develop recommendations for identifying model programs to meet such criteria;

(3) make such other findings, recommendations, and proposals as the Commission deems necessary to carry out the provisions of this section; and

(4) prepare and submit a final report pursuant to subsection (i).

(g) COMPENSATION.—(1) Each member of the Commission who is not an officer or employee of the United States shall be compensated at a rate established by the Commission not to exceed the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the actual performance of duties as a member of the Commission. Each member of the Commission who is an officer or employee of the United States shall receive no additional compensation for service on the Commission.

(2) While away from their homes or regular places of business in the performance of duties for the Commission, all members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at a rate established by the Commission not to exceed the rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(h) ADMINISTRATIVE PROVISIONS.—(1) The Commission shall appoint an Executive Director who shall be compensated at a rate established by the Commission not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) With the approval of the Commission, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Commission.

(3) Subject to such rules as may be issued by the Commission, the cochairs may procure temporary and intermittent services of experts and consultants.

(4) Upon request of the cochairs of the Commission, the head of any Federal department, agency, or instrumentality shall make any of the facilities and services of such department, agency, or instrumentality available to the Commission and detail any of

the personnel of such department, agency, or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section.

(5) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) Service of an individual as a member of the Commission, or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Commission, or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(i) REPORT OF COMMISSION.—The Commission shall report the findings and recommendations determined under subsection (f)(3) as well as proposals for any legislative action necessary to implement the recommendations of the Commission to the President and the Congress not later than 1 year after the date of the enactment of this Act. The final report of the Commission shall include—

(1) recommended criteria for schools to meet to be considered drug-free, which may include, but shall not be limited to—

(A) guidelines for the establishment of a drug education program for all students in grades kindergarten through 12;

(B) a code of student conduct;

(C) referral to treatment for students found to be using drugs; and

(D) coordinated programs for drug use prevention involving parents, teachers, counselors, local law enforcement personnel, businesses, and community organizations;

(2) a discussion of such issues as—

(A) the proper relationship among schools, parents or guardians, and law enforcement officials;

(B) what corrective measures should be imposed on students found to be using drugs;

(C) whether the suspension of eligibility for student assistance under title IV of the Higher Education Act upon conviction of a drug-related offense is a deterrent to drug use;

(D) any other measured response the Commission deems appropriate; and

(E) the potential effects of measured responses described in this paragraph on civil liberties, educational programs, nondrug-using students, and family relationships;

(3) a description of the assistance required by local school districts to establish drug-free schools and the manner in which local, State and Federal Government may provide such assistance; and

(4) a description of the feasibility of certain programs designed to enhance and raise self-esteem, self-confidence, independence, and responsibility among students.

(j) POWERS OF COMMISSION.—(1) For the purpose of carrying out this section, the Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(2) Any member or employee of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this subsection.

(3) The Commission may secure directly from any Federal agency such information as may be necessary to enable the Commission to carry out this Act. Upon request of the cochairmen of the Commission, the head of such agency shall furnish such information to the Commission.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section. Such sums shall remain available until expended. Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974) which is provided under this section shall be effective for any fiscal year only to the extent or in such amounts as are provided in appropriation Acts.

[20 U.S.C. 3172 note]

Subtitle C—Preventing Drug Abuse in Public Housing

CHAPTER 1—REGULATORY AND ENFORCEMENT PROVISIONS

SEC. 5101. TERMINATION OF TENANCY IN PUBLIC HOUSING.

Section 6(l) of the United States Housing Act of 1937 (42 U.S.C. 1437d(1)) is amended—

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SEC. 5102. STUDY OF PUBLIC HOUSING SECURITY ACTIVITIES.

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SEC. 5103. [42 U.S.C. 1437d note] REPORT ON IMPACT OF PUBLIC HOUSING LEASE AND GRIEVANCE REGULATION ON ABILITY OF PUBLIC HOUSING AGENCIES TO TAKE ACTION AGAINST TENANTS ENGAGING IN DRUG CRIMES.

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SEC. 5104. ELIGIBLE ACTIVITIES UNDER BUREAU OF JUSTICE ASSISTANCE BLOCK GRANT PROGRAM.

Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (as added by title VI of this Act) is amended—

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SEC. 5105. INCLUSION OF LEASEHOLD INTERESTS IN PROPERTY SUBJECT TO FORFEITURE UNDER CONTROLLED SUBSTANCES ACT.

Section 511(a)(7) of the Controlled Substances Act (21 U.S.C. 881(a)(7)) is amended * * *

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CHAPTER 2—PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION

SEC. 5121. [42 U.S.C. 11901 note] SHORT TITLE.

This chapter may be cited as the “Public and Assisted Housing Drug Elimination Act of 1990”.

SEC. 5122. [42 U.S.C. 11901] CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the Federal Government has a duty to provide public and other federally assisted low-income housing that is decent, safe, and free from illegal drugs;

(2) public and other federally assisted low-income housing in many areas suffers from rampant drug-related or violent crime;

(3) drug dealers are increasingly imposing a reign of terror on public and other federally assisted low-income housing tenants;

(4) the increase in drug-related and violent crime not only leads to murders, muggings, and other forms of violence against tenants, but also to a deterioration of the physical environment that requires substantial government expenditures;

(5) local law enforcement authorities often lack the resources to deal with the drug problem in public and other federally assisted low-income housing, particularly in light of the recent reductions in Federal aid to cities;

(6) the Federal Government should provide support for effective safety and security measures to combat drug-related and violent crime, primarily in and around public housing projects with severe crime problems;

(7) closer cooperation should be encouraged between public and assisted housing managers, local law enforcement agencies, and residents in developing and implementing anti-crime programs; and

(8) anti-crime strategies should be improved through the expansion of community-oriented policing initiatives.

SEC. 5123. [42 U.S.C. 11902] AUTHORITY TO MAKE GRANTS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development, in accordance with the provisions of this chapter, may make grants to public housing agencies, public housing resident management corporations that are principally managing, as determined by the Secretary, public housing projects owned by public

housing agencies, recipients of assistance under the Native American Housing Assistance and Self-Determination Act of 1996, Indian tribes and private, for-profit and nonprofit owners of federally assisted low-income housing for use in eliminating drug-related and violent crime.

(b) CONSORTIA.—Subject to terms and conditions established by the Secretary, public housing agencies may form consortia for purposes of applying for grants under this chapter.

SEC. 5124. [42 U.S.C. 11903] ELIGIBLE ACTIVITIES.

(a) PUBLIC AND ASSISTED HOUSING.—Grants under this chapter may be used in public housing or other federally assisted low-income housing projects for—

- (1) the employment of security personnel;
- (2) reimbursement of local law enforcement agencies for additional security and protective services;
- (3) physical improvements which are specifically designed to enhance security;
- (4) the employment of one or more individuals—
 - (A) to investigate drug-related or violent crime in and around the real property comprising any public or other federally assisted low-income housing project; and
 - (B) to provide evidence relating to such crime in any administrative or judicial proceeding;
- (5) the provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with local law enforcement officials;
- (6) programs designed to reduce use of drugs in and around public or other federally assisted low-income housing projects, including drug-abuse prevention, intervention, referral, and treatment programs;
- (7) where a public housing agency, an Indian tribe, or recipient of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 receives a grant, providing funding to nonprofit resident management corporations and resident councils to develop security and drug abuse prevention programs involving site residents; and
- (8) sports programs and sports activities that serve primarily youths from public or other federally assisted low-income housing projects and are operated in conjunction with, or in furtherance of, an organized program or plan designed to reduce or eliminate drugs and drug-related problems in and around such projects.

(b) OTHER PHA-OWNED HOUSING.—Notwithstanding any other provision of this chapter, grants under this chapter may be used to eliminate drug-related crime in and around housing owned by public housing agencies that is not public housing assisted under the United States Housing Act of 1937 and is not otherwise federally assisted, for the activities described in paragraphs (1) through (7) of subsection (a), but only if—

- (1) the housing is located in a high intensity drug trafficking area designated pursuant to section 1005 of this Act; and

(2) the public housing agency owning the housing demonstrates, to the satisfaction of the Secretary, that drug-related or violent activity in or around the housing has a detrimental effect on or about the real property comprising any public or other federally assisted low-income housing.

SEC. 5125. [42 U.S.C. 11904] APPLICATIONS.

(a) **IN GENERAL.**—To receive a grant under this chapter, a public housing agency, a public housing resident management corporation, an Indian tribe⁶ a recipient of assistance under the Native American Housing Assistance and Self-Determination Act of 1996, or an owner of federally assisted low-income housing shall submit an application to the Secretary, at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Such application shall include a plan for addressing the problem of drug-related or violent crime in and around of⁷ the housing administered or owned by the applicant for which the application is being submitted, which plan shall be coordinated with and may be included in the public housing agency plan submitted to the Secretary pursuant to section 5A of the United States Housing Act of 1937.

(b) **One-Year Renewable Grants.**—⁸

(1) **IN GENERAL.**—An eligible applicant that is a public housing agency may apply for a 1-year grant under this chapter that, subject to the availability of appropriated amounts, shall be renewed annually for a period of not more than 4 additional years, except that such renewal shall be contingent upon the Secretary finding, upon an annual or more frequent review, that the grantee agency is performing under the terms of the grant and applicable laws in a satisfactory manner and meets such other requirements as the Secretary may prescribe. The Secretary may adjust the amount of any grant received or renewed under this paragraph to take into account increases or decreases in amounts appropriated for these purposes or such other factors as the Secretary determines to be appropriate.

(2) **ELIGIBILITY AND PREFERENCE.**—The Secretary may not provide assistance under this chapter to an applicant that is a public housing agency unless—

(A) the agency will use the grants to continue or expand activities eligible for assistance under this chapter, as in effect immediately before the effective date under section 503(a) of the Quality Housing and Work Responsibility Act of 1998⁹, in which case the Secretary shall provide preference to such applicant; except that preference under this subparagraph shall not preclude selection by the Secretary of other meritorious applications that address urgent or serious crime problems nor be construed to require continuation of activities determined by the Secretary to be unworthy of continuation; or

⁶So in law. There is no comma.

⁷So in law.

⁸Typeface so in law.

⁹The effective date under section 503 of such Act (112 Stat. 2521; 42 U.S.C. 1437 note) was October 1, 1999, except to the extent otherwise specifically provided in such Act or to the extent that the Secretary, by notice, implemented any provision of such Act before such date.

(B) the agency is in the class established under paragraph (3).

(3) PHA'S HAVING URGENT OR SERIOUS CRIME PROBLEMS.—The Secretary shall, by regulations issued after notice and opportunity for public comment, set forth criteria for establishing a class of public housing agencies that have urgent or serious crime problems. The Secretary may reserve a portion of the amount appropriated to carry out this chapter in each fiscal year only for grants for public housing agencies in such class, except that any amounts from such portion reserved that are not obligated to agencies in the class shall be made available only for agencies that are subject to a preference under paragraph (2)(A).

(4) INAPPLICABILITY TO FEDERALLY ASSISTED LOW-INCOME HOUSING.—The provisions of this subsection shall not apply to federally assisted low-income housing.

(c) CRITERIA.—The Secretary shall approve applications under subsection (b) that are not subject to a preference under subsection (b)(2)(A) on the basis of thresholds or criteria such as—

(1) the extent of the drug-related or violent crime problem in and around the public or federally assisted low-income housing project or projects proposed for assistance;

(2) the quality of the plan to address the crime problem in the public or federally assisted low-income housing project or projects proposed for assistance, including the extent to which the plan includes initiatives that can be sustained over a period of several years;

(3) the capability of the applicant to carry out the plan; and

(4) the extent to which tenants, the local government and the local community support and participate in the design and implementation of the activities proposed to be funded under the application.

(d) FEDERALLY ASSISTED LOW-INCOME HOUSING.—In addition to the selection criteria specified in subsection (c), the Secretary may establish other criteria for the evaluation of applications submitted by owners of federally assisted low-income housing, except that such additional criteria shall be designed only to reflect—

(1) relevant differences between the financial resources and other characteristics of public housing authorities and owners of federally assisted low-income housing, or

(2) relevant differences between the problem of drug-related or violent crime in public housing and the problem of drug-related or violent crime in federally assisted low-income housing.

(e) HIGH INTENSITY DRUG TRAFFICKING AREAS.—In evaluating the extent of the drug-related crime problem pursuant to subsection (c), the Secretary may consider whether housing projects proposed for assistance are located in a high intensity drug trafficking area designated pursuant to section 1005 of the Anti-Drug Abuse Act of 1988.

SEC. 5126. [42 U.S.C. 11905] DEFINITIONS.

For the purposes of this chapter:

(1) CONTROLLED SUBSTANCE.—The term controlled substance” has the meaning given such term in section 102 of the Controlled Substance Act (21 U.S.C. 802).

(2) DRUG-RELATED CRIME.—The term “drug-related crime” means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance.

(3) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

(4) FEDERALLY ASSISTED LOW-INCOME HOUSING.—The term “federally assisted low-income housing” means housing assisted under—

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

(B) section 101 of the Housing and Urban Development Act of 1965; or

(C) section 8 of the United States Housing Act of 1937;

or¹⁰

(5) RECIPIENT.—The term “recipient”, when used in reference to the Native American Housing Assistance and Self-Determination Act of 1996, has the meaning given such term in section 4 of such Act.

(6) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4(12) of the Native American Housing Assistance and Self Determination Act of 1996, 25 U.S.C. 4103(12).

SEC. 5127. [42 U.S.C. 11906] REPORTS.

(a) GRANTEE REPORTS.—The Secretary shall require grantees under this chapter to provide periodic reports that include the obligation and expenditure of grant funds, the progress made by the grantee in implementing the plan described in section 5125(a), and any change in the incidence of drug-related crime in projects assisted under this chapter.

(b) HUD REPORTS.—The Secretary shall submit a report to the Congress not later than 18 months after the date of the enactment of the Quality Housing and Work Responsibility Act of 1998¹¹ describing the system used to distribute funding to grantees under this section, which shall include descriptions of—

(1) the methodology used to distribute amounts made available under this chapter among public housing agencies, including provisions used to provide for renewals of ongoing programs funded under this chapter; and

(2) actions taken by the Secretary to ensure that amounts made available under this chapter are not used to fund baseline local government services, as described in section 5128(b).

(c) NOTICE OF FUNDING AWARDS.—The Secretary shall cause to be published in the Federal Register notice of all grant awards made pursuant to this chapter, which shall identify the grantees

¹⁰So in law. Section 227(a)(2) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106-74), as added by section 175(d) of Public Law 106-113, 113 Stat. 1534, provides that this subparagraph is amended “by striking ‘1937: or’ and inserting ‘1937.’”. Because the matter to be struck does not appear, the amendment could not be executed.

¹¹The date of enactment was October 21, 1998.

and the amount of the grants. Such notice shall be published not less frequently than annually.

SEC. 5128. [42 U.S.C. 11907] MONITORING.

(a) **IN GENERAL.**—The Secretary shall audit and monitor the programs funded under this chapter to ensure that assistance provided under this chapter is administered in accordance with the provisions of this chapter.

(b) **PROHIBITION OF FUNDING BASELINE SERVICES.**—

(1) **IN GENERAL.**—Amounts provided under this chapter may not be used to reimburse or support any local law enforcement agency or unit of general local government for the provision of services that are included in the baseline of services required to be provided by any such entity pursuant to a local cooperation agreement under section 5(e)(2) of the United States Housing Act of 1937 or any provision of an annual contributions contract for payments in lieu of taxation pursuant to section 6(d) of such Act.

(2) **DESCRIPTION.**—Each public housing agency that receives grant amounts under this chapter shall describe, in the report under section 5127(a), such baseline of services for the unit of general local government in which the jurisdiction of the agency is located.

(c) **ENFORCEMENT.**—The Secretary shall provide for the effective enforcement of this section, which may include the use of on-site monitoring, independent public audit requirements, certification by local law enforcement or local government officials regarding the performance of baseline services referred to in subsection (b), and entering into agreements with the Attorney General to achieve compliance, and verification of compliance, with the provisions of this chapter.

SEC. 5129. [42 U.S.C. 11908] AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this chapter \$310,000,000 for fiscal year 1999, and such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

(b) **SET-ASIDE FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.**—Of any amounts made available in any fiscal year to carry out this chapter not more than 6.25 percent shall be available for grants for federally assisted low-income housing.

(c) **SET-ASIDE FOR TECHNICAL ASSISTANCE AND PROGRAM OVERSIGHT.**—Of any amounts appropriated in any fiscal year to carry out this chapter, amounts shall be available to the extent provided in appropriations Acts to provide training, technical assistance, contract expertise, program oversight, program assessment, execution, and other assistance for or on behalf of public housing agencies, recipients of assistance under the Native American Housing Assistance and Self-Determination Act of 1996, resident organizations, and officials and employees of the Department (including training and the cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies, and to residents and to other eligible grantees). Assistance and other activities carried out using

amounts made available under this subsection may be provided directly or indirectly by grants, contracts, or cooperative agreements.

CHAPTER 3—DRUG-FREE PUBLIC HOUSING

SEC. 5141. [42 U.S.C. 11901 note] SHORT TITLE.

This chapter may be cited as the “Drug-Free Public Housing Act of 1988”.

SEC. 5142. [42 U.S.C. 11921] STATEMENT OF PURPOSE.

The purpose of this chapter is to reaffirm the principle that decent affordable shelter is a basic necessity, and the general welfare of the Nation and the health and living standards of its people require better coordination and training in drug prevention programs among the public officials and agencies responsible for administering the public housing programs of the Nation.

SEC. 5143. [42 U.S.C. 11922] CLEARINGHOUSE ON DRUG ABUSE IN PUBLIC HOUSING.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall establish, in the Office of Public Housing in the Department of Housing and Urban Development, a clearinghouse to receive, collect, process, and assemble information regarding the abuse of controlled substances in public housing projects.

(b) FUNCTIONS.—The clearinghouse established under subsection (a) shall—

(1) respond to inquiries by members of the public requesting assistance in investigating, studying, and working on the problem of the abuse of controlled substances; and

(2) receive, collect, process, assemble, and provide information on programs, authorities, institutions, and agencies, that may further assist members of the public requesting information from the clearinghouse.

SEC. 5144. [42 U.S.C. 11923] REGIONAL TRAINING PROGRAM ON DRUG ABUSE IN PUBLIC HOUSING.

(a) ESTABLISHMENT.—The Secretary shall establish a regional training program for the training of public housing officials, to better prepare and educate the officials to confront the widespread abuse of controlled substances in the communities in which the officials work.

(b) OPERATION.—The regional training program established under subsection (a) shall be conducted within 12 months after the date of the enactment of this Act¹² by a national training unit established by the Secretary.

SEC. 5145. [42 U.S.C. 11924] DEFINITIONS.

For purposes of this chapter:

(1) CONTROLLED SUBSTANCE.—The term “controlled substance” has the meaning given such term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

¹²The date of enactment was November 18, 1988.

SEC. 5146. [42 U.S.C. 11925] REGULATIONS.

Not later than 6 months after the date of the enactment of this Act,¹² the Secretary shall issue any regulations necessary to carry out this chapter.

Subtitle D—Drug-Free Workplace Act of 1988

[Sections 5151 through 5158 were repealed by section 7(b) of Public Law 111–350; 124 Stat. 3855, which provides for the codification of title 41, U.S.C. into positive law.]

SEC. 5159. REPEAL OF LIMITATION ON USE OF FUNDS.

[Amended section 628 of Public Law 100–440 (relating to restrictions on the use of certain appropriated amounts).]

[Section 5160 was repealed by section 7(b) of Public Law 111–350; 124 Stat. 3855, which provides for the codification of title 41, U.S.C. into positive law.]

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TITLE VI—ANTI-DRUG ABUSE AMENDMENTS ACT OF 1988

SEC. 6001. [21 U.S.C. 801 nt] SHORT TITLE.

This title may be cited as the “Anti-Drug Abuse Amendments Act of 1988”.

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Subtitle D—Authorizations of Appropriations for the Department of Justice, Prisons, and Related Law Enforcement Purposes

SEC. 6151. IMMIGRATION AND NATURALIZATION SERVICE PERSONNEL ENHANCEMENT.

(a) SALARIES AND EXPENSES.—There is authorized to be appropriated for salaries and expenses for the Immigration and Naturalization Service for fiscal year 1989, \$12,300,000: *Provided*, That such appropriation shall be in addition to any appropriations provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That of such additional appropriations authorized in this section, \$4,100,000 shall be used to increase the number of inspectors of the Immigration and Naturalization Service by no fewer than 70 over such personnel levels on board at the Service as of September 30, 1988, and for related equipment.

(b) ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE PILOT PROJECT AND REPORT.—(1) That of such additional appropriation

authorized in this section, \$8,200,000 shall be used to increase the commitment of Immigration and Naturalization Service personnel to the Organized Crime Drug Enforcement Task Forces (OCDETF) for additional special agent and support positions; and for associated training and equipment; and for costs incurred during INS agent participation in OCDETF operations with other Federal, State, and local law enforcement agencies.

(2) The positions described in paragraph (1) shall, under the supervision of a director for the pilot project, be used exclusively to assist Federal and local law enforcement agencies in combating illegal alien involvement in drug trafficking and crimes of violence.

(3) The Director of the pilot project shall report to the Assistant Commissioner—Investigations and will have the authority to—

(A) hire a limited number of non-Federal law enforcement officers with substantive experience in narcotics investigations should insufficient senior Federal agents be available. Non-Federal law enforcement officers hired under this provision may be over the age of 35, but in that event would only be eligible for nonlaw enforcement retirement benefits; and

(B) grant extensions of stay and other discretionary immigration benefits and waivers to witnesses, informants, and others whose presence in the United States is essential to the investigation and prosecution of criminal aliens involved in drug trafficking and crimes of violence.

(4) After the first year of the establishment of this pilot project the Attorney General will provide for an evaluation of its effectiveness, including an assessment by Federal, State, and local prosecutors and enforcement agencies.

(c) LOCAL OFFICE CAPABILITIES IMPROVEMENT PILOT PROJECT.—From the sums appropriated to carry out this section, the Attorney General, through the Investigative Division of the Immigration and Naturalization Service, shall provide a pilot program in 4 cities to establish or improve the capabilities of the local offices of the Service and of local law enforcement agencies to respond to inquiries concerning aliens who have been arrested or convicted for, or are the subject criminal investigation relating to, a violation of any law relating to controlled substances. The Attorney General shall select cities in a manner that provides special consideration for cities located near the land borders of the United States and for large cities which have major concentrations of aliens. Some of the sums made available under the pilot program shall be used to increase the personnel level of the Investigative Division.

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SEC. 6161. BORDER PATROL DRUG INTERDICTION ASSET ENHANCEMENT.

There is authorized to be appropriated for salaries and expenses of the Border Patrol within the Department of Justice for fiscal year 1989, \$16,400,000: *Provided*, That such appropriation shall be in addition to any appropriations provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989: *Provided further*, That such additional appropriation shall be used only for the procurement of drug interdiction-related equipment for Border Patrol drug enforcement per-

sonnel, including spare parts for helicopters; 4-wheel drive law enforcement vehicles; and initial procurement of mobile sensor response system and electronic intrusion detection, and for related operation and maintenance expenses.

SEC. 6162. IMMIGRATION AND NATURALIZATION SERVICE/BORDER PATROL DRUG INTERDICTION PERSONNEL ENHANCEMENT.

(a) SALARIES AND EXPENSES.—There is authorized to be appropriated for salaries and expenses of the Border Patrol within the Department of Justice for fiscal year 1989, \$16,400,000: *Provided*, That such appropriation shall be in addition to any appropriations appropriated in any regular appropriations Acts or continuing resolutions for the fiscal year ending on September 30, 1989: *Provided further*, That such additional appropriation shall be used to increase officers of the Border Patrol by no fewer than 435 full-time equivalent positions over the level of such personnel onboard at the Border Patrol as of September 30, 1988, and for related equipment.

(b) SAN CLEMENTE BORDER PATROL STATION.—There is authorized to be appropriated, out of any funds made available by section 6161, for the fiscal year ending September 30, 1989, \$2,706,000 for the design of improvements for the Immigration and Naturalization Service border patrol station at San Clemente, California.

(c) DRUG EDUCATION OFFICERS PROGRAM.—There is authorized to be appropriated, out of any funds made available by this Act, for the fiscal year ending September 30, 1989, such sums as may be necessary to establish and maintain an Immigration and Naturalization Service Drug Education Officers program, featuring the demonstration of drug detection canine unit capabilities along the southwest border region of the United States.

(d) SALARIES AND EXPENSES.—There is authorized to be appropriated for salaries and expenses of the Border Patrol for fiscal year 1989, \$16,400,000. Any amounts appropriated pursuant to this subsection shall be in addition to any amounts appropriated in regular appropriations Acts for such fiscal year. Such additional appropriations shall be used to increase the number of officers of the Border Patrol by not fewer than 435 full-time equivalent officer positions beyond the number of such positions at the Border Patrol on September 30, 1988.

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SEC. 6165. FEDERAL LAW ENFORCEMENT LANGUAGE TRAINING IMPROVEMENT.

(a) DEPARTMENT OF DEFENSE.—The Department of Defense is authorized to provide, on a cost reimbursable basis, foreign language training at the Defense Language Institute to special agents of Federal civilian agencies involved in drug law enforcement.

(b) DEPARTMENT OF STATE.—The Department of State is authorized to provide, on a cost reimbursable basis, foreign language training at the Foreign Service Institute to special agents of Federal civilian agencies involved in drug law enforcement.

* * * * *

(e) INS.—The Immigration and Naturalization Service is authorized to—

- (1) detail investigative personnel for foreign language training to the Defense Language Institute or the Foreign Service Institute; and
 - (2) reimburse, from appropriated funds, the Departments of Defense and State for the cost of training provided.
- (f) AUTHORIZATION OF APPROPRIATIONS.—The following amounts are authorized to be appropriated to implement the provisions of this section:
- (1) to the Commissioner of Customs, only for obligation for special agent foreign language training, \$273,000;
 - (2) to the Administrator of the Drug Enforcement Administration, only for obligation for special agent foreign language training, \$273,000; and
 - (3) to the Commissioner of the Immigration and Naturalization Service, only for obligation for special agent foreign language training, \$273,000.
- (g) RULES APPLICABLE TO APPROPRIATIONS.—Moneys appropriated pursuant to this section shall—
- (1) remain available until expended; and
 - (2) shall be made available by the United States Customs Service, the Immigration and Naturalization Service, and the Drug Enforcement Administration out of the total amount of additional funds authorized to be appropriated in this Act.

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Subtitle N—Sundry Criminal Provisions

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SEC. 6483. AMENDMENT TO THE FEDERAL RULES OF CRIMINAL PROCEDURE.

The Federal Rules of Criminal Procedure are amended by adding after Rule 12.2 the following:

“Rule 12.3. Notice of Defense Based Upon Public Authority

“(a) NOTICE BY DEFENDANT; GOVERNMENT RESPONSE; DISCLOSURE OF WITNESSES.—

“(1) DEFENDANT’S NOTICE AND GOVERNMENT’S RESPONSE.—

A defendant intending to claim a defense of actual or believed exercise of public authority on behalf of a law enforcement or Federal intelligence agency at the time of the alleged offense shall, within the time provided for the filing of pretrial motions or at such later time as the court may direct, serve upon the attorney for the Government a written notice of such intention and file a copy of such notice with the clerk. Such notice shall identify the law enforcement or Federal intelligence agency and any member of such agency on behalf of which and the period of time in which the defendant claims the actual or believed exercise of public authority occurred. If the notice identifies a Federal intelligence agency, the copy filed with the clerk shall be under seal. Within ten days after receiving the defendant’s notice, but in no event less than twenty days before the trial, the attorney for the Government shall serve upon the defendant or the defendant’s attorney a written response which

shall admit or deny that the defendant exercised the public authority identified in the defendant's notice.

“(2) DISCLOSURE OF WITNESSES.—At the time that the Government serves its response to the notice or thereafter, but in no event less than twenty days before the trial, the attorney for the Government may serve upon the defendant or the defendant's attorney a written demand for the names and addresses of the witnesses, if any, upon whom the defendant intends to rely in establishing the defense identified in the notice. Within seven days after receiving the Government's demand, the defendant shall serve upon the attorney for the Government a written statement of the names and addresses of any such witnesses. Within seven days after receiving the defendant's written statement, the attorney for the Government shall serve upon the defendant or the defendant's attorney a written statement of the names and addresses of the witnesses, if any, upon whom the Government intends to rely in opposing the defense identified in the notice.

“(3) ADDITIONAL TIME.—If good cause is shown, the court may allow a party additional time to comply with any obligation imposed by this rule.

“(b) CONTINUING DUTY TO DISCLOSE.—If, prior to or during trial, a party learns of any additional witness whose identity, if known, should have been included in the written statement furnished under subdivision (a)(2) of this rule, that party shall promptly notify in writing the other party or the other party's attorney of the name and address of any such witness.

“(c) FAILURE TO COMPLY.—If a party fails to comply with the requirements of this rule, the court may exclude the testimony of any undisclosed witness offered in support of or in opposition to the defense, or enter such other order as it deems just under the circumstances. This rule shall not limit the right of the defendant to testify.

“(d) PROTECTIVE PROCEDURES UNAFFECTED.—This rule shall be in addition to and shall not supersede the authority of the court to issue appropriate protective orders, or the authority of the court to order that any pleading be filed under seal.

“(e) INADMISSIBILITY OF WITHDRAWN DEFENSE BASED UPON PUBLIC AUTHORITY.—Evidence of an intention as to which notice was given under subdivision (a), later withdrawn, is not, in any civil or criminal proceeding, admissible against the person who gave notice of the intention.”.

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TITLE VII—DEATH PENALTY AND OTHER CRIMINAL AND LAW ENFORCEMENT MATTERS

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Subtitle J—Provisions Relating to the Deportation of Aliens Who Commit Aggravated Felonies

SEC. 7341. AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise specifically provided in this subtitle, whenever in this subtitle an amendment or repeal is expressed as an amendment to, or repeal of, a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

SEC. 7342. DEFINITION.

【Omitted; added paragraph (43), defining term “aggravated felony”, to § 101(a) of the INA.】

SEC. 7343. DEPORTATION OF ALIENS COMMITTING AGGRAVATED FELONIES.

(a) RETENTION IN CUSTODY BY THE ATTORNEY GENERAL.—Section 242(a) (8 U.S.C. 1252(a)) is amended—

(1) in the second sentence, by striking out “Any” and inserting in lieu thereof “Except as provided in paragraph (2), any”;

(2) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively;

(3) by inserting “(1)” immediately after “(a)”; and

(4) by adding at the end thereof the following new paragraphs:

【Omitted; added paragraphs (2) and (3).】

(b) INAPPLICABILITY OF VOLUNTARY DEPARTURE.—Section 244(e) (8 U.S.C. 1254(e)) is amended—

(1) by striking out “(e) The” and inserting in lieu thereof “(e)(1) Except as provided in paragraph (2), the”; and

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

【Omitted; added paragraph (2).】

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall apply to any alien who has been convicted, on or after the date of the enactment of this Act, of an aggravated felony.

SEC. 7344. GROUNDS OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(4) (8 U.S.C. 1251((a)(4)) is amended—

(1) by inserting “(A)” before “crime”; and

(2) by inserting after the semicolon the following: “or (B) is convicted of an aggravated felony at any time after entry;”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any alien who has been convicted, on or after the date of the enactment of this Act, of an aggravated felony.

SEC. 7345. CRIMINAL PENALTIES FOR REENTRY OF CERTAIN DEPORTED ALIENS.

(a) IN GENERAL.—Section 276 (8 U.S.C. 1326) is amended—

(1) by striking out “Any alien” and inserting in lieu thereof “(a) Subject to subsection (b), any alien”; and

(2) by adding at the end thereof the following new subsection:

【Omitted; added subsection (b).】

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall apply to any alien who enters, attempts to enter, or is found in, the United States on or after the date of the enactment of this Act.

SEC. 7346. CRIMINAL PENALTIES FOR AIDING OR ASSISTING CERTAIN ALIENS TO ENTER THE UNITED STATES.

(a) **IN GENERAL.**—Section 277 (8 U.S.C. 1327) is amended by inserting “(9), (10), (23) (insofar as an alien excludable under any such paragraph has in addition been convicted of an aggravated felony),” immediately after “212(a)”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply to any aid or assistance which occurs on or after the date of the enactment of this Act.

(c) **CONFORMING AMENDMENTS.**—【Omitted; conforming amendments to section heading and table of contents omitted.】

SEC. 7347. EXPEDITED DEPORTATION PROCEEDINGS FOR ALIENS CONVICTED OF AGGRAVATED FELONIES.

(a) **EXPEDITED PROCEEDINGS.**—【Omitted; inserted section 242A to the INA.】

(b) **APPEALS.**—Paragraph (1) of section 106(a) (8 U.S.C. 1105a(a)(1)) is amended to read as follows:

“(1) a petition for review may be filed not later than 6 months after the date of the issuance of the final deportation order, or, in the case of an alien convicted of an aggravated felony, not later than 60 days after the issuance of such order;”.

(c) **APPLICABILITY.**—The amendments made by subsections (a) and (b) shall apply in the case of any alien convicted of an aggravated felony on or after the date of the enactment of this Act.

(d) **TABLE OF CONTENTS.**—【Omitted; conforming amendment to table of contents.】

SEC. 7348. DEPORTATION FOR WEAPONS VIOLATION.

(a) **IN GENERAL.**—Section 241(a)(14) (8 U.S.C. 1251(a)(14)) is amended by inserting after “law” the following: “any firearm or destructive device (as defined in paragraphs (3) and (4)), respectively, of section 921(a) of title 18, United States Code, or any revolver or”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply to any alien convicted, on or after the date of the enactment of this Act, of possessing any firearm or destructive device referred to in such subsection.

SEC. 7349. BAR ON REENTRY OF ALIENS CONVICTED OF AGGRAVATED FELONIES.

(a) **IN GENERAL.**—Section 212(a)(17) (8 U.S.C. 1182(a)(17)) is amended by inserting “(or within ten years in the case of an alien convicted of an aggravated felony)” after “within five years”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply to any alien convicted of an aggravated felony who

seeks admission to the United States on or after the date of the enactment of this Act.

SEC. 7350. IMMIGRATION AND NATURALIZATION SERVICE PERSONNEL ENHANCEMENT.

(a) PILOT PROGRAM REGARDING THE IDENTIFICATION OF CERTAIN ALIENS.—

(1) Within 6 months after the effective date of this subtitle, the Attorney General shall establish, out of funds appropriated pursuant to subsection (c)(2), a pilot program in 4 cities to improve the capabilities of the Immigration and Naturalization Service (hereinafter in this section referred to as the “Service”) to respond to inquiries from Federal, State, and local law enforcement authorities concerning aliens who have been arrested for or convicted of, or who are the subject of any criminal investigation relating to, a violation of any law relating to controlled substances (other than an aggravated felony as defined in section 101(a)(43) of the Immigration and Nationality Act, as added by section 7342 of this subtitle).

(2) At the end of the 12-month period after the establishment of such pilot program, the Attorney General shall provide for an evaluation of its effectiveness, including an assessment by Federal, State, and local prosecutors and law enforcement agencies. The Attorney General shall submit a report containing the conclusions of such evaluation to the Committees on the Judiciary of the House of Representatives and of the Senate within 60 days after the completion of such evaluation.

(b) HIRING OF INVESTIGATIVE AGENTS.—

(1) Any investigative agent hired by the Attorney General for purposes of this section shall be employed exclusively to assist Federal, State, and local law enforcement agencies in combating drug trafficking and crimes of violence by aliens.

(2) Any investigative agent hired under this section who is older than 35 years of age shall not be eligible for Federal retirement benefits made available to individuals who perform hazardous law enforcement activities.

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Subtitle O—Miscellaneous

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SEC. 7605. USE OF EXISTING FEDERAL RESEARCH AND DEVELOPMENT FACILITIES FOR CIVILIAN LAW ENFORCEMENT.

(a) COMPREHENSIVE PLAN.—The President of the United States shall direct the Office of National Drug Control Policy, established in title I of this Act, to develop a comprehensive plan for utilizing no fewer than eight existing facilities of the Department of Defense, the Department of Justice, the Department of Energy, National Security Agency, and the Central Intelligence Agency, to develop technologies for application to Federal law enforcement agency missions, and to provide research, development, technology, and evaluation support to the law enforcement agencies of the Federal Government. Such plan shall be prepared and submitted to the

Congress by no later than 90 days from the date of enactment of this Act.

(b) EXISTING FACILITIES TO BE EXAMINED.—The following existing United States Government facilities shall be examined in developing the comprehensive plan mandated in subsection (a):

(1) For night vision research and development—Department of Defense, Army Materiel Command, Night Vision Laboratory at Fort Belvoir, Virginia;

(2) For ground sensor research and development—Department of Defense, Army Materiel Command, Communications Electronic Command, Fort Monmouth, New Jersey;

(3) For physical/electronic security research and development—Department of Defense, Air Force Systems Command, Electronic Systems Division, Hanscom Field, Massachusetts;

(4) For imaging/electronic surveillance research and development—Central Intelligence Agency and National Security Agency, Washington, DC;

(5) For chemical/biosensor research and development—Department of Defense, Army Materiel Command, Chemical Research Development and Engineering Center, Aberdeen, Maryland;

(6) For chemical/molecular detector research and development—Department of Energy, Sandia National Laboratories, Albuquerque, New Mexico;

(7) For physical/electronic surveillance and tracking, research and development—Department of Justice, Federal Bureau of Investigation and Drug Enforcement Administration, Washington, DC; and

(8) For explosives ordnance detection research and development—Department of Defense, Naval Ordnance Station, Indian Head, Maryland.

(c) PARTICIPATION.—In developing the plan mandated in subsection (a), the Director of National Drug Control Policy shall ensure that representatives of the Federal law enforcement agencies are provided an opportunity to participate in the formulation of the comprehensive plan and that their views and recommendations are integrated into the planning process.

(d) COMPTROLLER GENERAL OVERSIGHT.—The Comptroller General of the United States shall monitor the development of the plan mandated in subsection (a) and report periodically to the appropriate Committees of the Congress on the progress of the development of this research and development program. This subsection does not confer authority upon the Comptroller General, additional to that otherwise provided by law, to gain access to sensitive information held by any agency within the intelligence community.

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